

Submission on Climate Change (Zero Carbon) Amendment Bill 2019\

Churches' Climate Justice Network

Contact:

Dr. Betsan Martin

Convenor, Churches Climate Justice Network

Aotearoa New Zealand

betsan@response.org.nz ph +6421388 337

and

Dr Richard Milne

Churches Climate Justice Network

Aotearoa New Zealand

richardmilne12@gmail.com

Ph +6421 0236-1114

July 15, 2019

Introduction

The national ecumenical Churches' Climate Justice Network collaborates on climate change policy, education, and initiatives for climate justice. We consider the social, economic, cultural and environmental dimensions of climate change to be inter-related, and that transitioning to a zero-carbon economy requires policies of inclusion and fairness. *Te Tiriti o Waitangi* is central to climate justice. We consider that the interwoven fabric of life is to be safeguarded and requires custodial responsibilities to be shared by government and by all members of society.

The multidimensional aspects of climate change mean that there are needs for transformational systemic and legal initiatives, as well as professional, scientific, community, and local responses; our network is engaged in multiple activities at these various levels. The Churches' Climate Justice Network collaborates with NGOs, researchers, academics and other professionals and community groups involved with climate change.

The Churches' Climate Justice Network welcomes and endorses the Climate Change (Zero Carbon) Amendment Bill ('the Bill') with an architecture for achieving reductions of greenhouse gases (GHGs) in Aotearoa New Zealand. The core provisions of a 1.5°C limit to global warming above pre-industrial levels, establishing a Climate Change Commission with a Treaty of Waitangi reference, setting greenhouse gas emissions budgets, and a goal of net zero greenhouse gas emissions by 2050 are very important to planning for emissions reductions and for policy development.

We commend the cross-party approach to the preparation of this Bill, and the support of most opposition parties for the first reading of the Bill.

We make recommendations to strengthen the Bill and hope for the same cross-party support to achieve durability.

The following are matters for the Select Committee.

A. The Purpose

Climate change and pathways to a low emissions economy is relevant to all sectors. An expanded Purpose statement is proposed to provide reference to the matters associated with climate change and guide interpretation of the Act.

Recommendation

1. That a Purpose statement be added to the Bill. The following is a suggested draft text to be inserted as Part 1. Section 3 (ab) of the Bill.

Insert in Part 1, Section 3

(ab) The purpose of the Climate Change (Zero Carbon) Amendment 2019 Act is to enable Aotearoa New Zealand to contribute to limiting global warming to 1.5°C in accordance with the IPCC 1.5°C report (2018).

Pathways to net zero carbon will take account of short lived and long lived greenhouse gases, in particular cumulative CO₂ emissions, to achieve net zero carbon emissions by 2050, and include social policy for a just and inclusive society.

Mindful of our obligations under the Paris Agreement 2015, the Sustainable Development Goals 2017, the Convention on Biodiversity and all associated international agreements, the following are principles to guide interpretation and implementation of the Act:

- a. The Treaty of Waitangi, Te Tiriti o Waitangi is a guiding framework for the Climate Change (Zero Carbon) Amendment Act 2019, for the Climate Change Commission, and for policy;
- b. Responsibility for achieving transitions to a zero carbon economy is shared by all sectors and is to be supported by commitment to a fair, inclusive, transparent, economy-wide process and to ‘just transition’; (CTU)¹
- c. Capability for change and engagement requires provision for public education. Mātauranga Māori is included in resourcing capability, education and engagement in transition to a net zero carbon emissions economy;
- d. Aotearoa New Zealand’s contribution to reducing emissions will take account of our relative wealth and historic emissions, and our responsibility to the global community;
- e. Intergenerational equity to ensure support for life, advancement and potential for future generations.
- f. Aotearoa New Zealand’s context as a Pacific nation with historic ties and ongoing responsibilities to Pacific nations, and to Pacific peoples in Aotearoa New Zealand;
- g. Safeguard, enhance and protect Aotearoa New Zealand’s biodiversity, ecosystems, natural character, landscapes, oceans, waterways, and indigenous flora and fauna.

