

Your submission to Zero Carbon Bill

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Submitter Type: University

Clause

1. What process should the Government use to set a new emissions reduction target in legislation?

Position

The Government sets a 2050 target in legislation now

Notes

This target should be established via the following step process. 1. Govt selects a warming limit goal of 1.5 (consistent with the most ambitious limit in the Paris Agreement); 2. Govt identifies (using best available science) a global carbon budget consistent with achieving this warming limit; 3. Govt determines a national fair share of the global carbon budget (in quantifiable terms), consistent with the principles of the Paris Agreement, including equity, common but differentiated responsibilities and respective capabilities; 4. 5 yearly budgets can then be used to identify the pathway to reach net zero emissions by a specified period. In relation to this TIMEFRAME - recent research suggests that 2050 may be too late to prevent warming in excess of 1.5 and too late also for preventing warming in excess for 2 degrees. NZ's NDC under the Paris Agreement should be consistent with the above. The forthcoming IPCC 1.5 degrees warming limit report will be crucial for achieving the above. Key references here are: Goodwin, P., Katavouta, A., Roussenov, V., Foster, G., Rohling, E. & Williams, R. (2018) 'Pathways to 1.5 °C and 2 °C warming based on observational and geological constraints', Nature Geoscience, 11, pp. 102-107. Brown, D., Breakey, H., Burdon, P., Mackey, B. and Taylor, P. (2018) "A Four Step Process for Formulating and Evaluating Legal Commitments Under the Paris Agreement", Carbon and Climate Law Review 2 pp. 1-12.

Clause

2. If the Government sets a 2050 target now, which is the best target for New Zealand?

Position

Net Zero Emissions - Net zero emissions across all greenhouse gases by 2050

Notes

I have selected this option because I am not convinced that the current science on the operation of the short lived gases (eg methane) is actually reflected in the way that the climate system operates. Also, applying a precautionary approach in the context of climate change is critical. For example, calculations of human reductions of GHG emissions will soon have to take into account the forcing influence of feedback loops (eg methane releases from oceans/tundra etc). Furthermore, it is important to include all possible GHGs from the outset as coming back later and adding GHG could be very difficult.

Clause

3. How should New Zealand meet its targets?

Position

Domestic emissions reductions only (including from new forest planting)

Notes

As the UK (and previous NZ) experience demonstrates - it is critical that reductions be achieved at source. International carbon units can provide an easy out. And there is no fail safe assurance of international carbon credits. If we fail to meet our budgets/target, then rather than buy our way out, we should be making payments into the climate finance fund. As regards new forest plantings: There should be strict limits on the amount of planting used to offset and there should be very strict criteria around what qualifies in terms of appropriate plantings (native/non-native/land use/duration of planting etc). We should be very cautious because plantings are not a long-term store of carbon emissions. ALSO - and this is very critical - the ability of trees/plants to function as temporary stores will depend on (a) uncertain climate changes and (b) soil organic material (SOM). As regards the second matter - NZ simply has NOT yet done the research necessary to understand the link with SOM. NET ZERO EMISSIONS: this needs to be very carefully defined. Netting out options can quickly undermine the objective of reducing emissions AT SOURCE!

Clause

4. Should the Zero Carbon Bill allow the 2050 target to be revised if circumstances change?

Position

No

Notes

Generally no, with the proviso that there are some obvious exceptions that need to be built in (with appropriate safeguards to ensure that the criteria/process surrounding the exceptions have been met): eg; changed science and international law and policy (which are likely to require countries to be much more ambitious regarding GHG reductions); and natural disaster etc.

Clause

5. The Government proposes that three emissions budgets of five years each (i.e. covering the next 15 years) be in place at any given time. Do you agree with this proposal?

Position

Yes

Notes

Yes, this is reportedly one of the factors that makes the UK Act (and others modelled upon it) successful (to date)! However, the 'certainty' and 'stability' that this system provides is quickly undermined IF the government policy process to deliver on these budgets does not align. For example, the UK CCCCommittee has issued serious warnings to the UK Govt in its most recent June report. Criticisms include delays/policy changes/inadequate policies etc. SO, the positives of the budget system can easily be eroded.

Clause

6. Should the Government be able to alter the last emissions budget (i.e. furthest into the future)?

Position

No - emissions budgets should not be able to be changed

Notes

See comments to question 4 above.

Clause

7. Should the Government have the ability to review and adjust the second emissions budget within a specific range under exceptional circumstances? See p36 Our Climate Your Say

Position

No

Notes

See comments to question 4 above.

Clause

8. Do you agree with the considerations we propose that the Government and the Climate Change Commission take into account when advising on and setting budgets? See p44 Our Climate Your Say

Position

No

Notes

In general terms yes, but I would add considerations along the lines of those raised by the Gen Zero Submission. In particular, I would add: - considerations of equity and justice, particularly with respect to our obligations towards developing nations and Pacific Island nations; - impacts of Maori and Pasifika communities; - integration with adaptation measures; - strong sustainable development criteria - BUT beyond the SDGs! This is important as some mitigation responses could significantly undermine the achievement of strong sustainable development by conflicting with restoration of ecological integrity, and social and economic justice.

