



14 June 2019

S19.16

## **Submission to the Environment Committee on the Climate Change Response (Zero Carbon) Amendment Bill Government Bill 136-1**

### **Introduction**

- 0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing over 200 organisations affiliated at either national level or to one of our 15 branches. In addition, about 450 people are individual members. Collectively our reach is over 450,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially, environmentally and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
- 0.2. NCWNZ supports the purpose of the Climate Change Response (Zero Carbon) Amendment Bill (the Bill) as far as it goes. It represents a balance of the guiding principles agreed by Cabinet to frame development of climate change policy. It supports building a climate-resilient, just and inclusive society.
- 0.3. This response to the call for comment on the Bill has been prepared by the NCWNZ Standing Committee for Climate Change and the Environment in collaboration with the membership of NCWNZ and includes membership feedback to the questions put forward. It also draws from several decades of NCWNZ policy<sup>1</sup> and submissions<sup>2</sup> on issues that have been endorsed by the membership of NCWNZ in relation to climate change and the environment. The most recent policy<sup>3</sup> advocates for a net zero carbon future for New Zealand and supports the imperative of building resilience to the effects of climate change, disaster risk and environmental challenges.

### **1. The Call to be Bold**

- 1.1. Climate change is an intergenerational issue that has significant human rights concern. NCWNZ calls for "a Rights-Based Approach to climate change", advocated by the United Nations Human Rights

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<sup>1</sup> NCWNZ. 2012. 115 years of resolution. <http://www.ncwnz.org.nz/wp-content/uploads/2013/06/115-years-Register-everything-2.pdf>

<sup>2</sup> <https://www.ncwnz.org.nz/what-we-do/ncwnz-archive/submissions/>

<sup>3</sup> NCWNZ. 2017. Appendix "D": Resolutions of National Meetings 2011-2018. 7.13.6. <https://www.ncwnz.org.nz/wp-content/uploads/2018/11/Appendix-D-Resolutions-2011-2018.pdf>

Commission<sup>4</sup>. This is signalled in the Paris agreement 2015<sup>5</sup>, by the Committee for the Elimination of Discrimination Against Women (CEDAW) 2018<sup>6</sup> and other sources. The 2015 Paris Agreement states, “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights...and intergenerational equity”. The parties to the Paris Agreement (including New Zealand) also acknowledge that adaptation, including capacity building for mitigation and adaptation action should be gender-responsive, participatory and fully transparent, taking into consideration vulnerable groups, communities and ecosystems. New Zealand must give effect to these international agreements and exercise leadership by inclusion in the proposed Act.

- 1.2. The Bill is overdue and New Zealand is lagging behind other nations in how it is addressing climate change. NCWNZ believes that New Zealand should be leading the world in cutting carbon emissions and in introducing human rights and gender equality. For New Zealand to meet its commitments under the Paris Agreement to support a 1.5% average temperature rise by 2050, the Bill should contain more ambitious long and short-term emission targets. There should be the implementation of strong policies to speed up emission reduction and the introduction of an improved method for accountability.

## 2. Human Rights and Gender Equality

### Clause 8 New Parts 1A to 1C inserted. Part 1A. Climate Change Commission. Subpart 1— Establishment and appointments

- 2.1. **New Section 5D** of the Act indicates a Board consisting of a Chairperson, Deputy Chairperson and five other members. NCWNZ believes that a board of seven is too limited to reflect the high level of skills needed and the range of diversity that is required.
- 2.2. Gender equality is central to effective climate change policy. Structural and cultural variances make women disproportionately vulnerable to the impacts of climate change. A 50/50 gender balance on the Commission must not be optional; it is a strategic necessity. ‘Gender inequality may dramatically limit the resilience and adaptive capacity of women, families and communities. It may also restrict options for climate change mitigation’<sup>7</sup>. It is increasingly evident that a gender balanced board delivers more balanced and robust outcomes<sup>8</sup>. Women must be empowered with equality of decision making on the Commission.