¹ *Just Transition* is a framework for planning and policy with social guarantees to support change in employment, retraining and income support. The NZ Council of Trade Unions is a reference for just transitions. Richard Wagstaff and Sam Huggard (2017) ‘Just Transition’. New Zealand Council of Trade Unions. www.union.org.nz/wp-content/uploads/2017/10/JustTransition.pdf

B. The Commission

(Part A.S.5A)

We support the proposal for an independent Climate Commission (section 5A) and we value provisions for The Treaty of Waitangi (*Te Tiriti o Waitangi*) in the Bill. (Section 3A amended 5G and 5H). The Bill provides for nominations to be sought from iwi and Māori representative organisations to enable one Māori member out of a seven member Commission. (Part 1. Section 3A). This may not result in Māori membership of the Commission as the provision is to seek rather than ensure, and it remains subject to the nominating committee.

Recommendation

2. That at least 2 members of the Commission are Māori or Iwi nominations.
3. That there be nine members of the Commission.

C. Citizen interests, education and responsibilities

(Insert into either into 5J Commission's functions, or Part 1C Adaptation)

The Bill is silent on citizen responsibilities for climate change, and on education. A well informed citizenry is important to achieving public engagement, support and civic responsibility for adaptation and for a low emissions economy. The change involves all members of society and needs to be supported with access to information and education; we already see strong interest in climate change law and policy by citizens across all sectors and interest groups.

The IPCC 1.4 report refers to the importance of education:

Education, information, and community approaches, including those that are informed by indigenous knowledge and local knowledge, can accelerate the wide-scale behaviour changes consistent with adapting to and limiting global warming to 1.5°C. (IPCC 1.5°C report D.5.6).

We propose a system of public fora with the Commission to support effective dialogue with the public and stakeholders in climate change mitigation and adaptation.

The Bill should include provision for education, as with the Parliamentary Commissioner for the Environment, and other Commissions. The education functions of the Commission, or any other mandated body, must include provision of mātauranga Māori, indigenous and local knowledge relevant to the context of Aotearoa New Zealand.

Recommendation

4. Provision for fora for public engagement with the Commission be provided in the Bill, to promote effective public participation in climate change mitigation and adaptation.
5. That the functions of the Commission include undertaking and encouraging the collection and public dissemination of information relating to climate change, including climate change education. That mātauranga Māori be included in education and in engagement procedures.

D. Limiting global warming to 1.5°C

(Part 1B)

We support the global goal to limit warming to 1.5°C (Part 1B.50) and the signal of solidarity with Pacific Island Nations. Pacific nations have advocated for warming of no more than 1.5°C to strengthen the chance of protecting their national security.

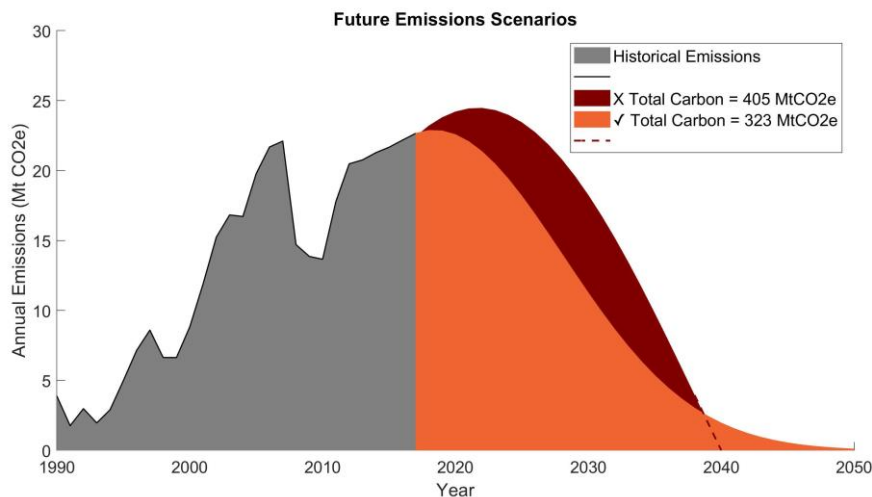
Re setting emissions budgets (Part 1 B Subpart 1 and 2):

According to the New Zealand Greenhouse Gas Inventory, by 2017 New Zealand gross emissions rose by 23.1% above 1990 levels, and net emissions rose by 65% (due partly to an increase in volume of harvested forests). This translates into an additional 82 Mt CO_{2e} for gross emissions and 68 Mt CO_{2e} for net emissions between 1990-2017. New Zealand's budget for 1990-2017 was 509.8 Mt CO_{2e} our gross emissions were 644.8 Mt CO_{2e}.²

Setting a path to limit warming to 1.5°C requires a much more rigorous regime of emission reductions than is set out in the Bill. In particular, it requires immediate reductions in CO₂ because of its cumulative impact on global warming.

