

Version
as at 24 August 2023



Environmental Reporting Act 2015

Public Act 2015 No 87
Date of assent 28 September 2015
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for the Environment.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Environmental Reporting Act 2015.

2 Commencement

- (1) This Act comes into force on the earlier of the following:
- a date appointed by the Governor-General by Order in Council (and 1 or more orders may be made bringing different provisions into force on different dates);
 - the day that is 9 months after the date on which this Act receives the Royal assent.
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1)(a): this Act brought into force, on 27 June 2016, by clause 2 of the Environmental Reporting Act Commencement Order 2016 (LI 2016/126).

Section 2(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1

Preliminary provisions

3 Purpose

The purpose of this Act is to require regular reports on New Zealand's environment.

4 Interpretation

In this Act, unless the context otherwise requires,—

air domain means the domain surrounding the earth that is composed of gases, vapours, and particulates

atmosphere and climate domain—

(a) means the domain that—

- (i) extends from the surface of the earth to the outer layer of the stratosphere; and
- (ii) is composed of gases, particulates, and meteorological conditions; and

(b) includes climate

biodiversity means the variability among living organisms, and the ecological complexes of which they are a part, including diversity within species, between species, and of ecosystems

climate means meteorological conditions and their variations, including solar radiation, temperature, humidity, clouds, precipitation, atmospheric pressure, and wind

Commissioner means the Parliamentary Commissioner for the Environment appointed under the Environment Act 1986

domain report means a report of a kind required to be produced by section 10

ecological integrity means the full potential of indigenous biotic and abiotic features and natural processes, functioning in sustainable communities, habitats, and landscapes

ecosystem means a system of organisms interacting with their physical environment and with each other

environmental report means a synthesis report or a domain report

freshwater domain—

- (a) means the domain composed of water in all its physical forms; and
- (b) includes the animals, vegetation, and structures associated with the freshwater domain; and
- (c) does not include atmospheric water or water that forms part of the marine domain

Government Statistician means the Government Statistician appointed under the Public Service Act 2020

impact category means the matters that may be impacted upon by the state of the environment or changes to the state of the environment, as listed in sections 8(1)(c) and 11(1)(c)

land domain—

- (a) means the domain composed of soil and underlying rock; and
- (b) includes the animals, vegetation, and structures associated with the land domain

marine domain—

- (a) means the domain bounded on the landward side by the mean high-water mark, and on the seaward side by the outer limits of New Zealand's exclusive economic zone and continental shelf; and
- (b) includes estuaries, the sea, the seabed, and the soil of the area described in paragraph (a); and
- (c) includes the animals, vegetation, and structures associated with the marine domain

Minister for the Environment means the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of the Environment Act 1986

Minister of Statistics means the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of the Data and Statistics Act 2022

Ministers means the Minister for the Environment and the Minister of Statistics

Ministry means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Environment Act 1986

pressure means a natural or human-induced circumstance, factor, element, activity, or process

public health has the meaning given in section 6(1) of the New Zealand Public Health and Disability Act 2000

Secretary means the chief executive of the Ministry

Statistics New Zealand means the department of State continued by the Data and Statistics Act 2022

structure has the meaning given in section 11 of the Natural and Built Environment Act 2023

synthesis report means a report of a kind required to be produced by section 7

te ao Māori means Māori world view

topic means a topic prescribed for a synthesis report or a domain report in regulations made under section 19.

Section 4 **Government Statistician**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4 **Minister of Statistics**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 4 **Statistics New Zealand**: amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 4 **structure**: amended, on 24 August 2023, by section 805(1) of the Natural and Built Environment Act 2023 (2023 No 46).

5 Treaty of Waitangi/Te Tiriti o Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the Treaty of Waitangi/Te Tiriti o Waitangi,—

- (a) sections 8(1)(c) and 11(1)(c) provide for te ao Māori to be an impact category in preparing synthesis and domain reports, to ensure that those reports, and the topics, are informed by a Māori perspective; and
- (b) section 19(3) requires consultation with iwi authorities before regulations may be made, to ensure that the Ministers are informed of the views of those organisations before regulations are made.

