

**Budget Sensitive**

**Office of the Minister of Climate Change**

**DEV – Cabinet Economic Development Committee**

**Emissions reduction plan: Te Tiriti o Waitangi and the role of Māori in the transition**

**Proposal**

- 1 This paper seeks decisions that respond to the Climate Change Commission's (the Commission's) recommendations 6, 26 and 27 and will support an equitable transition for Māori.
- 2 The paper proposes the establishment of a platform with three workstreams to support Māori climate action; establishment of an interim Ministerial advisory committee to guide further development of the workstreams; and consideration of other indigenous frameworks alongside the Commission's recommended framework – He Ara Waiora – when making national strategies and climate policy.
- 3 These decisions are part of a suite of proposals for New Zealand's first emissions reduction plan. It also seeks in-principle decisions related to the broader climate response, including the national adaptation plan.

**Relation to government priorities**

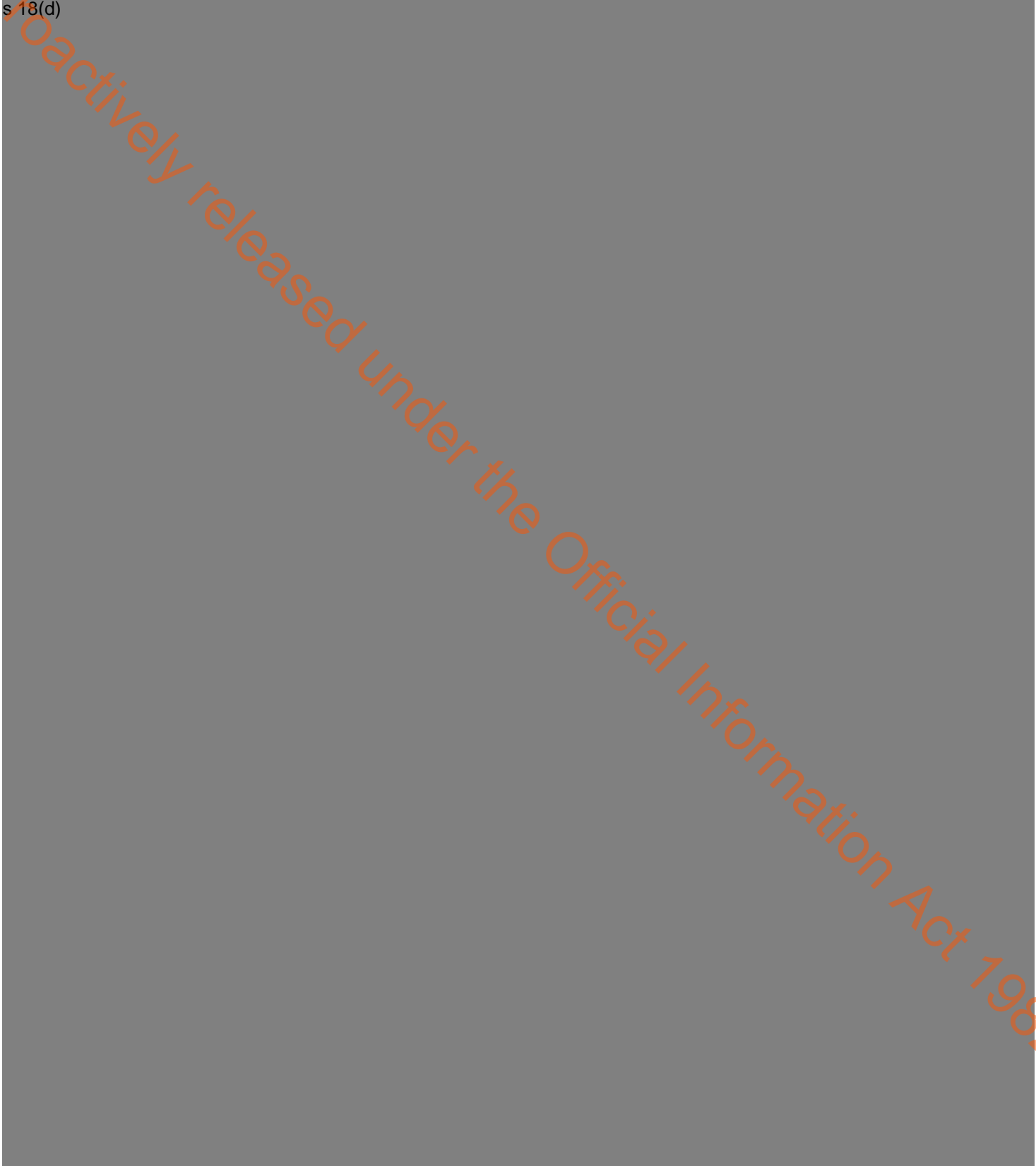
- 4 The Government declared a climate change emergency on 2 December 2020. Cabinet agreed that climate change “demands a sufficiently ambitious, urgent, and coordinated response across government to meet the scale and complexity of the challenge” [CBC-20-MIN-0097 refers].
- 5 Enabling a just transition to a low-emissions, climate resilient future is a Government priority. Cabinet declared its intention to “put the climate at the centre of government decision-making” [CBC-20-MIN-0097 refers].
- 6 The proposals in this paper relate to the Cooperation Agreement between the Labour and Green Parties. Achieving the purpose and goals of the Climate Change Response (Zero Carbon) Amendment Act 2019 is an agreed area of cooperation.

