

Briefing: Cabinet Paper for Cabinet Legislation Committee on establishing an ad-hoc Select Committee for climate adaptation

Date submitted: 20 February 2024

Tracking number: BRF-4309

Security level: Classification

MfE priority: Urgent

Actions sought from Ministers		
<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon Simon WATTS Minister of Climate Change	Provide feedback on attached LEG paper	21 February 2024

Actions for Minister's office staff

Return the signed briefing to the Ministry for the Environment (ministerials@mfe.govt.nz).

Appendices and attachments

- ### 1. Establishing an ad-hoc Select Committee for climate adaptation

Key contacts at Ministry for the Environment

Position	Name	Cell phone	First contact
Principal Author	Tracey Davies	022 076 7572	
Responsible Manager	Dáire Queenan	027 226 3989	
General Manager	Katherine Wilson	021 146 3122	✓

Minister's comments

Cabinet Paper for Cabinet Legislation Committee on establishing an Ad-hoc Select Committee for climate adaptation

Key messages

1. The Cabinet Legislation Committee has agreed in principle to support a motion in the House to establish an ad-hoc Select Committee on climate adaptation, subject to consultation with the Speaker, the Business Committee, the Clerk of the House, and all Parliamentary parties. You were asked to return with a paper to the Legislation Committee meeting on 29 February [LEG-24-MIN-0001 refers].
2. The purpose of the Committee for Climate Adaptation is to work towards building consensus on New Zealand's approach to climate adaptation
3. Attached for your feedback is a draft paper to the Cabinet Legislation Committee seeking agreement to introduce a motion in the House to establish an ad-hoc Select Committee. The draft Cabinet paper includes details of what should be included in the notice of motion such as purpose, role, timeframes and proposed membership of the Committee.
4. If the House agrees to the establishment of the ad-hoc Select Committee, the paper seeks an instruction from the House that the committee undertake an inquiry into climate adaptation. This would include transferring the submissions made to the Environment Committee's inquiry, to the ad hoc Select Committee.
5. This inquiry would be governed by an agreed Terms of Reference. A draft is attached to the Cabinet paper, which includes the scope of the inquiry and timeframes for reporting.
6. The Environment Committee inquiry into climate adaptation had a very broad terms of reference. There is a risk that carrying these terms over would result in a very broad ranging inquiry that may not be able to deliver in your optimal timeframes, nor be able to support the development of consensus. We have drafted a more specific terms of reference that is focused on asking the ad-hoc Select Committee for a report on purpose and principles for the legislation, and pathways and priorities for the core components of the adaptation framework.
7. Feedback on the draft paper is needed by end of 21 February so that changes can be incorporated before it is submitted to Cabinet Office by 10am 22 February. We will prepare talking points ahead of the Cabinet Legislation Committee meeting on 29 February 2024 and provide them to your office.
8. Following Cabinet approval, we can work with your office and the Office of the Clerk to draft the notice of motion.

Recommendations

We recommend that you:

- a. **agree** to review and provide feedback on the attached draft Cabinet paper for the Cabinet Legislation Committee by end of 21 February 2024

Yes | No

- b. **agree** to lodge the Cabinet paper with the Cabinet Office on 22 February 2024, subject to feedback

Yes | No

- c. **note** your office needs to update the Cabinet paper and appendix to reflect political discussions

- d. **note** that officials from the Ministry of the Environment will forward the draft paper to relevant agencies for their information

- e. **note** the Ministry will provide you talking points ahead of the meeting

- f. **note** that officials will work with your office to test with the Office of the Clerk to ensure the procedural elements for the motion are correct and the motions finalised.

Signatures



PP

Katherine Wilson
General Manager – Adaptation
Environmental Management and Adaptation
20 February 2024

Hon Simon WATTS
Minister of Climate Change

Date

Paper for Cabinet Legislation Committee on the Ad-hoc Select Committee on Climate Adaptation

Purpose

1. The attached draft cabinet paper is for your feedback. It seeks agreement from the Cabinet Legislation Committee for the Minister of Climate Change to present a motion in the House to establish an ad-hoc Select Committee to support work on climate adaptation.

