



## PROACTIVE RELEASE COVERSHEET

<b>Minister</b>	Hon James SHAW	<b>Portfolio</b>	Climate Change
<b>Name of package</b>	Proactive release of Climate Change Adaptation Bill Cabinet papers	<b>Date to be published</b>	25 September 2023

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
3 August 2023	Cabinet paper: Community-led retreat and adaptation funding – issues and options paper	Office of the Minister of Climate Change
16 June 2023	Cabinet paper: Progressing the Climate Change Adaptation Bill	Office of the Minister of Climate Change
16 March 2021	Cabinet paper: Adaptation Legislation: Proposed Scope, Objectives and Process	Office of the Minister of Climate Change
7 August 2023	Cabinet Business Committee Minute of Decision: Community-led Retreat and Adaptation Funding: Issues and Options Paper Food Waste (CBC-23-MIN-0016)	Cabinet Office
22 June 2023	Cabinet Environment, Energy and Climate Committee Minute of Decision: Progressing the Climate Change Adaptation Bill (ENV-23-MIN-0027)	Cabinet Office
15 March 2021	Cabinet Minute of Decision: Adaptation legislation – scope, objectives, and process (CAB-21-MIN-0068)	Cabinet Office

### Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

### Summary of reasons for redaction

Some information has been withheld for the reasons of confidential information entrusted to Government and confidential advice to Government.



# Cabinet Environment, Energy and Climate Committee

## Minute of Decision

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*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.*

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### Progressing the Climate Change Adaptation Bill

Portfolio                      Climate Change

On 22 June 2023, the Cabinet Environment, Energy and Climate Committee:

- 1        **noted** that the Report of the Resource Management Review Panel (the Randerson Report) recommended the development of the Climate Change Adaptation Bill to provide for retreat and establish an adaptation fund;
- 2        **noted** that in December 2020, the Cabinet Business Committee agreed to progress the development of adaptation legislation using the Randerson Report as a starting point for policy development [CBC-20-MIN-0121];

#### Adaptation planning

- 3        **noted** that adaptation planning can be undertaken and directed through existing and future resource management legislation;
- 4        **noted** that the Randerson Report found that lack of national direction on natural hazard management has impacted on the extent to which local government plans manage natural hazard risks;
- 5        **noted** that the Cabinet Environment, Energy and Climate Committee (ENV) is considering a paper from the Minister for the Environment on 22 June 2023 proposing a natural hazard planning framework which would include direction on adaptation planning;

#### Select Committee Inquiry

- 6        **noted** that the focus of the Climate Change Adaptation Bill will be on retreat and funding and financing, which is in line with previous decisions by Cabinet;
- 7        **noted** the issues and options associated with retreat and adaptation funding and financing are of a high magnitude and will have a significant impact on present and future generations;
- 8        **noted** that a select committee inquiry (supported by a white paper) would help to:
  - 8.1      facilitate informed public discussion and build community consensus on issues and solutions;
  - 8.2      create an enduring adaptation system now and in the future;

- 8.3 develop high quality solutions which target critical policy gaps in a timeframe that reflects the urgency of change needed;
- 8.4 build on the inquiry into Māori climate adaptation that is being progressed by the Māori Affairs Committee;
- 9 **noted** that a key action under the National Adaptation Plan is to introduce legislation in 2023 to support retreat;
- 10 **noted** that:
- 10.1 undertaking this inquiry will mean that legislation will likely not be introduced until the second half of 2024;
- 10.2 the benefits outlined above of undertaking significant public consultation prior to developing and introducing legislative proposals, outweigh the impact of extending this timeframe;
- 11 **authorised** the Minister of Climate Change to request that the Environment and Māori Affairs committees conduct a joint inquiry on issues and options for adaptation, with a particular focus on adaptation funding and community-led retreat;
- 12 **noted** that following the select committee inquiry report back to the House, the Minister of Climate Change would return to Cabinet with advice on the recommendations arising from the inquiry and proposals for the Climate Change Adaptation Bill;

### Terms of reference for inquiry

- 13 **agreed** that the draft terms of reference are that the inquiry advises the House through a final report in April 2024 on:
- 13.1 the current approach to adaptation and the problems with it;
- 13.2 lessons learned for adaptation from community experiences with severe weather events and natural disasters in New Zealand;
- 13.3 a proposed community-led retreat system, including new regulatory powers;
- 13.4 any other regulatory powers to support other adaptation actions (both before and after extreme events occur);
- 13.5 roles and responsibilities, including for sharing costs;
- 13.6 sources of funding for central and local government to access;
- 13.7 institutional arrangements;
- 13.8 Māori participation, Crown obligations, and giving effect to the principles of te Tiriti o Waitangi, including setting out Crown obligations and integration of mātauranga Māori and te ao Māori across the adaptation system;
- 13.9 alignment and integration with existing legislation and regulatory frameworks and future systems, including the resource management system;
- 13.10 long-term risks and costs of continuing with current approach compared to recommended approach;

- 14 **agreed** that the proposed report back to the House should include recommendations for legislative proposals for the Climate Change Adaptation Bill;
- 15 **authorised** the Minister of Climate Change to:
- 15.1 refine the proposed terms of reference for the inquiry prior to formally requesting the initiation of the inquiry;
- 15.2 explore with the Environment and Māori Affairs committees how Ministry for the Environment officials could support the submissions process;

### White paper to support inquiry

- 16 **noted** that it is intended that the inquiry focus the public submissions process on the white paper;
- 17 **invited** the Minister of Climate Change to seek agreement from Cabinet in August 2023, in consultation with the Ministers of Finance, Housing and Local Government, and the Minister for Emergency Management, to a white paper to support the inquiry covering:
- 17.1 overarching problem definition and objectives;
- 17.2 issues and options for community-led retreat and other adaptation actions (informed by the report from the Expert Working Group in June 2023, which will be attached to the white paper);
- 17.3 issues and options for funding for community-led retreat and other adaptation responses based on work currently progressing on adaptation funding issues and options;
- 17.4 potential finance sector (ie banking and insurance) issues and interventions based on work currently progressing on adaptation financing options;
- 17.5 matters relating to te Tiriti o Waitangi and iwi, hapū and Māori, including integration of mātauranga Māori and te ao Māori;
- 18 **noted** that Appendix D, attached to the submission under ENV-23-SUB-0027, provides an indicative outline of the white paper;
- 19 **noted** that this will include an update on approach to engagement with iwi, hapū and Māori groups.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Dr Megan Woods  
Hon Dr Ayesha Verrall  
Hon Damien O'Connor  
Hon David Parker (Chair)  
Hon Kieran McAnulty  
Hon Willow-Jean Prime  
Hon Rachel Brooking  
Hon James Shaw

**Officials present from:**

Office of the Prime Minister  
Officials Committee for ENV