**Executive summary**

- 7 This paper outlines the Government's response to recommendations 6, 26, 27 and related recommendations in the Climate Change Commission (the Commission) report, *Ināia tonu nei: A low emissions future for New Zealand*,

regarding how we work with Māori in the transition. Our response will have relevance across the emissions reduction plan, as the Commission wove partnering with Māori into nearly every chapter of its report. The following table sets out the Commission's key recommendations on an equitable transition for Māori.

s 18(d)



Proactively released under the Official Information Act 1982

s 18(d)

- 8 The proposals in this paper will develop the foundations and relationships for the Government to meet specific requirements set out in the Climate Change Response Act 2002 regarding Te Tiriti o Waitangi (Te Tiriti). These requirements include: that the Minister of Climate Change must ensure that the emissions reduction plan contains a strategy that mitigates the impacts that the transition will have on Māori and iwi; that Māori have been adequately consulted on emissions reduction plans; and that the national adaptation plan must take into account the economic, social, health, environmental, ecological, and cultural effects of climate change on iwi and Māori.
- 9 To ensure an enduring and meaningful expression of Te Tiriti in our climate response, we must allow time to build relationships and capacity on both sides of the Crown-Māori partnership and improve knowledge and data to help Māori plan for transitional and climate change impacts. I also recognise the need to establish a sufficient consensus from Māori before determining how to progress recommendations 6, 26 and 27.
- 10 The climate emergency, however, requires us to work at pace to deliver and implement the emissions reduction plan, while also making foundational decisions through the national adaptation plan and other government reforms. Responding in a way that recognises the urgency of climate change and ambitions of the Government, while also enabling an equitable transition for Māori, will require flexibility, coordination, and a willingness to be agile in how we progress.

11 I therefore recommend that Cabinet accept in-principle recommendations 6, 26 and 27. More specifically I seek agreement, subject to funding, to the establishment of a platform to support how we work with Māori representatives to define, measure and achieve outcomes that enable an equitable transition for Māori and operationalise the Commission's recommendations for an equitable transition for Māori.

12 The platform will be supported by three foundational workstreams that sit across the climate policy response. These are:

12.1 a partnership and representation workstream to establish mechanisms for Te Tiriti-based relationships and recognition of Māori rights and interests across the climate response. This should include mechanisms for Māori to actively participate in design and decision-making across the transition.

s  
9(2)  
(f)(iv)

[Redacted]

[Redacted]

[Redacted]

13 The platform will be established in two phases. The first phase will include the appointment of an interim Ministerial advisory committee to provide advice on priority climate issues, while also working alongside the Crown to build consensus, both within Māori and between Māori and the Crown, to establish a more enduring form of the platform.

14 To inform the further development of the platform and its three workstreams, I also recommend that Cabinet agree in-principle, subject to funding, that:

14.1 rangatahi (Māori youth) voices be represented within the platform

14.2 in response to recommendation 26.6 and priority areas within the National Iwi Chairs Forum's Pou Take Āhuarangi (Climate) joint work programme, other indigenous frameworks should be considered along with the Commission's recommended framework – He Ara Waiora – when making national strategies and climate policy.

**Background**

*New Zealand must publish its first emissions reduction plan in May 2022*

15 Parliament enacted the Climate Change Response (Zero Carbon) Amendment Act in late-2019. This introduced a framework to manage New Zealand's transition to a low-emissions and climate-resilient future, which included:

15.1 a Climate Change Commission to provide independent expert advice to the Government

**BUDGET SENSITIVE**

- 15.2 a domestic emissions reduction target (2050 target) with separate components for biogenic methane and all other greenhouse gases
- 15.3 a system of emissions budgets to act as interim targets that step progressively towards the 2050 target
- 15.4 a requirement for emissions reduction plans that set out the policies and strategies for achieving the emissions budgets, including:
- 15.4.1 sector-specific policies
  - 15.4.2 a multi-sector strategy to meet emissions budgets and improve the ability of sectors to adapt
  - 15.4.3 a strategy to identify and mitigate the impacts that these policies and strategies will have on specified groups, including on iwi and Māori, as well as the funding for any mitigation action
- 15.5 a requirement for six-yearly national climate change risk assessments and a national adaptation plan that responds to the risks identified.
- 16 The Government must set the first three emissions budgets and publish the first emissions reduction plan in May 2022. This will align with the release of Budget 2022.

*The Commission's recommendations must be considered when developing the emissions reduction plan*

- 17 On 31 May 2021, the Commission provided the Government with its final advice on emissions budgets and the recommended policy direction of the emissions reduction plan. These recommendations were informed by targeted engagement and consultation with Māori.
- 18 The Government must consider the Commission's recommendations when developing the emissions reduction plan. As noted above, these include three recommendations aimed at supporting an equitable transition for Māori and upholding Te Tiriti o Waitangi. Recommendations 6, 26 and 27 are set out in Table 1.
- 19 The Commission also recommended that the Government partner with Māori to develop:
- 19.1 a long-term circular economy strategy (recommendation 14.1)
  - 19.2 a strategy for a thriving bioeconomy (recommendation 15.1)
  - 19.3 a policy approach for well-integrated planning and policies related to urban form, function and development (recommendation 16.1, 16.2)
  - 19.4 targets, plans and approaches to substantially increase active, public and shared transport to displace vehicle use (recommendation 17.1.d)