6 Act binds the Crown

This Act binds the Crown.

Part 2 Environmental reporting

Synthesis reports

7 Synthesis reports

- (1) The Secretary and the Government Statistician must jointly produce and publish reports on New Zealand's environment.
- (2) As soon as is reasonably practicable after the Secretary and the Government Statistician have published a synthesis report, the Ministers must jointly present the report to the House of Representatives.
- (3) In subsection (1), **New Zealand's environment** includes the domains referred to in section 10.

8 Content of synthesis reports

- (1) Each synthesis report must describe, in relation to the topics prescribed in regulations made under section 19, all of the following matters:
 - (a) the state of New Zealand's environment including biodiversity and ecosystems; and

- (b) the pressures that may be causing, or have the potential to cause, changes to the state of New Zealand's environment; and
 - (c) the impacts that the state of the environment and changes to the state of the environment may be having on each of the following impact categories:
 - (i) ecological integrity; and
 - (ii) public health; and
 - (iii) the economy; and
 - (iv) te ao Māori; and
 - (v) culture and recreation.
- (2) In addition to the matters set out in subsection (1), each synthesis report must describe—
- (a) changes to the state of New Zealand's environment over time, including, if information in the report is able to be compared with that in a previous synthesis report, changes to the state of the environment since that previous report was published;
 - (b) how the state of New Zealand's environment measures against national or international standards.
- (3) The Secretary and the Government Statistician are not required to include in synthesis reports information that cannot be obtained by using reasonable efforts.

9 Frequency of synthesis reports

- (1) A synthesis report must be published once every 3 years.
- (2) The first synthesis report must be published not later than 3 years after the date on which the first domain report is published under this Act.

Domain reports

10 Domain reports

- (1) The Secretary and the Government Statistician must jointly produce and publish reports on the following:
 - (a) the air domain;
 - (b) the atmosphere and climate domain;
 - (c) the freshwater domain;
 - (d) the land domain;
 - (e) the marine domain.
- (2) As soon as is reasonably practicable after the Secretary and the Government Statistician have published a domain report, the Ministers must jointly present the report to the House of Representatives.

11 Content of domain reports

- (1) Each domain report must describe, in relation to the topics prescribed in regulations made under section 19, all of the following matters:
 - (a) the state of the domain the report relates to, including biodiversity and ecosystems dependent on that domain; and
 - (b) the pressures that may be causing, or have the potential to cause, changes to the state of the domain; and
 - (c) the impacts that the state of the environment and changes to the state of the environment may be having on each of the following impact categories:
 - (i) ecological integrity; and
 - (ii) public health; and
 - (iii) the economy; and
 - (iv) te ao Māori; and
 - (v) culture and recreation.
- (2) In addition to the matters set out in subsection (1), each domain report must describe—
 - (a) changes to the state of the domain over time, including, if information in the report is able to be compared with that in a previous domain report, changes to the state of the domain since that previous report was published;
 - (b) how the state of the domain measures against national or international standards.
- (3) The Secretary and the Government Statistician are not required to include in domain reports information that cannot be obtained by using reasonable efforts.

12 Frequency of domain reports

- (1) The first domain report for one of the domains listed in section 10 must be published not later than 18 months after this Act comes into force.
- (2) A domain report for one of the domains listed in section 10 must be published at least once every 6 months, unless, within the next 6 months after the most recent domain report is published, a synthesis report is due to be published.
- (3) If, by virtue of subsection (2), a domain report is not published because of the publication of a synthesis report, the domain report must be published within the next 6 months after the synthesis report is published.
- (4) Each of the domains listed in section 10 must be reported on at least once every 3 years.

