

Strategic intentions

2023—2027

October 2023



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

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

PO Box 10 241
Wellington 6140
Aotearoa New Zealand
Phone +64 4 495 8350
Email pce@pce.parliament.nz
Web pce.parliament.nz

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Presented to the House of Representatives
pursuant to section 39 of the
Public Finance Act 1989



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Mount Sefton, Maukatua; Will Turner, Unsplash

Contents

1	About the office	2
	Statutory functions	2
	The Commissioner and office	3
2	Strategic outcomes sought	4
	Contribution to achieving environmental outcomes	4
	Other work	6
	Te ao Māori	8
	Impact	8
3	How we measure performance	9
4	Statement of responsibility	12

1

About the office

2

The Office of the Parliamentary Commissioner for the Environment (PCE) was established by Part 1, sections 5–27 of the Environment Act 1986 to review public agencies and processes to manage the environment, and to investigate environmental issues. The office provides members of Parliament with robust independent advice about environmental matters.

Statutory functions

The Commissioner's functions are wide ranging. They are set out in section 16(1) of the Environment Act and can be summarised 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 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 Commissioner and office

The Commissioner is an individual appointed by Parliament on the advice of the Officers of Parliament Committee. The committee also recommends the PCE's annual budget for formal approval by Parliament.

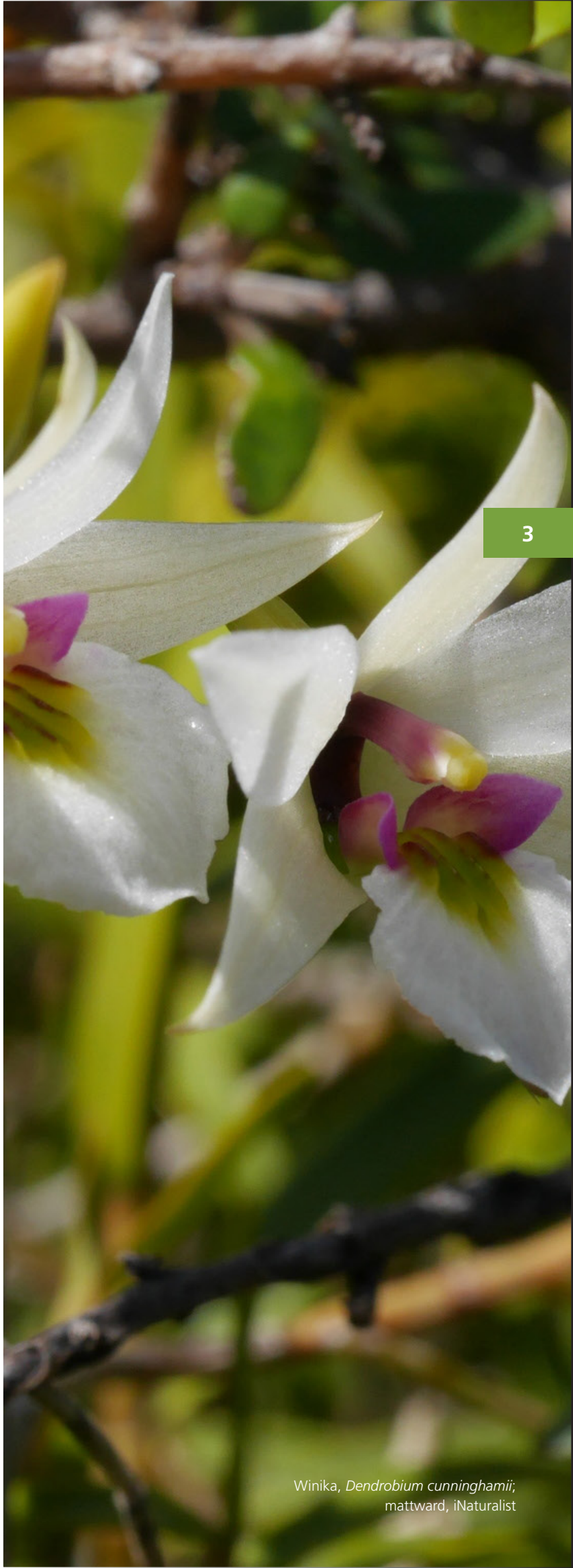
Commissioners' terms are for five years, with the possibility of reappointment. There is no limit to the number of terms a commissioner may be appointed for. All commissioners to date have been appointed for two terms.