For New Zealand emissions of CO_{2e} to be compatible with limiting global warming to 1.5°C , a reduction to -14 Mt CO_{2e} by 2050.is required (Climate Action Tracker). This demonstrates the steep drop in reductions required.

The Young-Drew analysis of cumulative emissions shows the different volumes of CO_{2e} emissions in 2 scenarios.³ An early reduction pathway is compared with a rise in emissions, as projected, then a drop to net zero carbon. The infographic shows the difference in the cumulative emission volumes of CO_{2e} in the two scenarios. Starting a low emissions pathway now with reductions of 45/50% by 2030 will result in 323 Mt CO_{2e} by 2050.



(Infographic supplied by James Young-Drew)

In contrast, allowing CO₂ emissions to rise for next ten years and then fall will result in emissions of more than 405Mt CO_{2e} by 2050. The 323 CO_{2e} figure is within the budget for

² New Zealand Greenhouse Gas Inventory.

<https://www.mfe.govt.nz/sites/default/files/media/Climate%20Change/snapshot-nzs-greenhouse-gas-inventory-1990-2017.pdf>

³ Drew-Young (2019) 'Zero Carbon Bill: Why the next decade is crucial for a safe climate.' <https://www.stuff.co.nz/environment/114005845/zero-carbon-Bill-why-the-next-decade-is-crucial-for-a-safe-climate>

1.5°C . The estimated global carbon budget with 66% chance of limiting warming to 1.5°C is 420 Gt CO₂ (or on a different measure 570 Gt CO₂) (IPCC 1.5 B), These budgets could be reduced by 100 Gt from permafrost thawing and methane emissions from wetlands. Non CO₂ mitigation could further reduce the budget by 250 Gt CO₂.

New Zealand is assessed as having a 0.065% share of the total global budget of remaining CO_{2e} of 420 Gt CO_{2e}. This equates to approximately 270 Mt CO₂ which will be used up within 7-10 year at current rates of emissions.

The IPCC 1.5 report (section c) states that in order to keep to 1.5°C , emissions of CO₂ must decline by 45% from 2010 levels by 2030 and methane must decline by 30% by 2030 and by a further 20% by 2060.

This contrasts with the Bill which does not give a 2030 target for CO₂ and gives a 10% reduction in methane by 2030.

New Zealand faces the challenge of biogenic methane comprising 47% of our emissions profile, resulting from the strong orientation of the economy to dairy production. We commend analysis of options for land use that are beneficial to farmers and the agricultural sector and responsible for lower carbon emissions.

CO₂

Long lived gases CO₂ and nitrous oxide are pre-eminent for mitigation because of their cumulative effect. This is not mentioned in the Bill, nor is it taken account of in the 2050 net zero target which does not mention an interim 2030 target.

Reducing emissions sooner means less cumulative effect, whereas delayed reduction of CO₂ exposes the atmosphere to intensified or compounded warming due to cumulative effects.

Cumulative effects need to take account of the significant interactions between the atmosphere and oceans in the earth's ecosystem. Normally the oceans sequester 25-30% of CO₂ emitted by humans. Acidification from increased absorption of CO₂ from fossil fuels, cement manufacture and land use changes have harmful effects on corals and shell-forming fish; and alters the system of transfer between deep and surface waters. Warm water is more resistant to absorbing CO₂ and reduction in the rate of CO₂ absorption has been observed⁴. As a smaller part of the excess CO₂ goes into the oceans, a larger part stays in the atmosphere. Therefore the cumulative effect of CO₂ increases as absorption of CO₂ by the oceans declines. The oceanic effect on CO₂ in the atmosphere has to be accounted for .

Methane (Part 1B 50(b))

The Bill proposes that methane be reduced by 10% by 2030. This does not correspond with the 1.5°C limit to warming.

We appreciate that methane is tied to ruminant farming, largely dairy farming, and, given investments in dairy infrastructure and situations of debt, attention needs to be given to support farmers and plan for just transitions in the agricultural sector.

The key point is that reducing biogenic methane should be done *in addition* to reducing CO₂, not as a substitute for CO₂. Methane would contribute to global warming for the next 6 decades

⁴ Khatiwala, S., Primeau, F. and Hall, T. (2009) *Nature*. 462. P. 346-349.
(<https://www.nature.com/articles/nature08526>)

if it is not reduced and this would outweigh cumulative CO₂ emission reductions.⁵ Thus the New Zealand strategy has to focus on immediate reduction of all gases.

