

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, 26 March 2020 8:42 pm  
**To:** [REDACTED]  
**Cc:** [REDACTED] Jo Hendy; Grant Blackwell  
**Subject:** RE: [UNCLASSIFIED] RE: Terms of Reference

Sorry all, false alarm, it's actually the following Wednesday it's needed by. Any time next Wednesday/Thursday is fine.

Thanks,

[REDACTED]

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**From:** [REDACTED]  
**Date:** Thursday, 26 Mar 2020, 8:07 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] Jo Hendy [REDACTED], Grant Blackwell  
**Subject:** RE: [UNCLASSIFIED] RE: Terms of Reference

Hi all,

Just following up. The boss is very keen to have the TOR wording sorted to take to Cabinet next Wednesday at 13:00 to socialise with his colleagues.

What time do the commissioners meet on Wednesday? Otherwise, is there another process we could follow to sort out a wording? Happy to work with you any way necessary.

Thanks in advance.

[REDACTED]

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**From:** [REDACTED]  
**Date:** Thursday, 26 Mar 2020, 1:26 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED] Jo Hendy [REDACTED], Grant Blackwell  
**Subject:** RE: [UNCLASSIFIED] RE: Terms of Reference

[UNCLASSIFIED]

Hi [REDACTED]  
I hope you're doing well with the lockdown. I have a couple of kids I can drop round if you need some company... guaranteed never a dull moment!  
The Commissioners were mainly focused on business planning for COVID-19 when they met yesterday, so we can't share an amended TOR yet. We will be discussing the TOR next Wednesday with them and get back to you shortly after.

The Commissioners are also still thinking of how to usefully contribute to the discussions on greening any fiscal stimulus. We will pick this up with them again on Wednesday and let you know.

Look after yourselves,

[REDACTED]

[UNCLASSIFIED]

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**From:** [REDACTED]  
**Sent:** Friday, 20 March 2020 1:08 pm  
**To:** [REDACTED] Jo Hendy  
[REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: [UNCLASSIFIED] RE: Terms of Reference  
[Good stuff, sounds like a plan.](#)

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, 20 March 2020 11:56 AM  
**To:** [REDACTED]; Jo Hendy [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [UNCLASSIFIED] RE: Terms of Reference

[UNCLASSIFIED]

Hi [REDACTED],  
Yes – we'll get back to you with a suggestion for the wording. We'd like to do that after talking to all the Commissioners on Wednesday, so will look to get back to you later next week.

[REDACTED]

[UNCLASSIFIED]

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**From:** [REDACTED]  
**Sent:** Friday, 20 March 2020 11:28 am  
**To:** Jo Hendy [REDACTED]; [REDACTED]  
[REDACTED]  
**Cc:** Kate Ryan [REDACTED]  
**Subject:** Terms of Reference

Hi [REDACTED],  
Just confirming after yesterday's meeting that the Commission will come back to us with amended wording on the ToR?  
Thanks again for coming in, I think it was really productive.  
Thanks,

[REDACTED]

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, 31 March 2020 9:12 am  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Jo Hendy; Grant Blackwell  
**Subject:** RE: Terms of Reference  
**Attachments:** Draft Terms of Reference - Section 5K request re methane and NDC.docx

[UNCLASSIFIED]

Hi [REDACTED],

I thought it worth sharing with you the changes we're suggesting to Commissioners on the Terms of Reference – which we'll discuss with them tomorrow (attached). These build on the wording you shared when Rod met with the Minister. In making these changes we have reflected:

- 1) the preference not to trigger a review of the target at this time under s55 and s5T,
- 2) to review where within the current target range NZ should be aiming for – given both the science and the need to provide greater certainty for planning purposes,
- 3) the preference to focus only on the 2050 part of the methane target, and,
- 4) the Commissioner's preference to maximise the synergy with the existing work on budgets.

If you could let me know by **12 Wednesday** if there's anything in the changes which raises a concern for you then we can flag this with the Commissioners tomorrow and hopefully avoid further iterations on the wording.

Give me a call if easier to discuss, [REDACTED]

Thanks,

[REDACTED]

[UNCLASSIFIED]

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**From:** [REDACTED]  
**Sent:** Thursday, 26 March 2020 3:13 pm  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Jo Hendy [REDACTED]; Grant Blackwell  
[REDACTED]  
**Subject:** RE: [UNCLASSIFIED] RE: Terms of Reference

Hi [REDACTED],

Thanks for the update. Understandable that everything is a bit mad. Look forwards to hearing from you next week.