The current Commissioner is the Rt Hon Simon Upton. He was reappointed for a second term commencing on 9 October 2022.

The Commissioner is assisted in his role by a Wellington-based office of, currently, 21 people. Staff provide research, technical, administrative and corporate support for the Commissioner's investigations.

The office's 18 advisory staff possess a wide range of skills and knowledge. The team is multidisciplinary, with advisors spanning fields as varied as analytical modelling, biology, chemistry, communications, ecology, economics, finance, forestry, geography, geology, history, law, literature, marine science, mātauranga Māori, physics, planning, policy, resource management, risk analysis, social science, soil science, tikanga Māori and water governance. There is a small administrative unit.

The PCE is funded by Parliament through Vote Parliamentary Commissioner for the Environment. The office's budget for 2023/24 is \$4.34 million.



2 Strategic outcomes sought

4

As an independent Officer of Parliament, the Commissioner's work is guided by the Environment Act, not specific outcomes set by the government of the day.

The PCE's 'mission' has previously been summarised as:

To maintain and improve the quality of the New Zealand environment by providing robust independent advice that influences decisions.

The Commissioner has recently proposed that a set of six enduring environmental outcomes that span the entire reach of government be included in the Environmental Reporting Act.¹ They would help provide consistency of reporting and government action through time, and could form the basis for reporting and reviewing environmental expenditure under the Public Finance Act 1989.

Viewing Vote PCE through the lens of those proposed outcomes, the main environmental outcome that the office contributes to is:

Improving the efficiency and effectiveness of institutions designed to manage human interventions in the environment.²

In providing advice to Parliament to contribute to that outcome, the PCE indirectly contributes to the other five proposed enduring environmental outcomes:

- reducing greenhouse gas emissions
- improving Aotearoa's biodiversity and ecosystem functioning and resilience
- improving Aotearoa's land and freshwater, including sustainable management of resources
- reducing pollution and waste
- improving Aotearoa's coastal and marine environment, including sustainable management of resources.

Contribution to achieving environmental outcomes

Outputs

Reports and advice (in the form of reports, submissions and letters) are the sole output class appropriated through *Vote: Parliamentary Commissioner for the Environment*.

As an independent Officer of Parliament, the Commissioner reports to Parliament as a whole, not to a government minister. Hence, the primary audience for the PCE's advice is members of Parliament, including ministers and opposition spokespeople.

¹ 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 The PCE defines institutions in this context as having a broad meaning that includes legislation and policy.

Other key audiences are the primary actors in the environmental management system, especially central government agencies (e.g. the Ministry for the Environment, Department of Conservation, Ministry for Primary Industries, Environmental Protection Authority, Ministry of Business, Innovation and Employment) and local government.

The Commissioner's remit focuses on reviewing the strengths and weaknesses of New Zealand's current environmental management system. Based on his reviews, the Commissioner makes recommendations about ways that system can be improved to enhance environmental outcomes.

The Commissioner currently provides six key types of advice.

Detailed investigations on specific environmental issues

Investigations take a deep dive into a particular topic. These typically:

- explain how the issue affects the environment
- examine the science and current state of knowledge on the topic
- assess how, and how well, the issue is managed by New Zealand's policy and regulatory system
- make recommendations for improvement.

Recent examples include the management of weeds that threaten native ecosystems, regulation of the environment impact of chemicals, and the provision of urban green spaces.³

Advice on legislative bills

The PCE analyses proposed legislative changes to assess how what is proposed will impact on the environment. He may submit through the normal public process. The PCE may also provide independent advice and support to relevant parliamentary select committees. An example of both is the recent advice on proposed legislation to replace the Resource Management Act 1991.⁴

Submissions on proposed policy changes

The PCE will sometimes comment on government policy proposals when public submissions are invited in government consultation documents. Given the large number of government consultations, the Commissioner is selective about what he submits on. Submissions are generally limited to topics the PCE has investigated previously, where he can add value or where he can provide a different perspective.

