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PO Box 10362,
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New Zealand

Submission on proposed Environmental Reporting Bill

Points for clarification

1. Is the proposed Environment Reporting Bill and the planned changes to the Environment Act 1986 and the Resource Management Act 1991 concerned solely with state of environment reporting, or with environmental monitoring and reporting more generally? State of environment reports (SOER) are usually 'report cards', and do not necessarily translate into changes in either policy or practice. Environmental monitoring and reporting tends to be more oriented to assessing the outcomes of policies and practices, and is arguably more important for decision makers and practitioners than summary reports issued on the state of the environment. Whereas environmental monitoring and reporting can proceed independently of a SOER, the latter generally depends on coherent and consistent collection of environmental data under the broader ambit of environmental monitoring and reporting. To be truly useful, the proposed changes should be directed beyond merely trying to ensure regular and independent state of environment reports. The whole question of environmental monitoring and reporting, both regionally and nationally, by whom, and to what standards, needs to be addressed. The present proposal deals with the problem in only a partial manner.
2. Who is the intended audience for state of environment reports? The impression given is that it is to meet international obligations, primarily to the OECD. Why is this considered to be of primary importance? Is it merely to look good in the international arena, by satisfying international expectations and standards on such matters, or is it an attempt to justify the 'clean, green' image that we seek to project internationally? Has sufficient thought been given to how SOERs can be used more effectively within New Zealand, over and above being mere report cards of progress (or the lack of it, at least in some areas)?
3. The document notes that the Ministry is currently working with local authorities to improve voluntarily the consistency of locally derived statistics but that so far this has not produced the desired outcome. Why not? Do local authorities lack the capacity (personnel, skills, resources) to produce more consistent statistics? Are they constrained by differing needs for information depending on local circumstances and developments? Is there not a contradiction between the current requirement for local authorities to monitor their environments for the purpose of ensuring effective functioning under the RMA, which implies a focus on issues of regional and local concern, and the intention of the proposed changes here to impose a statutory obligation on local authorities to monitor and report on the state of their environments in ways that allow the information to be collated nationally? You can't have it both ways, devolving responsibility to local authorities to act in the best interest of their constituents, and then constraining that responsibility by imposing on them additional requirements and costs to meet some national objective, regardless of local priorities.

Specific comments

1. The discussion document focuses on the issue of improving the consistency of environmental statistics collected and reported by local authorities under their RMA section 35(2) obligations. Other than mentioning the role of other central government agencies, Crown research institutes and universities in collecting environmental statistics, the document does not indicate whether or how these data will be integrated with those collected by local authorities. Why not? Is the information from these agencies already adequate for the purposes of environmental reporting, or is it simply too complex to try to mandate that they too should collect necessary information? How much duplication is there, and what are the prospects for reducing this? By excluding these agencies from consideration, is the Ministry not dealing with the problem in a piecemeal way? Is this not missing an opportunity to take a comprehensive look at the whole issue of environmental monitoring and reporting, rather than the fragmentary approach seemingly being proposed here?

Moreover, it is disappointing to note that the Ministry of Environment is either unaware of, or chooses to ignore, the many monitoring initiatives undertaken by groups within civil society. For example, members of the Ornithological Society of New Zealand (<http://osnz.org.nz>), individually and collectively, have carried out long-term monitoring of bird populations in New Zealand for many years. A list of relevant papers and reports published since 2005 by members of the OSNZ in its scientific journal, *Notornis*, and elsewhere, is appended (see **Annex**). During this period, the Society has also sponsored publication of a series of reports on the State of New Zealand's Birds, as well as a detailed atlas of bird distribution in New Zealand (Robertson et al. 2007), updating and expanding one that it produced two decades earlier (Bull et al. 1985). Information from the most recent atlas was used in the *Environment New Zealand 2007* report. National surveys of Caspian tern (*Sterna caspia*) and New Zealand dotterel (*Charadrius obscurus*) are both currently underway with OSNZ members doing most of the work at their own and the Society's expense (more so given the failure of the Department of Conservation to provide anything more than token support).

No doubt there are other professional and semi-professional societies engaged in similar work within their areas of interest (e.g. New Zealand Plant Conservation Network <http://www.nzpcn.org.nz/>; New Zealand Herpetological Society <http://www.reptiles.org.nz/>), as well as a range of local community groups. Giving due recognition and encouragement to such groups, as has been done for many years in both Europe and North America, is surely important if a viable and credible environmental monitoring programme is going to develop. Given current and projected cut-backs in the public service, and increasing rate-payer resistance to ongoing rates increases, especially in areas where they do not necessarily see any obvious and immediate benefits, it clearly makes sense to involve and build partnerships with civil society groups. The present document and proposals fail in this regard.

