

PRESS RELEASE

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GOVERNMENT HAS LEGAL OBLIGATION TO CONSIDER CLIMATE IMPACT OF SPENDING

The Government has a legal obligation to use COVID-19 recovery funds to help New Zealand transition to a low-emissions and climate-resilient economy, according to lawyers' group, Lawyers for Climate Action NZ Inc.

The group has written to the Prime Minister and the Budget Ministers' Group seeking assurances that the Government will make the impact on greenhouse gas emissions and climate change resilience a core part of its assessment of all post-COVID-19 stimulus spending, including the "shovel ready projects" currently being assessed.

The group says this is not only sound policy, but is required of the Government as a matter of law.

The Climate Change Response Act 2002 (as amended in 2019) requires the Government to contribute to the global effort under the Paris Agreement to limit the temperature increase to less than 1.5° and to develop and implement policies for climate change adaptation and mitigation.

According to the President of Lawyers for Climate Action NZ, Jenny Cooper QC, these climate change commitments are so obviously material to Cabinet decisions on stimulus spending that failure to take them into account could render the decisions made unlawful.

"The New Zealand courts have already shown willingness to review the legality of Government decision making in relation to climate change in the *Thomson* case." Says Ms Cooper. "Similarly, the recent *Urgenda* decision by the Supreme Court of the Netherlands, which ordered the Dutch government to make deeper cuts to emissions, shows that courts around the world are ready to call out governments for failing to fulfil their legal duties to prevent catastrophic climate change."

New Zealand has been very slow to take any meaningful steps to reduce our greenhouse gas emissions. In fact, at a time when emissions should have been cut, between 1990 and 2016 New Zealand's gross CO₂ equivalent emissions increased by 20%. The need to provide economic stimulus in response to the Covid-19 pandemic creates a unique opportunity for New Zealand to reset the economy and to start doing our share.

The group's letter to the Prime Minister says it is concerning that the published criteria for "shovel ready projects" do not specifically include either the impact on domestic greenhouse gas emissions, or New Zealand's capacity for adaptation to the effects of climate change over time, as relevant criteria by which the projects will be assessed.

It is seeking the Government's assurance that these issues will nevertheless be taken into account.

Further information:

For more information about LCA NZ please see our website: www.lawyersforclimateaction.nz

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