Global Responsibility

New Zealand's footprint of 18 tonnes of greenhouse gases emitted per person per year places us 5th highest out of 31 OECD countries.⁶

Developing countries and more vulnerable sectors of society need to be able to achieve standards of living in accordance with sustainable development goals. As a developed country, New Zealand has contributed disproportionately to anthropogenic carbon emissions and should take a greater share of the burden by committing to more ambitious targets to reduce emissions. This gives more scope to poor countries for responsible development and for adapting to climate change impacts.

The Bill is missing reference to principles of global responsibility. New Zealand has a responsibility as a high emitter with sufficient wealth to make a strong contribution to reducing emissions. Principles of global and national responsibility include:

- Intergenerational equity and guardianship to ensure life supporting systems for future generations
- Stabilizing the climate in the interests of the integrity of planetary ecosystems
- Polluter pays
- *Te Tiriti o Waitangi* and guarantees for shared authority between the Crown and *Iwi/hapū*
- Policies to build capacity for resilience and support participation in society – such as through energy sufficiency, income support for those without access to insurance.

Recommendations

6. That further analysis of cumulative emissions be undertaken so that a budget for reducing CO₂ emissions will achieve a decline by 45% from 2010 levels by 2030.
7. That in accordance with a target limit of 1.5° increase in global mean surface temperature, methane emissions be required to drop by approximately 30% by 2030, and by a further 20% by 2060.
8. A gross emissions reductions target be set by the Commission. This is to ensure that the planting of trees does not become a substitute for reducing CO₂ emissions. One proposal is for a limit of no more than 30% of the net zero target be met through carbon removals or sinks.⁷

E. Limited Use of Offshore Mitigation

(Part 1 Section 4; Subpart 3, 5X(d), (e); 5ZI(1)(c), (4)(b).

We support the intention to limit the use of offshore credits to meet obligations to reduce emissions. The Explanatory Note to the Bill states that:

⁵ Andy Reisinger, Sinead Leahy (2019) Scientific Aspects of New Zealand's 2050 emission targets'. NZ Agricultural Gas Research Centre.

⁶ <https://www.stuff.co.nz/environment/climate-news/109053475/new-zealands-oversized-climate-change-contribution>

⁷ Coal Action Network.

The Bill allows the Government to purchase reductions sourced from overseas to meet emissions budgets, but only as a last resort and not as a first choice.

In contrast, in the text of the Bill the Commission must advise on:

the appropriate limit on the amount of offshore mitigation that may be used to meet the emissions budget, including the reasons for the proposed limit and how the limit meets the requirement of section 5W(1).

The above Explanatory Note does not reflect the intent of ‘last resort’ use of offshore credits in the Regulatory Impact Statement. Similarly, there are limits to using trees as offsets, and accordingly we recommend that a gross emissions budget be set to ensure transparency in using offsets. (See 6 above)

Recommendations

9. That the Bill require that a quantitative limit on the use of overseas credits to be determined on advice from the Climate Change Commission, and that this limit be in accordance with ‘last resort’ use of carbon credits.

F. Just and Inclusive Society

(Section 3A (ad), (ac); 5Z(vii), (viii); 5ZF, 5ZQ(4)(a))

We refer to the disproportionate vulnerability of poorer people to the adverse impacts of climate change and the equity considerations in the Paris Agreement:

[A]cknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.

These equity considerations need to be strengthened in the New Zealand Bill. The Explanatory notes of the Bill begin with an overarching purpose which includes ‘a just and inclusive society.’⁸ This provision, which is also used extensively in the Regulatory Impact Statement, is not used in the Bill. Instead there are requirements to consult affected communities:

The Minister must:

5ZF (b) ensure that the consultation has been adequate, including with sector representatives, affected communities, and iwi and Māori,

and further on, take into account:

5ZQ4) (a) the economic, social, health, environmental, ecological, and cultural effects of climate change, including effects on iwi and Māori:

(b) the distribution of the effects of climate change across society, taking particular account of vulnerable groups or sectors(

⁸ Climate Change Response (Zero Carbon) Amendment Bill 2019 Explanatory note. P. 1

This does not require any remedy to be provided nor offer a framework for ensuring that both vulnerable and better resourced people have access to the benefits of climate change policies and it does not ensure responsibility for equity outcomes of those policies.

