

## Ministry for the Environment

By email: [ZCB.Submissions@mfe.govt.nz](mailto:ZCB.Submissions@mfe.govt.nz)

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**Living Streets Aotearoa** thanks the Ministry for the Environment and the Coalition Government, particularly Minister Shaw, for the opportunity to submit on the Climate Change Response (Zero Carbon) Bill. A year on from our original detailed submission the situation is yet more urgent. We continue to support the Bill in general but wish to make some specific points on the recommended Bill. We support GenZero's submission in general and thank them for their leadership.

**Living Streets Aotearoa** is the New Zealand organisation for people on foot, promoting walking-friendly communities. We are a nationwide organisation with local branches and affiliates throughout New Zealand.

We want more people walking and enjoying public spaces be they young or old, fast or slow, whether walking, sitting, commuting, shopping, between appointments, or out on the streets for exercise, for leisure or for pleasure. We include people using wheelchairs, prams and pushchairs in our definition of walking.

The objectives of Living Streets Aotearoa are:

- to promote walking as a healthy, environmentally-friendly and universal means of transport and recreation
- to promote the social and economic benefits of pedestrian-friendly communities
- to work for improved access and conditions for walkers, pedestrians and runners including walking surfaces, traffic flows, speed and safety
- to advocate for greater representation of pedestrian concerns in national, regional and urban land use and transport planning.

## Organisation details

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Submitter type: NGO



## General Comments

Living Streets Aotearoa considers the Climate Change Response (Zero Carbon) Bill a most important piece of legislation which must take high priority in the Government's work in all areas. Human wellbeing and biodiversity will suffer from runaway climate change and the most vulnerable will suffer more than the privileged. Children in poverty, countries with fewer resources, plant and animal species with limited ranges are all in great danger. Increasing extremes of heat or rainfall will deter people from choosing to walk and those most vulnerable who have no alternative will hurt the most. Walking has huge benefits for mental and physical wellbeing, alertness, more cohesive communities, crime and congestion reduction. People walk to buses and trains, from car parks to shops and hospitality, to schools, work, parks and friends, on essential errands or just to walk the dog. People on foot are part of the solution to climate change but we are often overlooked.

There are many departments and crown entities whose work should be aligned with a Zero Carbon target, especially the Ministry of Transport, Ministry of Business Innovation and Employment, and Ministry of Primary Industry. Government agencies such as the Environmental Protection Agency and the NZ Transport Agency will need stronger direction and accountability for emissions and adaptation. We also seek a stronger role for local government in mitigation as well as adaptation.

Often the cost of mitigation and adaptation are seen as insuperable barriers but the cost of inaction will be higher, financially and in terms of human and natural capital. Funding to communicate the real threats and opportunities of climate action must be made available, with scientifically validated examples across sectors. The Climate Change Commission may make some general communications but other agencies will often be more appropriate. Culture change for departments and crown entities to "own the targets" will be challenging. Similarly, funding for innovation in different sectors should primarily come from existing funding being more targeted to mitigation and adaptation such as the Provincial Growth Fund, the Waste Levy, and Council grants including the Wellington Smart Energy Challenge which helped create an electric car-share company and an electric bike hire scheme,

Climate change action can have the same "think-big" challenges other sectors face. Flashy big new projects glean attention, money and media while worthwhile projects at a smaller scale fail to be funded. An example would be attention given to new roading projects (by various previous governments) vs the series of individually small but additive effects of reducing wait-times at traffic lights for pedestrians, reducing public transport fares and ensuring every school has an effective active travel plan including more walking to school. We absolutely welcome this Government's support for significant funding for Auckland's Skypath and Wellington's Great Harbour Way (Petone to Ngauranga shared path) as excellent examples of mitigation and adaptation that also support human wellbeing but lots of small pro-walking changes in many places seem far harder to measure or achieve while arguably making more difference.

Since our last submission, Living Streets Aotearoa members have worked on several campaigns and activities including leading the Footpaths for Feet Coalition, collating Walking to School Recommendations and contributing to Turning the Tide: from Cars to Active Transport.

Transport is important but mustn't be the sole focus of course. In 2016, road vehicle emissions were up 82.1 percent from 1990, and made up 39.1 percent of all carbon dioxide emissions. The 2017



figures are surprisingly not yet available. The NGO [www.drawdown.org](http://www.drawdown.org) credibly identifies refrigerant management as the #1 priority action to mitigate greenhouse gas emissions. The Montreal Protocol is a good model for Climate Change and more binding than the Paris Agreement. New Zealand policy should be to strengthen the Paris agreement. There is an argument that international sanctions over not ratifying the Paris agreement would be even more justifiable than arms or human rights sanctions. New Zealand's recent gun buy-back is a policy to make New Zealand safer and has been much admired overseas but there is no equivalent "old fridge buy back" which would reduce released refrigerants. Refrigerants are illegal to release into the atmosphere but how many householders or second hand shops know this? How many Councils allow fridges to be dropped off at collection points in such a casual way the refrigerant gas is accidentally all released?

