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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

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Christchurch City Council submission on the *Climate Change Response (Zero Carbon) Amendment Bill*

Introduction

1. Christchurch City Council (the Council) thanks the Environment Select Committee for the opportunity to provide comment on the *Climate Change Response (Zero Carbon) Amendment Bill*.
2. The Council submitted on specific proposals for a **Zero Carbon Bill** in July 2018 and it is pleasing to see that the majority of proposals that Council supported have been included into the draft Bill.
3. The Council wants to see urgent action on climate change, both nationally and locally, so on 23 May 2019 it declared a Climate and Ecological Emergency for Christchurch City. Since that date, all four major cities in New Zealand have followed Christchurch in declaring a climate emergency and the number of towns doing the same is growing. Therefore we strongly support the Government in progressing this Bill. In the meantime, the Council is now proceeding with drafting emissions targets for greenhouse gases for Christchurch City. The Council already plans to be net carbon neutral by 2030 for Council activities.

Submission

4. Part 1A - Climate Change Commission

The Council supports the establishment and role of the Climate Change Commission as set out in the Bill as an independent Crown Entity, and supports the Commission's advisory and monitoring role to assess Climate Change risk and monitor New Zealand's progress towards its goals. We support the method of appointing members of the Commission, as set out in the Bill.

5. 5B - Purposes of Commission

The Council suggests amending 5B (b) so that the Commission's monitoring and review of Government's progress is not against "its" goals (which could differ from plans currently in force) but "Government's ***progress against the emission budgets, emission reduction plans and national adaptation plans in force.***"

5J – Commission’s functions

This section is silent on the Commission’s involvement on advising the Minister on the preparation of the National Adaptation Plan. Its only proposed involvement in the Plan is through preparing reports on the Plan’s implementation (clause (h)). We believe that the Commission should have an integral role in advising the Minister on preparation of the National Adaptation Plan. Therefore we recommend the following additional clause to section 5J:

(j) to provide advice to the Minister on the preparation of the National Adaptation Plan.

6. Greenhouse gas research will be necessary to inform future budget setting and reviews of emission targets. This being the case, the Commission should be able to recommend future research and funding required, therefore we ask that the following clause be included to section 5J:

(k) to provide recommendations to the Minister on research required to inform emission budgets and target reviews.

7. 5L - Matters Commission must consider

The Council foresees the responsibility for dealing with the impacts of climate change falling on local government. Therefore this section should have an additional clause:

(g) the distribution of benefits, costs, burden and risks between Government, local government, business and individuals.

Another matter that the Council believes the Commission must consider is the impacts of climate change and how the measures required to respond to it could have a disproportionately detrimental effect on vulnerable groups, such as lower socio-economic groups, given their limited resources for change. This has been recognised in the list of matters to be considered in preparing a national climate change risk assessment and national adaptation plan (ss 5ZN (2)(b)) and 5ZQ (4)(b) – reference to vulnerable groups or sectors).

We submit that consideration of vulnerable groups is also an important aspect in the exercise of the Commission’s functions and duties generally, and for the development of emissions budgets and emission reduction plans, in order to promote a just transition to a low emissions economy. This can be summarised by referring to a requirement to consider the effect on different socio-economic groups.

We request the following amendments:

Section 5L (d): “social, cultural, environmental, and ecological circumstances, including differences between sectors and regions and ***socio-economic groups***; and”

Section 5Z (2)(b)(vii): “the distribution of those impacts across the regions and communities of New Zealand, ***across different socio-economic groups***, and from generation to generation:”

8. Emission Reduction

5O - Target for 2050

While Council endorses section 5O (1)(a) stating that net emissions of greenhouse gases in a calendar year, other than biogenic methane, are net zero by the calendar year beginning on 1 January 2050 and for each subsequent calendar year, our preferred option is to have the zero emission target date increasingly brought forward as research evidence and technological advancements support it.

