



Submission on the Environmental Reporting Amendment Bill

20 August 2026

To the Environment Committee

Submitter details

This submission is from the Parliamentary Commissioner for the Environment, Simon Upton. I wish to appear before the Environment Committee to present my submission.

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Parliamentary Commissioner for the Environment

The Parliamentary Commissioner for the Environment was established under the Environment Act 1986. As an independent Officer of Parliament, the Commissioner has broad powers to investigate environmental concerns and is wholly independent of the government of the day. The current Parliamentary Commissioner for the Environment is Simon Upton.

Key points

- An Environmental Reporting Amendment Bill (the Bill) has been a long time coming and is welcome. While the Bill is narrow in scope, for the most part the proposed amendments align with my recommendations over the years.
- However, I would have liked to see other proposals of mine included in the Bill. This includes (1) specifying apolitical enduring environmental outcomes and requiring reporting on progress against them and (2) requiring a government response to the state of the environment reports.
- Given ongoing sweeping reforms of resource management, science, water services, local government and conservation, additional thought needs to be given to institutional arrangements supporting the environmental reporting system. To ensure broader success, environmental information needs to be treated as critical national infrastructure and managed accordingly.

Introduction

An Environmental Reporting Amendment Bill (the Bill) has been a long time coming. While the Bill is narrow in scope with a focused package of amendments to the Environmental Reporting Act (the Act), for the most part, the proposed amendments align with the findings of my review of the environmental reporting system in 2019, and additional thinking since then.¹ This is welcomed. However, the Bill has missed an opportunity to include additional amendments that would improve the approach to environmental reporting. This submission sets out the elements of the Bill that implement my previous recommendations, which I support, and the aspects which could benefit from further amendment.

While the need for better environmental reporting system remains, the broader context has changed since my 2019 review. One of the changes has been the recent merger of the Ministry for the Environment (MfE) into the broader Ministry for Cities, Environment, Regions and Transport (MCERT). This is a mega policy ministry. While the Bill proposes to retain the duty for the Secretary for the Environment to act independently of any Minister of the Crown, additional thought needs to be given to the role of the Secretary and the environmental reporting system (and broader environmental information system) in the context of MCERT.

In particular, the Government should consider the future home for environmental reporting. I acknowledge that in making this point, I am raising something that is broader than the scope of this Bill. However, in several of my reports I have called for centralising technical expertise and placing it in a dedicated technical agency outside of a policy ministry. For example, in 2024, I called for the establishment of a national freshwater modelling support centre to coordinate technical modelling expertise, and have suggested the Environmental Protection Authority (EPA) as a national-level agency that could provide a possible 'home'.² In my recently released report, *Unlocking New Zealand's environmental information*, I recommended that the Government should revise the mandate of the EPA to give it responsibility for the coordination and leadership of New Zealand's environmental information system.³ With a revised and broader mandate (and associated resourcing) the EPA could also be in charge of environmental reporting.

Commentary on proposed amendments

Purpose of the ERA

The Bill proposes to clarify the purpose of environmental reporting, which is to require regular reports on the state of New Zealand's environment that:

- inform New Zealanders about the state of the environment; and
- support evidence-based decisions that lead to effective and enduring environmental stewardship.⁴

I support this change.

¹ PCE, 2019. Focusing Aotearoa New Zealand's environmental reporting system. <https://pce.parliament.nz/publications/focusing-aotearoa-new-zealand-s-environmental-reporting-system/>; PCE, 2022. PCE submission on Improving Aotearoa New Zealand's environmental reporting system. <https://pce.parliament.nz/publications/submission-on-improving-aotearoa-new-zealand-s-environmental-reporting-system-consultation-document/>; PCE, 2022. Environmental reporting, research and investment: Do we know if we're making a difference? <https://pce.parliament.nz/publications/environmental-reporting-research-and-investment/>

² PCE, 2024. A review of freshwater models used to support the regulation and management of water in New Zealand. <https://pce.parliament.nz/publications/a-review-of-freshwater-models-used-to-support-the-regulation-and-management-of-water/>

³ PCE, 2026. Unlocking New Zealand's environmental information. <https://pce.parliament.nz/publications/unlocking-new-zealands-environmental-information/>

⁴ Cl 4 (new s 3).

The purpose clause could also be improved to include specific reference to a set of defined uncontentious enduring environmental outcomes, as I proposed in 2022.⁵ This would give the Act an enduring function and purpose, and provide a stable reporting basis while a significant volume of environmental management legislation undergoes change. The environmental outcomes are elaborated on pages 5–6 below.