2. Assuming that the Parliamentary Commissioner for the Environment (PCE) is given the statutory responsibility to report regularly on the state of New Zealand's environment, will the PCE have or be granted the resources needed to do this? Will the PCE be able to review the range of indicators currently being monitored, and to suggest changes to the list? How will the current proposals work? Local authorities are likely to be torn between meeting the needs and expectations of their constituents, and meeting the requirements of the PCE, not only as to what must be monitored but also, presumably, how, where and when? In short, surely the bigger issue is how one marries a statutory obligation for regular and independent reporting with improved environmental monitoring.

3. The lack of statutory obligation for regular and independent SOER is surely the main issue because the need for more consistent monitoring and reporting is predicated on the requirement to produce regular SOERs. (Presumably, concern about inconsistencies in current environmental monitoring programmes exists only because it is not possible to collate the different data sets into a coherent national assessment, not because current monitoring is failing to meet the needs of local authorities.)

4. The objectives set out in the document are necessary but are they sufficient? Who will be responsible for selecting the variables to be measured and the parameters to be reported? Surely the agency in charge of reporting ought also to be responsible for deciding what should be monitored and reported, and how. Such a decision obviously cannot be completely unilateral, so what provisions will there be for this to be negotiated and decided upon?

5. While there is no fundamental disagreement with the assessment criteria used to evaluate the options, one wonders how the cost-efficiency criterion is being evaluated, given that we have no measures of either the likely cost of the various options (other than the *status quo*, where it is assumed there are no additional costs), or of their probable effectiveness. (How were the evaluations carried out? Was there some kind of Delphi decision-making process within the working group, or did someone just guess?)

Isn't there also a need to consider the extent to which the information collected under each option will adequately support environmental and economic policy and practice? This comes back to the earlier question of whether the information to be collected is primarily for the purpose of producing an environmental report card (SOER), or whether will be aimed mainly at improving environmental and economic performance?

6. Within the framework of analysis adopted by the Ministry, the preferred options and consequent proposed actions all seem logical. Nevertheless, one wonders if an opportunity is being missed to take a more comprehensive look at the whole question of environmental monitoring and reporting: what should be measured, how, where, when, and by whom? How should it be funded? Where should the data be stored, and how can it be made available? What structures and processes can be put in place (or modified) to develop a properly integrated and cost-effective system? To effect such changes would require either modifying legislation and agency mandates, or giving some body, perhaps the PCE, more authority to negotiate the changes, and then later codify them.

7. A requirement to report every 5 years seems appropriate and in line with international practice. Nevertheless, it is likely to put considerable pressure on the PCE (or whichever other agency is charged with the responsibility), and is likely to require substantial additional resources.

8. Finally, the analysis of the costs and benefits of the proposed Environmental Reporting Bill would have been substantially improved if we had been given some idea of the current expenditures of local authorities on environmental monitoring, the range of variables each is currently measuring, and what the likely additional cost to ratepayers will be if regional councils and unitary authorities have to start measuring new variables, or change their methods, frequency and numbers of measurements. Based on what can be gleaned from the 2011/12 Annual Plans of the 12 regional councils (and they do not report their expected expenditures in the same way), 10 of the 12 councils currently allocate almost \$49 million to environmental monitoring (neither Canterbury nor Otago provide an adequate breakdown of projected expenditure). This amounts to an average 6.9% of total projected expenditure

(range 1-14%) or 16.3% of rates revenue (range 1.4-38.7%). Would ratepayers be willing to sustain a higher rates burden to increase monitoring intensity, especially if the results were so aggregated at a national level as to have little meaning to them? Perhaps one way out of this is for central government to fund regional councils through annual grants to collect the additional data needed for a national SOER.

In summary therefore, whereas the proposed Environment Reporting Bill and associated amendments to existing legislation are supported in principle, there are a number of practical issues that need further reflection. There also needs to be much greater recognition of the potential contribution that civil society can make to effective environmental monitoring (as has been done in the past). At a time when government is trying to reduce the burden of its expenses on the exchequer, more creative ways need to be found to meet these challenges.

If invited, I would be happy to attend the symposium on these proposals, planned for February 2012.

