

## New Zealand's first Environmental Reporting Act

Parliament passed the Environmental reporting Act 2015 into law on Thursday 24 September. This legislation will make environmental reporting mandatory for the first time in New Zealand.

The purpose of the legislation is simply 'to require regular reports on New Zealand's environment'. The Act also sets out the broad framework for the scope of reporting and timing of reporting products.

This Act will replace the currently uncertain regime of environmental reporting, whereby the Ministry for the Environment produced ad-hoc, discretionary '*Current State of the Environment Reports*'. Under the new regime, the Government Statistician and the Secretary for the Environment will be responsible for producing a 'domain report' every 6 months on a selection of environmental topics (the possible topics are; air, atmosphere and climate, land, freshwater, and marine) as well as a comprehensive 'synthesis report' once every three years on all five domains.

Each domain report focuses on producing three main types of information;

- The pressures on the domain, i.e. 'why' the domain is in a particular state
- The biophysical condition of the domain and how this has varied over time; and
- Impacts of these changes on ecosystem integrity, public health, economic benefits, culture and recreation.

The true test of the Act's success of its success will be seen once the first reports are produced. On 21 October 2015, the Ministry for the Environment and Statistics New Zealand are due to release a new national-level environmental report for New Zealand '*Environment Aotearoa 2015*'. The report is being developed and released as a pilot for Environmental Reporting Act requirements. The substance of reports will rely on the quality of underlying data, choice of indicators, and analysis.

Whilst the Government Statistician and Parliamentary Commissioner for the Environment's involvement in the reporting regime brings an element of independence to the framework, it is noteworthy that government Ministers will have a large role in setting the particular topics for reporting, (in consultation with the public, local authorities, and iwi). In particular section 18 provides broad regulation making powers for the Minister for the Environment and the Minister of Statistics, including the ability to prescribe topics to be covered in the domain reports. Many submissions were received on this section of the Bill, the majority of which were in opposition to it. Time will tell whether particular topics are being avoided for reporting purposes. Careful selection of indicators will also be required to present a comprehensive and accurate picture of the current state of the environment.

Interestingly, the Act also partly overrides the Official Information Act 1982 (OIA), meaning that any request for untested information will be transferred to the Government Statistician who in turn has sole discretion to withhold any such information. This replaces the OIA withholding provisions which require good reason to withhold any information, including consideration of the public interest in doing so. This will have implications on the public seeking information behind environmental reporting, as well for local authorities using information for their own reporting requirements and other statutory responsibilities.

For more information on the Act, and its implications on you, contact one of our specialist [resource management](#) team.

The text of the Bill is available [here](#).