

# Departmental Disclosure Statement

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Environmental Reporting Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Ministry for the Environment and Stats NZ.

The Ministry for the Environment and Stats NZ certify that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

14 May 2026.

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## Part One: General Policy Statement

The Bill includes amendments to the Environmental Reporting Act 2015 (ERA) that collectively aim to address the following policy objectives:

1. clarify the role of the ERA in providing a mandate for independent, regular, and authoritative reporting on the state of the environment;
2. address legislative barriers to reporting programme efficiency and effectiveness;
3. support effective programme implementation and minimise cost burdens, particularly for local government;
4. mandate good practice of environmental reporting to safeguard the nature and scope of the reporting programme.

The ERA plays an important role in ensuring that robust and credible environmental data and research is made available to the public and decision-makers. However, in the ten years since it was enacted, operational experience and external feedback have indicated that changes to the ERA were needed to increase the efficiency and flexibility of the reporting programme and ensure the Act continues to meet the purpose of the original legislation. The amendments are as follows:

- Amend the purpose of the ERA to clarify the intended use and outcome of reporting.
- Reduce the frequency of synthesis reports (proposed to be renamed as state of the environment reports) to six-yearly and replace six-monthly domain reports with at least one commentary report each year. This will reduce the number of reports from twelve to seven over a six-year period and allow more flexibility in reporting on complex and interconnected environmental issues.
- Strengthen the mechanisms for collecting data and setting data collection standards.
- Produce a six-yearly data and evidence priorities report to set out priority areas for improving environmental data, monitoring and research.
- Add drivers and outlooks as required components of the environmental reporting framework. Drivers are socio-economic, cultural, political, or natural forces that influences human activities, which can increase or reduce pressures on the environment. Outlooks describe how the environment may change in the future. Reporting on drivers will help decision-makers understand the root causes of pressures on the environment, while reporting on outlooks will aid understanding of the future impact of decisions.
- Enable reporting on progress towards government priorities. This will ensure that relevant measures of progress, contained in other related legislation, are actively reported on without requiring future amendments.
- Adjust reporting roles and responsibilities for the Secretary for the Environment and Government Statistician. These changes will reduce overlap, enable each organisation to best use their expertise, and clarify where consultation must occur between agencies.
- Provide for the appointment of a strategic evidence panel to provide independent expert advice and highlight any emerging trends.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
Parliamentary Commissioner for the Environment's report: Parliamentary Commissioner for the Environment. 2019. Focusing Aotearoa New Zealand's environmental reporting system. Wellington: PCE. <a href="https://pce.parliament.nz/publications/focusing-aotearoa-new-zealand-s-environmental-reporting-system">https://pce.parliament.nz/publications/focusing-aotearoa-new-zealand-s-environmental-reporting-system</a>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
A Regulatory Impact Statement (RIS) was prepared for the amendments and finalised on 24 February 2025. The RIS can be accessed within this package: <a href="https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/environmental-reporting-act-2015-amendments/">https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/environmental-reporting-act-2015-amendments/</a>	

<b>2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
No independent opinion was given. However, the Ministry for the Environment's Regulatory Impact Analysis Panel has reviewed the Regulatory Impact Statement (RIS) "Regulatory Impact Statement: Environmental Reporting Act 2015 amendments". The panel considers the document partially meets the quality assurance criteria for regulatory impact analysis. The panel's Quality Assurance Statement reads: "While the Regulatory Impact Statement (RIS) is generally clear and concise, it would benefit from additional evidence in the options analysis and cost benefit analysis under each proposal to better meet the completeness criterion. Similarly, the RIS could have gained from a broader public consultation, rather than relying solely on the targeted engagement that was conducted. This additional information would provide a more robust foundation for decision-making and enhance the overall effectiveness of the statement." The paper clearly sets out the options available and provides an analysis of the reasons for the amendments.	

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>
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## Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
<p>A cost benefit analysis for the Bill was carried out by Allen + Clarke. The findings of this analysis are incorporated in the RIS. The full report from Allen + Clarke is available here: <a href="https://environment.govt.nz/assets/publications/Environmental-Reporting/Cost-Benefit-Analysis-Proposed-Amendments-to-the-Environmental-Reporting-Act-2015.pdf">https://environment.govt.nz/assets/publications/Environmental-Reporting/Cost-Benefit-Analysis-Proposed-Amendments-to-the-Environmental-Reporting-Act-2015.pdf</a></p>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>YES</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>YES</b>
<p>Refer to RIS within this package: <a href="https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/environmental-reporting-act-2015-amendments/">https://environment.govt.nz/what-government-is-doing/cabinet-papers-and-regulatory-impact-statements/environmental-reporting-act-2015-amendments/</a></p>	

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

**3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?**

The amendments do not change any specific clauses in the current Act in relation to New Zealand's international obligations (including reporting obligations under the various Multilateral Environmental Agreements). The amendments may improve alignment and transparency by clarifying how domestic reporting tracks progress toward national targets and policy that are, in some cases, set in the context of international obligations.

### Consistency with the government's Treaty of Waitangi obligations

**3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?**

Targeted consultation on the previous Government's proposed amendments, including with iwi and hapū, was undertaken from 8 February to 18 March 2022. This included a webinar focused on the proposals in relation to iwi and hapū held on 22 February 2022.

The current amendments do not change the Treaty of Waitangi clause in the existing legislation.

### Consistency with the New Zealand Bill of Rights Act 1990

**3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?**

YES

Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/>

### Offences, penalties and court jurisdictions

**3.4. Does this Bill create, amend, or remove:**

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

### Privacy issues

**3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?**

NO

## External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>The Ministry undertook consultation with targeted stakeholders and the public on the previous Government's proposed amendments between 8 February and 18 March 2022. Feedback received through submissions highlighted broad support for the proposed amendments. The feedback received was summarised and published on the Ministry's website: <a href="https://environment.govt.nz/assets/publications/Environmental-Reporting/Improving-Aotearoa-New-Zealands-environmental-reporting-system-Summary-of-submissions.pdf">https://environment.govt.nz/assets/publications/Environmental-Reporting/Improving-Aotearoa-New-Zealands-environmental-reporting-system-Summary-of-submissions.pdf</a></p> <p>Following the revision of the amendments by the current Government, the Ministry undertook targeted engagement with a regional sector advisory group in 2024. Feedback received was supportive of the proposed amendments. In February 2025, the Ministry undertook departmental consultation on these amendments, including separate engagement with the Parliamentary Commissioner for the Environment. No major changes were required to the proposals as a result of departmental feedback.</p>	

## Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>YES</b>
<p>Operational experience from producing reports under the current Act has informed the development and refinement of this legislation.</p>	

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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### Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
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The Bill removes the requirement for regulations to be made on the joint recommendation of the Ministers. Instead, the regulations will be made on the recommendation of the Minister for the Environment (who is referred to as the Minister, applying the definition of Minister from section 13 of the Legislation Act 2019). The Bill does not create any new empowering provisions to make secondary legislation.

**Any other unusual provisions or features**

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>NO</b>
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