Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata

WAI 3325 Climate Change Priority Inquiry

22 June 2026

Introduction

The Tribunal has requested the Parliamentary Commissioner for the Environment to provide information to assist its priority inquiry regarding climate change matters, by way of providing a response to specified questions, and any other information that may be considered useful.[1]

This response provides information in relation to the following matters:

- The constitutional position of the PCE.
- The statutory functions of the PCE.
- How the PCE operates.
- Examples of PCE work.

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Constitutional architecture

The Parliamentary Commissioner for the Environment is appointed under the Environment Act 1986 as an officer of Parliament, and has been an operative appointment since 1 January 1987. Officers of Parliament are appointed as an independent role providing oversight of executive authority for the relevant matters that come within the role, to support Parliament's scrutiny functions.[2] Key constitutional characteristics include their appointment (by the Governor-General on the recommendation of the House of Representatives), security of tenure (they can only be removed from office by a resolution of Parliament) and independent funding (annual budgets are negotiated through a dedicated Officers of Parliament select committee). The Commissioner's role sits within the legislative branch of government and is not an instrument of the Crown or the Executive.

Functions and powers of the PCE

Pursuant to section 16 of the Environment Act, the Commissioner has broad statutory functions to investigate and advise Parliament and public authorities on matters relating to the environmental management system. The matters to which the Commissioner must have regard are set out in section 17 of the Act, but is not an exhaustive list, and does not constrain the office in selecting matters for enquiry – if they come within the statutory functions. In undertaking those functions, significant powers are available to the

[1] Memorandum-directions of Judge Stephanie Milroy issuing the final questions in writing for He Pou A Rangi Climate Change Commission and the Parliamentary Commissioner for the Environment, 5 May 2026, Wai 3325, #2.6.28.
[2] David Wilson, *Parliamentary Practice in New Zealand* (5th ed, Clerk of the House of Representatives, 2023) at 55.1.

Commissioner, including the power to obtain information.[3] Where an inquiry is held in relation to the function specified by section 16(1)(e), the Commissioner has the same powers as a commission of inquiry.

While it has not ever been exercised, the Commissioner also has a right to be heard in proceedings which relate to obtaining (or attempt to obtain) any consent.[4]

The Environment Act does not contain a purpose provision, which would ordinarily be considered in the interpretation of the Commissioner's functions and powers. However, there is a long title to the Act, which may be interpreted as providing guidance as to its purpose.[5] Text from the long title, as relevant to the PCE, follows:

> An Act to–
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> (a) provide for the establishment of the office of the Parliamentary Commissioner for the Environment:
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> …
>
> (c) ensure that, in the management of natural and physical resources, full and balanced account is taken of–
>
> (i) the intrinsic values of ecosystems; and
>
> (ii) all values which are placed by individuals and groups on the quality of the environment; and
>
> (iii) the principles of the Treaty of Waitangi; and
>
> (iv) the sustainability of natural and physical resources; and
>
> (v) the needs of future generations.

The long title directly relates to the PCE in one aspect – the establishment of the office. While the Commissioner is not responsible for the management of natural and physical resources, the work of the office may contribute to ensuring that full and balanced account is taken of the matters specified in paragraph (c), by the system of agencies and processes that are charged with resource management.

I note that the Treaty of Waitangi is only mentioned in relation to its principles in the long title, receiving no further acknowledgement in the Act. The interests of Māori, in relation to te taiao, similarly receive no statutory mention. However, given the breadth of the functions, powers, and statutory guidance of the Environment Act, I see this as no barrier to my office incorporating these matters into the work that it does. Te ao Māori is an important source of information, knowledge, and understanding of New Zealand's natural and physical environment. I discuss this further in the sections of this report that follow, regarding how the office of the PCE operates, together with the examples of its work.

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[3] Environment Act, s 19. See also s 18, which more broadly grants the Commissioner such powers as are necessary to carry out the functions in s 16.