While the Council recognises the Government's proposed 2030 and 2050 targets for gross emissions of biogenic methane, we believe having a target range of at least 24% to 47% less than 2017 emissions by 2050 does not instil the same urgency required as a single target, to drive reductions in methane from the agricultural sector. The Council submits that there should be one biogenic methane emission target and that should initially be set at 47%, with the view of increasing this target as and when new scientific research findings provide overwhelming evidence to change it.

While there is still a level of scientific uncertainty around what biogenic methane emission targets should be set at, the Council would like to raise the following matters for consideration:

- i. From an equity point of view, not setting tough targets for methane emissions by 2050 means that other sections of society have to pick up the costs for the agricultural sector.
- ii. If a greater reduction target was to be set for methane then it would require greater effort to reduce emissions from the beginning of the emissions reduction period. This would be prudent given New Zealand's ability to deal with all greenhouse gases in a timely manner is still unknown. An example is if average global temperatures rapidly increase faster than expected. In this scenario, it is likely that there would be a call to mitigate emissions faster than what is currently being asked for. It would therefore be more desirable and effective for New Zealand to be at the forefront in reducing emissions, rather than struggling to catch up, which will likely result in greater economic stress.
- iii. A greater reduction target will drive more research and innovation. For example, a greater reduction target will mean a larger market drive for biotech companies to commercialise new and more effective ways of reducing methane emissions from livestock. Greater research effort is critical as we cannot solely rely on the hope that one or two key research breakthroughs will bring about the rapid reduction in emissions being sought after. It will require a holistic suite of technological approaches.

Along with this approach, we encourage Government to promote, invest and encourage primary industries to diversify their land use and production activities, so they can meet emission targets while remaining economically viable.

Council also considers that the 2050 targets should be protected from the whims of political change, by providing that the 2050 targets can only be reduced by a supermajority of Parliament, e.g. 75%.

9. 5P - Target review

Given the uncertainty as to how New Zealand will be able to reduce and offset emissions, we consider it vital that the Commission is given flexibility to recommend, at any time, a change to the 2050 target. Therefore we consider the following additional clause be included in section 5P (1):

(C) at any time where it considers it is necessary to investigate whether there has been a significant change that would permit it to make a recommendation under section 5Q.

In section 5P(2) there is currently no explicit requirement for the Commission to report on what and how matters considered might have influenced emission budget and target recommendations. To ensure transparency, the Council recommends the following amendment to section 5P(2):

The Commission must advise the Minister in writing of the **matters considered and how they have influenced** outcomes of any review, including any recommendations made.....

10. 5R - Government response to target review recommendations

The Ministers reporting timeframe of 12 months back to the Commission in section 5R(1), seems to be a considerable length of time provided. We recognise that time may be required to build consensus for change, but priority should be placed on being able to quickly adapt and respond to any changes in climate change knowledge and goals to reflect the fact that any broad changes made to climate change policy should be dealt with urgently.

We suggest the following amendments to section 5R, denoted in italics:

(1) If the Minister receives a 2050 target review recommendation under section 5Q, the Minister must advise the Commission in writing of the Government's response to the recommendations *as soon as practicable and* within 12 months of receiving the recommendation.

(2) The Minister must present a copy of the Government's response to the target review recommendation to the House of Representatives as soon as practicable, *but within 12 weeks*, after it has been provided to the Commission.

Role of Commission in setting emissions budgets

11. 5Z - Matters relevant to advising on, and setting, emissions budgets

Emission budget setting will have implications for local government activities and responsibilities, therefore Council recommends the following matter should be included as an additional clause in 5Z (2)(b):

(xii) local government plans and legislative timeframes

Monitoring

12. 5ZI - Commission to report at end of emissions budget period

Given the Commission will be preparing the relevant emissions period budget report, it would seem logical that it also explains exceedances, to assist the Minister in reporting on this under section 5ZI (5), as stated in the Bill. We suggest the following new section in 5ZI (1):

(d) an assessment of the principal reasons that an emissions budget has not been met, if applicable.

