

Zero Carbon Bill submission to Parliamentary Committee

Aotearoa New Zealand Interfaith Group, July 2019

Summary:

- We strongly support the intent and the general direction of the Zero Carbon Bill, because it sets a feasible path for Aotearoa New Zealand to respond to the climate change crisis and make the necessary transition to a 'zero net carbon'-emission, climate-resilient economy and society.
- The Bill should include and be guided by a set of principles which reflect, among other things, that humans have a sacred responsibility to care for the Earth, its people and all living beings.
- The Bill must affirm that the costs of transition should be borne fairly across society and not fall upon those who are most affected but least able to pay.
- The Climate Commission must be receptive to advice from all strands of society, including Māori and youth, and its work must be fully transparent.
- The Climate Commission must set specific targets or target ranges for emission reductions in biogenic as well as fossil greenhouse gases for both 2030 and 2050.
- The Minister and the Commission should be required to report on the impacts of climate change policies on poverty, inequality, and employment.
- The Bill needs to strengthen its attention to the use of offshore credits as an intent of 'last resort' only.

Preamble

This submission is made by the undersigned people who are all active members of a range of faith groups in Aotearoa New Zealand. We make this submission as individuals, not as representatives of a constituted Interfaith group, nor the faith organisations we are individually active in. We recognise and respect the diversity of faiths practised in our country, and of political views held by people of faith. At the same time, we have shared concerns for cherishing and maintaining this precious world we inhabit, and we wish to respond to the challenge of the climate change crisis, as well as the potential represented by the Government's current Climate Change Response (Zero Carbon) Amendment Bill (hereafter Zero Carbon Bill).

We share a view that humans have a sacred responsibility to care for the Earth, its people and all living beings. For our own sake, for the sake of our children and their children, and for the sake of our Earth and all life on it, we must make the transition to a 'net zero carbon'-emissions economy. We believe that our religious and spiritual traditions can help develop a common will to solve problems threatening countless species and human life on our planet, as well as make the required transitions. We see the climate change crisis as a crucial moral issue as well as an existential, environmental and societal threat to all humanity.

We note that, in spite of observations of shrinking numbers of people identifying with religious congregations in Aotearoa New Zealand, a majority of New Zealanders still are adherents of religious

faiths, and many faith expressions are growing. A number of surveys suggest that many non-adherents embrace spiritual or ethical values that have been derived from faith traditions, which underpin their behaviours and actions. This gives us further confidence that we articulate some of the values and views of a large number of New Zealanders.

General support

We strongly support the intent and the general direction of the Zero Carbon Bill, because it sets a feasible path for Aotearoa New Zealand to respond to the climate change crisis and make the necessary transition to a 'zero net carbon'-emission, climate-resilient economy and society. Although there are weaknesses in the Bill, we support it, in part because it has most of the ingredients necessary for strong cross-party political support which is crucial not just in 2019 for its passage into law, but in the decades beyond when its ongoing implementation requires resilient support across the political spectrum.

Our support stems largely from a series of principles developed at a number of regional and national Interfaith forums held in recent years, in particular a forum held in Palmerston North in 2015 at which people from eight faith and spiritual traditions were present - Bahá'í, Buddhist, Christian, Hindu, Jewish, Māori, Muslim, and Sikh. That forum endorsed some fundamental Interfaith principles and action statements¹ by asserting that the participants:

1. Acknowledge that, if we hope to ensure the future of life on Earth, we must urgently change from the path we are on.
2. Reject the concept of a disposable Earth.
3. Refuse an incessant drive for limitless economic growth or growth driven by excessive profit-taking.
4. Affirm that the economy should benefit all of humanity within the bounds of a sustainable Earth.
5. Acknowledge the interconnectedness of all life on Earth.
6. Welcome people displaced by climate change.
7. Urge our faith communities to explore ways to minimise fossil fuel use and greenhouse gas emissions.
8. Commit ourselves to share resources and material that will help educate and inform our local and faith communities on climate change issues so that they can become agents of transformation.
9. Commit ourselves to engage with governments, business and the wider civil society in shaping and implementing policies in the areas of energy and climate change.

