

[REDACTED]

From: [REDACTED]
Sent: Thursday, 2 April 2020 2:58 pm
To: [REDACTED]
Cc: [REDACTED]; Jo Hendy; Grant Blackwell
Subject: RE: [UNCLASSIFIED] RE: CCC methane review letter draft FINAL Tuesday 18 Feb.docx
Attachments: Draft Terms of Reference - Section 5K request re methane and NDC.docx

[UNCLASSIFIED]

Hi [REDACTED],

The Commissioners discussed the draft I sent you on Tuesday night. They thought it was a significant improvement and were generally very happy with the direction we've taken. They asked for a few changes, mainly for clarity and consistency. I've marked these in the attached. Nothing substantial has changed.

I mentioned the intention was that the Minister would append the TOR to a letter to Rod. The Commissioners were comfortable with this approach.

The Commissioners also discussed resourcing. While they understand that additional resourcing to support this extra work is unlikely in the current context, they did ask that the Minister's letter acknowledges the request will require extra work for the Commission. I think their interest here is to avoid setting a precedent that future ministerial requests for more work won't be accompanied by a discussion on the additional resourcing they need.

I have to focus on looking after the kids for the next couple of days while my wife works on COVID response, so I've copied in my colleague [REDACTED] who can pick this up when you've had a chance to consider,

Cheers,

[REDACTED]

[UNCLASSIFIED]

From: [REDACTED]
Sent: Tuesday, 31 March 2020 9:04 pm
To: [REDACTED]
Subject: RE: [UNCLASSIFIED] RE: CCC methane review letter draft FINAL Tuesday 18 Feb.docx

Hi [REDACTED]

I actually reckon this reflects the desired outcomes pretty bloody closely. I'll flick it over to the boss now with the proposed course of action we discussed.

Will keep you updated.

Thanks for all of this.

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From: [REDACTED]
Sent: Tuesday, 31 March 2020 7:10 PM
To: [REDACTED]
Subject: [UNCLASSIFIED] RE: CCC methane review letter draft FINAL Tuesday 18 Feb.docx

[UNCLASSIFIED]

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I've been working through the TOR as we discussed.

I've reflected the wording we talked through on the phone around framing this about the eventual end point for NZs methane emissions which might be required under 1.5 degrees. I've added some considerations which are around 1) the science, 2) national circumstances, 3) considering a range of scenarios.

I've also added a para after to set out the purpose of this advice, and clarify that this isn't intended to be a review under s5T.

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Will check emails tonight and happy to pick this up again in the morning.

Have a good evening,

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To: [REDACTED]
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Hi [REDACTED]

How do you feel about this wording?

Do you think this gives you the cover to provide advice of a general nature than can inform planning, but doesn't invoke the troublesome "recommend" wording.

[REDACTED]

[REDACTED]

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Subject: RE: [UNCLASSIFIED] RE: CCC methane review letter draft FINAL Tuesday 18 Feb.docx

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How do you feel about this wording?

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Released under the Official Information Act

Terms of Reference

The Minister for Climate Change requests under section 5K of the Climate Change Response Act (CCRA) that the Climate Change Commission (Commission) provide advice and reports by 1 February 2021¹⁰ containing:

- 1) ~~advice, setting aside the current target range for 2050 specified in section 5(Q)(1)(b)(ii) of the CCRA, advice on the potential reductions in biogenic methane emissions which might eventually be required by New Zealand as part of a global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.~~

In providing this advice the Commission must consider:

~~a. leave aside considerations on the current target range for biogenic methane specified in section 5(Q)(1)(b) of the CCRA;~~

~~a-b. consider the available scientific evidence on the global biogenic methane emissions reductions likely to be required to limit global average temperature increase to 1.5° Celsius above pre-industrial levels;~~

~~b-c. consider New Zealand's potential contribution to global efforts to limiting biogenic methane emissions, reflecting its national circumstances; and,~~

~~e-d. consider a range of potential scenarios for economic, social and demographic changes which might change occur in New Zealand and globally over the next century until 2100.~~

This advice is intended to provide greater certainty for planning purposes about the eventual reductions in biogenic methane emissions which might be required of New Zealand as part of global efforts to limit average temperature increased to 1.5° Celsius above pre-industrial levels. The Commission is not required to review the biogenic methane target under sections 5S and 5T of the CCRA.

- 2) advice on whether New Zealand's first Nationally Determined Contribution (NDC) is compatible with contributing to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.
- 3) recommendations on any changes to the NDC required to ensure it is compatible with global efforts under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.

Mode of work

The Commission must fulfil the requirements of section 5N of the CCRA, and is expected to engage with the public, iwi/hapū/Māori, industry, technical experts, special interest groups, sector lead groups and other interested parties.

The Commission will be able to draw upon a range of people from government agencies to inform specific elements of the work being undertaken.

Expected timeline

The Commission's advice on these matters in the form of a final report or reports, is to be provided to the Minister for Climate Change at the same time that the Commission

Commented [CH1]: I've put this here to try to make 1 above easier to read. I've also broadened the reference to all the methane target (so 2030 and 2050). Change from 'set aside' to 'leave aside' – as set aside has a specific legal meaning which wasn't intended.

Commented [CH2]: Changed to clarify time horizon for this work and that the scenarios should be both global and NZ.

[UNCLASSIFIED]

recommends the first three emissions budgets and advises on the first emissions reduction plan, that is, no later than 1 February 2021.