³ PCE, 2021, *Space invaders: A review of how New Zealand manages weeds that threaten native ecosystems*, <https://pce.parliament.nz/publications/space-invaders-managing-weeds-that-threaten-native-ecosystems>. PCE, 2022, *Knowing what's out there: Regulating the environmental fate of chemicals*, <https://pce.parliament.nz/publications/regulating-the-environmental-fate-of-chemicals>. PCE, 2023, *Are we building harder, hotter cities? The vital importance of urban green spaces*, <https://pce.parliament.nz/publications/are-we-building-harder-hotter-cities-the-vital-importance-of-urban-green-spaces>.

⁴ PCE, 2023, PCE Submission on the Natural and Built Environment Bill and the Spatial Planning Bill, <https://pce.parliament.nz/publications/submission-on-resource-management-reform-bills>.

Reviews, commentaries or evaluations

From time to time the Commissioner may choose to comment on a report or other government output (e.g. strategy, roadmap, etc.). The Environmental Reporting Act has a specific provision encouraging the PCE to comment on State of the Environment reports. A similar provision in the Natural and Built Environment Act 2023 invites the PCE to assess the Government's system evaluation reports.

Addressing selected public concerns about the environment

The PCE receives regular correspondence from the public about concerns they have for the environment. This correspondence is one channel through which the Commissioner keeps abreast of environmental issues that are emerging or being ignored. While he cannot respond to every concern, where the Commissioner judges he can help move a specific issue forward or improve the system more generally, he will investigate the matter at stake and make recommendations to the relevant government minister or agency to address it.

Correspondence with ministers and other members of Parliament

To help ensure the PCE's recommendations are acted on, the Commissioner regularly follows up by writing to and meeting with ministers and other members of Parliament. Correspondence with ministers is also used to raise concerns about particular environmental issues that the Commissioner has concerns about (e.g. New Zealand's energy strategy) or those raised by the public (e.g. air quality guidelines).⁵

Major investigations are formally presented to Parliament. After presentation to the House of Representatives, they are published on the PCE's website. Some of the findings are communicated through media and select social media channels. The website also displays all the Commissioner's formal submissions, communications and correspondence.

The PCE's current and future work programme, as well as recent publications, can be found on the PCE website.⁶

Other work

In performing the office's functions, the Commissioner can also:

- review the performance of environmental agencies
- become a party to environmental litigation
- act as an advisor to select committees
- promote education materials about environmental issues.

Over the next four years (the horizon of this document) the Commissioner intends to continue to explore ways to support select committees in their scrutiny of the Government. He will also consider whether the office can add value through more active engagement with legal proceedings.

⁵ PCE, 2023, Note on considerations for the development of New Zealand's energy strategy, <https://pce.parliament.nz/publications/letter-to-minister-woods-regarding-system-wide-energy-strategy>. PCE, 2023, Letter to Minister Parker regarding air quality regulations, <https://pce.parliament.nz/publications/letter-to-minister-parker-regarding-air-quality-regulations>.

⁶ See <https://pce.parliament.nz/our-work/news-and-insights> and <https://pce.parliament.nz/publications>.

Prioritisation

The broad mandate provided by the Environment Act 1986 requires the Commissioner to exercise a significant measure of discretion in deciding what to investigate within his limited resources. The Commissioner tries to focus on issues where the PCE's skills and independence can add value.

The broad prioritisation approach is twofold. The Commissioner may choose to investigate emerging issues that are not yet in the spotlight, or issues that may be neglected or left unaddressed.

Work on these topics can alert relevant agencies and the wider community to problems that may need more sustained attention (see Figure 1).

The Commissioner is more selective about issues that already have strong stakeholder attention. His engagement with environmental issues such as water quality and climate change is because they have proved difficult to tackle and seem to be almost permanently on the agenda. In these cases, the hope is that some independent analysis from a fresh angle can help move the debate forward.