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These principles and action commitments reflect many of the strands of response to climate change addressed by the Zero Carbon Bill proposals, in particular the mix of individual and collective responses throughout Aotearoa New Zealand that will be necessary.

To strengthen the Bill, we propose a preamble which would include a set of principles to guide the transition to a zero net carbon economy and require all emission reduction plans to give effect to these

¹ Minor wording changes made in 2019

principles. We put forward one recently published set of proposed such principles in our Appendix 1 for consideration, and also urge specific reference to a 'just and inclusive society'.

Need for urgency

The IPCC's 2018 Special Report on *Global Warming of 1.5°C* has highlighted the urgent need for global GHG emissions to be reduced dramatically and sustainably² over the next 30 years. New Zealand's efforts to reduce GHG emissions since 1990 have been demonstrably ineffective and underscore the urgent need for active cooperation from all sectors to meet the Bill's aims. Faith communities can be catalysts for change. We note that the IPCC reduction targets give only a *reasonable* chance (50%) of avoiding the most severe consequences of planetary warming. Many groups in New Zealand and internationally are arguing for more ambitious targets. The targets in the Bill are modest, but they are achievable, so we agree that *accepting them as urgent and ensuring they are met*, gives New Zealand the best chance of avoiding the most severe consequences of global warming.

A fair transition process

One of the strongest and most important aspects of the Zero Carbon Bill is the process outlined for transition to a low greenhouse gas economy and society. The overall process outlined in the Bill should provide a robust decision-making process which can lead to appropriate responses from all parts of Aotearoa New Zealand society to the current crisis as well as to changing circumstances over the next two decades and more. However, there are some deficiencies in the detailed provisions of the Bill that are briefly discussed below.

The transition process will spark fear of change in many people and it is important for the Bill to state that transition arrangements will aim to be fair and just for all parts of society and will offer opportunities for growth and employment. For example, workers from agricultural and fossil fuels industries, and in those sectors that have significant numbers of workers from low-income communities, will need assistance so that they can find meaningful work in a new low-carbon economy that helps grow a revitalised biodiverse environment.

We agree with the many commentators who have noted that the scale of the required transition to a low carbon economy, while disruptive, is also a huge potential source of growth and employment as infrastructure is reoriented and new ways of doing business are pioneered. The same comment applies to the scale of required adaptation strategies. We are already seeing examples of promising commercial enterprises, for example in the recycling, urban transport and lower-emissions agriculture sectors. We note that the direct and indirect costs of avoided action become higher every passing year, almost every month.

Any economic and monetary tools used for the transition (such as taxes, charges, etc) should be fiscally neutral overall, to enable costs to be fairly borne across society. This is a critical factor in respect of climate justice considerations discussed below. The New Zealand financial and insurance sector also

² According to the IPCC Report, to have a reasonable chance of avoiding planetary warming of more than 1.5°C above pre-industrial levels, it is estimated that 'global net anthropogenic CO₂ emissions must decline by about 45% from 2010 levels by 2030, reaching net zero around 2050' (*Summary for Policymakers*, p.14)

faces significant risks. It needs to be fully involved in the transition³ and enabled to make a positive contribution to economic transformation.

Climate justice

Impacts from climate change will hit hardest those with the fewest resources to respond. Therefore all dimensions of the costs of transition must be borne fairly and equitably with regard to the resources available of all members of society, as well as to our intergenerational responsibilities. These basic tenets of climate justice need to be reflected in the development of national Zero Carbon mechanisms. For example, budgets and transition arrangements should acknowledge that the impacts may fall unevenly on lower-income households, communities and regions. Unequal impacts may be felt in areas such as the costs of power, job transitions, food, transport and regional challenges. These should be factored into the regulatory impact statement.

Aotearoa New Zealand's current per capita greenhouse gas emissions are very high⁴. Several other developed countries have set emissions reduction targets that reflect both the urgency of the climate crisis and the need to make a fair contribution to the global effort. Fairness surely requires NZ to make a *disproportionate contribution* to the global effort to reduce GHG emissions (i.e. a greater contribution than the global average contribution per capita). This implies reducing emissions (especially of long-lived gases) faster than the global average – and arguably much faster, especially over the next decade or so.