[REDACTED]

P.S. I'll trade you the kids for a few of my housemates – they ~mostly~ look after themselves but I hope you like loud music and a messy kitchen.

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**From:** [REDACTED]  
**Sent:** Thursday, 26 March 2020 1:26 PM  
**To:** [REDACTED]

Cc: [REDACTED] Jo Hendy [REDACTED]; Grant Blackwell

**Subject:** RE: [UNCLASSIFIED] RE: Terms of Reference

[UNCLASSIFIED]

Hi [REDACTED],

I hope you're doing well with the lockdown. I have a couple of kids I can drop round if you need some company... guaranteed never a dull moment!

The Commissioners were mainly focused on business planning for COVID-19 when they met yesterday, so we can't share an amended TOR yet. We will be discussing the TOR next Wednesday with them and get back to you shortly after.

The Commissioners are also still thinking of how to usefully contribute to the discussions on greening any fiscal stimulus. We will pick this up with them again on Wednesday and let you know.

Look after yourselves,

[REDACTED]

[UNCLASSIFIED]

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**From:** [REDACTED]  
**Sent:** Friday, 20 March 2020 1:08 pm  
**To:** [REDACTED] Jo Hendy  
[REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: [UNCLASSIFIED] RE: Terms of Reference

Good stuff, sounds like a plan.

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Friday, 20 March 2020 11:56 AM  
**To:** [REDACTED] Jo Hendy [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [UNCLASSIFIED] RE: Terms of Reference

[UNCLASSIFIED]

Hi [REDACTED],

Yes – we'll get back to you with a suggestion for the wording. We'd like to do that after talking to all the Commissioners on Wednesday, so will look to get back to you later next week.

[REDACTED]

[UNCLASSIFIED]

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**From:** [REDACTED]

**Sent:** Friday, 20 March 2020 11:28 am

**To:** Jo Hendy [REDACTED]

[REDACTED]

**Cc:** [REDACTED]

**Subject:** Terms of Reference

Hi [REDACTED],

Just confirming after yesterday's meeting that the Commission will come back to us with amended wording on the ToR?

Thanks again for coming in, I think it was really productive.

Thanks,

[REDACTED]

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## Terms of Reference

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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 2020 on:

- 1) 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. 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. New Zealand's potential contribution to global efforts to limiting biogenic methane, reflecting its national circumstance and,
- c. a range of potential scenarios for economic, social and demographic changes which might change over the next century.

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 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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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Tuesday, 31 March 2020 5:05 pm  
**To:** [REDACTED]  
**Subject:** FW: CCC methane review letter draft FINAL Tuesday 18 Feb.docx  
**Attachments:** CCC methane review letter draft FINAL Tuesday 18 Feb.docx

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]

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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<sup>th</sup> November 2019 and with you and your fellow Commissioners on 28<sup>th</sup> January 2020, I am writing to request advice on two important issues.

#### **Advice on the 2050 target for biogenic methane**

First, I request advice from the Commission regarding the 2050 target for 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.

Many people across civil society, the agriculture sector, and the wider business community have raised concerns with me, and with the Environment Select Committee, that the 2050 target outlined in the Act for biogenic methane does not provide a sufficient level of certainty.

This is because the range of 24 to 47 per cent is too broad to be used for any meaningful planning or investment purposes. Debate also exists about the reductions in biogenic methane emissions New Zealand needs to make to be consistent with the global 1.5°C temperature goal.

While the direction of travel is clear, and the 2030 interim requirement for a 10 per cent gross reduction in biogenic methane does provide a strong shorter-term investment signal, I do understand the desire for more precision out to 2050.

I invite the Commission to provide me with this advice at the same time the Commission recommends the first three emissions budgets and advises on the first emissions reduction plan, that is, no later than 1<sup>st</sup> February 2021.

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

Second, I request a review of New Zealand's Nationally Determined Contribution (NDC) for the first commitment period from 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 our NDC for the first commitment period 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.

I would like to receive this advice alongside your advice on the biogenic methane target, i.e. 1<sup>st</sup> February 2021.

The Act requires that we formalise terms of reference for work requested under Section 5K, and that the terms be made available to the public. I have requested my officials to prepare draft terms of reference, and will send these to you for review shortly.

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. In preparing the terms of reference, there will be an opportunity for us to discuss how the Commission is able to deliver this request alongside its existing work programme.

Yours sincerely,

Hon. James Shaw

**Minister of Climate Change**

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