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<sup>4</sup> <https://www.ohchr.org/en/issues/hrandclimatechange/pages/hrclimatechangeindex.aspx>

<sup>5</sup> <https://www.benoitmayer.com/files/Human%20rights%20in%20the%20Paris%20Agreement.pdf>

<sup>6</sup> [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_37\\_8642\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf)

<sup>7</sup> International Union for Conservation of Nature, Issues Brief, November 2015.

[https://www.iucn.org/sites/dev/files/import/downloads/gender\\_and\\_climate\\_change\\_issues\\_brief\\_cop21\\_04122015.pdf](https://www.iucn.org/sites/dev/files/import/downloads/gender_and_climate_change_issues_brief_cop21_04122015.pdf)

<sup>8</sup> Hersh, E. 2016. Why Diversity Matters: Women on Boards of Directors. <https://www.hsph.harvard.edu/ecpe/why-diversity-matters-women-on-boards-of-directors/>

- 2.3. NCWNZ recommends an amendment to a new Section 5D to increase the membership of the Commission to twelve including the Chairperson and Deputy Chairperson, and also requiring a gender balance in these two latter appointments. This would provide for gender equality and the critical depth of knowledge and wisdom that is essential in these roles.
- 2.4. **New Section 5f Establishment and membership of nominating committee.** NCWNZ requests that Section 5F *Establishment and membership of nominating committee* - be amended to include the requirement for gender balance amongst those appointed to the nominating committee.
- 2.5. Further, human rights disparity is generally over-looked during states of emergency. Women are critical agents of change contributing to both adaptation and mitigation through creative, innovative localized solutions. In times of hardship and stress there is evidence of an increase in family violence impacting more on women and children. This includes mental and physical health, economic, social and physical consequences exacerbated by the systemic lack of equal representation in decision making<sup>9</sup>. It is essential that the Commission is gender balanced with an appropriate skill base to provide for the inclusion of gender sensitive strategy and policy.
- 2.6. **New Section 5H (1)(d) Matters minister must have regard to before recommending appointment of a member of the Commission.** NCWNZ requests that Section 5H (1)(d) be amended to include human rights and gender equality effects of climate change and climate change policy interventions.
- 2.7. NCWNZ is in a position to recommend women with backgrounds specialized in climate change mitigation and adaptation to create this gender balance.

**Clause 8 New Parts 1A to 1C inserted. Part 1A. Climate Change Commission. Subpart 1— Establishment and appointments**

- 2.8. Parliament's and the Commission's first consideration must always be human rights and gender equality in exercising powers under the proposed Act. It is families – their homes, health, livelihoods and environment that bear the brunt of adversity from carbon emissions. The Commission must ensure that each successive government works consistently from the agreed policy and must be founded from consultation in respect to human rights, gender, age and ethnicity, enabling all sectors to have the opportunity to voice opinions and expertise.
- 2.9. Our Pasifika neighbours are already being affected more dramatically than New Zealand with rising sea levels. Vulnerabilities from the loss of homes, infectious disease, daily tasks such as essential child rearing, reducing access to food and clean water are more likely to be borne by women. With underlying stress and hardship, violence in the family is even more prevalent and women and children suffer most. There is a great deal to learn from the significant issues that Pasifika people face that must inform the approach taken under the proposed Act including human rights and

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<sup>9</sup> [https://www2.ohchr.org/english/bodies/cedaw/docs/Gender\\_and\\_climate\\_change.pdf](https://www2.ohchr.org/english/bodies/cedaw/docs/Gender_and_climate_change.pdf)

gender equality. It must not be overlooked that New Zealand already displays one of the highest rates of family violence in the OECD<sup>10</sup>.

### 3. Transparency

- 3.1. **New Section 5J: Commission’s functions.** NCWNZ seeks provision in the proposed Act to require reporting to Parliament on human rights and gender equality, and we recommend the establishment of a portfolio that focuses on the implications of human rights and gender equality resulting from climate change. We recommend cross-sectoral collaborations including civil society, the Ministry for Women, the Human Rights Commission and the Ministry of Foreign Affairs and Trade in the development of all policy. This is an area where leadership is essential not only for New Zealand but also as an example for other nations in reaching zero carbon targets.
- 3.2. NCWNZ requests that Section 5J be amended to include as part of the Commission’s functions, the preparation of a biennial report on human rights and gender equality in relation to the effects of climate change, and to also amend new Section 5ZS accordingly.
- 3.3. **New Section 5K: Reports to Government.** NCWNZ requests that the Commission report to Parliament as a whole, and be answerable to the Speaker, rather than to the government or a Minister who may possibly confer only with Cabinet.
- 3.4. **New Section 5L: Matters Commission must consider.** NCWNZ requests that Section 5L(d) be amended to include differences in human rights including gender equality.

### 4. Beyond Business as Usual – Decarbonising our economy

#### Clause 8. New Parts 1A to 1C inserted. Part 1B. Emission reduction. Subpart 1—2050 target.

- 4.1. **New Section 5O Target for 2050.** New Zealand’s emissions per capita are amongst the worst in the OECD. Data released by Statistics New Zealand on 27 June 2019<sup>11</sup> shows that we are trending against most other nations with a 20% increase in household emissions (including transport) in the decade to 2017, accounting for an 11% increase in total emissions. The IPCC<sup>12</sup> modelling “of a 1.5deg temperature rise points to a decline by about 45% from 2010 levels by 2030 reaching net zero by around 2050”. NCWNZ accordingly requests that more ambitious targets and budgets be established to reduce household and transport (motor vehicle, rail, and local and international air and shipping) emissions to be addressed at international, national and local level as relevant. The earlier the targets are achieved, the earlier the positive effect of reduced carbon emissions will be achieved.

<sup>10</sup> Adams, A. 2017. NZ's highest rate of family violence in the developed world - Amy Adams has 'had enough'. <https://www.stuff.co.nz/national/politics/90657034/nzs-highest-rate-of-family-violence-in-the-developed-world--amy-adams-has-had-enough>

<sup>11</sup> <https://www.rnz.co.nz/news/national/393099/cars-drive-new-zealand-household-emissions-20-percent-up-in-10-years>

<sup>12</sup> Intergovernmental Panel on Climate Change. 2018. Global warming of 1.5°C. [https://report.ipcc.ch/sr15/pdf/sr15\\_spm\\_final.pdf](https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf)

- 4.2. NCWNZ requests that 5O(1)(a) be amended to provide for a decline by about 45% from 2010 levels by 2030 reaching net zero by around 2050.
- 4.3. Dairy farming was the only agricultural industry to record an increase in emissions over the decade, up 27.7 percent, which was the largest increase of all industries. The agricultural/waste sector over time is predicted to carry an increasing share of New Zealand's carbon profile. It is understood that New Zealand will not meet its obligations under the Paris Agreement without significant and deep reductions of methane emissions<sup>13</sup>. These findings identify where the focus is critical.
- 4.4. NCWNZ requests an amendment to new section 5O(1)(b)(i) for more ambitious targets to be established to reduce gross emissions of biogenic methane within an interim range of 20-25 % by 2030 rather than the meagre 10% below 2017 levels.
- 4.5. There is no longer any place for business as usual. As IPCC scientist Penehuro Lefae says "Every human activity relates to fossil fuel carbon emissions" .... we must .... rid carbon from economic activity". We must win the "carbon war"<sup>14</sup>.
- 4.6. **New Section 5R Government response to target review recommendations.** It is essential to achieve cross party support and collaboration for the direction that the Commission is recommending. Stability of political consistency and commitment is essential to incentivize sectoral investment. Accordingly, it is recommended that new Section 5R be amended to include the necessity for the Minister to consult across parties to develop robust target review recommendations to the House of Representatives.

**Clause 8. New Parts 1A to 1C inserted. Part 1B Emission reduction. Subpart 3—Role of Commission in setting emissions budgets.**

- 4.7. **New Section 5Z Matters relevant to advising on, and settling emissions budgets.** NCWNZ requests that new 5Z(2)(b) be amended to include a new sub section on Requiring the Commission and the Minister to have regard to the impact of setting emissions budgets on human rights and gender equality.
- 4.8. **New Section 5ZA Publication of emissions budgets.** NCWNZ is also encouraged by the cross-party support evidenced for the Bill and is keen for this to continue as the most effective way to address a problem of such magnitude and that affects every citizen. NCWNZ supports strongly the requirement to consult other political parties.
- 4.9. **New Section 5ZD Requirement for emissions reduction plan.** NCWNZ requests amendments to Section 5ZD(3) to include the words *human rights* and *gender equality*.
- 4.10. **New Sections 5ZC, 5ZE and 5ZF.** A cautionary approach is recommended for the use of international carbon borrowings due to variability of quality and rating and sound and consistent accounting practice. Where borrowings are used, it is recommended they are sourced locally.

<sup>13</sup> <https://climateactiontracker.org/countries/new-zealand/>

<sup>14</sup> Rovo, C. 2019. Climate expert warns of 'losing the carbon war'. Climate expert warns of 'losing the carbon war'

**Clause 8. New Parts 1A to 1C inserted. Part 1B Emission reduction. Subpart 4—Monitoring.**

- 4.11. Where the House of Representatives identifies that the work of the Commission is failing in the achievement of the targets, independent advice and corrective action must be taken. Similarly, there should be provision for checks that act quickly to call into line lagging sectors, through regulatory or other processes, where there is failure to meet outcomes. In particular, the emissions reduction framework should require regular monitoring and reporting of performance of the business sector including corporations - the farming and transport/travel sectors are of particular concern.

**Clause 8 New Parts 1A to 1 C inserted. Part 1B Emission Reduction. Subpart 5 Effect of 2050 target and emissions budgets.**

- 4.12. **New 5ZJ Effect of failure to meet 2050 target and emissions budgets.** The provisions of the Bill are non-binding. NCWNZ members asserted that it is essential the Bill's provisions are binding to give certainty and accountability. Being non-binding opens up possibilities for lobby groups to apply pressure to bring their agendas to the forefront. There is inadequate provision to hold parties to account in giving effect to the Framework. Where "target lag" is identified, careful analysis of the causes and remedies is required. This could result from inadequate strategies and policies established by the Commission and the Minister in the framework to achieve the targets; or it could result from lack of commitment by sectors to drive investment for and implementation of low emissions technology and innovation. Appropriate and timely corrective action must be put in place to enable targets to be reached. This must be provided for in the Bill and amendment is recommended accordingly.

**Clause 8. New Parts 1A to 1C inserted. Part 1C Adaptation.**

- 4.13. **New Section 5ZM National climate change risk assessment.** NCWNZ requests the amendment of new 5ZM(1)(a) to add human rights and gender equality.
- 4.14. **New Section 5ZN Preparation of national climate change risk assessment.** NCWNZ also requests amendments to new Section 5ZN(2)(a) to include human rights and gender equality.
- 4.15. **New Section 5ZO Assessment must be presented to Parliament and made publicly available.** NCWNZ supports the provision that the *Assessment* is presented to Parliament and be publicly available.

**Clause 8. New Parts 1A to 1C inserted. Part 1C Adaptation. National adaptation plan.**

- 4.16. **New Section 5ZQ National adaptation plan.** This is supported in principle with requested amendments.
- 4.17. NCWNZ requests amendment to 5ZQ (4)(a) with the inclusion of the words *human rights and gender equality*.