Publication

Under section 5L (2) of the CCRA, the Minister for Climate Change is required to table the Commission's final report with the House of Representatives. The Commission must make the document publicly available as soon as practicable after it is presented to the House of Representatives, but no later than 20 working days after providing it to the Minister (even if the document has not been presented to the House by that date).

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[UNCLASSIFIED]

[REDACTED]

From: [REDACTED]
Sent: Friday, 3 April 2020 1:36 pm
To: [REDACTED]
Cc: [REDACTED]; Jo Hendy; Grant Blackwell
Subject: Re: [UNCLASSIFIED] RE: CCC methane review letter draft FINAL Tuesday 18 Feb.docx

That's great news. Thanks for your perseverance too. A check by MfE legal seem very sensible.

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: Friday, April 3, 2020 1:32:25 PM
To: [REDACTED]
Cc: [REDACTED]; Jo Hendy [REDACTED]
Grant Blackwell [REDACTED]
Subject: RE: [UNCLASSIFIED] RE: CCC methane review letter draft FINAL Tuesday 18 Feb.docx

In very exciting news... I think we've got it. The boss is happy with the revised ToR and the notion of sending the letter as additional context.

I'm going to send this through to MfE for checking by legal and then if they're happy with it, we can go from there. Well done all.

Regards,
[REDACTED]

From: [REDACTED]
Sent: Thursday, 2 April 2020 3:05 PM
To: [REDACTED]
Cc: [REDACTED]; Jo Hendy [REDACTED]
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[REDACTED]

Dear Rod,

I hope that the establishment of the Climate Change Commission is going well. I know you and your fellow Commissioners are aware of the scale of the challenge we face as a country to meet our climate change targets.

Further to my conversations with you on 13 November 2019 and with you and your fellow Commissioners on 28 January 2020, I am writing to request advice on two important issues.

Advice biogenic methane

First, I request advice from the Commission regarding New Zealand's biogenic methane emissions.

I make this request under Section 5K of the Climate Change Response Act (the Act), which provides for the Climate Change Minister to request advice of the Commission on matters relating to climate change.

The purpose of the advice for biogenic methane is to inform New Zealand's understanding of the potential reductions in biogenic methane emissions which might eventually be required by New Zealand as part of a global effort under the Paris Agreement to limit the global average temperature increase to 1.5°C above pre-industrial levels.

Advice on New Zealand's first Nationally Determined Contribution under the Paris Agreement

Second, I request a review of New Zealand's first Nationally Determined Contribution (NDC) for the period 2021 to 2030. The review should assess if the NDC should be revised to make it consistent with the global 1.5°C temperature goal.

I also make this request under Section 5K of the Act.

I consider a review necessary to ensure consistency between the NDC and the more recent temperature and emissions reductions goals in the Act after its amendment in 2019; and because the science has evolved considerably since the NDC was lodged in 2016 (in particular, the IPCC's 2018 Special Report on Global Warming of 1.5°C).

Under the Paris Agreement, New Zealand has committed to update its first NDC this year.

I had hoped to be in a position to ask the Commission to review the NDC prior to doing so. However, due to delays in the passage of the Climate Change Response (Zero Carbon Amendment) Bill and the establishment of the Commission, this was not possible.

I will take the opportunity of the update to our NDC in 2020 to inform the UNFCCC that, following advice from the Commission, we may revise New Zealand's NDC. I would like the Commission to provide advice and recommendations both on whether the NDC should change to bring it in line with the global 1.5°C temperature goal and, if so, how.

Next Steps

I would like to receive your advice on both of these requests alongside your advice on the first three emissions budgets.

Following consultation with you on these requests for advice under section 5K(2) of the Act, I have finalised the terms of reference for this work. The terms of reference are attached to this letter, and I expect you to make them publicly available in accordance with section 5K(3)(a) of the Act.

I am aware that the Commission already has a significant work programme ahead, particularly with the preparation of advice on the first three emissions budgets. We will continue to discuss how the Commission is able to deliver these requests alongside its existing work programme.

Yours sincerely,

Hon. James Shaw

Minister of Climate Change

Released under the Official Information Act

Terms of Reference

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- 1) advice on the potential reductions in biogenic methane emissions which might eventually be required by New Zealand as part of a global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.

In providing this advice the Commission must:

- a. leave aside considerations on the current target range for biogenic methane specified in section 5(Q)(1)(b) of the CCRA;
- b. consider the available scientific evidence on the global biogenic methane emissions reductions likely to be required to limit global average temperature increase to 1.5° Celsius above pre-industrial levels;
- c. consider New Zealand's potential contribution to global efforts to limit biogenic methane emissions, reflecting its national circumstances; and
- d. consider a range of potential scenarios for economic, social and demographic changes which might occur in New Zealand and globally until 2100.

This advice is intended to provide greater certainty for planning purposes about the eventual reductions in biogenic methane emissions which might be required of New Zealand as part of global efforts to limit average temperature increased to 1.5° Celsius above pre-industrial levels. This advice does not require the Commission to review the biogenic methane target under sections 5S and 5T of the CCRA.

- 2) a report on New Zealand's first Nationally Determined Contribution (NDC), including:
 - a. advice on whether the NDC is compatible with contributing to the global effort under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels; and
 - b. recommendations on any changes to the NDC required to ensure it is compatible with global efforts under the Paris Agreement to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.

Mode of work

The Commission must fulfil the requirements of section 5N of the CCRA, and is expected to engage with the public, iwi/hapū/Māori, industry, technical experts, special interest groups, sector lead groups and other interested parties.

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