



Environment Committee  
Parliament Buildings  
Private Bag 18041  
Wellington 6160

23 April 2023

Dear Eugenie and Committee Members

I am glad you found the first instalment of my advice on the departmental reports useful.

This advice covers tranches 3A and 3B of the NBE departmental report. If there is no comment on a clause or proposed change it is generally because there was not a particular angle for the natural environment that I thought needed specific comment. Most of those clauses are procedural in nature. If the Committee would like specific advice on some of those clauses, I would be happy to consider it further.

In the attached, I have taken the same approach I took in my advice on the Spatial Planning Bill and tranches 1 and 2. That was, in looking through the lens of protecting and improving the natural environment, I have identified in a tabular form (attached) changes that I think the committee should support and areas where further improvement or further scrutiny is still necessary. It follows the same order as presented in each tranche of the department reports. I have used colour coding to summarise my advice.

<b>Significant risk Significant improvement needed</b>	<b>Caution risky Improvement needed</b>	<b>Neutral (important point)</b>	<b>Good for the environment Support</b>	<b>Great for the environment Strongly support</b>
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Consistent with my view on tranches 1 and 2, overall, the changes recommended by MfE in the departmental report are improvements for the environment over the original draft bills. There are areas that still need improvement. Key among these is my observation that environmental limits (and associated) targets often seem to be relegated to a general catch-all "any other relevant matters". In my view they need specific mention where they are relevant. The same is true of places that need protection, such as places of national importance and highly vulnerable biodiversity areas.

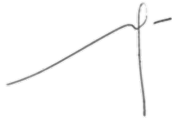
There are a few areas (for example clauses 153, 205 and 275) where the effect of MfE's recommendations were not clear to me at least. I have suggested that the committee seek further clarification.

I have no comment at this stage on *Report 4 Overview and Issue Analysis* but hope to provide some in the next few days.

As noted earlier, the Committee should be clear that my comments are a response to the issues *as they have been raised by officials* and are provided on the basis that the bill as presented to the Committee is *the only way in which environmental protections can be framed*. This is, of course, *not* the case but my role here is not to relitigate some of the more fundamental issues at stake.

I would be happy to provide further detail and discuss with the Committee.

Yours sincerely,

A handwritten signature in black ink, consisting of a long horizontal stroke on the left that curves upwards and then down to a vertical line on the right, ending in a small horizontal dash.

Rt Hon Simon Upton

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