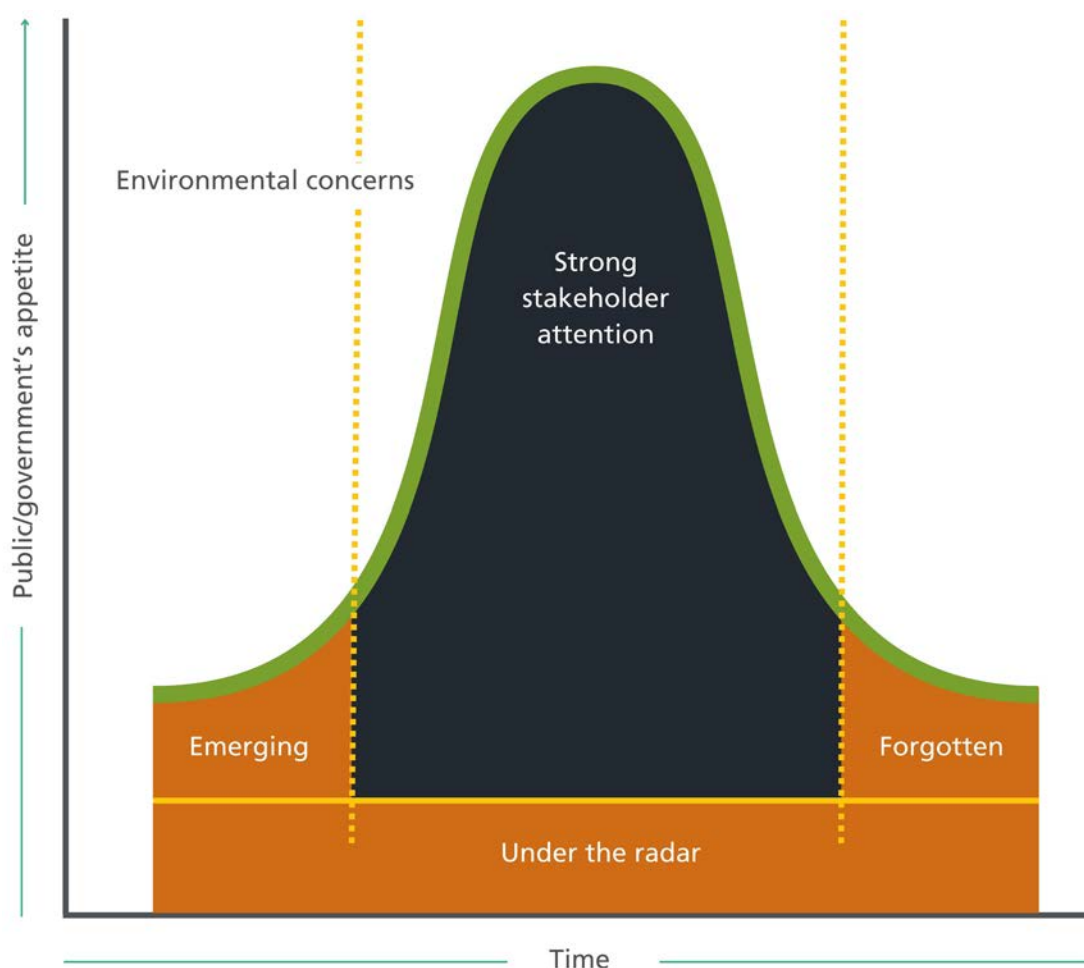


Figure 1: Visual representation of the PCE's prioritisation framework. The orange areas indicate problems that may need more sustained attention. The Commissioner is more selective about issues that already have strong stakeholder attention (dark grey area).

Te ao Māori

At the heart of te ao Māori is the interconnectedness of all things, and a relationship with the environment that takes a holistic approach to environmental wellbeing. Acknowledging this, the Commissioner incorporates te ao Māori perspectives into his investigations and advice where appropriate as a core part of his work, rather than an add on. For example, as part of the PCE's landscapes investigation, PCE staff worked directly with local iwi and hapū to highlight their approaches and how they complement other western approaches.

8

Incorporating te ao Māori requires staff to engage with concepts and practices that may be unfamiliar to them but are critical to do justice to the interests of iwi Māori in tendering any advice or recommendations concerning te taiao. The Commissioner seeks a workplace where staff can develop their cultural competencies and feel confident including the insights te ao Māori has to offer in their work.