Within Aotearoa New Zealand, decision-making and advice to government need to reflect a partnership approach. Te Tiriti o Waitangi is foundational as a framework for climate justice, with subsequent climate change response partnership and consultation responsibilities upheld in accordance with Treaty principles.

At the same time, Aotearoa New Zealand's society is becoming increasingly multi-cultural and this is reflected in our religious diversity. Climate justice includes a moral duty to support our global neighbours who live in some of the most at-risk countries in the world but whose contribution to the problem is negligible. In our region these neighbours include Pacific Island countries which have a strong relationship to Aotearoa New Zealand and are also important strands of our own society and multi-faith profile. Particular duty of care is due to those Pacific nations constitutionally linked to Aotearoa New Zealand such as the Cook Islands and Tokelau, which are already facing acute vulnerabilities. Most of these nations have significant communities here as well, and many have significant numbers of workers in the agriculture industry. Our development assistance to these nations must include help with their urgently-required adaptation measures and transition to a zero net carbon economy.

The Zero Carbon Act provisions (when enacted) should also be taken into account in developing Aotearoa New Zealand's international aid budgets and programmes to support developing countries

³ As is increasingly recognised internationally with the involvement of large central banks in a 'Network for Greening the Financial System' and other moves to move to a low-carbon global economy. See <https://www.theguardian.com/commentisfree/2019/apr/17/the-financial-sector-must-be-at-the-heart-of-tackling-climate-change>

⁴ As documented in New Zealand's 2019 Greenhouse Gas Inventory: <https://www.mfe.govt.nz/climate-change/state-of-our-atmosphere-and-climate/new-zealands-greenhouse-gas-inventory>

to implement mitigation and adaptation strategies. The Act, or other relevant legislation, should also allow for the freer movement of affected Pacific peoples with immigration rules that are cognisant of climate change impacts in the Pacific. This should include amending the Pacific Access Category to allow for easier migration of island communities that fall under that category.

Climate justice considerations apply across generations too. Increasingly, children and young people in New Zealand and around the world are recognising the seriousness of the climate crisis faster than their elders, and taking strong and courageous measures to make their voices heard and their actions count. It is their future, and the future of succeeding generations, that is threatened. For their sake, older lawmakers and decision-makers must give equal energy and courage to this matter, ensuring they are not inadvertently obstructing the process.

Specific comments

Climate Commission

The role of the Climate Commission is to provide expert advice to government on how to achieve the emissions-reduction targets and implement adaptation plans. It should also publish regular, evidence-based reports which monitor and make transparent how Aotearoa New Zealand is tracking towards its targets. The Commission should not seek to duplicate judicial or legislative functions properly held by the Courts and Parliament. However, it is important that the Commission is also able to provide advice on how emissions-reduction and adaptation policies can best ensure that the burden of adjustment is shared fairly.

All the considerations discussed above under the Climate Justice section apply crucially to the membership of the proposed Climate Commission, which must be much more than a technical advisory panel. The Climate Commission must be receptive to advice from all strands of society, especially the voices of young people. While “experience in working with local and central government” is specifically listed, experience in other sectors of society is not. We recommend Section 5H(b) be enlarged to read “experience working in or with local and central government, and business, trade union, NGO, social and education sectors”.

Because of the foundational importance of Te Tiriti o Waitangi, there should be a specific requirement for some members of the Commission to be nominated by iwi.

Coordinated climate change response needs to cover adaptation as well as mitigation strategies, and the principles of fairness and equity applied equally to both types of strategies. For example, we support the development of a National Climate Change Risk Assessment, but its scope should also specifically reflect these principles.

The way that the Commission functions will be as important as what it does. For example, we believe that to build maximum public confidence in the Commission, its work and reports should be readily publicly available to help foster informed debate regarding a just transition. Such transparency also helps to ensure the accountability of governments now and in the future (see below). The Minister and the Commission should be required to report on the impacts of climate change policies on poverty, inequality, and employment.

The Commission should be required to consider the impact of proposals beyond New Zealand's national jurisdiction; for example, if we reduce carbon production by simply exporting that to another country (e.g. plastic water bottles containing our clean water, or coal, aluminium, etc) we would be failing in our long-term goals for the legislation. The scope of the Bill should also include the (very significant) international aviation and shipping emissions as is the case with UK Climate Change Act.