Six-yearly state of the environment reports

The Bill proposes to amend the ERA to rename ‘synthesis’ reports as ‘state of the environment’ reports and make the frequency of state of the environment reports six-yearly, replacing the current three-year cycle. These amendments are consistent with the recommendations of the 2019 PCE review and are fully supported. The first state of the environment report is proposed to be published before 1 April 2031.

The Bill also proposes that after the Secretary has published a state of the environment report or a commentary report, the Minister must present these reports to the House of Representatives.⁶ This is supported, as it should increase the visibility of reports and it is consistent with the amended purpose of the Act.

Commentary reports

The Bill proposes to amend the ERA to rename ‘domain’ reports as ‘commentary’ reports, and require at least one commentary report per year, excluding the year that the state of the environment report is due to be published. Such commentary reports are proposed to cover topics prescribed by regulations in respect of any of the five environmental domains.⁷ Each prescribed topic must be covered by at least one commentary report within each six-year period between state of the environment reports.⁸ These amendments appear to be based on the earlier PCE recommendations and are supported.

The Bill continues to specify the environmental domains for commentary reports, which means that the reports may be confined to describing matters within those domains.⁹ This risks perpetuating a siloed approach to environmental reporting, although the requirement for the Secretary to consider relevant recommendations of the strategic evidence panel, including what topics should be covered in commentary reports, might mitigate this risk.¹⁰

Requiring a commentary report at least once every 12 months instead of every 6 months, in-between the state of the environment reports, is supported. In practice, six-monthly reporting has put MfE (and now MCERT) and Stats NZ staff on a never-ending treadmill of report preparation and production. Reducing the reporting frequency is supported, as it should free up the staff involved in the reporting treadmill. This also means that the staff will be able to apply more time and resources to improving the existing evidence base.

Data collection and data collection standards

The Bill proposes requiring the Secretary for the Environment to make reasonable efforts to collect data for state of the environment reports and commentary reports.¹¹ The Bill also proposes requiring the Government Statistician to make reasonable efforts to produce statistics for use in state of the environment reports and commentary reports.¹² These proposed requirements are slight improvements on the status quo, where the Secretary and the Government Statistician are not required to include information that cannot be

⁵ PCE, 2022, p.80. Environmental reporting, research and investment: Do we know if we're making a difference? <https://pce.parliament.nz/publications/environmental-reporting-research-and-investment/>

⁶ Cl 8 (new ss 7(3) and 10(3)).

⁷ Cl 8 (new s 11).

⁸ Cl 8 (new s 12(3)).

⁹ Cl 8 (new s 11(4)).

¹⁰ Cl 8 (new s 10(2)).

¹¹ Cl 12 (new s 17).

¹² Cl 8 (new s 14D(2)).

obtained by using reasonable efforts.¹³ It is worth noting that the Cabinet paper states that “these amendments do not place an additional regulatory burden on data providers as the proposals do not include obligations for data provision.”¹⁴

The Bill also proposes to require the Secretary for the Environment (in consultation with the Government Statistician) to set (and publish) environmental indicators for use in reports to measure topics prescribed in regulations.¹⁵ The Bill also proposes to require the Secretary for the Environment to specify scientific environmental monitoring standards and methods for collecting environmental indicator data.¹⁶

Requiring “reasonable efforts” and the setting of data collection standards is supported. While the wording of the Bill around strengthened data collection is not as strong as some of the options consulted on in 2022, it should improve the status quo – albeit incrementally.

While the Bill is narrowly focused on data collection standards in the context of environmental reporting, data standards are not confined to environmental reporting or data collection. An interoperable system, such as a federated system, is heavily reliant on the standardisation of at least four key areas: collection, storage, classification and sharing. The Government should not be setting individual standards in isolation. As such, the specification of any data collection standards in the context of environmental reporting needs to leverage and align with the current work led by MCERT on data and digital foundations of the planning system. While the current focus of that work may be on the immediate priority of delivering regional spatial plans under the reformed resource management system, in due course this focus needs to be expanded to include other areas, to ensure common data standards, shared infrastructure and a federated data system across a broader environmental information system.

In addition, as part of the work to set data standards, it would be valuable for MCERT to engage with Environment Information Australia (EIA), which is responsible for the stewardship of environmental information. In addition to providing high-quality information and data to the Minister for the Environment and Water and others, the Head of EIA is responsible for national state of the environment reports, environmental economics accounts and declaring national environmental information assets.¹⁷ In addition, EIA has recently consulted on a National Environmental Standard for Data and Information, which aims to address long-standing issues of fragmented, inconsistent, and incomplete environmental data and information by applying uniform requirements across data and information types.

Given the volume of work that I have done on environmental information and reporting, I suggest that the Committee encourages MCERT to consult with my office on data collection standards when they are being considered.

Recommendations:

- Seek advice from officials regarding how data collection standards will leverage current work led by MCERT on the data and digital foundations of the planning system (and engagement with EIA), to gain assurance that the drafting of those standards is not undertaken in isolation.

Six-yearly data and evidence priorities report

The Bill proposes to introduce a new requirement for the Secretary for the Environment, in consultation with the Government Statistician, to produce a data and evidence priorities report within six months of every state of the environment report. This report will discuss the state of environmental data, monitoring and research, evaluate the quality and coverage of indicators, include a list of environmental indicators, and include a list of priority areas for improving data and evidence.¹⁸

¹³ Environmental Reporting Act 2015, ss 8(3) and 11(3).

¹⁴ Ministry for the Environment “Environmental Reporting Act 2015 Amendments” (29 May 2025) CAB-506 at [14].

¹⁵ CI 8 (new s 14A).

¹⁶ CI 8 (new s 14B).

¹⁷ Environment Information Australia Act 2025 (Cth), ss 9–14.

¹⁸ CI 8 (new s 13).

Given my calls over the years to improve environmental information, the proposed requirement to produce data and evidence priorities reports is supported. Of course, simply identifying priority areas for improving data and evidence is not enough – the desired next action will be to focus investment on those priority areas. Also, as an aside, while it was good to see the first evidence priorities report published by MfE earlier this year, future evidence priorities reports will need to be bolstered and made more specific if they are to meet the requirements proposed in the Bill.¹⁹ I suggest that the Committee encourages MCERT to ensure that future evidence priorities reports fully meet the requirements of the Bill by evaluating the quality and coverage of indicators, including a list of environmental indicators, and making evidence priority areas more specific.

Drivers and outlooks as part of the environmental reporting framework

The Bill proposes to amend the Act to include, in all reports, drivers (defined as socio-economic, cultural, political or natural factors that influence human activities; and are capable of increasing or reducing pressures on the environment) and outlooks (defined as assessments of how the environment may change in the future based on data, trends and potential pressures).²⁰ These amendments appear to be based on the recommendations of the 2019 PCE review and are fully supported.

Reporting on progress towards policy outcomes, targets, limits or goals

The Bill proposes to amend the Act so that both state of the environment reports and commentary reports are required to compare how the topics reported on measure against national or international standards.²¹ In addition, both types of reports may compare findings on the environment with any relevant policy outcomes, targets, limits, or goals set in legislation.²²

These proposed amendments are different from what I recommended in 2022. Reporting on policy outcomes, targets, limits or goals set in legislation is narrower than the 2022 recommendation, which was to specify enduring environmental outcomes in legislation and enable reporting on progress towards them.

Reporting on policy outcomes, targets, limits or goals set in legislation also comes with a risk of political interference, as it could politicise environmental reporting and create challenges for it to remain truly independent from the Government of the day. While the duty on the Secretary for the Environment to act independently in producing and publishing environmental reports might mitigate this,²³ at times there may be significant pressure to report on the outcomes, targets, limits, or goals of the current Government and drop any reporting on any goals set by previous governments.

Environmental trends develop over long time periods and governments don't 'control' the environment. So reporting on its state needs to be pitched above and beyond the political cycle. As mentioned above, my preference is to have uncontentious, enduring environmental outcomes that any government could recognise specified in the purpose of the Act.

The function of these enduring outcomes would be two-fold:

- firstly, to clearly set the general direction of travel for the sort of environment we want to live in; and
- secondly, to provide a stable framework for reporting and public accountability.

¹⁹ Ministry for the Environment *Evidence Priorities Report* (April 2026).
<https://environment.govt.nz/publications/evidence-priorities-report>

²⁰ Cl 5 and cl 8 (new ss 8 and 11).

²¹ Cl 8 (new ss 8(2)(b) and 11(2)(b)).

²² Cl 8 (new ss 8(3) and 11(3)).

²³ Cl 10.

The six enduring environmental outcomes that I use in my annual estimates of environmental expenditure could provide a good framework and are listed below:

- Improving the biodiversity and ecosystem functioning and resilience of Aotearoa.
- Reducing greenhouse gas emissions and adapting to climate change.
- Improving the land and freshwater of Aotearoa, including sustainable management of resources.
- Reducing pollution and waste.
- Improving the coastal and marine environment of Aotearoa, including sustainable management of resources.
- Improving the efficiency and effectiveness of institutions designed to manage human interventions in the environment.²⁴

The Committee should note that I intend to continue reporting on environmental expenditure against the six enduring outcomes listed above. The 2025/26 estimate of environmental expenditure by central government agencies is the fifth in a series, and work is underway on the 2026/27 estimate.²⁵ Further, I also intend to write to the Environment Committee proposing deeper scrutiny of environmental outcomes.