Our previous submission contained various transport matters of detail, including cold start emissions being insufficiently considered and addressed. We encourage the Climate Commission, once it's formed, to view the submissions received in 2018's consultation as there will be a wealth of detail and suggestions from different sectors, together with a considerable amount of defence of the status quo and reliance on future technology that is not yet available.

#### Specific Comments on clauses in the Bill

(sections where we have no comment have been cut)

#### 1Title

**This Act is the Climate Change Response (Zero Carbon) Amendment Act 2019.**

We appreciate "Zero Carbon" in the title but would prefer it was Zero Carbon and Climate Change Response Bill so Zero Carbon doesn't look like an afterthought.

#### 4Section 3 amended (Purpose)

Before section 3(1)(a), insert:

(aa)

provide a framework by which New Zealand can develop and implement clear and stable climate change policies that contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels; and

We strongly support the specific commitment to 1.5°.

#### 5Section 3A amended (Treaty of Waitangi (Te Tiriti o Waitangi))

We strongly support the commitment to Te Tiriti and addition of Mātauranga Māori to the existing scientific consensus on Climate Change and its threats.



## Part 1A Climate Change Commission

### Subpart 1—Establishment and appointments

We support the formation of the Commission. However we consider that seven members may be insufficient to have knowledge of all relevant sectors while providing diversity in terms of gender, ethnicity and lived experience as well as the wide range of scientific and sector knowledge needed. The ability to co-opt up to a further three members, with the agreement of the Minister, could provide flexibility while keeping numbers manageable. Presumably there will be experts to support the Commission.

#### 5N Commission must act independently

We agree the Commission must act independently. This will require funding agreed that cannot be removed to weaken the Commission by successive Governments without legislative change.

## Part 1B Emission reduction

### Subpart 1—2050 target

#### 5O Target for 2050

We agree with GenZero that targets for negative emissions should be set once zero net emissions are achieved. Given the recalcitrance and tardiness of some nations and the minimal resources of others, even if we achieve zero emissions on time, others may not. Leaving the zero target till the last minute is unambitious. Britain was the first G7 country to set a net-zero emissions target by 2050, but others have shown greater ambition. Finland committed to be carbon-neutral by 2035, Norway has a 2030 target. The target for zero non-biogenic emissions could be set for 2040, Te Tiriti's bicentennial year, accelerating the positive change needed. Changes to reduce the target should have to satisfy more than 1 or more of the following, as they relate to climate change. There will surely be distributional or equity implications, not necessarily negative, but they must be addressed not used as an excuse to weaken our targets.

(i)

global action:

(ii)

scientific understanding of climate change:

(iii)

New Zealand's economic or fiscal circumstances:

(iv)

New Zealand's obligations under relevant international agreements:



(v)

technological developments:

(vi)

distributional impacts:

(vii)

equity implications (including generational equity); and

## Subpart 2—Setting emissions budgets

We agree there should be at least one current and two prospective budgets set.

### 5V Contents of emissions budgets

Attention should be given to co-benefits where there are two equally possible routes to emissions reductions. The four wellbeings would be appropriate.

## Subpart 3—Role of Commission in setting emissions budgets

### 5X Commission to advise Minister

We are not convinced the Commission should report to the Minister rather than the House of Representatives. We prefer the model of the Parliamentary Commissioner for the Environment who “Rather than reporting to a Government Minister, the Commissioner reports to Parliament as a whole through the Speaker of the House and the Officers of Parliament Committee. This makes him independent of the government of the day.” The Chair of the Commission could undertake this role and it would give reports and budgets greater visibility.

### the need for emissions budgets that are ambitious but technically and economically feasible:

We are concerned that the global emphasis on GDP and growth in material goods and experiences that emit large amounts like frequent overseas air travel is fundamentally unsustainable. There are communities nationally and internationally that need more material possessions and access to services than they have now but there are others that have surplus food, clothing, goods and leisure experiences with a wasteful consumption of energy that directly reduces our planet’s liveability. “Economic feasibility” means very different things to different people.