The Climate Commission should have an educational role, at least indirectly, beyond just making reports publicly available. The targets for emissions reduction at the heart of the Bill will not be met without public understanding, so there is a need for widespread ecological education. The Commission's roles specified under section 5B(b) could include reference to "public information and education towards emissions reduction and adaptation goals" to make this need clear.

Different "bundles" of greenhouse gases

We agree with separating the fossil greenhouse gases from biogenic greenhouse gases, and that there is a strong case to be made for slower reduction in the latter, even given the imperative of full inclusion of the agriculture sector in the national effort. We note that rural communities in general face greater challenges in adjusting to emissions reduction targets, than urban communities. However, it is important that there be a specific target or target range for emissions reduction in biogenic gases, as well as for fossil gases, for both 2030 and 2050, and that both targets be consistent with the overall Zero Carbon and 1.5°C temperature targets. The specific targets should be set by the Climate Commission in its recommendations for the first set of emissions budgets.

Targets

Targets in relation to cumulative emissions: This is a significant weakness in the Bill; it fails to include an ambitious emissions-reduction target for CO₂ (or long-lived gases) for 2030. In particular, a target that reflects New Zealand's responsibilities as a developed country with relatively high per capita CO₂ emissions by global standards, high per capita cumulative CO₂ emissions, and the government's commitment to provide 'leadership at home and abroad'. In addition, it lacks any target (indicative or otherwise) in relation to New Zealand's total cumulative GHG emissions, especially of long-lived gases, during the period 2020 to 2050. Note that reducing emissions sooner means less cumulative effect, whereas delayed reduction of CO₂ exposes the atmosphere to intensified or compounded warming due to cumulative effects. The Bill should require adequate transparency regarding NZ's overall or total net GHG emissions, as expressed in terms of carbon dioxide equivalent (CO₂e) during 2020 to 2050, and beyond 2050.

Accordingly, section 5O(1)(a) must set a target range for fossil fuel greenhouse gases for 2030, as section 5O(1)(b) does for biogenic emissions.

The question of accountabilities for enforcing targets (Clauses 5ZJ to 5ZL) has been widely debated since the Bill was introduced. We think it is regrettable that the Bill does not have stronger legal accountability provisions, such as the ability to seek judicial review, and that there are good reasons for removing Clause 5ZJ. Although we recognise that the usual enforcement mechanisms are the *political* consequences of failing to meet a target or budget, we think that over the life of the Act, there may well be occasions when the correctness of a decision should be tested in Court. We are seeking further comment on this point and expect to speak to it when presenting our submission to the Committee.

The Bill should require the Climate Commission to provide advice to the government, well before 2050 (e.g. 2035-2040), on post-2050 GHG targets and related matters. While this is venturing into unknown territory in terms of global emissions reduction targets it is reasonable to assume that global and national reductions in greenhouse gases will continue to be required well beyond 2050. In fact, net *negative* carbon levels are likely to be required if global average temperature rise is to be limited to 1.5°. It is therefore prudent to be thinking over longer timescales in relation to, for example, biodiversity conservation and tree planting.

Aotearoa New Zealand's need to contribute to global mitigation efforts

We note the absence of any reference in the Bill to the likely need for Aotearoa New Zealand to contribute to a global effort to achieve negative net CO₂ emissions during the second half of the century. This is a matter of fairness and global environmental justice.

In addition to the criteria listed in Clause 5L of the Bill, the Climate Commission should be required to consider: "(g) New Zealand's fair contribution to the global mitigation effort, having regard to well-established principles of justice".

Use of offshore credits and tree planting as offsets

The Bill needs to strengthen its attention to the use of offshore credits as an intent of 'last resort' only. New Zealand's emissions obligations should not be displaced to other countries unless there are demonstrably no feasible alternatives. Similarly, there are limits to using tree planting as offsets, especially for fossil fuel emissions. Greater use could be made of precedents set in the Resource Management Act and the Waste Minimisation Act of *hierarchies* of effort, i.e. avoidance before remedying, and only thereafter are tree planting offsets valid. All Zero Carbon plans produced as a result of the Bill should reflect this hierarchy.