[4] Environment Act, s 21. See the schedule of the Act for the list of Acts under which approvals are considered 'consents' for the purposes of s 21.

[5] Legislation Act 2019, s 10.

The creation of the Climate Change Commission in 2019 – a significantly larger organisation dedicated to a single environmental issue – greatly reduced the need for me to engage on climate matters. Unlike many environmental issues dealt with by the 'system of processes and agencies that deal with the environment', climate change is one that has a dedicated specialist adviser. As a result of this change, the vast majority of the office's resources are now dedicated to other parts of the environment. Where I undertake work on climate change, I am careful to ensure that I do not duplicate the work of the Commission. Most of the work I do in the climate change space tends to be on questions of high-level systems settings that the Climate Change Commission can't comment on, such as the process behind the first Emissions Reduction Plan and the role of forestry in the Emissions Trading Scheme.

How the PCE operates

For context, the office that supports me is small, with limited resources (an annual budget of just under $5 m), and only 16.1 FTE analytical staff to cover the entire environmental management system. The team contains a variety of relevant skills, which currently includes, but is not limited to, public and environmental law, ecological economics, geoscience, physical and human geography, ecology, soil science, environmental chemistry, complex systems, natural hazards, oceanography, matauranga Māori, history and policy. Depending on the nature of each matter the office reviews or investigates, a portion of my budget is allocated to contract external expertise as and when needed. Due to the size of the office, I have to choose carefully where I dedicate scarce resources.

The work of the office encompasses three main areas:

1. In-depth investigations. Topics range from reviews of specific aspects of the environmental management system (e.g. *Space invaders: A review of how New Zealand manages weeds that threaten native ecosystems*)[6], to issues that are important but flying under the radar (e.g. *Knowing what's out there: Regulating the environmental fate of chemicals*)[7], and issues that are complex, difficult to solve, and consistently the subject of debate and disagreement (*Going with the grain: Changing land uses to fit a changing landscape*)[8]. Since 2017, the office has delivered between three and five such reports per year.
2. Responses to public policy. This includes servicing select committees, submitting on policy proposals and legislative change and writing to Ministers. In recent years the office has significantly increased its output in this last area (from under ten in 2020/21 to just under 40 last year and maybe more this year) in response to the volume of legislative and policy change.
3. Responses to public concerns and queries. Most of this is fairly standard, but some can become full investigations. There are usually between 50–70 of these per year but the complexity has been growing recently.

[6] https://pce.parliament.nz/publications/space-invaders-managing-weeds-that-threaten-native-ecosystems/
[7] https://pce.parliament.nz/publications/regulating-the-environmental-fate-of-chemicals/
[8] https://pce.parliament.nz/publications/going-with-the-grain-changing-land-uses-to-fit-a-changing-landscape/

The work of the office aims to be as transparent as possible, consistent with its role in serving Parliament and, ultimately, the public.[9] Additionally, any information held by the office is subject to the Official Information Act 1982. To that end, work products and any contributing reports that are contracted, are published on the PCE website as soon as practicable.

At the time of my appointment as Commissioner, I identified the need for in-house access to expertise in te ao Māori. In 2018, a role was created and the office has appointed a Kaiwhakahaere Mātauranga Māori senior advisor that ensures that Treaty obligations are factored into any investigation that the office undertakes as appropriate. Prior to 2018, ad hoc advice was provided to the office largely through contract agreements.

The advisor also:

- assists investigation teams' contracting for Māori expertise and in developing methodologies as needed
- builds capability with all PCE staff to improve cultural literacy, including wānanga and understanding tikanga on marae; te reo and waiata classes; presentation and workshops on Te Tiriti o Waitangi and the history of Aotearoa.

This role requires a person who has a good understanding of matauranga Māori, tikanga and te ao Māori. The job description states that the purpose of the Senior Adviser/Kaiwhakahaere role is to assist the Commissioner achieve their aim by:

- providing expert advice on how to engage with tangata whenua over environmental issues
- leading the office's engagement with tangata whenua
- providing expert analytical advice in respect of the work programme
- providing advice to the Commissioner of the implications of Māori perspectives for our work at a strategic level, promoting a focus on outcome and purpose, and generally enhancing the effectiveness of the Office.

