

Climate Change Response (Removal of Tort and Other Claims) Amendment Act 2024

The Parliament of New Zealand enacts as follows:

1. Title

This Act is the Climate Change Response (Removal of Tort and Other Claims) Amendment Act 2024.

2. Commencement

This act comes into force on [TBA].

3. Principal Act

This Act amends the Climate Change Response Act 2002 (“the **Principal Act**”).

4. Purpose

The purpose of this Act is to:

- (1) reaffirm the purpose of the Principal Act to provide clear and stable climate change policies that—
 - (i) contribute to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above preindustrial levels; and
 - (ii) allow New Zealand to prepare for, and adapt to, the effects of climate change.
- (2) provide that the Principal Act provides the exclusive response to climate change to the exclusion of any civil proceeding against individuals, corporate and other legal entities in any court.

5. Section 4 amended (definition of court)

The Principal Act is amended by inserting into section 4 the following definition:

court includes the Supreme Court, the Court of Appeal, the High Court, the District Court, the Environment Court, and all tribunals.

6. New Section 5AA

The Principal Act is amended by inserting in Part 1 section 5AA providing:

5AA Act provides New Zealand’s response to climate change to the exclusion of the courts.

- (1) All emissions of greenhouse gasses shall be lawful and shall not be questioned or challenged in proceedings in any court (whether by judicial review, claim in tort, breach of statutory duty, declaratory relief or otherwise).
- (2) No person may commence or continue any proceeding in any court in which that person seeks relief of any kind

whatsoever against any person (including the Crown) for any loss, damage, or harm of any kind because of any emission of greenhouse gasses.

- (3) For the avoidance of doubt, section 5AA(2) shall apply to all proceedings before any court including any proceeding before a court at the commencement date of the Climate Change Response (Removal of Tort and Other Claims) Amendment Act 2024.