Yours sincerely,

Annex attached overleaf

Selected publications on bird population status and trends published by members of the Ornithological Society of New Zealand (OSNZ) in the OSNZ's journal, *Notornis*, 2005-2010

- Baber, M., Brejaart, R., Babbitt, K., Lovegrove, T., and Gale, R. 2009. Response of non-target native birds to mammalian pest control for kokako (*Callaeas cinerea*) in the Hunua Ranges, New Zealand. *Notornis* 56: 176-182.
- Beauchamp, A.J. and Parrish, G.R. 2007. Waders (Charadriiformes) and royal spoonbill (*Platalea regia*) use of roosts in Whangarei Harbour and Ruakaka Estuary, Northland, 1973-2000. *Notornis* 54: 83-92.
- Bell, M. 2010a. Numbers and distribution of New Zealand king shag (*Leucocarbo carunculatus*) colonies in the Marlborough Sounds, September-December 2006. *Notornis* 57: 33-36.
- Bell, M. 2010b. A census of reef herons (*Ardea sacra*) in the Marlborough Sounds. *Notornis* 57: 152-155.
- Bell, M. 2010c. A census of variable oystercatcher (*Haematopus unicolor*) in the Marlborough Sounds. *Notornis* 57: 169-172.
- Bell, M. and Bell, B.D. 2008. Population numbers of the Caspian tern (*Sterna caspia*) in New Zealand. *Notornis* 55: 84-88.
- Bester, A.D. and Charteris, M. 2005. The second census of Chatham Island shag and Pitt Island shag — are numbers declining? *Notornis* 52: 6-10.
- Elliott, G. and Walker, K. 2005. Detecting population trends of Gibson's and Antipodean wandering albatrosses. *Notornis* 52: 215-222.
- Gardner-Gee, R., Rayner, M., and Beggs, J.R. 2008. Monitoring grey-faced petrels (*Pterodroma macroptera gouldi*) in a restoration project on Motuora Island, Hauraki Gulf. *Notornis* 55: 184-190.
- Jensen, L.A. and Snoyink, R.J. 2005. The distribution and numbers of Australasian crested grebe (kamana) in New Zealand, January 2004. *Notornis* 52: 34-46.
- Michelsen-Heath, S. and Gaze, P. 2007. Changes in the abundance and distribution of the rock wren (*Xenicus giliventris*) in the South Island, New Zealand. *Notornis* 54: 71-78.
- Robertson, H.A., Mclennan, J.A., Colbourne, R.M., and McCann, T.J. 2005. Population status of great spotted kiwi (*Apteryx haastii*) near Saxon Hut, Heaphy Track, New Zealand. *Notornis* 52: 27-33.
- Schuckard, R. 2006. Population status of the New Zealand king shag (*Leucocarbo carunculatus*). *Notornis* 53: 297-307.
- Sommer, E., Bell, M., Bradfield, P., Dunlop, K., Gaze, P., Harrow, G., McGahan, P., Morrissey, M., Walford, D., and Cuthbert, R. 2009. Population trends, breeding success and predation rates of Hutton's shearwater (*Puffinus huttoni*): a 20 year assessment. *Notornis* 56: 144-153.
- Walker, K. and Elliott, G. 2005. Population changes and biology of the Antipodean wandering albatross (*Diomedea antipodensis*). *Notornis* 52: 206-214.

Atlases of bird distribution in New Zealand produced from surveys conducted by members of the Ornithological Society of New Zealand

Bull, P.C., Gaze, P.D., Robertson, C.J.R. 1985. *The atlas of bird distribution in New Zealand*. Ornithological Society of New Zealand, Wellington.

Robertson, C.J.R., Hyvönen, P., Fraser, M.J., and Pickard, C.R. 2007. *Atlas of bird distribution in New Zealand 1999-2004*. Ornithological Society of New Zealand, Wellington.

The State of New Zealand's Birds Reports

Wilson, K-J. (editor) 2006. *The state of New Zealand's birds 2005*. Ornithological Society of New Zealand, Wellington, New Zealand. 10 pp.

Wilson, K-J. (editor) 2007. *The state of New Zealand's birds 2006. Special report on New Zealand's seabirds*. Ornithological Society of New Zealand, Wellington, New Zealand. 16 pp.

Wilson, K-J. (editor) 2008. *The state of New Zealand's birds 2007. Special report on New Zealand bird atlas*. Ornithological Society of New Zealand, Wellington, New Zealand. 15 pp.

Wilson, K-J. (editor) 2009. *The state of New Zealand's birds 2008. Special report on conservation of birds on the mainland*. Ornithological Society of New Zealand, Wellington, New Zealand. 16 pp.

Wilson, K-J. (editor) 2010. *The state of New Zealand's birds 2009. Conservation of migrant birds*. Ornithological Society of New Zealand, Wellington, New Zealand. 16 pp.

Miscellaneous report based on data collected by members of the Ornithological Society of New Zealand

Southey, I. 2009. *Numbers of waders in New Zealand 1994-2003*. DOC Research and Development Series 308. Department of Conservation, Wellington, New Zealand. 70 pp.