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## Statement of Intent 2009-2012

May 2009



Parliamentary Commissioner  
for the **Environment**

Te Kaitiaki Taiao a Te Whare Pāremata

Parliamentary Commissioner for the Environment  
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**The Speaker of the House of Representatives is the Responsible Minister for the  
Parliamentary Commissioner for the Environment.**

# Contents

<b>1</b>	<b>Commissioner's introduction</b>	<b>2</b>
<b>2</b>	<b>About the Commissioner for the Environment</b>	<b>4</b>
	2.1 Key roles of the Commissioner	4
	2.2 Our mission	5
	2.3 Our values	5
	2.4 What we do	6
<b>3</b>	<b>Strategic direction</b>	<b>8</b>
<b>4</b>	<b>Operating intentions</b>	<b>10</b>
	4.1 Review and Investigate	10
	4.2 Work with Parliament	11
	4.3 Communicate and Inform	12
<b>5</b>	<b>Measuring our performance</b>	<b>13</b>
	5.1 We are influential	14
	5.2 We deliver value for money	15
	5.3 We value our staff	15

## Tables

Table 1	Performance measures and targets for assessing impact	14
Table 2	Performance measures and targets for assessing value for money	15
Table 3	Performance measures and targets for assessing organisational health	16

## Figures

Figure 1	Business model	6
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# 1

## Commissioner's introduction

At the end of two years in this rewarding and challenging role, I feel as if my feet are firmly planted under the table. The role of the Parliamentary Commissioner for the Environment is wide-ranging and open-ended, and it is no small task to prioritise and select issues to work on.

The mission that my staff and I have set ourselves is "to maintain or improve the quality of the environment by providing robust independent advice that influences decisions." Because I have no decision-making powers, we must contribute to the purpose of the Environment Act by analysing, informing and persuading.

The influence we seek to have is often formalised in recommendations to Ministers, select committees and others. The work that supports the rationale behind a recommendation and the crafting of the wording of a recommendation can both be significant intellectual challenges. Recommendations not grounded in reality are very unlikely to be adopted.

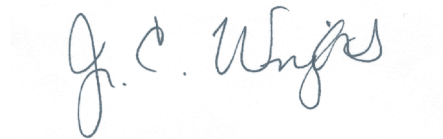
When a project – be it an investigation or advice to a select committee – is completed, we actively encourage and track the responses made to the recommendations. The most significant of the performance measures in this Statement of Intent is the proportion of recommendations that receive a positive response. I am well aware of the two associated 'perverse incentives' – the temptation to make recommendations trivially easy to adopt and the claiming of credit for changes that would have happened anyway. I will continue to make recommendations without fear or favour, or indeed to make them so easy as to be worthless.

As described in this document, the work of the office is organised into three groups based on s16 in the Environment Act – Review and Investigate, Work with Parliament, Communicate and Inform. On taking up this role, I set the second of these – Work with Parliament – as a high priority. The new Government has an ambitious legislative agenda and, at the time of writing, we are already advising the Emissions Trading Scheme Review Committee. A first round of amendments to the Resource Management Act has been introduced in the House and will be succeeded by others. Given my legislative function of "reviewing the system of agencies and processes" that manage natural and physical resources, it may be particularly appropriate for us to advise on the proposed creation and functions of an Environmental Protection Authority. Beyond that, the role – and indeed existence – of regional councils may come under scrutiny.

A significant change for my office may develop within the next three years with the Minister for the Environment's proposal to enhance my role around reporting on the state of the environment. As the nature of this role is developed, I will be advising on the implications for my office and for the environment.

To a large extent, the natural and physical environment of this country shapes our perception of our national identity. We must never take it for granted.

In preparing this Statement of Intent, I have consulted the Speaker of the House of Representatives in his capacity as the "Responsible Minister" for Vote Parliamentary Commissioner for the Environment.

A handwritten signature in black ink, appearing to read "J. C. Wright". The signature is written in a cursive style with a large initial "J" and "W".

