

**Lawyers for Climate Action NZ Inc**  
**President's report to the Annual General Meeting, 3 August 2023**

Tēnā koutou katoa

It is with great pleasure that I present my report for the year for Lawyers for Climate Action NZ Incorporated (**LCANZI**).

This is my first report as President, having taken over from Jenny Cooper KC in March, who retired from the Board due to work commitments. I am pleased that Jenny is re-joining the Board at today's meeting.

We have had another busy year in climate action. Highlights from the last year:

- **Litigation**
  - ETS judicial review – our first big win! We were successful in our judicial review of the Regulations which set the number of additional Emissions Trading Scheme units available over the next five years and imposed various price restrictions. The Minister accepted that the decision-making process was flawed and the Government has already adopted price control settings that almost exactly mirror the Climate Change Commission's April advice.
  - Disappointingly, our judicial review application of the Climate Change Commission was dismissed in November but we have appealed. We were not ordered to pay costs which was a win for public interest litigation.
  - All Aboard JR – High Court decided that Auckland Transport and the Council didn't act unlawfully in adopting the Regional Land Transport Plan. All Aboard is in the process of determining how to proceed in light of this disappointing decision from the High Court. Thanks to Zoe Brentnall for being the LCANZI spokesperson on All Aboard Aotearoa.
- **Webinars**
  - Corporate governance webinar in October: We had a panel of legal, governance and sustainability experts to discuss current state of play on New Zealand boards and the levers available to kickstart the transition planning. Successful, over 250 attendees and great feedback. The recording is available on our website.
  - Climate Change Clause Bank webinar with Ian MacKenzie, Head of Legal at New Zealand Green Investment Finance. He introduced us to the clauses, how they can be used to improve sustainability characteristics of a contract, and their acceptability in the marketplace. Thanks to Debra Dorrington for organising the webinar and facilitating the event.
  - Committee members presented at several other events over the past year where we have been advocating for ETS reform and climate-conscious lawyering.

- Advocacy
  - We continued our appeal to NZLS to pass a resolution to provide support for the profession in developing new essential skills needed to build climate conscious practices. Our proposal draws on similar resolution passed in 2021 by the Law Society of England and Wales. We will continue to work on this.
- Strategic planning
  - Led by Frankie McKeefry, we are in the process of refining our decision making framework and deciding where we want LCANZI to go in the next couple of years
- Subcommittee work (*this was done in a separate subcommittee report last year but we haven't asked for updates from chairs like last year*)
  - Greenwashing subcommittee – We filed a complaint against Z Energy for misleading advertising on climate issues. The Commerce Commission didn't accept our complaint, however, we are continuing to investigate greenwashing from New Zealand corporations. Watch this space. Thank you to the subcommittee chair, Steven Price.
  - Climate-related disclosures subcommittee – We made several submissions to XRB, who agreed with our position that climate reporting entities should be required to produce climate statements that contain at least three scenarios including mandatory “high physical risk” scenario of 3 degrees or more of global warming by 2100. Our submissions were instrumental in shaping New Zealand's climate-related disclosures regime and we are leading the world in these types of regulations. Big thank you to chair Lloyd Kavanagh.
  - Emissions trading scheme – We made several submissions on the ETS in the past year because it's currently not fit for purpose. We will continue to submit on changes to keep us in line with our commitments under the Paris Agreement. Thank you to chair James Every-Palmer, and to our expert Dr Christina Hood for her assistance on ETS-related issues.
  - Local government subcommittee – We submitted on Glenbrook Steel Mill resource consent application, RMA reform, the Climate Change Commission's draft advice on the second Emissions Reduction Plan, and consenting improvements for renewable energy generation and transmission. Thanks to chair Dr Grant Hewison.
  - Agriculture subcommittee – This subcommittee worked closely with the ETS subcommittee to submit on He Waka Eke Noa. Thanks to chair Cassandra Kenworthy
  - Corporate governance subcommittee – We submitted on the Directors Duties Amendment Bill. Thanks to chair Frankie McKeefry and previous chair Emma Geard.
- Governance:
  - We opened an interest bearing savings account and got a credit card, previously we were reimbursing Committee members for our regular subscriptions like Google, zoom, squarespace etc. This has made online payments a lot easier.
  - Thank you to Committee members who are stepping down this year; Lloyd Kavanagh and Jennifer Campion. Thank you for your outstanding contributions to LCANZI.

LAWYERS FOR  
**CLIMATE ACTION**  NZ INC.

- Membership: Membership grew by about 150 members in the last year. We are looking to expand the membership over the coming year, but we mainly intend to focus on activating and empowering existing members to support our projects.
- Donations and supporters
  - Thanks to Jamie Heather at Carbon Critical and the Gift Trust who provide regular donations to support our work.
  - Big thank you to Carl Vink of the Whakatapu Aotearoa Foundation for their large donation that allowed us to go ahead with the hiring of an Executive Director. We have exciting developments in this space which we will announce in due course!
  - Thank you for continued support from Friends of LCANZI, Robin Schiff, Jace Hobbs, Joost van Rens and Lyn Crowlesmith.
  - Also thank you to Shauna McClelland and our other regular donors who make our work possible.

We have an exciting year ahead of us. We have a lot of ongoing initiatives which we will continue to drive through to conclusion. We have plenty of ideas for new action, including potential greenwashing litigation. We want to continue to (and increase) our scrutiny of the actions of government, local government and business, so that we can hold them to account for meeting their climate action obligations and commitments. We encourage members to share their ideas with us on how they can assist with our projects, or new ways that LCANZI can drive climate action (please get in touch via [admin@lawyersforclimateaction.nz](mailto:admin@lawyersforclimateaction.nz)).

As mentioned above, we have big plans for our Executive Director (to be announced in due course!), including refreshing our project and pro bono volunteer management, improving coordination of our subcommittees and more work on fundraising and donor relationships.

Thanks again for the support of our Board, volunteers, members, and supporters. We couldn't do it without all of you.

Ngā mihi nui ki a koutou  
Bronwyn Carruthers KC