### 5ZB When emissions budgets may be revised

Any emissions target revision should require a super-majority of Parliament, i.e. 75%, rather than the Minister’s decision.



## 5ZD Requirement for emissions reduction plan

The Minister must prepare and publish a plan setting out the policies and strategies for meeting an emissions budget.

The plan must include—**(a)** sector-specific policies to reduce emissions and increase removals; and **(b)** a multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change; and **(c)** a strategy to mitigate the impacts that reducing emissions and increasing removals will have on workers, regions, iwi and Māori, and wider communities, including the funding for any mitigation action; and **(d)** any other policies or strategies that the Minister considers necessary.

We consider a communications strategy to highlight the necessity of action, the choices made or discarded and the co-benefits or dis-benefits from the plan will be essential.

We believe all transport emissions should be in the budgets and plans, including our share of international shipping and aviation. Increasing tourism beyond the capacity of tracks, toilets, huts and other infrastructure can spoil what people come to see. There is a role for low-impact longer-stay tourism that gives higher value for the emissions spent getting to this distant land. Air New Zealand's submission to the Zero Carbon consultation last year didn't even consider any alteration to growth in aviation, just excused their emissions by saying alternative fuels weren't ready yet.

## Subpart 4—Monitoring

5ZG Commission to monitor progress towards meeting emissions budgets  
(1)

5ZI Commission to report at end of emissions budget period

If the emissions budget for the relevant emissions period has not been met, the Minister must explain why in the report. If the Commission is independent, it's not clear why the Minister should be appearing in the report. It may be that the Minister will have to explain to the House of Representatives and the people of Aotearoa New Zealand why targets have not been met.



## Subpart 5—Effect of 2050 target and emissions budgets

### 5ZJ Effect of failure to meet 2050 target and emissions budgets

(1)

No remedy or relief is available for failure to meet the 2050 target or an emissions budget, and the 2050 target and emissions budgets are not enforceable in a court of law, except as set out in this section.

(2)

If the 2050 target or an emissions budget is not met, a court may make a declaration to that effect, together with an award of costs.

We disagree. Targets and emissions should be enforceable.

### 5ZK 2050 target and emissions budget are permissive considerations

(1)

A person or body may, if they think fit, 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 (subject to other requirements that apply by or under law).

(2)

However, a failure by any person or body to take the 2050 target, an emissions budget, or guidance issued under **section 5ZL** into account does not invalidate anything done by that person or body.

We strongly disagree with these “permissive considerations”. Public entities must be obliged to take targets and emissions budgets into account when performing their public duties. This should certainly apply to departments, crown entities and local authorities. It is appropriate that local authorities should be required to set targets, both for the emissions they are legally accountable for under the existing ETS and for their district, city or region where urban development, land use and transport options will fundamentally affect the emissions of that district, city or region.

### 5ZL Guidance for departments

(1)





The responsible Minister may issue guidance for departments 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).

(2)

The responsible Minister must, as soon as practicable after issuing the guidance, make it publicly available.

We are concerned that “guidance” may be disregarded. Government departments, crown entities, agencies and local authorities will have to modify policies and funding as they have done for the RMA, National Policy Statements, Housing, Transport and other legislation. This bill is even more important.

## Part 1C Adaptation

### National climate change risk assessment

5ZM National climate change risk assessment

(1)

A national climate change risk assessment must—

(a)

assess the risks to New Zealand’s economy, society, environment, and ecology from the current and future effects of climate change; and

(b)

identify the most significant risks to New Zealand, based on the nature of the risks, their severity, and the need for co-ordinated steps to respond to those risks in the next 6-year period.

(2)

The principles of resilience should be applied – an assessment of acute shocks or chronic stresses together with a framework identifying opportunities and co-benefits. The methodology has been used by both Christchurch and Wellington as members of the 100 Resilient Cities Network and although imperfectly implemented, the framework is useful.

**Sections 5ZN and 5ZO** apply to all national climate change risk assessments except the first one.

(3)

**Section 5ZP** applies to the first national climate change risk assessment.

5ZN Preparation of national climate change risk assessment

(1)

The Commission must, no later than 6 years after the date on which the most recent national climate change risk assessment was made publicly available, make the next national climate change risk assessment publicly available.

(2)





In preparing a national climate change risk assessment, the Commission must take into account the following:

(a)

economic, social, health, environmental, ecological, and cultural effects of climate change:

(b)

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

We note that people with disabilities form 25% of today's society and many rely on walking rather than driving to get around, including use of a wheelchair. Climate change will disproportionately affect people walking as extreme heat or intense rainfall impact them more than people in an air-conditioned vehicle.



