KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 3325**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**the Climate Change Priority Inquiry**

BRIEF OF EVIDENCE OF SIOBHAN ANNE ROUTLEDGE

Te Tari Ture o te Karauna
Crown Law

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I, **Siobhan Anne Routledge** of Wellington, Acting Deputy Chief Executive, Policy, state:

Introduction

1. My full name is Siobhan Anne Routledge.

2. I am the acting Deputy Chief Executive, Policy Group, of the Ministry of Transport (**Ministry**). In my role as acting Deputy Chief Executive, Policy Group, I am responsible for a team of officials which, among other things, provides advice to the Minister of Transport (**Minister**) on environment and climate-related policy. I have been acting in this role since March 2025. Prior to that, I was acting Director Aviation and, before that, acting Deputy Chief Executive, Policy. I have been employed by the Ministry since 2017.

3. In my current role, I am responsible for policy relating to several areas including aviation, maritime, public transport, urban development, resilience and security, and I oversee our regulatory operations.

4. In this evidence I propose to explain the role of the Ministry in New Zealand's transport system as well as the steps the Ministry has taken in recent years as part of the Government's overall response to climate change. In this evidence I will refer to key documents related to a number of the Ministry's policies aimed at addressing climate change. I note that I was not involved in the development or decision-making behind some of this material.

Background

New Zealand's transport system

5. New Zealand's transport system covers movement of people and freight by air, sea, and land (both road and rail). It connects us to our work, school, family, communities, and allows our goods to get to markets. Efficient movement of people and freight throughout the system contributes to, and enables, the economy's growth and productivity. Transport by land for example, referred to in this brief of evidence as "land transport", provides important infrastructure by which regions are linked together and carries

the greatest share of domestic freight transport in New Zealand. State highways link major ports, airports, and urban areas together, while local roads connect communities and provide necessary transport links for those living in rural areas.

Transport's emissions profile

6. Transport emissions rose steadily since 1990 and peaked in 2018, before falling significantly in 2020 due to COVID-19 restrictions.[1] With regard to transport emissions, for the calendar year 2022, the transport sector contributed 17.5 per cent of New Zealand's gross greenhouse gas emissions.[2] The majority of the transport sector's emissions (63 per cent) come from the light vehicle fleet, which is typically made up of cars and other vehicles for personal use.[3] In contrast, the heavy vehicle fleet, typically made up of medium and heavy trucks, accounts for 28 per cent of the transport sector's emissions.[4] The remaining 9 per cent come from domestic aviation (7.5 per cent), rail (0.9 per cent) and domestic shipping and pipeline.[5]

Role of the Ministry and transport Crown entities in the transport system

7. The Ministry is the Government's primary policy advisor for New Zealand's transport system. The Ministry is responsible for the development of long-term transport policy and primary and secondary legislation relating to transport, as well as supporting the Minister and Secretary for Transport in the exercise of their respective roles. Because the impacts of transport planning and investment decisions can be long-lasting, the Ministry takes a long-term integrated approach to transport policymaking, which considers how the system impacts people and products, health, economic

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1 Ministry for the Environment *New Zealand's Second Emissions Reduction Plan 2026-2030: Technical Annex* (11 December 2024) at p 23 <environment.govt.nz/assets/publications/climate-change/ERP2/New-Zealands-second-emissions-reduction-plan-2026-30-Technical-Annex.pdf>. [**MOT.002.0496**]

2 Ministry for the Environment *New Zealand's Second Emissions Reduction Plan 2026-2030* (11 December 2024), <environment.govt.nz/assets/publications/climate-change/ERP2/New-Zealands-second-emissions-reduction-plan-202630.pdf> at p 49 (**ERP 2**). [**MOT.002.0496**]

3 At p 49.

4 At p 49.

5 At p 49.

prosperity, global connectivity, how easy it is to live in our towns and cities, and the quality of our environment.[6]

8. The Ministry also works with several state-owned enterprises such as KiwiRail Holdings Limited, as well as transport Crown entities. The transport Crown entities include the New Zealand Transport Agency (**NZTA**), Maritime New Zealand, the Civil Aviation Authority, and the Transport Accident Investigation Commission (**TAIC**).[7] As Crown entities, they are subject to the accountability mechanisms in the Crown Entities Act 2004 and retain varying degrees of statutory independence from the Minister. While primarily accountable to the Minister (and through him, to Parliament), the day to day responsibility for these entities' performance lies with their respective boards.[8]

9. In accordance with the nature of their roles and statutory functions, these transport Crown entities carry out the majority of service delivery and regulation in the transport sector. TAIC, for example, has a high level of statutory independence in carrying out its principal function of investigating air, maritime, and rail accidents and incidents.[9] In the aviation and maritime sectors, the networks are mostly owned and operated by private interests, with some local Government investment. Conversely, in the land transport sector, central Government plays a lead role in how the system is planned and funded.