Recommendations:

- Amend the proposed purpose clause (clause 4) of the Bill to specify uncontentious enduring environmental outcomes and require reporting against them.
- Amend clause 8 (new sections 8(3) and 11(3)) of the Bill to require commentary reports and state of the environment reports to report on progress towards these enduring environmental outcomes.

Strategic evidence panel to provide independent expert advice

The Bill proposes to amend the Act to require the Secretary for the Environment, in consultation with the Minister for the Environment, to appoint a Strategic Evidence Panel to provide independent advice to the Secretary for the Environment (on request or at the panel's own initiative). The panel is to consist of no fewer than seven and no more than nine members, each appointed for up to three years, who collectively hold relevant expertise on matters related to environmental data, monitoring and reporting.²⁶

The proposed establishment of a Strategic Evidence Panel is supported, given that it should help safeguard the independence of the environmental reporting system. The establishment of a Strategic Evidence Panel broadly aligns with the recommendation in the 2019 PCE review, which recommended that a standing science advisory panel should be set up. However, my 2022 submission, after further consideration, suggested establishing two panels – a standing science advisory panel and a mātauranga Māori expert panel. While the Bill does not specify required areas of expertise beyond collective relevant expertise on matters related to environmental data, monitoring and reporting, the relevant clause could be amended to require mātauranga Māori as one area of panel members' collective expertise.

Recommendation:

- Amend the relevant clause of the Bill (clause 14, new section 21) to require mātauranga Māori as one area of panel members' collective expertise.

²⁴ PCE, 2025. Estimate of environmental expenditure 2025/26: Method and results.

<https://pce.parliament.nz/publications/estimate-of-environmental-expenditure-202526-method-and-results/>

²⁵ PCE, 2025. Estimate of environmental expenditure 2025/26: Method and results.

<https://pce.parliament.nz/publications/estimate-of-environmental-expenditure-202526-method-and-results/>

²⁶ CI 14 (new ss 20-23).

Roles of the Secretary for the Environment, the Government Statistician and the Minister for the Environment

The Bill proposes to amend the Act to clearly delineate the responsibilities of the Secretary for the Environment and the Government Statistician.

The Secretary for the Environment would be responsible for:

- producing and publishing state of the environment and commentary reports;
- advising the Minister on the exercise of the regulation-making power under section 19;
- setting environmental indicators under section 14A.

The Government Statistician would be responsible for:

- producing and publishing statistics for use in state of the environment and commentary reports, and
- participating in consultations with the Secretary relating to data and evidence priorities reports, and environmental indicators.

These proposed amendments broadly align with the recommendations in the 2019 PCE review, so they are supported. However, I caution that the broader context has changed since my 2019 review, so additional thought may need to be given to institutional arrangements.

One aspect that is not currently clear is whether the existing set of environmental indicators will be revised or not. Amending the Act is a sensible point in time to review and revise the existing set, and I offer my assistance to MCERT when changes are being considered.

Similarly, it is not clear if existing Environmental Reporting (Topics for Environmental Reports) Regulations 2016 would be revised to include topics for drivers and outlooks. This is an aspect in which my office is able to assist MCERT, and I would welcome consultation on any changes.

Finally, the Bill proposes to modify the existing requirement for the Minister for the Environment individually (instead of jointly with the Minister for Statistics) to present the state of the environment reports and commentary reports to the House of Representatives. While report presentation to the House is supported, the Bill is not proposing to require a government response to state of the environment reports. This is disappointing, as in my view, a government response should be required, as I first recommended in 2019 and further elaborated in 2022. I continue to believe that a government response to the state of the environment report would help Parliament to do its job of evaluating the priority of public expenditure and its effectiveness.

Recommendation:

- Amend the Bill to require a government response to state of the environment reports.

Conclusion

The Bill has been a long time coming and is welcomed. However, the environmental reporting system within the scope of the Bill is a small part of a broader environmental information system. Similarly, the environmental reporting system reform is just one part of the current sweeping reforms of resource management, science, water services, local government and conservation. These reforms provide a once-in-a-generation opportunity to place information at the centre of environmental management and establish strong national leadership, common data standards and shared infrastructure that can set all of these reforms up for success. Environmental information needs to be treated as critical national infrastructure and managed accordingly.

Kind regards

A handwritten signature in black ink, consisting of a stylized 'S' followed by a vertical line and a small horizontal stroke at the top.

Rt Hon Simon Upton
Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata