

House of Representatives

Supplementary Order Paper

Tuesday, 26 May 2015

Environmental Reporting Bill

Proposed amendments

Eugenie Sage, in Committee, to move the following amendments:

Clause 3

In *clause 3*, after “require regular reports on” (page 3, line 2), insert “the state of”.

Clause 4

In *clause 4*, in the definition of **topic**, replace “regulations” (page 5, line 14) with “notice in the *Gazette*”.

Clause 4A

In *clause 4A(b)*, replace “regulations” (page 5, line 24) with “a notice in the *Gazette*”.

In *clause 4A(b)*, replace “regulations are” (page 5, line 26) with “a notice in the *Gazette* is”.

Clause 7

In *clause 7(1)*, after “Each synthesis report must describe” (page 6, line 15), insert “and analyse”.

In *clause 7(1)*, replace “by regulations” (page 6, line 16) with “notice in the *Gazette*”.

In *clause 7(1)(c)*, after “may be having on” (page 6, lines 24 to 25), insert “matters including (but not limited to)”.

After *clause 7(1)(c)(iv)* (page 6, after line 33), insert “; and” and also insert:

- (d) any gaps and limitations in data.

Clause 10

In *clause 10(1)*, after “must describe” (page 7, line 28), insert “and analyse”, and replace “prescribed in regulations made under **section 18**, all of the following matters” (page 7, lines 29 to 30), with “prescribed by notice in the *Gazette* made under **section 18**, matters including (but not limited to)”.

In *clause 10(2)(b)*, replace “standards.” (page 8, line 19) with “standards:” and, after *paragraph (b)*, insert :

- (c) any gaps or limitations in data.

Clause 12

In *clause 12(a)*, replace “regulations” (page 9, lines 5 and 6) with “notice in the *Gazette*”.

Clause 13

In *clause 13(2)*, replace “regulations” (page 9, lines 21 to 22) with “notice in the *Gazette*”.

Clause 14

In *clause 14*, after “any Minister of the Crown” (page 9, line 36), insert “and any government or commercial agency except insofar as the government or commercial agency supplies any information sought”.

Clause 16

In *clause 16(4)*, in *paragraph (a)* of the definition of **untested information**, after “findings prepared” (page 11, line 2), insert “exclusively”.

Clause 18

Replace the *cross-heading above clause 18* (page 11, line 21) with “*Topics to be reported on*”.

Replace the *clause heading* (page 11, line 22) with “**Topics to be reported on**”.

Replace *clause 18(1) and (2)* (page 11, line 23, to page 12, line 17) with:

- (1) Every 3 years the Secretary and the Government Statistician must jointly determine and notify in the *Gazette* the—
 - (a) topics to be covered in synthesis reports relating to—
 - (i) the state of New Zealand’s environment:
 - (ii) the pressures that may be causing, or have the potential to cause, changes to the state of New Zealand’s environment:
 - (iii) the impacts that the state of the environment and changes to the state of the environment may be having on the matters set out in **section 7(1)(c)**:

- (b) topics to be covered in domain reports relating to—
 - (i) the state of a domain:
 - (ii) the pressures that may be causing, or have the potential to cause, changes to the state of a domain:
 - (iii) the impacts that the state of a domain and changes to the state of a domain may be having on the matters set out in **section 10(1)(c)**.
- (2) Before determining the topics under **subsection (1)**, the Secretary and the Government Statistician must be satisfied that any—
 - (a) pressure topic or impact topic affects or potentially affects significant areas, resources, ecosystem integrity, or numbers of people:
 - (b) topic can be measured with robust statistical methods:
 - (c) pressure topic is related to any state topic that it is asserted to affect:
 - (d) impact topic is related to any state topic that is asserted to give rise to that impact.

In *clause 18(3)*, replace “Before recommending the making of regulations under **subsection (1)**, the Ministers must consult” (page 12, lines 18 to 20) with “Before determining the topics under **subsection (1)**, the Secretary and the Government Statistician must consult with”.

Delete *clause 18(3)(a)* (page 12, line 22).

New clause 19

After *clause 18* (page 12, after line 33), insert:

19 Review of Act’s operation

The Commissioner must review the operation of the Act on the expiry of 5 years from the date of its commencement and report to the House of Representatives with any recommendations for changes to the Act and its implementation.

Explanatory note

This Supplementary Order Paper amends the provisions of the Environmental Reporting Bill to implement some of the changes sought by submitters to the Local Government and Environment Committee, and to ensure a more robust and independent system of nation-wide environmental reporting.

Clause 3 is amended to clarify the Bill’s purpose to ensure that the reports focus on the state of New Zealand’s environment, instead of the environment per se.

Clause 7 is amended to require that synthesis reports not just describe the impacts that changes to the state of the environment are having, but also provide some analysis of

what is causing any change. This can help identify whether current management actions are working and inform potential policy responses. *Clause 7* is also amended to require any gaps or limitation in the data to be identified so that the synthesis reports can be read with this understanding.

Clause 10 is amended to require any gaps or limitation in the data to be identified so that the domain reports can be read with this understanding.

Clause 14 is amended to require the Government Statistician and Secretary to act independently, not just of Ministers but also of any government or commercial agency, except insofar as that organisation supplies information requested.

Clause 16 is amended so that the Government Statistician's discretion to withhold "untested information" is limited to information collected exclusively for the purposes of national state of the environment reporting. This is intended to ensure that environmental monitoring information collected, for example by regional councils or the Department of Conservation as part of their wider statutory responsibilities, continues to be publicly available in response to Official Information Act requests.

Clause 18 is amended to provide for an independent and robust system of environmental reporting. The Government Statistician and the Secretary, instead of the Minister for the Environment and Minister of Statistics, will determine the topics to be covered in both synthesis and domain reports after consultation with the public, iwi, local authorities, and the Parliamentary Commissioner for the Environment. The topics will be notified by *Gazette*. There are also amendments to *clauses 4, 4A, 7, 10, 12, and 13* that are consequential to this amendment. *Clause 18* is also amended to extend the matters able to be reported on to include matters that may potentially affect areas, resources, and people. It adds "ecosystem integrity" as a matter to be reported on.

Clause 19 is added to enable the Parliamentary Commissioner for the Environment to review and report on the Bill's operation.