

DRAFT FOR CONSULTATION

Legislation (Climate Impact Disclosure Statement) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This bill requires the chief executive of the Ministry for the Environment to prepare a Climate Impact Disclosure Statement for most Government Bills, and for more substantive Government Supplementary Order Papers where a change affects the original disclosure, and then to ensure that the disclosure statement is published online. A Climate Impact Disclosure Statement would be a departmental document, not a Ministerial document.

A Climate Impact Disclosure Statement would outline the likely implications of the legislation on New Zealand's greenhouse gas emissions and/or New Zealand's ability to meet its international greenhouse gas reduction target, and detail any relationship between the legislation and the Climate Change Response Act 2002.

It is envisaged that the Climate Impact Disclosure Statement for some bills will be very short and simply state that there is no effect on greenhouse gas emissions.

While the disclosure requirements for legislation are improving, there is no established process that allows members of Parliament, or the public, to assess the extent to which a particular piece of legislation will impact on the climate. Given the importance of the climate to New Zealand's economy, environment and society, it is essential for Parliament to consider the implications of legislation on the climate.

Clause by clause analysis

Clause 1 states the bill's title.

Clause 2 describes the bill's commencement date.

Clause 3 says that the Legislation Act 2012 is the Act being amended.

Clause 4 amends the purpose section of the Act to refer to the climate impact disclosure statement provided by the bill.

Clause 5 inserts a *new Part 3A* providing for the climate impact disclosure statement.

James Shaw

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Part 3A

Climate impact disclosure statements for Government initiated legislation

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Legislation (Climate Impact Disclosure Statement) Amendment Act **2015**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Legislation Act 2012 (the **principal Act**).

4 Section 3 amended (Purposes)

After section 3(f), insert:

(fa) to provide for climate impact disclosure statements for Government initiated legislation:

5 New Part 3A inserted

After section 57, insert:

Part 3A
Climate impact disclosure statements for Government initiated legislation

57A Purposes of this Part

The purposes of this Part are to—

- (a) better inform parliamentary and public scrutiny of Government initiated legislation, by requiring a climate impact disclosure statement to be prepared for Government initiated legislation detailing the potential impact of the legislation on the climate; and
- (b) enable the disclosure of this information in a way that is timely, informative, concise, and cost-effective.

57B Interpretation

In this Part, unless the context requires another meaning,—

chief executive means the chief executive of the Ministry for the Environment

climate impact disclosure statement means a climate impact disclosure statement prepared under this Part

Government amendment has the same meaning as in the rules and practice of the House of Representatives

Government Bill has the same meaning as in the rules and practice of the House of Representatives

introduction, for a Government Bill or Government amendment, means the introduction of the Bill or amendment in accordance with the rules and practice of the House of Representatives

Minister means the Minister for the Environment

relevant entity, for a Government Bill or Government amendment,—

- (a) means a department or any other entity that is primarily involved in developing the Bill or amendment at the time that disclosure under this Part is required; and
- (b) does not include the PCO (unless the PCO will be responsible for the administration of the resulting enactment).

website means an Internet site maintained by, or on behalf of, the New Zealand Government.

Climate impact disclosure statement must be prepared

57C Climate impact disclosure statement requirements

- (1) A climate impact disclosure statement must—
 - (a) describe steps taken by, or on behalf of, the relevant entity to assess the consistency of the Bill with New Zealand’s international obligations to reduce greenhouse gas emissions:
 - (b) identify any ways in which the Bill is likely to lead to an increase or decrease in New Zealand’s greenhouse gas emissions:
 - (c) describe ways in which the Bill is likely to lead to an increase or decrease in New Zealand’s greenhouse gas emissions:
 - (d) identify any ways in which the Bill is likely to encourage, incentivise, or make it easier to increase or decrease greenhouse gas emissions from any person, organisation, business, or other entity:
 - (e) describe the ways in which any increase or decrease in New Zealand’s greenhouse gas emissions relating to the Bill will be measured and reported:
 - (f) describe the ways in which the Bill has any relationship with the Climate Change Response Act 2002:
 - (g) describe the ways in which the Bill will cause any actions to be required under the Climate Change Response Act 2002:
 - (h) describe the ways in which the Bill has any relationship with the activities listed in Schedule 3 and 4 of the Climate Change Response Act 2002.

57D Chief executive must ensure climate impact disclosure statement is prepared for most Government Bills

- (1) The chief executive must ensure that at least 1 climate impact disclosure statement is prepared for a Government Bill.
- (2) **Subsection (1)** does not apply to any of the following:
 - (a) Imprest Supply Bills, Appropriation Bills, or Subordinate Legislation (Confirmation and Validation) Bills:
 - (b) Statutes Amendment Bills (within the meaning of the rules and practice of the House of Representatives):
 - (c) Bills that primarily relate to the repeal or revocation of enactments identified as spent:
 - (d) revision Bills prepared under subpart 3 of Part 2.

57E Chief executive must ensure climate impact disclosure statement is prepared for most Government amendments

- (1) The chief executive must ensure that at least 1 climate impact disclosure statement is prepared for a Government amendment.
- (2) **Subsection (1)** does not apply if—
 - (a) the Government amendment is to a Bill of a kind referred to in **section 57D(2)**:
 - (b) it is not reasonably practicable, in the chief executive’s opinion, to comply with this section before the parliamentary scrutiny of the Government amendment occurs:
 - (c) the amendment does not make material changes in the Bill, in the chief executive’s opinion.

Climate impact disclosure statement must be available

57F Climate impact disclosure statement must be presented to House of Representatives

The Minister must present the climate impact disclosure statement for a Government Bill or Government amendment to the House of Representatives as soon as practicable after the introduction of the Government Bill or Government amendment.

57G Climate impact disclosure statement must be published on website

- (1) The chief executive must ensure that every climate impact disclosure statement for a Government Bill or Government amendment is published on a website as soon as practicable after the introduction of the Government Bill or Government amendment.

- (2) A climate impact disclosure statement must, so far as practicable, be available to the public on the website at all times.