## 5ZQ National adaptation plan

(1)

In response to each national climate change risk assessment, the Minister must prepare a national adaptation plan.

(2)

A national adaptation plan must set out—

(a)

the Government’s objectives for adapting to the effects of climate change; and

(b)

the Government’s strategies, policies, and proposals for meeting those objectives; and

(c)

the time frames for implementing the strategies, policies, and proposals; and

(d)

how the matters in **paragraphs (a) to (c)** address the most significant risks identified in the most recent national climate change risk assessment; and

(e)

the measures and indicators that will enable regular monitoring of and reporting on the implementation of the strategies, policies, and proposals.

(3)

A national adaptation plan may include any other matter that the Minister considers relevant.

(4)

In preparing a national adaptation plan, the Minister must take into account the following:

(a)

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;

(c)

New Zealand’s relevant obligations under international agreements;

(d)

any information received as a result of requests made under **section 5ZV**;

(e)

any relevant advice or reports received from the Commission;

(f)

the ability of communities or organisations to undertake adaptation action, including how any action may be funded:



We note that walking is a very reliable means of transport in emergencies, as evinced by the “Long Walk Home” carried out by Wellington Lions Clubs. When infrastructure is disrupted by storms, sea level surges or buckled by extreme temperatures, most people can still walk a reasonable distance.

(g)

scientific and technical advice.

(5)

The Minister may also take into account any other matter that the Minister thinks is relevant or appropriate.

(6)

### Power to request provision of information

5ZVMinister may request certain organisations to provide information on climate change adaptation

(1)

The Minister may, in writing, request that a reporting organisation provide all or any of the following information:

(a)

an assessment of the current and future effects of climate change in relation to the organisation’s functions, including any metrics and costs used to understand and benchmark the effects of climate change in relation to the functions:

(b)

a statement of the organisation’s proposals and policies for addressing the effects of climate change in relation to the organisation’s functions, including—

(i)

targets set by the organisation to address the effects of climate change:

(ii)

controls that the organisation has put in place to address the effects of climate change:

(iii)

the time frames for implementing those proposals, policies, targets, and controls:

(c)

an assessment of the progress made by the organisation towards implementing its proposals, policies, and controls and achieving its targets:

(d)

any matters specified in regulations.

(2)

The reporting organisation must comply with a request made under **subsection (1)**.

(3)



The Minister must, as soon as practicable, provide the Commission with a copy of any information received.

(4)

For the purposes of this section and **section 5ZW**, the following are **reporting organisations**:

(a)

the Public Service, as defined in section 27 of the State Sector Act 1988:

(b)

local authorities, as defined in section 5(1) of the Local Government Act 2002:

(c)

council-controlled organisations, as defined in section 6(1) of the Local Government Act 2002:

(d)

Crown entities, as defined in section 7(1) of the Crown Entities Act 2004, but excluding school boards of trustees:

(e)

companies listed in Schedule 4A of the Public Finance Act 1989:

(f)

organisations listed in Schedule 1 of the State-Owned Enterprises Act 1986:

(g)

lifeline utilities listed in Schedule 1 of the Civil Defence Emergency Management Act 2002:

(h)

the New Zealand Police:

(i)

the New Zealand Defence Force.

**5ZW** Regulations relating to requiring provision of information

(1)

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations specifying all or any of the following:

(a)

requirements that relate to information that is provided in response to a request under **section 5ZV(1)**, including different requirements for different sectors, classes of activity, or geographical areas:

(b)

a date by which or time within which requested information must be provided to the Minister:



(c)

ongoing or recurring reporting requirements (for example, requiring the provision of further information at regular intervals following a request):

(d)

any administrative matters relating to responses to requests.

(2)

In preparing the regulations, the Minister must consider—

(a)

the ability to tailor a request to reflect the size and capability of the reporting organisation; and

(b)

the potential extent and significance of climate change effects on the functions of the reporting organisation; and

(c)

the avoidance of unnecessary duplication of information provided within existing reporting frameworks.

(3)

Before recommending the making of the regulations, the Minister must consult the Commission and the reporting organisations that the Minister considers may be affected by the proposed regulations.

We agree that these organisations should have responsibilities for reporting on adaptation but that they should report on mitigations plans as well. Actual emissions are already accounted for to the Greenhouse Gas Inventory.

We consider that whether funds are invested in fossil fuels should be a consideration of government-supported entities such as eligible Kiwisaver providers. Crown entities and local authorities should not be permitted to invest in fossil fuels.

**-: end of Living Streets Aotearoa submission :-**