10. To ensure delivery of the Government's priorities, the Minister maintains oversight of these Crown entities through appointing board members – or in the case of TAIC, recommending the appointment of commissioners to the Governor-General – regular meetings, and the receipt of briefings and regular performance-focused reports. The Minister also provides these entities with an annual letter of expectations, which provides clarity on

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6 Ministry of Transport "Our Functions" (2020) What we do <Our functions | Ministry of Transport>.

7 Ministry of Transport "Our Government Transport Partners" (2020) What we do <Our government transport partners | Ministry of Transport>.

8 In the case of TAIC, members of the Commission are the "board" for the purposes of the Crown Entities Act 2004. See Transport Accident Investigation Commission Act 1990, s 5(2).

9 TAIC retains the powers of a commission of inquiry under the Commissions of Inquiry Act 1908. See Transport Accident Investigation Commission Act 1990, s 11.

ministerial priorities and acts as a key input to statutory planning documents such as the Statement of Performance Expectations.[10]

11. Separately, in its role as "monitoring department"[11], the Ministry engages regularly with these transport Crown entities on performance-related issues, provides quarterly performance advice to the Minister based on performance reports it receives, and assists the Minister to provide feedback on draft statutory planning documents, such as the Statement of Performance Expectations. The Ministry takes a proportional approach to monitoring Crown entities, guided by the Public Service Commission's Foundations of Good Practice: Guidelines for Crown Entity Monitoring,[12] and other good practice material produced by the Public Service Commission, the Office of the Auditor-General, and the Treasury.

Role of NZTA in the transport system

12. Given most of the transport system's gross greenhouse gas emissions come from the land transport sector, it is worth specifically elaborating on the NZTA's role in the transport system. The NZTA is a Crown entity established by the Land Transport Management Act 2003 (**LTMA**), governed primarily by that Act and the Crown Entities Act 2004. It has specific statutory functions under s 95 of the LTMA encompassing a broad range of activity related to the land transport system. The NZTA's statutory objective is to "undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest."[13]

13. In practice, the role of the NZTA generally is to implement existing Government policy relating to land transport. Its functions are therefore largely focused on operational aspects of the transport system – examples include regulatory compliance and enforcement responsibilities relating to

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10 See Crown Entities Act 2004, s 149D.

11 As recognised in s 27A of the Crown Entities Act 2004.

12 See Public Service Commission, "The Foundations of Good Practice: Guidelines for Crown Entity Monitoring" (May 2023) Te Pūtahi Rauemi mō ngā Hinonga Karauna, Crown Entity Resource Centre <Crown Entity Resource Centre - Te Kawa Mataaho Public Service Commission>.

13 Land Transport Management Act (**LTMA**), s 94. For NZTA's statutory functions generally, see Part 4 of the LTMA entitled "New Zealand Transport Agency, regional transport committees, and miscellaneous provisions".

aspects of rail safety, driver licensing, vehicle testing and certification, and revenue collection.

14. Other NZTA functions include investing in, and managing, most aspects of the land transport network. It is a defining feature of the land transport system that the NZTA has a high degree of statutory independence with respect to land transport investment decisions. For example, the NZTA determines which transport projects should qualify for funding through the National Land Transport Fund (**NLTF**) (which the NZTA also administers), by approving transport activities for inclusion in the National Land Transport Plan (**NLTP**). This is discussed in more detail below at paragraphs [33]-[34] under the heading "Government Policy Statements on Land Transport".

THE MINISTRY AND CLIMATE CHANGE MITIGATION

15. In recent years, the Ministry has undertaken considerable work in response to climate change and reducing carbon emissions, particularly since the enactment of the Climate Change Response (Zero Carbon) Amendment Act 2019. In light of the October 2023 general election, I note that the majority of this work preceded the Government's subsequent reassessment of its climate strategy, including emissions reduction policies that were implemented or announced by the previous Government. In this evidence, I will focus mostly on the policies, work and legislation that remains in place or is planned under the current Government.

Emissions reduction plans

16. Section 5X of the Climate Change Response Act 2002 (**CCRA**) requires the Government to set emissions budgets, defined as meaning "*the quantity of emissions that will be permitted in each emissions budget period as a net amount of carbon dioxide equivalent*".[14] An "emissions budget period" is the four-year period between the years 2022 to 2025, and each subsequent five-year period following 2025.[15] The policies for meeting an emissions budget are set out in the Government's Emissions Reduction

[14] Climate Change Response Act 2002, s 4 - definition of "emissions budget.

[15] See CCRA, s 4 - definition of "emissions budget period".

Plan (**ERP**), which is renewed with each budget period.[16] The Ministry for the Environment is responsible for developing the ERP, taking into consideration advice from the Climate Change Commission. I understand this is described in more detail in Hemi Smiler's brief of evidence.

17. The Government's ERP has implications for transport policy. All ERPs to date have included a transport-focused chapter containing a series of policy initiatives to reduce emissions from the transport sector.