Examples of the work of the office

Managing our estuaries (2020)[10]

This report identified the cumulative impacts of environmental pressures on estuaries and concluded that the way that the country is currently managing them is disjointed. While the ecosystems from mountains to sea are connected, the responsibility, rules and agencies that are involved in their management make protecting the health of estuaries extremely difficult. The Commissioner made two modest recommendations: for estuaries to be included in the National Policy Statement for Freshwater Management as a part of a Freshwater Management Unit and to include marine species as a mahinga kai value for protection.

When developing the estuaries investigation, the office contracted mana whenua from each case study area to provide input into the report. This was undertaken using Kaupapa Māori Theory where guiding principles were developed as a ropu. During the investigation, the Commissioner or the team had a hui with each ropu to discuss kanohi ki te kanohi.

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[9] Noting that some material may be temporarily, or permanently, subject to an obligation of secrecy pursuant to s 20 of the Environment Act. This protection is applied as sparingly as possible.

[10] https://pce.parliament.nz/publications/managing-our-estuaries/

The contributions from each ropu were included in each case study and used to help develop the report's recommendations.

Wellbeing budgets and the environment: a promised land? (2021)[11]

The Commissioner reviewed what we know and do not know about the link between the environment and wellbeing, and how this has been incorporated into decisions about government spending. The report found there is broad agreement in western and te ao Māori thinking that the environment is linked both to our economic and non-economic wellbeing, now and in the future. But there are also fundamental differences in world views. Central to a Māori perspective of wellbeing are whakapapa and mauri, where all things living and non-living are connected in reciprocal relationships through time.

As part of this investigation, the office commissioned two think pieces from Maori academics: Dr Jason Paul Mika, *Māori perspectives on the environment and wellbeing,*[12] and Dr John Reid, *Adopting Māori wellbeing ethics to improve Treasury budgeting processes*.[13] Dr Reid's piece became a chapter of the final report.

Going with the grain: Changing land uses to fit a changing landscape (2024)[14]

In many parts of the country, the impacts of land use have degraded the environment beyond environmental limits. This investigation explored how to make the hard decisions around land use change that are necessary to restore these environments, while continuing to sustain these communities economically, culturally and socially. The conclusion was that different places face very different challenges, and that local communities are generally best placed to make the tough decisions required. This local approach is very much in line with a te ao Māori view of the world.

As part of this investigation, the Commission spent over a year working on in-depth case studies in two catchments: the Wairoa catchment in Te Tai Tokerau Northland and the Mataura catchment in Murihiku Southland. The office, and the consultants engaged to assist, worked in depth with farmers, hapu and local communities in these areas. Together they explored how current and alternative approaches to environmental regulation could affect land use. The approach acknowledged a dual role for Māori: both as landowners who will have to grapple with land use change and as mana whenua as treaty partners. These case studies were published as a separate document and provided an in-depth elaboration of the issues to inform the main document.[15]

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[11] https://pce.parliament.nz/publications/wellbeing-budgets-and-the-environment/
[12] https://pce.parliament.nz/media/llxjl5ay/mika-maori-perspectives-on-the-environment-and-wellbeing.pdf
[13] https://pce.parliament.nz/media/2h3h1a3t/reid-adopting-ma-ori-wellbeing-ethics-to-improve-treasury-budgeting-processes-pdf-12mb.pdf
[14] https://pce.parliament.nz/publications/going-with-the-grain-changing-land-uses-to-fit-a-changing-landscape/
[15] https://pce.parliament.nz/publications/exploring-land-use-change-under-different-policy-settings-in-two-case-study-catchments/

How ministers and officials developed the first emissions reduction plan – and how to do it better next time (2023)[16]

The first whole-of-government emissions reduction plan (ERP) was reviewed by the office to provide recommendations on improving the process by which it was created. The plan went through its first iteration with a bold goal of attempting to cut across different sectors in developing joined-up policies to reduce New Zealand's carbon emissions.