Clause

9. Should the Zero Carbon Bill require Governments to set out plans within a certain timeframe to achieve the emissions budgets?

Position

Yes

Notes

Yes, but more importantly Govts must demonstrate how their policies "ADD UP" to achievement of the relevant carbon budgets and take a whole of economy/society approach.

Clause

10. What are the most important issues for the Government to consider in setting plans to meet budgets? For example, who do we need to work with, what else needs to be considered?

Notes

In addition to the matters already outlined above, I would add this: Government needs to be integrating its policies across existing legislation and policy/regulatory processes available. Eg; as regards emission reductions from the transport sector, Government needs to demonstrate how this will be implemented via specific (and quantifiable) actions under the LTMA and its policy instruments. Critically, Government must work with local government in NZ as actual emission reductions will have to be achieved at both regional and local levels, and thus require consistent regional/local level reduction targets. See comments in the final box below. One of the KEY critiques of the UK Act is that it has centralised the issue of mitigation and it has NOT integrated mitigation across other levels of governance. As a result, there is a disconnect between, for example, the budget/policy process and some key infrastructure decisions.

Clause

11. The Government has proposed that the Climate Change Commission advises on and monitors New Zealand's progress towards its goals. Do you agree with these functions? See p42 Our Climate Your Say

Position

Yes

Notes

Yes, in general terms I agree. The Commission can give expert advice to the Government regarding both the budgets and the policy

requirements etc. It can also monitor progress on both, via reporting to Parliament and a requirement that Govt respond to Parliament. However, as regards expertise (see box 13 below) and enforceability see comments in the final box below. Both elements are relevant to the role of the Commission.

Clause

12. What role do you think the Climate Change Commission should have in relation to the New Zealand Emissions Trading Scheme (NZ ETS)?

Position

Advising the Government on policy settings in the NZ ETS

Notes

I can not adequately answer this as the structure of the submission presumes that the ETS will remain, and I am not sure that this is the correct presumption to make! However, if it remains or is replaced with a carbon tax (or other mechanism) then there should be some integration with the Commission's role.

Clause

13. The Government has proposed that Climate Change Commissioners need to have a range of essential and desirable expertise. Do you agree with the proposed expertise? See p45 Our Climate Your Say

Position

Yes

Notes

But would add expertise in respect of - local government (both regional and local - see comments above); - ethical considerations inherent in all policy advice; - Pasifika communities and YOUTH; - public education/communication;

Clause

14. Do you think the Zero Carbon Bill should cover adapting to climate change?

Position

Yes

Notes

Yes, to some degree BUT it is critical that the role should not be subordinate to the mitigation role. This is a problem in the UK. Also, while there could be an important central strategy policy advice role, this has to adequately co-ordinate with other policy/regulatory approaches to adaptation planning in NZ, in particular (but not limited to) via local government and the RMA. A critical reason to include adaptation is to ensure that there is NO conflict between mitigation and adaptation policy advice. This does NOT yet occur in the case of the UK Act, and must be carefully considered so as not to repeat the limitations of that model.

Clause

15. The Government has proposed a number of new functions to help us adapt to climate change. Do you agree with the proposed functions? See p47 Our Climate Your Say

Position

Yes

Notes

Yes, in principle. However - the key is how these instruments support local government and communities and how they integrate with other aspects of policy development and decision-making on critical issues. I note a criticism of the UK Committee's work on adaptation - plenty of planning but NO ACTION.

Clause

16. Should we explore setting up a targeted adaptation reporting power that could see some organisations share information on their exposure to climate change risks?

Position

Yes

Notes

Yes, but with careful consideration of the end use of this information and costs/processes for compliance.

Clause

Do you have any other comments you'd like to make?

Notes

ENFORCEMENT: the UK model does not give the Committee an enforcement role because this was believed to politicise it. This should be reconsidered in NZ's case. Climate Change is an urgent intergenerational issue and there needs to be the means to enforce duties and budgets under the new Act. My suggestions are as follows: - if judicial review is to remain a means to enforce, then the Act must make clear and careful provision for this - giving the courts and litigants clear guidance and protecting against abuse; and - an enforcer needs to be identified. If not the Committee then who? It is NOT appropriate to leave this to civil society without additional support. I note that in the UK, there is real concern about the implications of BREXIT and the loss of the EU Commission's enforcement role and the need for a new independent enforcement agency. What will the role of the Committee be? Can they support enforcement action through the provision of expert evidence?; - what additional changes need to be made to the NZ legal system to ensure enforceability? LOCAL GOVERNMENT: local government will be critical in achievement of mitigation. Government needs to consider reversing the 2004 amendments to the RMA, assisting with the development of emission targets at

regional/local levels, and working with local government to achieve NZ's target. This was a task that successive governments walked away from following the 2004 amendments. Finally, some additional issues for the design of the Zero Carbon Act are discussed in my forthcoming article "The UK Climate Change Act: an Act to follow?" which will be published in the Policy Quarterly in August. A final draft of this can be provided on request.