- 19.5 a national low-emissions freight strategy (recommendation 19.1.a)
- 19.6 a national energy strategy (recommendation 20.1.e)
- 19.7 a plan to decarbonise the industrial sector (recommendation 21.1)
- 19.8 a plan to transform buildings to be low emissions and climate resilient (recommendation 22.1)
- 19.9 the revised waste strategy (recommendation 23.1)
- 19.10 an equitable transition strategy (recommendations 28.1, 28.2, 28.3).
- 20 These recommendations and corresponding policies relate to a range of Ministerial portfolios. While decisions on these recommendations will be taken separately and be reflected in chapters across the emissions reduction plan, they will also inform the chapter on Te Tiriti and the role of Māori in the transition. Likewise, the decisions sought on recommendations 6, 26 and 27 will provide some of the context for other chapters, including the chapter on an equitable transition.
- 21 There will be a wide range of specific climate mitigation and adaptation policies that could have significant impact or opportunity for Māori. The impacts and Treaty implications of these will need to be considered as they arise, and some of those decisions may move more quickly than the foundational systems work that this paper seeks agreement to establish.

*We have consulted on proposals for the emissions reduction plan and will continue to engage with Māori*

- 22 On 13 October 2021, the Government released *Te hau mārohi ki anamata – Transitioning to a low-emissions and climate-resilient future* (discussion document) for public consultation. This contained proposals for inclusion in the emissions reduction plan and specifically invited feedback on how we can achieve an equitable transition for Māori. High level themes from public consultation are set out in paragraph 97 and have informed the recommendations in this paper.
- 23 It is important to note that while the Commission's recommendations were informed by engagement with Māori, subsequent input from Māori on how to adopt and implement these recommendations during the Government's consultation period has been very limited. This is primarily due to significant capacity constraints for Māori that have been exacerbated by other policy and legislative reforms and Covid-19 response priorities.
- 24 The proposals in this paper will require further engagement and collaboration with Māori. This should include testing and refining the proposals with Ihirangi, the operational arm of Pou Take Āhuarangi, the climate change pou under the National Iwi Chairs Forum s 9(2)(f)(iv) and s9(2)(g)(i)

## Analysis

- 25 Taken together, the Commission's recommendations 6, 26 and 27 articulate a view of how the Government should give effect to its obligations under Te Tiriti in the context of both the climate response and transition to a low-emissions society. This broadly aligns with the Government's commitment to an equitable transition [CAB-18-MIN-0218]. However, elements of these recommendations are broad in their consideration of outcomes.
- 26 For example, recommendation 27.1 suggests the Crown and Māori develop a strategy that should focus on "removing barriers that disadvantage Iwi/Māori particularly where they undermine the principles of Te Tiriti, compound historic grievance, and/or prevent Iwi/ Māori from an equitable transition". These barriers are a complex combination of historical, social, economic, and political factors, some of which sit beyond the scope of the emissions reduction plan.
- 27 Similarly, recommendation 26.2 suggests a mechanism to build authentic and enduring partnerships that result in equitable decision-making with Māori across all levels through Māori representation on local, regional, and national bodies. This outcome is also beyond the immediate scope of the emission reduction plan and will require agencies to work together across a range of legislation and on-going reforms to implement the recommendation.
- 28 While the recommendations are ambitious, if resourced and implemented well they provide an opportunity for a more strategic, coordinated and equal Crown-Māori relationship, while also supporting intergenerational wellbeing by bringing climate change to the centre of government decision-making.
- 29 I therefore recommend that Cabinet accept-in-principle the Commission's recommendations 6, 26 and 27 in so far as they can be addressed through the climate policy response, including the emissions reduction plan and the national adaptation plan.

*Putting Te Tiriti at the centre of the climate response and building a stronger Crown-Māori partnership requires us to develop capacity and capability*

- 30 I agree with the intent of the Commission's recommendations for upholding Te Tiriti principles of partnership, protection, participation, and equity and for enabling an equitable transition for Māori and the Māori economy.
- 31 Previous environmental and economic reform efforts have demonstrated that where there is not a deliberate undertaking to give effect to Te Tiriti and to understand the interests and aspirations of Māori, there are greater risks that policy decisions will result in inequitable and negative outcomes for Māori.
- 32 Achieving the Commission's suggested outcomes in recommendations 6, 26, and 27 will require a long-term commitment and system-change across government. It will also require us to intentionally build capability and capacity

for Māori and the Crown to work together constructively, as well as enabling Māori to take independent climate action.

- 33 The following sections detail key elements of my proposed response to recommendations 6, 26 and 27. s 9(2)(f)(iv)

33.1 retaining flexibility for our Tiriti partners when responding to the Commission's recommended processes, outcomes and timelines

33.2 retaining flexibility for the Crown so that work that supports an equitable transition for Māori can be better aligned, phased, and coordinated

33.3 establishing the foundations to support a stronger Crown-Māori partnership for responding to the climate emergency.

- 34 This response reflects what we have learned from our engagement with Māori to date and retains space for ongoing dialogue about an appropriate response to the Commission's recommendations.

*Progressing the Commission's recommendations will require flexibility for our Te Tiriti Partners*

- 35 To accommodate the perspectives and capacity of our Tiriti partners, the Government needs to be flexible in its approach to the Commission's recommendations for upholding Te Tiriti and achieving an equitable transition for Māori. This includes how and when they are progressed.

- 36 Engagement has highlighted that Māori hold diverse opinions on the Commission's recommendations and that Government must build sufficient consensus from Māori before making decisions or taking steps towards implementation. This means the timelines proposed by the Commission are unlikely to be met.

- 37 My officials have heard that sufficient consensus requires a relationship-based approach that recognises regional and intergenerational differences, enables appropriate Māori representation, facilitates Māori-to-Māori conversations, and aligns with settlements and other existing arrangements and priorities for iwi and hapū who are re-establishing their economic rangatiratanga.

*Progressing the Commission's recommendations requires flexibility and alignment with other Crown work programmes*

- 38 Māori have highlighted the importance of an integrated approach across mitigation and adaptation and noted that interagency coordination is a current weakness in the Crown's current climate engagement and planning. The Commission's recommendations 6.4 and 26.6 reinforce this by suggesting a shift to a more holistic, systems-based approach to enabling an equitable transition for Māori.

- 39 Te Tiriti is embedded across several planned Cabinet papers and upcoming policy decisions for the emission reduction plan. This includes plans for Māori

engagement and collaboration within sector-based work programmes, as well as interconnection with other cross-cutting initiatives to support the climate response, including funding and financing the transition, <sup>s 9(2)(f)(iv)</sup>, emissions reduction plan accountability, equitable transitions, and research, science, innovation and technology initiatives. The proposals in this paper would support a more strategic and coordinated approach to working with Māori representatives across these areas.

40

Out of Scope

s 9(2)(f)(iv)

*A platform will support Māori climate action and a Tiriti-led approach to an equitable transition for Māori and the Māori economy by building capacity and capability and improving data.*

- 41 Direct engagement and formal submissions from Māori on both the Climate Change Response (Zero Carbon) Amendment Act 2019 and recent consultation on the emission reduction plan discussion document have highlighted four key areas that need to be strengthened for an equitable transition for Māori and the Māori economy:
- 41.1 Te Tiriti partnership and representation
  - 41.2 elevating Te Ao Māori
  - 41.3 resourcing kaupapa Māori and tangata Māori solutions
  - 41.4 improving coordination and integration of climate initiatives
- 42 The issues and solutions to address these areas are strongly interconnected and will require further development in collaboration with Māori.
- 43 I propose the establishment of platform to sit alongside the Government's climate policy response, including the emissions reduction and national adaptation plans.
- 44 The platform will be operationalised through the appointment of Māori representatives and play a key role in how we define, measure and achieve outcomes that enable an equitable transition for Māori.
- 45 The platform will support the establishment of three workstreams. These address the areas highlighted in paragraph 41 and will guide how we give effect to Te Tiriti in our approach to the climate emergency.
- 46 These workstreams should sit across the work of the relevant agencies working on the emissions reduction plan and the national adaptation plan to support a more coordinated Crown-Māori partnership through the climate response.

Figure 1. Three workstreams to guide the Government’s response

	s 9(2)(f)(iv)
<p><b>Partnership and Representation Workstream</b></p>	
<p>This will establish mechanisms to build Te Tiriti-led relationships and recognition of Māori rights and interests across the climate response. This should include mechanisms for Māori to actively participate in design and decision-making.</p>	

*The platform*

- 47 The platform will provide strategic oversight and governance to enable the emissions reduction plan and the national adaptation plan to better support outcomes for Māori. This includes collaborating with the government to determine outcomes.
- 48 The platform should be designed and progressed in two phases:
  - 48.1 Phase One: establishment of an interim Ministerial advisory committee to work alongside the Crown to s 9(2)(f)(iv) provide advice on priority climate issues, and advise on the establishment of the three workstreams and a more enduring form of the platform.
  - 48.2 Phase Two: a more enduring platform to support the implementation of the Commission’s recommendations relevant to support equitable outcomes for Māori through the climate response.

*Phase One: an interim platform*

- 49 A Ministerial advisory committee will provide strategic advice across the Commission’s recommendations for the role of Māori in the transition and upcoming climate response decisions and work programmes, while also working alongside government to define, measure and achieve outcomes that enable an equitable transition for Māori.

50 I intend to establish the interim Ministerial advisory committee as soon as possible, by appointing suitably qualified members through the Cabinet Appointments and Honours Committee (APH), following consultation with the Minister and Associate Minister for Māori Development and the Minister for Māori Crown Relations. I will also work with this group of Ministers to develop Terms of Reference (TOR).

s  
9(  
2)  
(f)  
(iv)

[Redacted text block]

51.5 s 9(2)(f)(iv)

52 It is important to note that the interim Ministerial advisory committee will be Government appointed. While the committee may help inform Māori engagement approaches, its role cannot replace iwi/hapū and Māori sectoral and community engagement across specific climate response decisions and processes.

53 Existing relationships and advisory groups that are highly relevant to an equitable transition for Māori (e.g. Ihirangi, Māori Economic Development Advisory Board) should be considered in the establishment of the interim Ministerial advisory committee.

54 The interim Ministerial advisory committee will be established as soon as possible to advance the further development of the three workstreams. This urgency reflects the nature of the climate emergency and pace of cross-government work to meet emissions budget and adaptation timelines.

*Phase Two: a more enduring platform*

55 In phase two, the interim platform will transition to a more enduring design. The future design will be developed in collaboration with Māori, with support from the interim Ministerial advisory committee established in phase one.

56 s 9(2)(f)(iv) [Redacted]

s 9(2)(f)(iv) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

s 9(2)(f)(iv)

Proactively released under the Official Information Act 1982

63.2 investing in Māori capacity and capability

63.3 investing in Māori data and knowledge.

64 Together, these priorities help to target policy and funding and financing measures to build Māori knowledge and influence for our climate response. They will also provide resourcing for Māori community initiatives to achieve short-term and long-term outcomes.

65 While this workstream could quickly identify and direct resources at existing projects or plans for reducing emissions or building climate resilience, it would also support delivery of a comprehensive Māori climate strategy and action plan within the strategy and alignment workstream.


66 To operationalise the community activation workstream, the platform will work alongside the Government to support Ministers to establish outcomes-based funding mechanisms that are robust, defensible, and recognise existing funding accessibility barriers faced by Māori.

*Other options to respond to the Commission's recommendations have been explored*

67 I have explored a range of options for addressing and implementing the Commission's recommendations. These include progressing the Commission recommendations as written within existing relationships; amending the mandate of existing groups to support the climate response; and establishing the platform and workstreams with a narrower scope (i.e. emission reduction initiatives only) or broader scope (i.e. including broader economic and social policies).

68 These options are not preferred largely because of implementation feasibility issues. Narrower options, including using or amending the role of existing groups, risk not establishing sufficient consensus amongst Māori and would be limited by the capacity and capability of existing groups. A broader scope does not strike the right balance between improving interconnection versus a manageable scope of work.

69 s 9(2)(f)(iv)



*Embedding diverse Māori perspectives in the emissions reduction plan and climate change policies*

70 The Commission recommended that the He Ara Waiora framework should be embedded throughout the development of climate change related policies (recommendation 26.6). This framework was developed alongside Ngā

Pūkenga,<sup>2</sup> to support the Crown to apply an indigenous approach to wellbeing and lifting living standards.

- 71 I see merit in He Ara Waiora for supporting the Crown to better understand and enable wellbeing across the climate response at a national level, and the proposals in this paper are strongly aligned with the framework's guiding principles.
- 72 However, Māori have told us that a single framework will not be fit-for-purpose for supporting Te Tiriti obligations across climate policy. Keeping space for and upholding the mana of other frameworks, such as those established through Treaty settlements, legislation, and existing climate partnership initiatives, will be important as we shift from policy design to implementation. Examples of potentially relevant frameworks include Te Pā Auroa nā Te Awa Tupua (settlement), Te Oranga o te Taiao (legislation), and Te Ora ō Tāmaki Mākaaurau Wellbeing Framework for Te Tāruke-ā-Tāwhiri: Auckland's Climate Plan (existing).
- 73 In addition, Cabinet agreed to explore an indigenous climate framework within work on adaptation [CAB-21-MIN-0084]. s 9(2)(f)(iv)
- 74 I therefore propose that other frameworks in addition to He Ara Waiora should be considered if proposed by our Te Tiriti partners when developing national strategies and climate policy.

### Implementation

- 75 The proposals in this paper are dependent on further Budget allocation. If necessary, proposals will be updated considering ongoing engagement with Māori.
- 76 If funding is secured through Budget 22, I recommend that work to establish phase one of the platform begins as soon as possible, s 9(2)(f)(iv)
- 77 Phase one of the platform should be established for an initial period of one year. This is intended to allow the time for the Ministerial advisory committee to work with the Climate Response Ministerial Group, officials and Māori to explore possible options for a more enduring form of the platform.

<sup>2</sup> Ngā Pūkenga was an expert group of Māori thought leaders, brought together by The Treasury.

**Financial Implications**

78 Decisions are contingent on funding being secured for the Māori Climate Action initiative through the Budget 2022 CERF process. § 9(2)(f)(iv) [redacted] over four years to establish the platform and its supporting workstreams:

78.1 a partnership and representation workstream that builds the foundations for Te Tiriti partnership and improves recognition of Māori rights and interests across the climate response.

78.2 § 9(2)(f)(iv) [redacted]

[redacted]

[redacted]

**Legislative Implications**

80 The proposals do not have any immediate legislative implications.

81 Litigation is underway challenging the Commission's advice and the Government's subsequent decisions. § 9(2)(h) [redacted]

[redacted]

**Impact Analysis**

**Regulatory Impact Statement**

83 An overarching Regulatory Impact Statement has been prepared by the Ministry for the Environment (with input from other agencies) to support Cabinet consideration of the first emissions reduction plan.

84 The proposals in this paper do not have immediate legislative or regulatory implications. Officials will engage with the Treasury's Regulatory Impact Analysis Team to confirm the scope of Regulatory Impact Statements to support any future decisions by Cabinet on policies that will have regulatory impacts.

Proactively released under the Official Information Act 1982

### Climate Implications of Policy Assessment

- 85 The proposals in this paper will enable emissions reductions in the future and therefore do not meet the CIPA requirements. Information will be provided to support any future decisions by Cabinet to implement policies that meet CIPA requirements.

### Population Implications

- 86 These proposals are intended to improve the ability for iwi, hapū and other Māori communities to engage with climate policy and take climate action at national and local levels.
- 87 The disproportionate impacts on population groups identified in the Commission's final advice will be addressed through Regulatory Impact Statements on specific policy proposals and the emission reduction plan distributional impacts Cabinet paper.
- 88 The emissions reduction plan will be presented to Cabinet this year. This will identify possible distributional impacts from proposals across the plan, including those affecting Māori, alongside details for how these will be mitigated and managed. This will be informed by consultation on proposals for the emissions reduction plan, which specifically sought feedback to better understand the impacts of the transition to a low-emissions economy.

### Te Tiriti o Waitangi

- 89 The Climate Change Response Act 2002 sets out specific requirements to enable the Government to give effect to the principles of Te Tiriti o Waitangi. The Minister of Climate Change is specifically required to ensure that:

89.1 the emissions reduction plan contains a strategy that recognises and mitigates the impacts that the transition will have on Māori;

89.2 iwi and Māori have been adequately consulted on the emissions reduction plan, and

89.3 Out of Scope

- 90 These statutory requirements build on the need for Māori and the Crown to work together in good faith to ensure our climate emergency response appropriately recognises Māori rangatiratanga and kaitiakitanga and the kawanatanga of the Crown.

*The emissions reduction plan will include a strategy that recognises and seeks to mitigate the impacts of the transition, including on iwi and Māori*

- 91 The final emissions reduction plan will include an Equitable Transition strategy that recognises and mitigates the impacts of the transition on employees, employers, regions, iwi and Māori and affected communities. Work on this strategy is underway and decisions will be sought in March 2022.
- 92 The emissions reduction plan will also include a focus on achieving an equitable transition for Māori. I recognise the Commission's advice that Māori, iwi and hapū are likely to be disproportionately vulnerable to the impacts from the transition to a low-emission and climate resilient economy. It is important that – while support for strong climate mitigation is high amongst Māori – action does not come at the expense of Māori rights and interests. Upholding Tiriti principles throughout the development of emissions reduction policies and strategies will help to ensure this does not happen.
- 93 I recognise that a large Māori asset base currently sits in the primary industries, as well as Treaty-based rights and interests in natural resources, and Treaty settlement arrangements over forests (native and plantation) and water. Consideration of settlement legislation and the impacts of policies on this asset base will be critical when deciding and implementing final proposals.

*The emissions reduction plan will be informed by public consultation and ongoing engagement with Māori*

- 94 While Māori engagement has been impacted by the large reform agenda, COVID-19 and confusion around the relative roles of the Commission and the Government, officials have been actively working to ensure that consultation is adequate.
- 95 As noted above, public consultation on the emissions reduction plan took place from 13 October – 24 November 2021 and over 10,000 submissions were received.
- 96 Officials have also invited iwi and hapū to engage directly on the emissions reduction plan since June 2021 and have continued to engage directly following the close of the public consultation. These conversations have focussed on understanding iwi and hapū aspirations as well as the opportunities and challenges presented by the transition <sup>s 9(2)(i)</sup> [REDACTED]
- 97 While submissions on the emissions reduction plan are still being analysed, emerging themes from our engagement to date indicate:
- 97.1 that Māori have diverse interests in sectoral, environmental and distributional impacts, as well as a wide range of opinions on the Commission's recommendations
- 97.2 the need for sufficient consensus from Māori prior to decisions being taken on how to progress the Commission's recommendations

## BUDGET SENSITIVE

- 97.3 the paramount importance of Te Tiriti and partnership to the transition, not only in principle but also to achieve the best outcomes for our country within the context of economic and technological shifts and the uncertainty of climate changes
- 97.4 a current lack of capacity and capability to engage on the climate response to the extent required
- 97.5 the need for significant and targeted funding for Māori collectives, businesses, communities and households to transition
- 97.6 the need to ensure Māori, including Post Settlement Governance Entities (PSGEs) and Māori land trusts, are not disadvantaged by the transition, particularly by regulation or inequitable access to funding and finance
- 97.7 the need to recognise the different characteristics and priorities of regions and Māori collectives, including the differences between rural and urban Māori needs
- 97.8 'For Māori, by Māori' approaches to climate action are required, particularly where awareness and education, social license and behaviour change are important.
- 98 This paper proposes actions aimed at upholding the Crown's obligations under Te Tiriti and enhancing how Māori and Te Ao Māori are reflected in policy development. These actions will:
- 98.1 ensure that the Government works alongside Māori to decide the best way to approach and potentially implement the Commission's recommendations 6, 26 and 27
- 98.2 support the development and use of mātauranga Māori, which will benefit Māori and Crown capability and better enable mātauranga to be applied during policy development
- 98.3 support Māori to participate effectively in climate policy processes (especially when they are affected) and take independent climate action to safeguard their own interests
- 98.4 invest in Māori capability and capacity to directly benefit Māori climate action.

### Human Rights

- 99 There are no inconsistencies between these proposals and the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

### Consultation

- 100 We received feedback on the paper from Treasury, Te Puni Kōkiri, Te Arawhiti, Ministry for Primary Industries, Ministry of Housing and Urban Development,

Waka Kotahi NZ Transport Agency, and Ministry of Transport. In general, agencies were supportive of the proposed workstream, with some noting the scope of the workstream may be insufficient, given the Climate Change Commission recommendations for an equitable transition for Māori extend well beyond the current scope of the Government's climate policy focus.

- 101 Public consultation on the emissions reduction plan discussion document, *Te hau mārohi ki anamata - Transitioning to a low-emissions and climate-resilient future* ran between for public consultation between 13 October and 24 November 2021 [CAB-21-MIN-0335 refers]. The feedback received will be factored into final decisions on the emissions reduction plan in March 2022.

### **Communications**


- 102 The Ministry for the Environment will communicate all decisions on policies and measures to be included in the emissions reduction plan when the final plan is published.

### **Proactive Release**

- 103 I propose that this paper is proactively released on the Ministry for the Environment's website after final decisions on the emission reduction plan have been made in 2022, subject to redactions in keeping with the principles of the Official Information Act 1982.

## Recommendations

The Minister of Climate Change recommends that the Committee:

- 1 **note** that the emissions reduction plan responds to the policy direction recommended by the Climate Change Commission (the Commission) in May 2021 and will be informed by:
  - 1.1 the results of public consultation (13 October – 24 November 2021)
  - 1.2 unfinished actions in the Climate Action Plan (published in 2019)
  - 1.3 s 9(2)(f)(iv) 
- 2 **note** that the Commission made multiple recommendations (6, 26, 27) for enabling an equitable transition for Māori that require a whole-of-government response and commitment over the long-term
- 3 **note** that the Commission's recommendations that the following strategies and plans be developed in partnership with Māori will be subject to separate decisions where they relate to other Ministerial portfolios:
  - 3.1 a circular economy strategy (recommendation 14.1)
  - 3.2 a bioeconomy strategy (recommendation 15.1)
  - 3.3 planning and policies related to urban form, function and development (recommendation 16.1, 16.2)
  - 3.4 targets, plans and approaches to substantially increase active, public and shared transport to displace vehicle use (recommendation 17.1.d)
  - 3.5 a national low-emissions freight strategy (recommendation 19.1.a)
  - 3.6 a national energy strategy (recommendation 20.1.e)
  - 3.7 a plan to decarbonise the industrial sector (recommendation 21.1)
  - 3.8 a plan to transform buildings to be low emissions and climate resilient (recommendation 22.1)
  - 3.9 the revised waste strategy (recommendation 23.1)
  - 3.10 equitable transition strategy (recommendations 28.1, 28.2, 28.3)
- 4 **note** that the Commission's recommendations on how the Government should give effect to its obligations under Te Tiriti o Waitangi in a climate context broadly align with the Government's commitment to an equitable transition [CAB-18-MIN-0218]
- 5 **note** that the following policy decisions are subject to ongoing engagement with Māori

6 **accept in-principle** the Commission's recommendation 6, which proposes that the Government commit to working in partnership with iwi/Māori and local government to develop a strategy to ensure the principles of Te Tiriti o Waitangi are embedded in subsequent emissions reduction plans, in so far as this can be addressed through the climate policy response, including the emissions reduction plan and the national adaptation plan.

7 **accept in-principle** the Commission's recommendation 26, which proposes that, in the context of the transition to a low-emissions society, central and local government work with iwi/Māori to develop a mechanism to build authentic and enduring partnerships, in so far as this can be addressed through the climate policy response, including the emissions reduction plan and the national adaptation plan, noting that the outcomes are beyond the immediate scope of the emission reduction plan.

8 **accept in-principle** the Commission's recommendation 27, which proposes that the Government work with iwi/Māori to develop a strategy to advance a Māori-led approach to an equitable transition for iwi/Māori and the Māori economy, in so far as this can be addressed through the climate policy response, including the emissions reduction plan and the national adaptation plan.

9 **agree in-principle**, subject to funding, that officials will progress work to establish a platform to support Māori climate action and a Tiriti-led approach to an equitable transition for Māori and the Māori economy. The platform will be supported by three workstreams, including

9.1 a partnership and representation workstream

§ 9(2)(f)(iv)

10 **note** that the platform will be established using a § 9(2)(f)(iv)

11 **agree** that phase one of the platform will include the establishment of an interim Ministerial advisory committee to provide advice to the Minister of Climate Change and the Climate Response Ministerial Group on the priorities in our approach to an equitable transition for Māori

12 **note** that I expect the interim Ministerial advisory committee may work alongside Climate Chief Executives Board to reflect collective views in advice where appropriate

13 **note** the Minister of Climate Change will work with the Minister and Associate Minister for Māori Development and the Minister for Māori Crown Relations to guide the development of a Terms of Reference and appointment of members for the interim Ministerial advisory committee before seeking Cabinet agreement through the Cabinet Appointments and Honours Committee

- 14 s 9(2)(f)(iv) [Redacted]
- 15 **note** throughout the climate change work programme there is a recognition of the important role both government and iwi/Māori play in their respective parts of climate change policy, as the basis for kawangatanga and rangatiratanga
- 16 s 9(2)(f)(iv) [Redacted]
- 17 **note** that implementing recommendations 6, 26 and 27, including the provisional indicators and strategies proposed by the Commission, will be subject to decisions made in partnership with Māori
- 18 **note** that the Minister of Climate Change has submitted a Budget 22 initiative to the Climate Emergency Response Fund for a Māori Climate Action initiative to give effect to these decisions
- 19 **note** that Cabinet agreed to explore an indigenous worldview as the lead worldview for developing the national adaptation plan [CAB-21-MIN-0084]
- 20 **agree** that other indigenous frameworks should be considered along with the Commission's recommended framework – He Ara Waiora – when making national strategies and climate policy

Authorised for lodgement

Hon James Shaw

**Minister of Climate Change**



# Cabinet Māori Crown Relations: Te Arawhiti Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Emissions Reduction Plan: Te Tiriti o Waitangi and the Role of Māori in the Transition

