



Sharper Teeth, Longer Memory, Enforcement Trends in the 2025 RMA Amendments

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The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (“Act”) received royal assent on 20 August 2025 with most provisions coming into force the following day.

Amongst other changes promoted to “remove roadblocks and cut red tape”[1], the Act boosts the RMA’s enforcement toolbox and show a strategic shift towards

stronger deterrents, cost transparency and integrating past non-compliances into future decision-making. The changes are likely to be welcomed or alarming depending on where you sit. The Act's key compliance and enforcement changes are highlighted below:

No Jury Trials – Formerly the maximum prison term under the RMA was 2 years, enabling the election of a jury trial. While the Act reduces this to 18 months – on its face a step backwards – this removes the ability to elect a jury trial. Given the significant time and cost associated with jury trials and the often-complex technical issues in RMA prosecutions, this will ensure more streamlined and effective processes.

Penalty Increases – The maximum fines under the RMA are super-charged, increasing from \$300,000 to \$1 million for individuals and \$600,000 to NZ\$10 million for companies.

Compliance History becomes Relevant – Some of the more noteworthy changes are those relating to compliance history. The changes now allow an applicant's record of RMA non-compliance to be considered in RMA decision making, significantly increasing the ability to check prolific offenders. In particular:

- For individuals, non-compliance within the last 7 years is relevant while for companies there is no time limit.
- Past non-compliance can be considered as part of a consent application or application to transfer a consent.
- Consent authorities can decline resource consent where there has been significant ongoing or repeated non-compliance.
- Non-compliance can be considered in drafting conditions and conditions can be included to mitigate the risk of future non-compliance. Conditions can also be reviewed as a result of breach.
- The Environment Court can revoke or suspend a resource consent, and associated consents, where there has been a significant ongoing or repeated

non-compliance.

Cost Recovery – The Act enhances the ability of councils to fix charges to recover compliance and enforcement costs, including in relation to monitoring compliance with permitted activities.

Insurance Block – The Act prohibits insurance or indemnity arrangements covering RMA fines or infringement fees with resultant fines of up to \$50,000 for individuals and \$250,000 for companies. Two things to note: firstly, the prohibition does not apply to legal or remediation costs; and secondly, the offence provisions don't come into force for two years, allowing a considerable adjustment period. This block clarifies the legality of such insurance and will help maintain the deterrence value of RMA fines and infringement fees.

[1] www.beehive.govt.nz/release/rma-reforms-deliver-jobs-and-growth, 14 August 2025