Furthermore, the provisions to consult and take account of effects on iwi and Māori are not in accordance with Te Tiriti o Waitangi. Rather, Te Tiriti procedures involve shared decision-making and co-design of policy and provisions for engagement.⁹

Just Transitions

We commend the initiative of a Just Transitions Unit in MBIE, and refer to the work of the CTU on Just Transitions. Key points for Just Transitions are for a co-ordinated, systemic approach to changing employment for working people and communities

NZ needs employment and income support policies for changes in work and for retraining, with particular forecasting of training for renewable energy industries.

Recommendations

10. That pursuit of ‘a just and inclusive society’ be reinstated as a guiding principle of the Bill.
11. That mandated Māori representatives advise the Minister and the Commission on climate change policy on the basis of shared authority and co-design of policy.
12. That the reporting requirements of the Minister and the Commission include reporting on the impacts of climate change policies on poverty, inequality, on the profile of work and impacts on employment.
13. That the Climate Change (Zero Carbon) Amendment Bill include provision for just transition policy to be developed. This could be achieved by mandating that the MBIE Just Transitions Unit work with CTU, Industry and with MSD or other relevant ministries to prepare a just transition policy.

F.1. Adaptation

(Part 1C)

Adaptation is important because impacts of climate change are already locked in. With risks of melting of the Greenland Ice Sheet and Antarctica Marine Ice sheet being triggered at 1.5°C, there are major uncertainties about sea level rise predictions.

The framework for adaptation in the Bill rests on Risk Assessment and National Adaptation plans. The main point is the need for Local Government and Regional Government roles in contributing to risk assessments and implementing adaptation plans. Local government has a major role in giving effect to climate change adaptation and the Bill will have major implications for local and regional government.

F.2. Adaptation and Local Government

(Part 1C 5ZQ, 5ZV)

⁹ Advice from New Zealand Māori Council. July 2019

The RMA clauses 70A and 104E, and the Resource Management (Energy and Climate Change) Amendment Act 2004 require local authorities to plan for the effect of climate change and not to consider the effects on climate change of discharges of greenhouse gases. These contradictory clauses should be removed and replaced with clear direction for decision-making, including for consents, to be aligned with reducing emissions in accordance with budgets for the 1.5°C target. The amendments to legislation governing local government and resource management must be made consistent with the Climate Change (Zero carbon) Amendment Act.

One way to achieve this would be to amend the RMA, to move the climate provision from S. 7i to Section 6, Matters of National Importance. Thus all persons exercising power under the RMA have regard to the effects on climate change would become a matter of National Importance. With climate change as a matter of National Importance, the Minister, or the Climate Commission could request preparation of a National Policy Statement on climate change.

Recommendations

14. That recognition of the responsibilities of local government for implementation of the Climate Change (Zero Carbon) Amendment Act 2019 be added to the Bill.
15. That current clauses in the RMA relating to climate change be repealed and the RMA be amended to include climate change policy aligned with the Climate Change (Zero Carbon) Amendment Act 2019.
16. That the RMA be amended in such a way to make climate change become a matter of national importance.

G. Risks and Opportunities

(Part 1C 5ZM, 5ZN, 5ZP)

Part 1C.5ZM Preparation of national climate change risk assessments.

Risk assessment is needed for adaptation. Far greater weighting is given to risk assessment than to opportunities and co-benefits of climate change mitigation policies.

We would like to see opportunities of climate adaptation and of reducing emissions given more weight.

Investment

A lecture by Michael Liebreich at VUW 20 June 2019 made a powerful economic case to accelerate investment in renewable energy services as a strategy to complement decarbonization.¹⁰

Along similar lines the 2012 MPI publication ‘Climate Change business opportunities for Māori land and Māori organizations’ focusses on the investment opportunities for Māori through land use, forestry, wood products and renewable energy.¹¹

¹⁰ Liebreich: Beyond Three Thirds, The Road to Deep Decarbonization.

<https://about.bnef.com/blog/liebreich-beyond-three-thirds-road-deep-decarbonization/>

¹¹ Landcare Research for Ministry for Primary Industries (2012) Climate Change business opportunities for Māori land and Māori organizations MPI Technical Paper No: 2012/43

The change anticipated by an economy reoriented to a 1.5°C target catalyses opportunities for a circular regenerative economy and requires internalizing of environmental costs of pollution and waste, biodiversity enhancement, accelerate waste reduction and reuse of materials.

Recommendation

17. That an assessment of opportunities for transition to a net zero emissions economy be prepared along with risk assessments.

H. All of Government

(5ZK, 5ZL)

A whole of government approach means that all State Sector agencies should be accountable for contributing to the achieving reductions in CO₂ emissions according to the budgets. All State Sector agencies should report on their emissions profile.

Recommendation

18. That this Act be binding on all government departments. 5ZK and 5ZL to be amended thus:

5ZK (1) Every person or body **shall** take the 2050 target or an emissions budget into account in the exercise or performance of a public function, power, or duty conferred on that person or body by or under law.

5ZL The responsible Minister may issue guidance for departments and local authorities on how to take the 2050 target or an emissions budget into account in the performance of their functions, powers, and duties (or classes of those functions, powers, and duties).

I. Further Matters – Biodiversity and Ecosystems

The IPCC 1.5 degrees report is comprehensive in including impact of global warming on social and ecological systems. Evaluation of the disproportionate impacts on disadvantaged and vulnerable populations shows more severity at 2.0°C than 1.5°C (IPCC 1.5, B5). Impacts on oceans and fisheries (B4), Arctic, Antarctic and Greenland ice-melts, biodiversity and species loss and extinctions (B3) give evidence of the interdependence of human, ecological and earth systems.

Climate change impacts and responses are closely linked to sustainable development which balances social wellbeing, economic prosperity, and environmental protection. The Sustainable Development Goals (SDGs) provide an established framework for assessing links between global warming of 1.5°C or 2.0°C and development goals that include poverty eradication, reducing inequalities, and climate action (IPCC 1.5 D.2.1.)

This underlines the inter-related issues of food, health and ecosystems, and importance of a comprehensive approach to setting emissions budgets and providing for and Just and Inclusive society with Just Transitions.

Recommendation

19. We urge the Commission to ensure that social equity and safeguards for ecosystems are at the forefront of adaptation and policy recommendations.

J. Summary of Recommendations

1. That a Purpose Statement be added to the Bill, incorporating the ideas and principles provided in this submission, Section A. Purpose.
2. That at least two members of the Climate Change Commission are Māori or Iwi nominations.
3. That the Bill provides for up to nine members of the Climate Change Commission.
4. Provision for fora for public engagement with the Commission be provided in the Bill, to promote effective public participation in climate change mitigation and adaptation.
5. That the functions of the Commission include undertaking and encouraging the collection and public dissemination of information relating to climate change, including climate change education. That mātauranga Māori be included in education and in engagement procedures.
6. That further analysis of cumulative emissions be undertaken so that a budget for reducing CO_{2e} emissions will achieve a decline by 45% from 2010 levels by 2030.
7. That in accordance with a target limit of 1.5° increase in global mean surface temperature, methane emissions be required to drop by approximately 30% by 2030, and by a further 20% by 2060.
8. That the Bill sets a gross emissions reductions target by 2030 and 2050 so that planting of trees does not become a substitute for reducing CO₂ emissions.
9. That the Bill require that a quantitative limit on the use of overseas credits to be determined on advice from the Climate Change Commission.
10. That the pursuit of ‘a just and inclusive society’ be stated explicitly as a guiding principle of the Bill.
11. That mandated Māori representatives advise the Minister and the Commission on climate change policy on the basis of shared authority and co-design of policy.
12. That the reporting requirements of the Minister and the Commission include reporting on the impacts of climate change policies on poverty, inequality, and employment.
13. That the Bill includes a provision for just transition policy to be developed.
14. That recognition of the responsibilities of local government for implementation of the Climate Change (Zero Carbon) Amendment Act 2019 be added to the Bill.
15. That current clauses in the RMA relating to climate change be repealed and the RMA be amended to include climate change policy aligned with the Climate Change (Zero Carbon) Amendment Act 2019.

16. That the RMA be amended in such a way to make climate change a matter of national importance.
17. That an assessment of opportunities of transition to a net zero emissions economy be prepared along with risk assessments.
18. That this Act be binding on all government departments and regional authorities.
19. That in tendering advice to the government the Commission have regard to principles of social justice and the integrity of ecosystems and the services they provide. .

Dr. Betsan Martin and Dr. Richard Milne would like the opportunity to appear before the Select Committee.

Thank you for the opportunity to submit on the Climate Change (Zero Carbon) Amendment Bill.

Rev'd. Dr. Betsan Martin, Dr. Richard Milne, Rev'd. Prince Devanandan, Mr. Gray Southon, Professor Jonathan Boston and others, on behalf the Churches Climate Justice Network.

The Network involves Anglican, Methodist, Salvation Army, Catholic (Caritas), Religious Society of Friends Aotearoa, Presbyterian and Baptist churches.