



Environmental Reporting Bill Questions and Answers – April 2014

1. The Parliamentary Commissioner has called for changes to the Environmental Reporting Bill. Which areas in particular?

A number of recommendations for changes are included in the Commissioner's submission on the Bill. The most significant concern Clause 16, regarding disclosure of information, and Clause 18 regarding setting topics via regulation.

2. What are the concerns regarding Clause 16?

Clause 16 would give the Secretary for the Environment and Government Statistician the power to withhold *"information or analysis that will be, or has been, used in an environmental report to be published..."*. The Commissioner's greatest concern is that this would fetter the special powers that the Officers of Parliament have to obtain information so they can hold decision-makers to account.

3. What are the concerns regarding Clause 18?

Under Clause 18 Government Ministers are able to decide which topics are reported on and which are not. The Commissioner is concerned that this opens the door for political interference and is contrary to the Bill's purpose to require independent environmental reporting.

4. What changes has the Commissioner recommended to Clauses 16?

The Commissioner has recommended that Clause 16 be deleted.

5. What changes has the Commissioner recommended to Clauses 18?

The Commissioner has recommended that Clause 18 be deleted, and that the Government Statistician and Secretary for the Environment choose the topics to report on after consulting the public.

6. Why did the Commissioner not raise these concerns during development of this legislation?

The Commissioner provides her advice on Bills to Parliament through Select Committees. Having studied the Bill in detail she has provided her advice through a submission to the Local Government and Environment Committee. During development of the legislation, she was consulted on Clause 17 (The Role of the Commissioner).

7. What is the purpose of environmental reporting?

A good environmental report is built on carefully selected scientific evidence and statistical indicators that shed light on the state of the environment and how it is changing over time. Such a report helps decision-makers and the public see what environmental issues are the most important and help prioritise efforts to improve the environment.

8. What are the important ingredients for environmental reporting?

In her 2010 report *How clean is New Zealand? Measuring and reporting on the health of our environment*, the Parliamentary Commissioner for the Environment concluded that state of the environment reports should be prepared by an agency that is independent of political interference, is accountable via a legislative mandate, and has the necessary capacity (resources).

9. Why is New Zealand considering an environmental reporting law?

The most recent state of the environment report, prepared by the Ministry for the Environment in 2007, was widely criticised for lacking independence. This prompted proposals to assign the role of environmental reporting to the Parliamentary Commissioner for the Environment through a new law. More recently, the Government has proposed an environmental reporting system involving the Ministry for the Environment, Statistics NZ and the Commissioner, and has introduced a Bill to create this system.

10. What is the Government proposing?

The Government is proposing that the Secretary for the Environment and the Government Statistician produce a comprehensive 'synthesis' report every three years. At six monthly intervals between the synthesis reports, a report on one of five environmental 'domains' – air, climate and atmosphere, freshwater, marine and land – will also be produced.

11. What role is envisaged for the Parliamentary Commissioner for the Environment?

The Environmental Reporting Bill includes a role for the Commissioner to provide expert commentary and independent opinion on any aspect of the environmental reports.

12. How would a commentary role fit with the Commissioner's current functions?

The role fits well with the Commissioner's current functions of investigating environmental matters and providing advice to Members of Parliament.

13. When is the first report due?

The Bill anticipates that the first official environmental report – a synthesis report – will be released in early 2015. However, the Ministry for the Environment expects to release a 'pilot' report on one of the domains this year.