Impact

There is no legal obligation on the part of the Government or any stakeholders to implement the Commissioner's advice. The acceptance and effectiveness of the Commissioner's advice therefore depends to a large degree on its:

- **Independence** – ensuring the analysis and advice is free from political bias and external influence.
- **Credibility and integrity** – using robust evidence-based analysis to make pragmatic recommendations that balance what can be achieved in both the short and long term.
- **Usefulness** – to be useful the Commissioner's advice and reports need to be:
 - clear: well written, in an easy-to-understand language and format
 - timely: delivered at a time that can contribute to decision making and before it is too late to influence the outcome
 - relevant: about environmental issues that are making, or will make, claims on the Government's and the public's attention.



Weaving; Hazel Owen, Flickr



How we measure performance

As an advisory body, the PCE has very little control over the uptake of recommendations by members of Parliament or government agencies. It is even more difficult to attribute the Commissioner's recommendations to improvements in the actual environment because the implementation of any recommendations he makes is carried out by third parties (e.g. government agencies, local government or through regulating the actions of others).

Key PCE performance measures therefore focus on parliamentarians' perceptions of the quality of the PCE's work, i.e. the factors that influence impact (see above) rather than direct impact on the strategic outcome. Other performance measures are designed to ensure the way the PCE approaches his work programme is balanced, responsive and meets legal requirements.

Table 1 sets out the proposed performance measures for 2023–2027. Table 2 sets out past performance measures that the PCE will no longer report against.

Table 1: PCE performance measures for 2023–2027.

Measure	Explanation of measure	Reason for change from 2020–2024	How measured	Target	Explanation of target
Select committee reports indicate that PCE reports were useful.	Indicates how PCE's primary audience assesses the PCE's work.	New. Added to better assess impact and influence with PCE's primary audience.	Analysis of commentary in select committee reports on PCE reports. ⁷	All reports useful.	As a primary audience, all PCE work should be useful for the work before relevant select committees. This should be evident from the commentary in their reports to Parliament on PCE reports.
Number of briefings given to members of Parliament during the year.	Shows productivity in connecting with key audience	No change proposed.	Tally of Commissioner's meetings with MPs (sourced from the Commissioner's diary).	Current: 30	This measure shows that the Commissioner is deliberately engaging with his key audience. While a specific target for number of meetings does not have particular relevance, it is used to set an expected level of activity.
Proportion of recommendations that are adopted or partially adopted during the tenure of the current Commissioner.	Shows the impact of the Commissioner's work in changing the environmental management system.	No change proposed.	PCE staff assessment of government decisions relevant to the PCE's past recommendations. ⁸	65%	Target set deliberately middling to encourage challenging but realistic recommendations, and to discourage preferencing recommendations that are easy to implement. This is an aggregate measure as most recommendations take time (months to years) to implement. Annual uptake is therefore not meaningful.
Number of reports, commentaries, reviews, evaluations and submissions published during the year.	Shows productivity of office.	Change to add other key output types – reviews and evaluations	Tally of Commissioner's outputs (sourced from PCE website).	Current: 6–8	This measure gives assurance that the PCE is producing its reports and advice. A specific target for reports published does not have much meaning as some may be short, with others more detailed and requiring more time. The use of such a target is to set an expected level of activity.
Reports are externally peer reviewed and content checked.	Shows the robustness of PCE advice through independent expert review.	Change to delete commentaries as these do not necessarily need external review.	Percentage calculated from PCE records of review contracts per report by PCE office.	100%	Ensures all major reports are reviewed externally to improve robustness.
Public concerns and information requests are responded to within required time frames.	Shows that the PCE takes concerns raised by the public seriously.	No change proposed.	Calculated from when PCE received concern to when first response given.	100%	Ensures PCE staff are responsive to concerns raised by the public.

⁷ The methodology for this analysis will be developed during the course of 2023/24.

⁸ The methodology for this analysis will be the same as previous years.

Table 2: PCE performance measures from 2020–2024 to be deleted.

Measure	Explanation of measure	Reason for deletion
Provision of follow-up report within required time frame.	To show PCE formally followed up reports.	Follow-up reports are not a legal requirement. The current Commissioner chooses to follow up reports via direct engagement (e.g. meetings, calls, letters) with ministers and officials.
Capital expenditure is in accordance with capital asset management plan.	To show PCE is financially responsible.	Measure is not seen as a meaningful gauge of financial responsibility. This is provided by the audit assurance of PCE's financial statements.



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.

12



Simon Upton

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

15 October 2023

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