The recommendations focused on developing more robust frameworks, developing alternative pathways, having independent advice, resourcing and modelling. One key recommendation was that 'a dedicated group should lead consultation with iwi and Maori and feed more directly into analysis and decision-making.' (p.54). This recommendation was made as it was found that consultation was inadequate and, even with the consultation that was undertaken, it was not clear how information from Māori was used in the development of the plan.

In-house expertise was directed to support this investigation. Engagement was undertaken with groups and individuals that were involved in the development of the plan, including Maori liaison staff and the Climate Change Commission, Te Arawhiti, Te Puni Kōkiri, and Maori experts in climate change and governmental policy.

Alt-F Reset: Examining the drivers of forestry in New Zealand[17]

Understanding that the future shape of New Zealand's forests will reflect today's policies, just as past policies created the forests we see today, the Commissioner set out to examine the current drivers of afforestation and what alternative types of afforestation might offer.

During the course of this two+ year investigation, the office spent considerable time talking to various stakeholders involved in forestry and related land management activities, from those with boots on the ground through to those working in policy and research.

From the outset it was clear that Māori, being major landowners with many interests in forestry operations as well as being central to many communities impacted by forestry, were involved at all levels. As such, I sought the participation of various individuals and groups, to ensure we established a good understanding of the drivers of afforestation from a te ao Māori perspective.

This included engaging with:

- Ngā Pou a Tāne: Te Kapunga Dewes and Ramona Radford
- Manaaki Whenua (now part of BSI): Shaun Awatere and Nikki Harcourt
- Minginui Nursery staff: Mere George, Ngati Whare Group
- Kevin and Peter Prime at Prime Holdings farm in Motatau, Northland
- Kaipara Moana Restoration programme staff
- Taoho Patuawa Te Raroa, Waipoua
- Heitia Hiha from Te Awahohonu Forest Trust
- Manu Caddie (and others) from Mana Taiao and wider Tairāwhiti rohe.

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[16] https://pce.parliament.nz/publications/how-ministers-and-officials-developed-the-first-emissions-reduction-plan/

[17] https://pce.parliament.nz/publications/alt-f-reset-examining-the-drivers-of-forestry-in-new-zealand/

We also communicated with people working on projects such as the iwi-led Te Raukūmara Pae Maunga project, a partnership between Te Whānau-ā-Apanui, Ngāti Porou and DOC projects such a the Raukūmara.

One contracted report, produced by Scion, which was undertaken as part of the investigation, reviewed what is known of Māori perspectives on indigenous forestry and noted that:

“Māori perspectives on native forests must be interwoven into all discussions. The importance of Te Tiriti and Wai 262 are critical to consider and may have implications such as how indigenous forest seed and/ or plants are sourced and where they are planted. Māori, as kaitiaki may have a primary role in how this should effectively happen and in how benefits are shared. Māori values, such as whakapapa connection to indigenous ngahere can make replanting with native species an attractive option. Cashflow and available investment capital, make replanting difficult. Systems that support Māori landowners, iwi and hapū in making informed decisions about land use and forest management are required for success.”

This input greatly helped inform the Commissioner’s thinking, influencing the recommendations in the report, including one that specifically recommended that Māori are engaged from the outset in any reframing of forestry policies.

Conclusion

I thank you for your interest in my office. I have to confess that, due to the episodic nature of the work and the need to cover the entire environment with limited resources, it is difficult to build and maintain deep relationships in any realm, let alone in te ao Māori. Nonetheless, I feel that this is something that both my team and I have steadily managed to improve as time has passed. I’m very grateful to those who have taken the time to help shape our thinking on the many issues that the office has looked at during my tenure. I am always happy to talk to anyone who wants to take a deep interest in our work.

Kind regards

Rt Hon Simon Upton
Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata