



Freepost Parliament  
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Dear parliamentarians,

I am writing to you as a freshly elected or re-elected Member of New Zealand's 53<sup>rd</sup> Parliament.

You may or may not be interested in environmental policy. But given the many ways in which our economy and society are dependent on the quality of the environment, it is unlikely that you will be able to avoid getting to grips with some of the issues that keep me awake at night.

There is no doubting the enthusiasm and commitment of many New Zealanders in trying to turn the tide of environmental degradation whether the topic is biodiversity, climate or water quality. We are very good at coming up with aspirational targets – *Predator Free 2050*, *Net-Zero 2050*. We seem less enthusiastic about dispassionately examining whether our actions match our words.

Today's environmental challenges did not arise overnight, and any course corrections involve playing a long game. Part of my job as your Parliamentary Commissioner is to bring to light those gaps between good intentions and actual outcomes.

With the help of a small team I aim to provide you with independent, well-researched advice on some of these issues. I act independently of the Executive under the Environment Act 1986. Any MP is welcome to engage with me and my small team. You might be surprised by how rarely that happens.

This letter provides you with a frank assessment of some key issues I am concerned about as well as a summary of the investigations I currently have underway.

## High quality environmental information – my number one concern

For you to do your job – and for me to do mine – really good information about the state of the environment is essential. The information we have is limited and even where we have it, we often lack a record over time that can tell us about the rate of change. Very simply, the existing evidence base is insufficient to allow us to gauge the risks we may be running, or whether we're spending too much or too little on particular challenges.

I reported on this issue to the 52<sup>nd</sup> Parliament. You can find the report [here](#). You don't have to read all 106 pages, but you should take 15 minutes to read the five-page overview. It will give you the essence of my concern.

Since then I have gone further and drafted an amendment bill that would secure the legislative changes needed to improve the system. I hope this Parliament will build on that.

Improving the information base will cost something. Money is always scarce and politicians are charged with determining priorities. In my view, high quality information *is* a priority. It is a false economy to box ahead without good quality information.

Just as important is ensuring that the agencies responsible for environmental reporting have staff who can interpret the data and know when to commission really good research to fill knowledge gaps. This is not just the Ministry for the Environment. Agencies like the Treasury, the Ministry of Business, Innovation and Employment, the Ministry for Primary Industries and the Department of Conservation also need to have their heads around this.

On the last sitting day of 2020, I tabled in the House a review of the way in which publicly funded **environmental research** is managed and prioritised. I have recommended the development of a national environmental research strategy and an environmental research council.

My reviews of environmental information and environmental research should be read together.

## Adaptation to a changing climate

New Zealanders have spent almost thirty years debating how they are going to reduce their greenhouse gas emissions. Much less time has been spent debating how we should adapt to a changing climate. Yet the need to plan ahead on this front has been a constant theme in ministerial briefings to incoming governments since 2005.

Last year, under the Climate Change Response Act, the Government published the first National Climate Change Risk Assessment (NCCRA) and is now working on a National Adaptation Plan which is to be published by August 2022.

The NCCRA identifies some 43 'priority' risks. Here are three of the most urgent:

- risks to buildings and communities from extreme weather events and sea-level rise
- risks to potable water supplies
- risks to the government from economic costs associated with lost productivity, disaster relief expenditure and unfunded contingent liabilities due to extreme events and on-going, gradual changes.

Parliament will almost certainly have to debate how central and local government should be empowered to proactively manage the built and natural environment to enable our society to adapt to these inevitable changes.

Confronting the costs of adapting or shifting infrastructure or providing for managed retreat from coastal erosion will be difficult and contentious. What seems to be clear, is that without planning for these changes, the costs to society and to individuals will be even higher.

## Resource management reform

This Parliament is likely to debate new legislation to replace and augment the environmental, planning and resource allocation mechanisms currently contained in the Resource Management Act 1991 (RMA). The Government has indicated that it will provide Parliament with an exposure draft of its proposed legislation prior to introducing a bill.

Because the Resource Management Act is New Zealand's primary environmental statute, I will be taking a close interest in this legislation and will provide Members with an assessment of its merits through the Select Committee process.

Because the subject matter of this legislation deals with the boundaries between public resources and privately owned property, its wording will be closely examined and will almost certainly be litigated down the track. For that reason, clarity of drafting will be of the essence.

There is widespread agreement that some procedures under the RMA are lengthy and costly with no guarantee of better environmental outcomes for all the time expended on them. However, it would be naïve to believe that a simple solution is available for the taking given the wide array of divergent interests that are in play.

I look forward to working with Members to ensure that the environmental objectives of any new legislation are clear and enforceable. A key issue that will need to be confronted is the capacity of local government to deliver any responsibilities devolved to it. In retrospect, the RMA made heroic assumptions about the ability of regional and territorial authorities to deliver highly sophisticated functions that even central government had struggled with. It will be important to ensure that ambitious legislation is matched by competent and properly resourced agencies at whatever level of government.

Just prior to the last election, I delivered the Salmon Lecture to the Resource Management Law Association. It summarised some of my thinking on the problems with current legislation and some of the challenges proposed changes may raise. You can find the lecture and associated attachments [here](#).

## Recent and current investigations

At any one time I generally have three to four ongoing investigations. Currently, I have investigations under way on the following topics.

- Mitigating the environmental impacts of **tourism**. This report will be presented to the House in mid-February and is a follow-up to *Pristine, Popular ... Imperilled*, my investigation of the environmental pressures

associated with growth in tourist numbers. You can find that report [here](#). The forthcoming report will focus on four key policy interventions that could make a difference to some of those pressures.

- A review of the risks **invasive plants** pose to our nation's indigenous flora and fauna and how they are managed. This report should be presented around the middle of the year and will be of interest to anyone who has thought about what we commonly call 'weeds'. As I am learning, one person's valued plant is another person's weed.
- A review of the environmental impact of **chemical contaminants** in New Zealand. The review will focus on several case studies to illustrate how well the regulatory system understands and manages the environmental risks associated with the release of contaminants into the environment.
- A review of attempts by government agencies to integrate wellbeing analysis into **budgetary decisions** and the extent to which this takes the environment into account.
- An investigation of the potential for a **landscape approach** to climate policy that would enable rural communities to manage multiple environmental pressures in an integrated way.

In all reviews I look to see how te ao Māori can provide us with insights. As the original settlers of these islands, Māori have by far the longest connection and most subtle acquaintance with many aspects of our natural environment. Environmental pressures are placing those links at risk in many sites of great cultural and spiritual importance.

## Selecting new issues for review – my watching brief for 2021 and beyond

With very small resources available to me (a total staff of 23 compared with nearly 500 in the Ministry for the Environment) I have to be very selective about what I investigate.

As a general rule, I try to avoid issues that are already the subject of review or reform. It seems more useful to broach issues that are not currently the subject of intense debate or to provide an independent review of how well long-established systems and policy instruments are working. My review of the use of the Overseer model was an example of the latter. Looking beyond current investigations, I am currently maintaining a watching brief on the marine environment and soils.

I hope you will not hesitate to reach out to me if I can assist you in your work. While much of my contact with parliamentarians occurs through the work of the Environment Select Committee, I would welcome a much wider engagement with the 53<sup>rd</sup> Parliament.

I wish you well in your important work on behalf of all New Zealanders.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of fluid, connected strokes. It starts with a long, sweeping upward curve on the left, followed by a vertical line that curves slightly to the right at the top, and ends with a short horizontal stroke.

Simon Upton

Parliamentary Commissioner for the Environment