Background

2. You intend to establish an ad hoc Select Committee to consider climate adaptation matters during the term of this Parliament.
3. On 15 February 2024 you brought an oral item to Cabinet Legislation Committee to seek agreement for ad-hoc Committee. The Committee agreed in principle to support a motion in the House to establish an ad-hoc Select Committee on climate adaptation, subject to consultation with the Speaker, the Business Committee, the Clerk of the House, and all Parliamentary parties. You were asked to return with a paper to the Legislation Committee meeting on 29 February [LEG-24-MIN-0001 refers].
4. We understand you are consulting with the Leader of the House, the Speaker, the Business Committee, and the Clerk of the House on the proposal to establish the ad-hoc Select Committee on climate adaptation.

Analysis and advice

5. The purpose for establishing an ad-hoc Select Committee is to build consensus on New Zealand's approach to climate adaptation.
6. The draft Cabinet paper seeks final agreement from the Cabinet Legislation Committee for the Minister of Climate Change to introduce a notice of motion in the House to establish an ad-hoc Select Committee to support work on climate adaptation.
7. The process to set up the ad-hoc Select Committee and commence the inquiry need to be undertaken in two distinct steps:
 - i establish an ad-hoc Select Committee
 - ii task the ad-hoc Committee to commence the required inquiry.
8. The notice of motion will need to establish the ad-hoc Select Committee. The notice of motion should include details on the purpose, scope, role, timeframes and membership of the committee.

9. The notice of motion also requests the Committee to undertake an inquiry into climate adaptation as the vehicle for progress its consideration of this work. The notice of motion should also include the terms of reference for the inquiry and details of the transfer of submissions from the Environment Committee inquiry on climate adaptation and enable consideration of these.
10. Your office will need to update the Cabinet paper and appendices to reflect on the outcome of the consultation the Cabinet Legislation Committee requested you undertake.
11. We also propose to forward this paper to relevant agencies for noting, while it is being finalised.

Te Tiriti analysis

12. will also carry out analysis as part of the policy development process.

Other considerations

Consultation and engagement

13. We will forward the draft Cabinet paper to Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development; Ministry for Culture and Heritage; Ministry of Health; Ministry of Transport; Ministry of Business, Innovation and Employment; Ministry of Primary Industries; Ministry of Social Development; the Department of Internal Affairs; the Department of Conservation; the Department of Prime Minister and Cabinet; Kainga Ora; the Treasury; the National Emergency Management Agency; Te Puni Kōkiri; Te Waihenga; Waka Kotahi; Land Information New Zealand; Toka Tū Ake EQC; Public Service Commission and Te Arawhiti.

Risks and mitigations

14. Our advice on the procedural elements of the motions is based on previous conversations with the Office of the Clerk and our own understanding. We will need to work with the Office of the Clerk to ensure the procedural requirements of motion are complied with. The Cabinet paper recommendations if approved, allow you to finalise the required motion in consultation with the Leader of the House in line with any further procedural advice received from the Office of the Clerk.

Legal, financial, regulatory and legislative implications

15. No legal, financial, regulatory or legislative implications are directly associated with the proposals in this briefing. Future policy decisions to inform legislative drafting may have regulatory or legislative implications.

Next steps

16. We will work with your office to lodge the paper with Cabinet office by 10am on Thursday 22 February subject to your agreement.
17. We will prepare talking points ahead of the meeting and provide them to your office.
18. Following Cabinet approval, we can work with your office and the Office of the Clerk to draft the notice of motion. This will happen in the week of 26 February. The motion will need to be tabled the day (or earlier) before to be debated. Your office will need to work with the Leader of the House's office to enable this.

Appendices

Please see appendices as attached via email to the Minister's office.

Appendix 1: Cabinet paper: Establishment of an ad-hoc Select Committee for climate adaptation