Effect of 2050 target and emissions budgets

13. 5ZJ - Effect of failure to meet 2050 target and emissions budgets

The Council is disappointed that the emissions targets of the Amendment Bill do not provide sufficient accountability. Therefore Council would like to see the following matters included into 5ZJ to provide accountability:

(4) The Minister must provide an annual report to the House of Representatives on how the government's policies will contribute, and are contributing, to meeting the targets and plans under this Act.

Council requests that the Bill expressly provides protection against lawsuits, not only to the Crown but also to local government, e.g. local authorities cannot be sued for their perceived part in a failure to meet the 2050 target or an emissions budget at a general level, and that this extends to protection from lawsuits for failure to achieve requirements of a national adaptation plan generally (as opposed to claims by specific individuals for breach of duty under other statutes leading to foreseeable loss for those individuals).

14. 5ZK - 2050 target and emissions budget are permissive considerations

5ZK (1) - currently allows a person or body the option, "...if they think fit, take the 2050 target or an emissions budget into account in the exercise or performance of a public function...". The

Council recommends that this should be strengthened such that emissions targets and emission reduction budgets must be taken into account otherwise they will not be taken seriously. We propose the following amendment to 5ZK (1): ***A person or body may, if they think fit, must take the 2050.....***

15. 5ZL - Guidance for departments

The Council considers that departments must set an example to reduce emissions. Therefore the Council proposes that section 5ZL(1) be amended to provide: "The responsible Minister ~~may issue guidance for~~ ***must provide recommendations to*** departments on how to take the 2050 target or an emissions budget into account...".

16. Adaptation

The Council supports the general approach to a National Climate Change Risk Assessment and National Adaptation Plan as set out in the Bill.

17. 5ZN - Preparation of national climate change risk assessment

The Council considers that when the Commission develops national climate change risk assessments it would benefit from taking into account local risk assessments undertaken by or for local government agencies, including statutory timeframes around long term planning; accordingly, the Council recommends that the following clause should be added to 5ZN (2):

(h) local authority statutory timeframes, risk assessments and plans.

18. 5ZP – Minister must prepare first national climate change risk assessment

We are concerned that the Minister is tasked with preparing the first national climate change risk assessment and not the Commission, given that they are responsible for subsequent assessments. Having the Minister prepare the first plan does not provide an apolitical independent process, which could result in setting precedents that influence future assessments undertaken by the Commission. The Council submits that the first national climate change risk assessment should be made by the Commission, and that section 5ZP should be deleted from the Bill. Consequential changes are to delete section 5ZM(3) and add a new subsection to 5ZN that requires the Commission to prepare the first climate change risk assessment no later than 1 year after the commencement of this Part of the Act.

19. 5ZQ - National adaptation plan

The Council considers that when the Minister is developing a national adaptation plan there should be recognition of local government's role. Therefore we recommend an additional clause to 5ZQ (4):

(h) the ability (including financial ability), of local authorities to implement adaptation strategies, policies and proposals within statutory time frames.

20. 5ZV – Minister may request certain organisations to provide information on climate change adaptation

There are no dates in the Bill for when organisations may need to begin reporting. Before this can be done, the Minister must consider the capability of the reporting organisations. The Council suggests that the Bill should provide a start date for reporting that enables organisations plenty of time to plan and allocate resources e.g. a date that aligns with Council Long Term Plan reviews.

21. Part 2 Consequential amendments (clause 10)

The Council does not agree with the Climate Change Commission's activities under Parts 1A to 1C being covered by confidentiality. We recommend full transparency of the Commission's work

in the interests of an open democracy and that the Commission should be an “organisation” subject to the usual provisions of the Official Information Act 1982.

Conclusion

22. The Council looks forward to working with Government in achieving the targets set in the *Climate Change Response (Zero Carbon) Amendment Bill*. We thank you for the opportunity to provide this submission.

For any clarification on points within this submission please contact Clive Appleton, Team Leader Natural Environment at Clive.Appleton@ccc.govt.nz.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Lianne Dalziel', with a long horizontal line extending to the right.

Lianne Dalziel
Mayor of Christchurch