Adaptation plans

There will be a critical role for adaptation plans, locally as well as nationally, and in particular for societal adjustment to the significant shifts required. Local government has a major role in giving effect to climate change adaptation and the Bill will have major implications for local and regional government, which face very high costs for infrastructure adaptation and other vital functions. The Bill should specify roles for central-local government collaboration.

Local-central government relationships and provisions for delegated responsibilities of local government and implementation through local government bodies should be more clearly identified in the Bill, especially as local authorities are identified as reporting organisations for providing information on climate change adaptation (section 5ZV). It should remain very clear that, regardless of the vital role local authorities and NGOs have in achieving Zero Carbon targets and implementing adaptation plans, ultimate accountability for the national targets and the National Adaptation Plan lies with central Government.

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Appendix 1: Proposed principles of justice for a low-emissions transition

Source: Jonathan Boston and David Hall, 'Appendix 1' in David Hall (ed.) *A Careful Revolution*, BWWB Texts, 2019

1. **Collective responsibility to act:** Transitioning to a low-emissions economy, in the interests of present and future generations, is the responsibility of the whole society – government, business, unions, iwi, the voluntary sector, and individual citizens. All sectors and households must make a fair and reasonable contribution to the goal in accordance with their respective capabilities.
2. **Te Tiriti o Waitangi:** The transition to a low-emissions economy should be undertaken in a way that is consistent with the principles of te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
3. **Duty of care:** In implementing policy, the government should exercise a standard of care that takes into consideration not only the foreseeable impacts of climate change, but also the foreseeable impacts of climate change policy. No harms should emerge from negligence or heedlessness, and unavoidable harms should be identified and planned for.
4. **Sharing the burden:** There will be costs, both direct and indirect, of transitioning to a low-emissions economy. Some will arise from governmental policies for climate mitigation and adaptation; others will result from technological innovation and policy developments elsewhere in the world. These costs are likely to fall unevenly across society. The government should accept a responsibility to take remedial actions wherever feasible, fair, and appropriate to alleviate the negative impacts of decarbonisation on particular sectors and households. But it will be neither possible nor desirable to offset every impact.
5. **Polluter pays:** It is reasonable, other things being equal, for those who contribute disproportionately to the problem of climate change to contribute disproportionately to the solutions.
6. **Protecting the least advantaged:** Wherever feasible, the government should protect those individuals and families who are least able to cope with the costs of adjusting to a low-emissions economy.
7. **Enhancing the capability to adjust:** The government should take active, evidence informed measures to encourage and facilitate the adjustment process by enhancing the capabilities of New Zealanders to adjust with dignity and assurance.
8. **Principle of pre-emption:** Whenever feasible, government and industry should provide a practicable lead-in time to decisions that may disrupt people's lives, in order to give them the best opportunity to develop the capability to adjust. This includes the development of future policy/investment pipelines, and open-access modelling and forecasting.
9. **Tailored and targeted transitional assistance:** Governmental adjustment assistance should be tailored and targeted to ensure that it is appropriate and cost-effective for each particular context. Types of assistance may include targeted income support, climate finance (grants, concessional loans, etc.), active employment policies, regional development assistance, sectoral adjustment programmes, and additional research funding.
10. **Collaboration, partnership and recognition:** The government should work actively and constructively with those sectors facing the greatest adjustment challenges on a collaborative basis in the interests of an efficient and equitable transition. The government should also give proper recognition to the particular strains and anxieties of communities who are, or will be, affected by the transition.

11. **Policy certainty:** The government should seek a broad base of political support for its decarbonisation strategy in the interests of policy certainty and durability, with a formalised capacity for adaptation in light of future contingencies.
12. **Anticipatory focus:** Government and industry should embed forward-looking and anticipatory perspectives into transitional policies and plans. This is to increase the likelihood that present-day actions will align with future interests, and to ensure that infrastructure and institutions – both public and private – are climate adaptive.
13. **Fiscal responsibility:** Government policies to encourage decarbonisation should be consistent with well-established principles of fiscal responsibility.