

# Strategic intentions 2020-2024



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Te Kaitiaki Taiao a Te Whare Pāremata**

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# 1



## Introduction

The position of the Parliamentary Commissioner for the Environment was established by the Environment Act 1986 to provide Members of Parliament with independent, high quality advice about environmental matters. Advice is generally provided in the form of reports on investigations, and directly to Parliament in the form of presentations and submissions to select committees and briefings to Members of Parliament.

The aim of the Commissioner, based on his statutory mandate, is to maintain and improve the quality of the New Zealand environment by providing robust independent advice that influences decisions.

The Commissioner is assisted in his role by a small office of 21 people. Staff provide research, technical, administrative and general support for the Commissioner's investigations.

The acceptance and effectiveness of the Commissioner's advice depends to a large degree on the independence, integrity and quality of the investigations undertaken by the office.

The work of the Commissioner and his office is based on careful analysis, built from expert understanding across a broad evidence base. Work of this quality takes time, requires a depth of knowledge and draws on a wide range of expertise both within and outside of the office.

## Statutory functions

The Environment Act 1986 lays out the Commissioner's functions and powers. These form the basis of the Commissioner's mandate to investigate environmental issues, processes and public agencies. The functions are wide-ranging and are set out in section 16(1) of the Environment Act 1986 as follows:

- a) **Review** the system of agencies and processes established by Government to manage the allocation, use and preservation of natural and physical resources, and report to the House of Representatives.
- b) **Investigate** the effectiveness of environmental planning and environmental management carried out by public authorities, and advise them on remedial action.
- c) **Investigate** any matter where the environment may be or has been adversely affected, advise on preventive measures or remedial action, and report to the House of Representatives.
- d) At the request of the House of Representatives or any select committee, **report** on any petition, bill, or other matter that may have a significant effect on the environment.
- e) On the direction of the House of Representatives, **inquire** into any matter that has had or may have a substantial and damaging effect on the environment, and report to the House of Representatives.
- f) **Undertake** and encourage the collection and dissemination of information relating to the environment.
- g) **Encourage** preventive measures and remedial actions for the protection of the environment.

The passing of the Environmental Reporting Act 2015 (section 18) gave the Commissioner an additional role: at his discretion, commenting on state of the environment reports produced by the Secretary for the Environment and the Government Statistician.

# 2



## Intended outcomes

All work conducted by the Parliamentary Commissioner for the Environment aims to maintain or improve New Zealand's environment by influencing decision makers through robust independent advice. Reports and advice drawn from environmental investigations form the backbone of the work programme, with submissions on proposed law changes and government agency policy proposals comprising the remainder.

Decisions to change law, policy and institutional arrangements are the responsibility of Parliament, central government and local government. Implementing these decisions, and monitoring their impact on the environment, is the responsibility of government agencies. Analysing the effectiveness of how these policies are implemented is another central role the Commissioner plays.

Having independent advice from an officer such as the Commissioner can contribute to the quality of policy debate and help to improve public understanding of complex issues. Ensuring that the key issues are identified and properly debated can help save both time and money in the long run.

## Current work

Over the 2020/21 financial year, the Commissioner will proceed with a significant body of work and will deliver reports on several investigations.

Two projects nearing completion cover issues that have been brought to the forefront by the COVID-19 crisis. Later this year, the Commissioner will address the challenges of the Resource Management Act 1991 in his Salmon lecture, and the second instalment of his investigation into sustainable tourism policy will be delivered after the election in September.

The office will also continue to provide submissions on legislation before the House and respond to letters from members of the public raising particular environmental concerns and requests for information.

## Investigations

### Estuaries

The start of the 2020/21 financial year will see the publication of the Commissioner's work on estuaries. Aotearoa New Zealand's estuarine habitats are the receiving environment for much of what we do on land and are also affected by what we do at sea. Centuries of forest clearance have resulted in greatly increased sediment loads entering our waterways, while in recent decades, intensive farming practices and urban growth have resulted in unprecedented nutrient levels and other contaminants in our streams and rivers.

No single entity or policy governs the health of estuaries. They are, instead, covered by a tangle of environmental regulations spanning the freshwater, marine and coastal domains. Without better integrated measures that can manage these stressors in a more joined-up way, there is a risk that these rich and varied estuarine habitats will continue to fall through the cracks of environmental management systems.

### Environmental research funding

Following a submission on the Ministry of Business, Innovation and Employment's draft Research Science and Innovation Strategy and the release of the report *Focusing Aotearoa New Zealand's environmental reporting system*, the Commissioner raised concerns about an apparent lack of coherence between the information needed to track changes in the state of New Zealand's environment and the upstream science being funded to contribute to this and related research activity. As a result, the Commissioner is undertaking a review of the funding of environmental research nationwide.

The review aims to explore the adequacy of the public funding allocated for environmental research and clarify how research is prioritised. It intends to establish whether the knowledge and information generated from this research is contributing as much as it can to our understanding of the state of the environment and whether it can ensure positive environmental outcomes.

## Tourism policy

The Commissioner's first report on tourism, published in December 2019, highlighted the pressures tourism is placing on New Zealand's environment. The report stopped short of making recommendations, instead electing to do so in a follow-up report to allow time for stakeholders to consider the analysis.

Since then, the context has changed. As of March 2020, travel restrictions imposed in response to COVID-19 have resulted in significant reductions in domestic travel and the almost total disappearance of international tourists from New Zealand.

The Commissioner's follow-up tourism investigation will offer a small number of proposals that – if implemented – would ensure that the tourism sector that re-emerges post-COVID-19 has a materially smaller environmental footprint than its predecessor.

## Environmental regulation of chemical contaminants

Hazardous waste has had a relatively low profile in New Zealand compared to other environmental issues. Chemical contaminants have been detected in receiving environments throughout the country, but little is known about the extent of this contamination in terms of the diversity of contaminants, the impact on ecosystems or what the cumulative impacts may be.

The Commissioner is investigating the environmental impact of a selection of chemical contaminants in New Zealand and the effectiveness of the regulatory settings designed to detect them and prevent harm. The investigation will focus on the environmental impacts of these chemicals rather than human health problems arising from their use.

## Invasive plants

Tens of thousands of exotic plants have been introduced into New Zealand, and some of these plants have become invasive, causing significant harm to our natural and agricultural ecosystems. Considerable effort to control invasive plant pests in agricultural, conservation and urban areas around the country has been expended over the years with mixed results.

As there have been few evaluations of national efforts to manage invasive plants across the entire landscape, the Commissioner is embarking on a system-wide review. The investigation intends to identify what is working well and highlight areas where improvements would be beneficial. This review will also comment on the preparedness of the entire system for the future, including disturbances caused by increasing pressures from climate change and land use change.

### Advice to Parliament

Throughout the year, the Commissioner will be available to provide advice to select committees on environmental bills. He may also make submissions on proposed environmental policies and regulations. Opportunities to advise Parliament are foreseen on a range of policy initiatives and legislative changes in the coming year, and may include the following:

- a comprehensive review of the Resource Management Act 1991, Resource Management Amendment Bill and the COVID-19 Recovery (Fast Track Consenting) Bill
- a briefing to incoming parliamentarians.

The Commissioner may choose to submit on these or any other legislative change or policy proposal, should he feel his input will add significant value to the debate.

### Resource Management Act 1991

Despite nearly 30 years elapsing since the passage of the Resource Management Act 1991 (RMA), it remains the subject of lively debate and serial amendment.

The current legislative review of the RMA has been disrupted by the COVID-19 pandemic, and a short-term alternative consenting pathway for projects that will aid economic recovery has been proposed. The COVID-19 Recovery (Fast Track Consenting) Bill will not amend the RMA, but it will allow projects to bypass the current consent system. The proposed legislation will be repealed in two years.

In his advice to Parliament and his Salmon lecture, the Commissioner will address the functioning and environmental efficacy of the RMA in light of current review proposals and offer suggestions for improvement.

### Briefing to incoming parliamentarians

Following every general election, ministries and government bodies prepare briefings for incoming Ministers with portfolios relating to their jurisdictions. The Commissioner will provide a similar briefing to members of the incoming fifty-third Parliament. The briefing will contain a succinct statement of the key environmental issues that are perennial for New Zealand and explore emerging issues that parliamentarians will need to be aware of if they are to ensure that proposed and existing legislation meets the needs of prudent environmental management.

## Environmental reporting

Under the Environmental Reporting Act 2015, the Commissioner has a discretionary role to comment on state of the environment reports produced by the Secretary for the Environment and the Government Statistician.

The completion in April 2019 of the first full cycle of reports under the Environmental Reporting Act 2015, provided a timely opportunity for the Commissioner to evaluate this new system. His report, *Focusing Aotearoa New Zealand's environmental reporting system*, reviewed how well New Zealand reports on the state of its environment, and recommended improvements.

In the coming year, the Commissioner will closely follow any steps being taken to address his recommendations in the 2019 review. In addition, the Commissioner will follow the publication of any upcoming domain reports (as long as the 2015 Act remains unamended) or any new reports on the basis he recommended in his review.

## Future work

Because the functions of the Commissioner are broad, and there are many environmental issues worthy of investigation, it is important that future work is carefully prioritised and planned to ensure it is pertinent and 'adds value' for Members of Parliament and the wider public.

The Commissioner seeks out areas that have been neglected or where his independence can enable progress on difficult or contested topics. Equally, issues of compelling concern can arise without much notice that require attention. Subject to such contingencies, a number of future areas of work are either underway or under consideration.