**Dr Jan Wright**

**Parliamentary Commissioner for the Environment**



# 2

## About the Commissioner for the Environment

The Environment Act 1986 establishes the Parliamentary Commissioner for the Environment as an Officer of Parliament and lays out the Commissioner's functions and powers. The Commissioner is appointed for a five-year term by the Governor-General on the recommendation of the House of Representatives.

As an Officer of Parliament, the Commissioner is independent of the Executive Government. The Commissioner has power to obtain information from any person, but must not release this information except for purposes connected with the administration of the Environment Act or the carrying out of the provisions of the Act. The Commissioner does not have the power to make any binding rulings and is unable to reverse decisions made by public authorities or the Courts. The Commissioner engages with Parliament, Ministers of the Crown, public authorities, and wider groups of decision-makers to encourage them to respond to her recommendations.

The independence, quality, and timing of the Commissioner's advice are critical to its uptake and effectiveness.

### 2.1 Key roles of the Commissioner

The functions of the Commissioner are given in section 16 (1) of the Environment Act 1986. They are to:

- a) review the system of agencies and processes established by the 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 which 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
- 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.

## 2.2 Our mission

**To maintain or improve the quality of the environment by providing robust independent advice that influences decisions**

The goal of the Commissioner and her staff is to contribute toward the maintenance and improvement of the natural and physical environment. Many agencies and individuals share this goal. It is the way in which we, as an office, seek to achieve this goal that defines our mission; that is, through influencing decisions.

The Commissioner’s role as an Officer of Parliament gives her a unique opportunity to provide Parliament with independent advice in its consideration of any matters that may impact on the quality of the environment. Members of Parliament are the primary group of decision makers we aim to influence.

## 2.3 Our values

Excellence	The questions we raise and the solutions we propose are based on sound science and reasoned argument. We are accountable to the people of New Zealand and deliver value for the funding we receive.
Determination	We bravely and constructively question the status quo. We persist in communicating the results of our work in different ways to maximise its usefulness.
Generosity of spirit	We work together in an open collegial way, sharing our expertise, listening carefully and not rushing to judgment. We actively acknowledge decisions and actions that benefit the environment.
Innovation	Our independence empowers us to think freely and creatively. We strive to get beyond describing problems to proposing solutions.
Effectiveness	Others trust and respond to our advice. Our work has a lasting and tangible impact on the New Zealand environment.

## 2.4 What we do

Our business model has been designed to align with the statutory functions of the Commissioner. This alignment and its description are shown in Figure 1.

The Commissioner is required to deliver one output, Reports and Advice. This output is produced through four activities: Administration, Review and Investigate, Work with Parliament, and Communicate and Inform.

The last function of the Commissioner as outlined in the Act, s16 (g), is present in all our activities. We encourage preventive measures and remedial actions for the protection of the environment through reviewing and investigating, working with Parliament, and communicating and informing.

**Figure 1 Business model**



### Administration

This activity provides the support necessary for the other three activities. Administration includes our financial accounting, information services, and other provisions, such as first point of contact with members of the public.

### Review and Investigate

This activity encompasses the functions in s16 (a), (b) and (c). We undertake two kinds of reviews and investigations – Environmental Investigations and Public Complaints.

Environmental investigations are projects initiated within the office in response to a perceived need. These investigations contain recommendations from the Commissioner and are tabled in Parliament. Public complaints are initiated by concerned citizens and groups. Our role as an, 'Environmental Ombudsman' has diminished over the years as other avenues for addressing environmental concerns have opened up. It remains, however, an important part of our work.

### Work with Parliament

This activity also has two components: Assistance to Parliament and Accountability Reporting.

Assistance to Parliament encompasses the functions in s16 (d) and (e), and involves providing advice to select committees and presentations on the results of our investigations. We value the opportunity to advise Members of Parliament in

whatever forum. Our work with Parliament is generally our highest priority because the Commissioner is an independent Officer of Parliament.

We are accountable through the Officers of Parliament Committee. Our accountability reporting involves all the statutory reporting required under s23 of the Environment Act 1986 and other legislation.

## **Communicate and Inform**

Both Information Collection and Dissemination and Communication and Engagement are based on the function in s16 (f). Information Collection and Dissemination includes the support provided to the research team, the monitoring of environmental issues, and responding to enquiries by members of the public. Communication and Engagement includes:

- dissemination of information relating to the environment
- presentation of the results of investigations
- engagement with stakeholders other than Parliament
- interaction with the media.



# 3

## Strategic direction

The functions of the Parliamentary Commissioner for the Environment are extremely broad and environmental issues are ubiquitous, so prioritisation of our work is a key part of strategic planning. We use several criteria for prioritising potential work, be they investigating environmental matters, advising Parliament or communicating and informing.

First, not all environmental problems are of equal importance. We are most concerned about environmental impacts when they are cumulative, irreversible, significant in scale and extent, accelerating, and nearing a limit or tipping point. Climate change has these characteristics and much of our work is related to it directly or indirectly.

Second, we scope potential work to ascertain whether or not we can add value. There is no point in duplicating the work of others. An investigation that is likely to lead to useful and implementable recommendations will be ranked ahead of one that does not. The independence of the Commissioner is the basis for adding value that is not available to any other government agency concerned with environmental management.

Third, one prerequisite for being able to add value is the capability of staff to undertake high quality analysis that provides a firm basis for advice. Each researcher in the office has an area of specialty, for example, energy, but does not work solely in that area.

Fourth, another prerequisite for adding value in some circumstances is timeliness. Our ability to influence decisions often depends not only on the quality of work, but on being able to complete it in time for it to influence decisions. Timeliness is essential for giving effective advice to select committees, since we have no control over the progress of bills or inquiries.

Within the office, we keep up-to-date with environmental issues in various ways. News items pertinent to the environment are scanned. The introduction of relevant legislation to Parliament and its progress through select committees is monitored. Regional visits by the Commissioner and other staff enable 'on the ground' understanding of environmental issues in different parts of the country and provide the opportunity for interaction with local government and community groups. We value these experiences and we will work hard to build and maintain our relationships.

Although the 'Environmental Ombudsman' role of the office has diminished over the years, responding to public complaints is still an important activity in the office. Sometimes a public complaint can highlight an issue and trigger an investigation.



# 4

## Operating intentions

### 4.1 Review and Investigate

Global climate change dwarfs every other environmental issue. The benchmark projections from the International Panel on Climate Change have become successively gloomier. Most of the currently envisaged work in this area is as advice to Parliament or public education. In addition, we remain particularly interested in the potential for carbon to be stored in regenerating indigenous forest on steep hill country, where it can also reduce soil erosion and improve water quality.

Energy is a major area of the work programme; both electricity and transport have a strong connection with climate change as well as with other environmental concerns. The development of renewable, green supply-side technologies is very important, but growth in supply cannot be sustained indefinitely. We are particularly interested in technologies and policy settings that can decrease demand. At the very least, action on the demand-side buys us time while better supply-side technologies are developed.

Smart meters hold the possibility of a real step change in demand-side management of electricity and possibly transport, and work done during 2008-09 is likely to be extended. Grid losses is another potential focus area. The roles that both biofuels and electricity may play as transport fuels in the future are also areas of particular interest.

A significant source of pressure on electricity supply is coming from the increasing number of heat pumps being installed for home heating. This 'electrification' of home heating is being driven in part by clean air standards, but unfortunately has the potential to increase the need for new power plants.

New Zealand is abundant in freshwater. However, after decades of a 'first in first served' approach, water has become scarce in parts of the country, and climate change is expected to exacerbate this. Markets are the usual way in which society allocates scarce resources, and we are interested in the potential for water pricing to lead to reduced consumption of water. Public concern about water quality is high, and there is growing tension between 'town and country' over the effects of intensive land use.

However, these land use and water issues have a high profile in contrast to soil issues. The desirability of preserving productive soils and limiting the build-up of contaminants are issues deserving of more attention. We are particularly interested

in soil erosion, sediment in rivers, and soil pollutants like cadmium. The loss of productive soils to urban and peri-urban sprawl is another concern.

The Minister for the Environment plans to develop an enhanced role for the Parliamentary Commissioner for the Environment in reporting on the state of the environment. In order to develop capability within the office for such an enhanced role, and because it is valuable in its own right, the freshwater chapter of *Environment New Zealand 2007* is being reviewed in 2008-09.

The provision of advice to the Local Government and Environment Committee on the Waste Minimisation Bill developed some capability on solid waste management within the office. The economic recession has lowered the prices for recycled materials. We will scope this issue to see if we can help find a way through it.

The range of potential environmental reviews and investigations is very wide and the areas of interest outlined above should be taken only as indicative of the work we might do. Reports released during 2008-09 and public complaints may raise other issues that need to be addressed. It is critical that plans stay somewhat flexible or we risk being irrelevant.

Undertaking reviews and investigations is generally accorded a lower priority than assisting Parliament. Issues like ocean policy, fisheries, and the relationship of tangata whenua with freshwater would lead to work being undertaken in the office, if the Commissioner acts as an independent adviser or chooses to make a submission to select committees considering draft legislation in these areas.

## 4.2 Work with Parliament

When a bill or an inquiry could lead to significant environmental impacts the opportunity arises to work with select committees. Our assistance to select committees is governed by a Code of Practice developed through the Officers of Parliament Committee. Under this code, the Commissioner would normally act as an adviser on a bill or inquiry in response to an invitation from the committee, but may choose to act as a witness.

The Commissioner is currently acting as an adviser to the Emissions Trading Scheme Review Committee. Following this review of the scheme, the same committee will be considering proposed amendments to the Climate Change Response (Emissions Trading) Amendment Act 2008, and we may continue to have some involvement with this legislation.

The Minister for the Environment is planning a series of amendments to the Resource Management Act 1991. The creation of an Environmental Protection Authority is of particular interest to us, given the Commissioner's first function in s16(1)(a) of the Environment Act, namely, "*to review the system of agencies and processes ... to manage the allocation, use and preservation of natural and physical resources...*".

Due to changes in Standing Orders all of our reports are now referred to the Local Government and Environment Committee. The committee may consider the report itself or refer it to another, if it is primarily within the subject area of that select committee. This change may result in select committees being more likely to request briefings on these reports and report on them to the House of Representatives.

Beyond this, engagement with select committees on bills and inquiries will depend on their environmental significance and on whether we have the capability to add value.

On several occasions the Commissioner has met with delegations of parliamentarians from other countries to discuss environmental issues, and this is likely to recur from time to time.

As noted above, the Minister for the Environment plans to develop an enhanced role for the Parliamentary Commissioner for the Environment in reporting on the state of the environment. It will be essential for the Commissioner to advise Parliament on the implications of such a change for both the office and the environment.

### 4.3 Communicate and Inform

We scan and actively monitor developments in environmental policy and science because this is crucial for developing staff capability and for selecting and designing projects. We respond to a significant number of inquiries that are received each month from both members of the public and from interested groups, and aim to do so in a timely manner.

We generally communicate the findings of work through reports, briefings, presentations, and media releases. All of our outputs are accessible on our website. We will continue to develop our website to ensure that it is easily navigated.

We seek to build and maintain good relationships with the people and agencies that we encounter during our work as well those who are interested in what we do.

During visits to different parts of the country, the Commissioner meets with people and organisations to learn about the particular issues of those regions. In addition, the Commissioner gives speeches to a wide variety of audiences across the country. There is an increasing number of requests for clear explanations of both climate change science and carbon pricing.



# 5

## Measuring our performance

The Public Finance Act 1989 requires that we measure our performance along three dimensions:

- Impact
- Cost-effectiveness
- Organisational health

The Act also requires that we effectively manage our functions and operations within a changeable operating environment, such as by identifying risks to our business.

To do this, we have set three objectives against which to assess our performance. Each can be mapped to one of the required dimensions of performance, although there is some overlap. For example, aspects of organisational health are contained in all three objectives.

We are influential	→	Impact
We deliver value for money	→	Cost-effectiveness
We value our staff	→	Organisational Health

Establishing direct causal links between our advice and decisions that are taken is often not possible. Therefore, we have chosen some indirect indicators to measure our performance against the three objectives. These critical success factors are measures of internal strategies, systems, processes, and capability. If these factors are of high quality, they will logically support the attainment of our performance objectives.

## 5.1 We are influential

Our goal is to be influential. To achieve this, our reports and advice must be of high quality, timely and communicated in a compelling way. The critical success factors underpinning our ability to influence others are as follows.

Staff skills:

- research and analysis
- project management
- relationship management
- written and verbal communication.

Internal procedures:

- project management
- quality assurance
- external peer review and expert assistance
- monitoring and scanning environment and policy development
- relationship management
- office culture support.

Corporate manuals and procedures to implement these critical success factors into the business are now complete and will be reviewed at regular intervals.

Outcome evaluations will be undertaken for all major reports and quantitative targets for peer review and timeliness have been set. The response to and the adoption of recommendations from the Commissioner in advice to select committees and in reports will be measured.

The performance measures we use to assess our influence and impact are outlined in Table 1.

**Table 1 Performance measures and targets for assessing impact**

Measure	Target
Evaluate outcomes from projects	100% for major projects
Content review and internal peer review	100% of all reports and briefings
External peer review for technical accuracy	100% for major projects
Advice to Parliament delivered within agreed timeframes	100%
Proportion of recommendations:	
• adopted or partially adopted	65%
• responded to	100%
All types of queries given initial response within 10 working days	100%
Complaints and inquiries resolved to completion within 9 months	90%

## 5.2 We deliver value for money

Over the last two years there have been many changes in the office aimed at achieving value for money. Systems are now more straightforward and fit-for-purpose, and a culture of continuous improvement has been adopted. The big gains are likely to have been already made, but we remain alert to opportunities.

We also aim to reduce environmental costs as part of our continuous improvement. These include our carbon footprint, electricity use, paper, publications, and waste. We will report quantitatively on the first two, while seeking to minimise the others.

The performance measures we use to assess 'value for money' are outlined in Table 2.

**Table 2 Performance measures and targets for assessing value for money**

Measure	Target
Remuneration increases consistent with public sector expectations	100%
Review of expenditure for value for money on an ongoing basis	Various including: <ul style="list-style-type: none"> <li>• Air travel on less than full fare &gt; 90%</li> <li>• Research publications and database subscriptions reviewed at time of renewal = 100%</li> </ul>
Supplier contracts consistent with procurement policy	100%
'Uptime' for IT systems	99%
Environmental costs: <ul style="list-style-type: none"> <li>• Carbon footprint</li> <li>• Electricity use</li> </ul>	< 25 tonnes CO2 per year < 50,000 kWh per year

## 5.3 We value our staff

The capability and productivity of our staff are core components of our effectiveness as an office. We see the relationship between the organisation and employee as reciprocal. As an employer, we seek to provide a supportive and rewarding environment where excellence is valued. In turn, our staff provide their knowledge and commitment. As a result, our productivity should rise and our high expectations be met.

Job satisfaction for staff requires:

- clear direction from managers
- a collegial culture
- active steps to foster professional development
- a physical environment and systems that support our values.

In our open-plan office we consciously foster a collegial working environment. We invest in our staff by providing them with good working conditions and encouraging a healthy work-life balance. To do this we offer staff:

- flexible work time to accommodate family needs
- ability to use remote access to facilitate working from home in special circumstances
- negotiable part-time working arrangements where appropriate.

The measures with which we evaluate organisational health are outlined in Table 3. These include tracking levels of unplanned turnover and investment in performance management and professional development.

**Table 3 Performance measures and targets for assessing organisational health**

Measure	Target
Performance management plans in place and annual performance reviews undertaken	100%
Personal development plans in place and uptake of budgeted training and development activities	100%
Annual unplanned staff turnover	Equal or better than public service average as reported by the State Services in their most recent "Human Resource Capability Survey of Public Service Departments"







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