

## Appendix 1: Proposed technical amendments

Number	Bill section	Policy recommendation	Existing position in Bill	Comments
1	<b>Target</b> <i>50 Target for 2050</i>	Provide for the 2030 component of the biogenic methane target to be met if emissions of biogenic methane in 2030 are 10% or more below 2017 levels.	Gross emissions of biogenic methane are 10% less than 2017 emissions by the calendar year beginning on 1 January 2030	As currently worded, this component of the 2050 target would only be achieved if emissions of biogenic methane are exactly 10% below 2017 levels in 2030. If these emissions were reduced by 10.5%, for example, the target would not be deemed to be achieved.
2	<b>Target</b> <i>50 Target for 2050</i>	Clarify in the Bill that offshore mitigation and other removals (e.g., carbon capture and storage) can be counted towards the net zero part of the 2050 target.	Net emissions is defined as gross emissions minus r movals from land use, land use change and forestry. This excludes the use of offshore mitigation in the achievement of the target.	Some submitters have noted the inconsistency between the ability to use offshore mitigation against emissions budgets, but not the 2050 target. This requires us to clarify that offshore mitigation can be used against the net zero part of the 2050 target.
3	<b>Emissions budgets</b> <i>5W How emissions budgets are to be met</i>	Clarify that the priority is domestic emissions reductions and removals in achieving emissions budgets (as opposed to the use of offshore mitigation).	The Bill sets out that emissions budgets should be met, as far as possible, through domestic emissions reductions and removals.	A large number of submissions seek further clarification on when offshore mitigation can be used. Around half of submissions also request that offshore mitigation is prohibited. The Bill is intended to support the domestic transition to a low emissions economy. This means that domestic emissions reductions and removals should be prioritised. While offshore mitigation represents an important flexibility mechanism, their use should be limited to exceptional circumstances that affect the ability to meet emissions budgets domestically.
4	<b>Climate Change Commission Consultation requirements</b>	Consultation requirements on the Commission to allow for:	The Bill empowers the Commission to publish and invite submissions on discussion papers and draft reports, and undertake any consultation that it	These proposals made on the basis that: <ul style="list-style-type: none"> <li>to best provide for participative approaches, the Commission</li> </ul>

		<ul style="list-style-type: none"> <li>• A principles-based approach to Commission's engagement in general</li> <li>• plus process requirements specifically in relation to advice on emissions budgets</li> <li>• the Minister to ensure that consultation on emissions budgets has been adequate</li> </ul>	<p>considers necessary for the performance of its functions. The Bill also requires the Commission to "have regard to...the results of public consultation on an emissions budget" when preparing its advice about an emissions budget, or an emissions reduction plan. The Commission is required to consult widely with New Zealanders, including relevant sector representatives and affected communities, when preparing advice about an emissions reduction plan.</p> <p>It also requires the Minister to consider whether the Commission's consultation has been adequate in respect to emissions budgets, but only where the Minister departs from the Commission's recommendations.</p>	<p>should have flexibility as to the form of its engagement and consultation for advice on the emissions budget specifically, the Commission's consultation would ideally be sufficient to meet an "adequate consultation" test that the Minister is required to satisfy – so that the Government may, if it chooses, adopt the recommended emissions budget without further consultation</p> <p>the same does not apply to the Commission's other advice (e.g., in the NCCRA or advice on emissions-reduction plans), which advises high-level direction, but the Government still needs to develop detailed policy and carry out appropriate consultation</p>
5	<p><b>Adaptation reporting power</b>  <i>5ZV Minister may request certain organisations to provide information in relation to climate change adaptation</i></p>	<p>Add a confidentiality requirement in relation to commercially sensitive information obtained through the adaptation reporting power, to require the Minister (or Commission as the case may be) to not publicly disclose information obtained through the adaptation reporting power, except—</p> <ul style="list-style-type: none"> <li>• if non-disclosure would materially limit the Minister or the Commission's ability to undertake adaptation functions under the Bill and</li> <li>• following consultation with the person or organisation to whom the information is confidential, or;</li> </ul>	<p>The Bill provides for the Minister to request information relating to climate change adaptation, but does not place any confidentiality requirement on this information if it is commercially sensitive.</p>	<p>The Privacy Act 1993 (Privacy Act) and the Official Information Act 1982 (OIA) will, in general, apply to information held by the Minister under the Bill. The OIA and Privacy Act provide grounds to withhold certain information if the requested information is commercially sensitive. However, this does not provide blanket coverage because it is subject to an assessment of the public interest. Also, the OIA and Privacy Acts only apply when information is requested by a member of the public.</p> <p>Under the Bill the Minister will be able to request information on climate change adaptation from lifeline utility providers, including commercially</p>