**Portfolio**                      **Climate Change**

On 8 March 2022, the Cabinet Māori Crown Relations: Te Arawhiti Committee:

- 1        **noted** that the emissions reduction plan responds to the policy direction recommended by the Climate Change Commission (the Commission) in May 2021 and will be informed by:
  - 1.1      the results of public consultation (13 October – 24 November 2021);
  - 1.2      unfinished actions in the Climate Action Plan (published in 2019);
  
- s  
9(2  
1(f)      [REDACTED]
  
- 2        **noted** that the Commission made multiple recommendations (6, 26, and 27) for enabling an equitable transition for Māori that require a whole-of-government response and commitment over the long-term;
  
- 3        **noted** that the Commission's recommendations that the following strategies and plans be developed in partnership with Māori will be subject to separate decisions where they relate to other Ministerial portfolios:
  - 3.1      a circular economy strategy (recommendation 14.1);
  - 3.2      a bioeconomy strategy (recommendation 15.1);
  - 3.3      planning and policies related to urban form, function and development (recommendations 16.1 and 16.2);
  - 3.4      targets, plans and approaches to substantially increase active, public and shared transport to displace vehicle use (recommendation 17.1.d)
  - 3.5      a national low-emissions freight strategy (recommendation 19.1.a);
  - 3.6      a national energy strategy (recommendation 20.1.e);
  - 3.7      a plan to decarbonise the industrial sector (recommendation 21.1);
  - 3.8      a plan to transform buildings to be low emissions and climate resilient (recommendation 22.1);

3.9 the revised waste strategy (recommendation 23.1);

3.10 equitable transition strategy (recommendations 28.1, 28.2, and 28.3);

4 **noted** that the Commission’s recommendations on how the Government should give effect to its obligations under Te Tiriti o Waitangi in a climate context broadly align with the Government’s commitment to an equitable transition [CAB-18-MIN-0218];

5 **noted** that the following policy decisions are subject to ongoing engagement with Māori;

6 **agreed in principle** to the Commission’s recommendation 6, which proposes that the Government commit to working in partnership with iwi/Māori and local government to develop a strategy to ensure the principles of Te Tiriti o Waitangi are embedded in subsequent emissions reduction plans, in so far as this can be addressed through the climate policy response, including the emissions reduction plan and the national adaptation plan;

7 **agreed in principle** to the Commission’s recommendation 26, which proposes that, in the context of the transition to a low-emissions society, central and local government work with iwi/Māori to develop a mechanism to build authentic and enduring partnerships, in so far as this can be addressed through the climate policy response, including the emissions reduction plan and the national adaptation plan, noting that the outcomes are beyond the immediate scope of the emission reduction plan;

8 **agreed in principle** to the Commission’s recommendation 27, which proposes that the Government work with iwi/Māori to develop a strategy to advance a Māori-led approach to an equitable transition for iwi/Māori and the Māori economy, in so far as this can be addressed through the climate policy response, including the emissions reduction plan and the national adaptation plan;

9 **agreed in principle**, subject to funding, that officials progress work to establish a platform to support Māori climate action and a Tiriti-led approach to an equitable transition for Māori and the Māori economy, and the platform be supported by three workstreams, including:

9.1 a partnership and representation workstream;

s  
9(2  
) (f)  
(iv)

10 **noted** that the platform will be established using a two-phase approach,

11 **agreed** that phase one of the platform will include the establishment of an interim Ministerial advisory committee to provide advice to the Minister of Climate Change and the Climate Response Ministerial Group on the priorities in our approach to an equitable transition for Māori;

12 **noted** that the Minister of Climate Change expects that the interim Ministerial advisory committee may work alongside Climate Chief Executives Board to reflect collective views in advice where appropriate;

13 **noted** the Minister of Climate Change will work with the Minister and Associate Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti to guide the development of a Terms of Reference and appointment of members for the interim Ministerial advisory committee before seeking Cabinet agreement through the Cabinet Appointments and Honours Committee;

14 s 9(2)(f)(iv) [Redacted]

15 **noted** that throughout the climate change work programme there is a recognition of the important role both government and iwi/Māori play in their respective parts of climate change policy, as the basis for kawangatanga and rangatiratanga;

16 **agreed in principle**, subject to funding, that rangatahi voices be represented within both phases of the platform;

17 **noted** that implementing recommendations 6, 26 and 27, including the provisional indicators and strategies proposed by the Commission, will be subject to decisions made in partnership with Māori;

18 **noted** that the Minister of Climate Change has submitted a Budget 22 initiative to the Climate Emergency Response Fund for a Māori Climate Action initiative to give effect to these decisions;

19 Out of Scope [Redacted]

20 **agreed** that other indigenous frameworks should be considered along with the Commission’s recommended framework – He Ara Waiora – when making national strategies and climate policy.

Gerrard Carter  
Committee Secretary

**Present:**

- Hon Grant Robertson
- Hon Kelvin Davis (Chair)
- Hon Andrew Little (Deputy Chair)
- Hon David Parker
- Hon Nanaia Mahuta
- Hon Stuart Nash
- Hon Willie Jackson
- Hon Kiri Allan
- Hon Meka Whaitiri
- Hon James Shaw

**Officials present from:**

- Office of the Prime Minister
- Officials Committee for CMR

Proactively released under the Official Information Act 1982