4.18. However, there is an absence of clear climate change policy to lead change to enable New Zealand to meet the targets set in the Paris Agreement 2015. Further it is not clear from the Bill how the targets will be reached. There is inadequate direction and no indication of what the targets are measured against. There needs to be direction around ways in which changes can be made. Greater collaboration between sectors is essential. Examples of this could include:

- The re-ordering of priorities when considering projects. Currently in any project assessment, the economic impact is listed first and environmental impacts last. This must be reversed in the Bill and the Adaptation Plan. The system won't change until carbon emission reduction and the environment is the first consideration.
- Amend the Companies Act 1993<sup>15</sup> to require companies to **report** their annual greenhouse gas (GHG) emissions in their directors' **report**. Carbon **reporting** is the first vital step for **companies** to make reductions in emissions as evidenced in the UK<sup>16</sup>.
- Develop company reporting guidelines. There is UK precedent<sup>17</sup>.
- Change the legislation around manufactured goods so as to include end-of-life use or return to the manufacturer.
- Alter the perspectives to favour low emissions forms of transport and make greater use of efficient modes such as walking, cycling, rail and public transport; include air travel and shipping in the carbon emissions profile.
- Change farming systems in nutrient management, stocking rates, and water usage. It has been shown to be possible to make significant reductions in these inputs and outputs while maintaining productivity<sup>18</sup>.
- Statutes such as the Resource Management Act 1993 coupled with relevant National Policy Statements could require land, air and water uses to be maintained and managed in a manner that supports mitigation and adaptation measures. This would provide non-government sector organisations with greater accessibility to hold government and local government to account through the court process –including the Environment Court.
- Strongly encourage co-operation and joint planning between local territorial authorities such as regional and city councils to devise wide-ranging adaptations suitable for their communities.

<sup>15</sup>[http://www.legislation.govt.nz/act/public/1993/0105/latest/DLM319570.html?search=ta\\_act\\_C\\_ac%40ainf%40anif\\_an%40bn%40rn\\_25\\_a&p=4](http://www.legislation.govt.nz/act/public/1993/0105/latest/DLM319570.html?search=ta_act_C_ac%40ainf%40anif_an%40bn%40rn_25_a&p=4)

<sup>16</sup> Climate Disclosure Standards Board. 2019. UK mandatory GHG and environmental reporting. <https://www.cdsb.net/what-we-do/reporting-policy/uk-mandatory-ghg-reporting-qa>

<sup>17</sup> Environmental Reporting Guidelines: Including streamlined energy and carbon reporting guidance. March 2019 (Updated Introduction and Chapters 1 and 2). [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791529/Env-reporting-guidance\\_inc\\_SECR\\_31March.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791529/Env-reporting-guidance_inc_SECR_31March.pdf)

<sup>18</sup> Based in Southland and reported on RNZ's Country Life 7th and 8th June 2019

- Require such authorities to report on progress a) in reducing emissions and b) in their adaptation planning and implementation, in their annual reports and plans, with targets for each year and what has been achieved.

4.19. In summary, a joined-up sectoral approach is essential to achieve the critical reductions in carbon emissions. The above proffers a range of actions that are recommended by NCWNZ.

## 5. Accountability to the Public

5.1. The ability of our courts to scrutinize the Zero Carbon legislation is supported and should be introduced into the Bill. It would provide greater import to the way politicians can be held to account and depoliticize the real issues. In theory non-governmental sectors can lodge a judicial review challenge. The burden of proof in a judicial review would be onerous and costly and not generally sustainable by the civil society.

5.2. It is recommended that the Bill be amended to provide for scrutiny by the courts of government performance under the Act, by the non-government sectors.

## 6. Summary

6.1. In summary, NCWNZ believes the Bill provides a sound framework for making progress in reaching a net carbon zero economy by 2050. There are recommendations made in this submission that seek greater boldness. There are also recommendations to ensure that human rights and gender equality are given the appropriate recognition in the Bill. It is essential that collaborative leadership in Parliament, in business and all communities of interest, result in drawing together, to create a very different society from what we see today. Strengthening provisions of the Bill will encourage and direct this essential shift in removing carbon from our economy, to win the war on carbon. We must be bolder.



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