New Zealand's current land use patterns and land management practices are placing increasing pressures on the environment. These pressures include greenhouse gas emissions, pollution and overexploitation of freshwater, biodiversity loss and soil erosion. Land use change and the adoption of alternative land management practices can mitigate these risks and help preserve the mauri (life force) of the land.

The Commissioner intends to build on the ideas outlined in the 2019 *Farms, forests and fossil fuels* investigation by showing how an integrated approach to land use management can achieve multiple environmental, social, cultural and economic outcomes at the landscape or catchment scale. Ideally, this integrated land use approach would be sufficiently developed to be piloted in a real-world case study catchment.

The Government has signalled it will continue to invest in improving wellbeing outcomes. The link between environmental quality and wellbeing was explored briefly in *Focusing Aotearoa New Zealand's environmental reporting system*. The Commissioner is considering a follow-up investigation to examine in greater depth how the relationship between the environment and wellbeing can be measured to help prioritise policy and spending priorities.

The marine area is easily New Zealand's largest environmental domain and is under pressure from fishing, climate change and land-based sources of pollution. Building on the investigation into estuaries, opportunities for further work in the marine realm and how it is best managed are under consideration.

The efficient and effective performance of environmental agencies and decision-making systems is of perennial importance for securing good environmental outcomes. While these are analysed to some extent in most reports and advice provided by the Commissioner, dedicated reviews of central and local government machinery will be considered from time to time. The review of Overseer and the Environmental Reporting Act 2015 provide the working model for this type of review.



# 3

## Performance measurement

The Commissioner, through his work, seeks to ensure that the quality of New Zealand's natural environment is maintained or improved. His principal means of achieving this is through investigations and advice that lead to environmental issues being examined by the appropriate authorities, information being disseminated to improve the quality of advice to decision makers and enhancing public understanding.

The impact of investigations and advice will be measured in several ways. The first, as a high-level proxy measure of effectiveness, is the number of Members of Parliament that are briefed during the year. As an Officer of Parliament, the Commissioner sees Members of Parliament as his primary audience. If the work is seen as useful and relevant, Members of Parliament are likely to prioritise briefings from him.

A more in-depth and searching analysis of impact will in some cases be undertaken in the form of follow-up reports. The purpose of a follow-up report will be to assess the effectiveness of the original investigation and revisit the topic, as the need arises, in light of any significant developments in scientific understanding, government policy or broader public debate. To do this, follow-up reports will include both quantitative and qualitative assessment, including the number of times the Commissioner's report has been cited in relevant literature. A high number of citations will reflect the extent to which stakeholders and decision makers are aware of, and therefore in a position to benefit from, the Commissioner's advice.

This will sit alongside a qualitative assessment of how the material has been used, including whether investigations and advice have been used as the evidence base for improvements to environmental governance and environmental outcomes. Given that the wheels of public policy turn slowly, follow-up reports will be conducted two to three years following the release of each investigation, when enough time has passed to make an assessment of their penetration and effectiveness.

The Commissioner is still in the middle of his tenure, so there are currently no follow-up reports in the work programme. As the Commissioner's term continues, it is likely that update reports on his earlier investigations – such as the *Overseer and regulatory oversight* report – will commence.

In addition, the number of reports, commentaries and submissions will be reported on as a measure of output. All recommendations from investigations during the course of the Commissioner's tenure – and from previous Commissioners – are tracked and reported on annually. This provides an opportunity to track uptake when there is a long lag between recommendation and implementation.

Finally, the Commissioner will continue to report on quality assurance measures to ensure that all reports are externally checked and reviewed, and that public concerns are responded to in a timely fashion (Table 1).

**Table 3.1: Performance measures and targets.**

Measure	Annual target for the next 4 years	Estimated 2019/20*	Actual 2018/19	Actual 2017/18	Actual 2016/17	Actual 2015/16
Number of briefings given to Members of Parliament during the year	30	25	44	25	N/A	N/A
Provision of follow-up report within required timeframes	100%	0%	0%	0%	N/A	N/A
Number of reports, commentaries and submissions published during the year	6–8	12	9	3	3	10
Reports and commentaries externally peer reviewed and content checked	100%	100%	100%	100%	100%	100%
Response to public concerns and information requests within required timeframes	100%	98%	98%	96%	95%	80%
Capital expenditure is in accordance with capital asset management plan	Achieved	Achieved	Achieved	Achieved	Achieved	Achieved

\*Provisional data for 2019/20. Complete data will be available in the 2019/20 annual report.

# 4



## Statement of responsibility

In signing this information, I acknowledge that I am responsible for the information on the strategic intentions for the Parliamentary Commissioner for the Environment. This information has been prepared in accordance with section 38 of the Public Finance Act 1989.

A handwritten signature in black ink, consisting of a series of fluid, connected strokes.

Rt Hon Simon Upton

**Parliamentary Commissioner for the Environment**  
**Te Kaitiaki Taiao a Te Whare Pāremata**

26 June 2020





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