*Production of environmental reports***13 Overview of process for producing environmental reports**

The process for producing an environmental report involves the following steps:

- (a) the topics to be reported on are prescribed by regulations made under section 19, after the Ministers are satisfied that the topics meet the requirements of that provision; and
- (b) the statistics to measure those topics are selected in accordance with section 14(2); and
- (c) the procedures and methods to be used in providing those statistics in an environmental report are decided in accordance with section 14(4).

14 Roles of Secretary and Government Statistician

- (1) In producing and publishing an environmental report, the Secretary and the Government Statistician must utilise the expertise of the Ministry and Statistics New Zealand.
- (2) Before producing an environmental report, the Government Statistician must, after consulting the Secretary, decide what statistics will be used to measure topics prescribed by regulations made under section 19.
- (3) In deciding under subsection (2) what statistics will be used to measure topics, the Government Statistician must—
 - (a) follow what he or she believes to be best practice principles and protocols; and
 - (b) be satisfied that the statistics accurately represent the topic they purport to measure.
- (4) The Government Statistician has the sole responsibility for deciding the procedures and methods to be used in providing statistics that will be included in an environmental report.

15 Duty to act independently

In producing and publishing an environmental report, the Secretary and the Government Statistician must act independently of any Minister of the Crown.

16 Reports to be fair and accurate

The Secretary and the Government Statistician must, in so far as it is reasonably practicable, ensure that all environmental reports published give a fair and accurate representation of the state of New Zealand's environment, or the state of the domain being reported on.

17 Protecting integrity of untested information

- (1) This section applies only to untested information.

- (2) All requests for untested information must be transferred to the Government Statistician.
- (3) The Government Statistician may, in response to a request for untested information, at his or her sole discretion withhold any untested information.
- (4) In this section,—
request for untested information does not include requests made under the Ombudsmen Act 1975 or the Public Audit Act 2001
untested information—
 - (a) means data, statistics, or findings prepared for reporting under this Act and not already in the public domain; but
 - (b) does not include those data, statistics, or findings once the report for which they were prepared is published.

Role of Parliamentary Commissioner for the Environment

18 Role of Commissioner

- (1) In accordance with his or her functions and powers under the Environment Act 1986, the Commissioner may, at his or her discretion, report on an environmental report and the processes that produced it.
- (2) The matters that the Commissioner may report on under subsection (1) include, but are not limited to,—
 - (a) analysing environmental reports:
 - (b) identifying trends:
 - (c) discussing the implications of environmental report findings:
 - (d) recommending responses to environmental report findings.

Regulations

19 Regulations

- (1) The Governor-General may, on the joint recommendation of the Ministers, by Order in Council, make regulations prescribing—
 - (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 8(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 the domain may be having on the matters set out in section 11(1)(c).
- (2) Before recommending the making of regulations under subsection (1), the Ministers must be satisfied that any—
- (a) pressure topic or impact topic affects significant areas, resources, or numbers of people:
 - (b) topic can be measured with robust statistical methods:
 - (c) pressure topic is closely related to any state topic that it is asserted to affect:
 - (d) impact topic is closely related to any state topic that is asserted to give rise to that impact.
- (3) Before recommending the making of regulations under subsection (1), the Ministers must consult—
- (a) the Government Statistician; and
 - (b) the Commissioner; and
 - (c) the public; and
 - (d) iwi authorities; and
 - (e) local authorities.
- (4) In this section,—
- impact topic** means a topic of a kind referred to in subsection (1)(a)(iii) or (b)(iii):
- pressure topic** means a topic of a kind referred to in subsection (1)(a)(ii) or (b)(ii):
- state topic** means a topic of a kind referred to in subsection (1)(a)(i) or (b)(i).
- (5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 19(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Notes

1 *General*

This is a consolidation of the Environmental Reporting Act 2015 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Natural and Built Environment Act 2023 (2023 No 46): section 805(1)

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Environmental Reporting Act Commencement Order 2016 (LI 2016/126)