		<ul style="list-style-type: none"> <li>to the extent that the information is already in the public domain.</li> </ul>		sensitive information, to support production of a national adaptation plan. The OIA and Privacy Act will not apply to the Minister if he or she wishes to include this information in a national adaptation plan, because the information will not be subject to a request under those Acts.
6	<b>Climate Change Commission, emissions budgets</b> <i>5ZH – Commission to report annually on the results of monitoring</i>	<p>Extend the timeframe for the Commission to provide its monitoring report from two to three months following the publication of a National Greenhouse Gas Inventory report, and the timeframe for the Minister to provide their written response.</p>	<p>Commission must make its monitoring report available two months after the publication of a New Zealand Greenhouse Gas Inventory report. The Minister must then present a report that responds to the Commission's monitoring report within two months of receiving it.</p>	<p>The UK Committee on Climate Change submitted that two months is not sufficient to produce and publish a monitoring report, or for the Minister to provide a written response.</p>
7	<b>Emissions reduction plans</b> <i>5ZE Commission to advise on emissions reduction plans</i>	<p>Clarify the timeframes that apply to the delivery of the emissions reduction plan to require:</p> <ul style="list-style-type: none"> <li>the responsible Minister to publish emissions reduction plans 12 months ahead of the beginning of the budget period,</li> <li>the Commission to provide its advice on high-level direction of policy 24 months before the beginning of the period.</li> </ul> <p>This will signal the specific policies and strategies that the Government will introduce to reduce emissions before the budget period starts.</p>	<p>The Bill currently requires emissions reduction plans to be published prior to the budget period commencing. There is also a requirement for the Commission to provide high level policy direction to inform the preparation of the plan, 12 months prior to the beginning of the budget period.</p>	<p>Submitters have commented on the need for greater certainty in the timeframes for the production of emissions reduction plans, and that they should be prepared in advance of the relevant budget period beginning. It will be important to signal the policy direction for the achievement of budgets as early as possible, while not publishing plans so early as to make them redundant by the time the budget period begins.</p>
8	<b>Climate Change Commission</b>	<p>Reports of the Commission are tabled by the Minister in the House within 10 working days of receiving it from the Commission, or if Parliament is not in</p>	<p>The Minister must present a copy of reports to the House as soon as practicable, but within 12 weeks of receiving them from the Commission. The</p>	

	<i>Tabling and publication timeframes</i>	<p>session, as soon as possible after the commencement of the next session of Parliament.</p> <p>Commission to publish as soon as practicable after tabling in the House of Representatives, but in any case within 20 working days of the report being received by the Minister.</p>	Commission must make the report publicly available after providing it to the Minister.
9	<b>Climate Change Commission</b> <i>Transparency and publication</i>	<p>Provide consistent transparency requirements on the Minister's responses to statutory Commission advice. The preferred approach is to align these requirements—</p> <ul style="list-style-type: none"> <li>• for the reports that contain specific recommendations, so that they require a public, written response, which gives reasons for any departures from the Commission's recommendations, and which is tabled in Parliament</li> </ul> <p>for the reports which need not contain specific recommendations but are regular functions of the Commission, so that they require a public, written response which is tabled in Parliament.</p>	<p>There are different transparency requirements in relation to each of the following reports:</p> <ul style="list-style-type: none"> <li>• response to target review (responds to specific recommendations)</li> <li>• response to advice on emissions budget (responds to specific recommendations)</li> <li>• response to emissions reduction review report (responds to specific recommendations)</li> <li>• emissions-reduction plan</li> <li>• response to progress report on emissions reduction</li> <li>• national adaptation plan</li> </ul> <p>response to progress report on national adaptation plan</p>

PROACTIVELY RELEASED