The First Emissions Reduction Plan

18. The Government's ERP for the first emissions budget period (**ERP1**) was published on 16 May 2022. I note that the executive summary of the plan pointed out that a "major action […] over the next few years" included "increasing access to electric vehicles (EVs), beginning the process of decarbonising heavy transport and freight and helping more people to walk, cycle and take public transport".[17]

19. The ERP1 set four "ambitious" and "challenging to achieve" sub-targets specific to transport, which were aimed at providing guidance in supporting three interdependent "focus areas" for transport.[18] These sub-targets were as follows:

    19.1 Target 1 – Reduce total kilometres travelled by the light fleet by 20 per cent by 2035 through improved urban form and providing better travel options, particularly in our largest cities.

    19.2 Target 2 – Increase zero-emissions vehicles to 30 per cent of the light fleet by 2035.

    19.3 Target 3 – Reduce emissions from freight transport by 35 per cent by 2035.

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16 See CCRA, ss 5ZG-5ZI.

17 Ministry for the Environment *Aotearoa New Zealand's First Emissions Reduction Plan* (June 2022) at p 10 <Aotearoa New Zealand's first emissions reduction plan> (**ERP 1**). [**MOT.002.0830**]

18 At p 172. The three focus areas referred to were: (1) reduce reliance on cars and support people to walk, cycle and use public transport (2) rapidly adopt low-emissions vehicles (3) begin work now to decarbonise heavy transport and freight. [**MOT.002.0830**]

19.4 Target 4 – Reduce the emissions intensity of transport fuel by 10 per cent by 2035.

20. Underlying these targets were the transport chapter's actions, which identified a range of different actions required to deliver on ERP1's overall emissions reduction objective for the first emissions budget, and beyond.[19]

21. In the context of transport-specific policies supporting the ERP1's aim for an equitable transition to a low-emissions economy, the transport chapter also acknowledged that there are inequities in the transport sector with respect to Māori:[20]

> The current transport system is also inequitable. Māori, Pasifika, disabled people, low-income households, women, older people, children and rural communities are often underserved by the transport system. They are also overburdened by related negative impacts, such as deaths, serious injuries and illness from transport crashes, and pollution. To ensure an equitable transition, the transport system needs to be more inclusive and affordable.

22. An example of how policies in the transport chapter supported equitable transition was by making clean and affordable transport options more accessible for low-income and transport disadvantaged New Zealanders.

The Second Emissions Reduction Plan

23. The Government's ERP for the second emissions budget period (**ERP2**) was published on 11 December 2024. As I mentioned above, the light vehicle fleet is responsible for 63 per cent of transport emissions, whereas the heavy vehicle fleet is responsible for 28 per cent. Accordingly, decarbonising the transport sector through electrification of the light and heavy vehicle fleet is a primary driver in the ERP2 transport chapter. This sits alongside the Government's broader 'Electrify NZ' work programme.

24. The direction for the ERP2 transport chapter is centred around two pillars of the Government's Climate Strategy:

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19 See ERP 1 at p 18-36: Table of Actions <Aotearoa New Zealand's first emissions reduction plan>.[**MOT.002.0830**]

20 At p 171.

24.1 clean energy is abundant and affordable; and

24.2 credible markets support the climate transition.

25. I understand the Government's overall climate strategy regarding mitigation is discussed in Hemi Smiler's brief of evidence.

26. The ERP2 transport chapter echoes the commitment to increase and encourage uptake in electric vehicles (**EV**) made in ERP1 by addressing concerns about the availability of publicly accessible charge points. New Zealanders' need convenient and reliable access to public EV charging to support the growing EV fleet and overcome barriers to further EV uptake. As a key transport action, the transport chapter includes the Government's plan to have a network of 10,000 public EV charging points across New Zealand before 2030.[21]

27. I note that increasing EV charging infrastructure is a forward-looking policy in that it aims to ensure public charging infrastructure is delivered ahead of demand as New Zealand's EV fleet grows. As described in the technical annex of ERP2, by 2050 we can expect a higher uptake of light EV and lower-emitting internal combustion engine vehicles as well as a comprehensive nationwide network of EV charging infrastructure enabling New Zealanders to charge their EVs easily across the country.[22]

28. The ERP2 transport chapter also contains policy with respect to improving public transport. As described in the ERP2, "[r]ealising the benefits of reliable and accessible public transport will require continued planning, delivery and maintenance to support growing populations and meet demand."[23] The chapter includes several major planned public transport projects the Government is or intends to invest in. These include Auckland City Rail Link[24] and Eastern Busway, which the Government intends to be

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21 At p 50.

22 Ministry for the Environment *New Zealand's Second Emissions Reduction Plan 2026-2030: Technical Annex* (11 December 2024) at p 73 <environment.govt.nz/assets/publications/climate-change/ERP2/New-Zealands-second-emissions-reduction-plan-2026-30-Technical-Annex.pdf>. [**MOT.002.0496**]

23 At p 55.

24 See p 55. The Auckland City Rail Link is a 3.45km-long tunnel being built underneath Auckland's city centre. The Link will connect Waitematā Station (Britomart), Maungawhau Station, new city-centre train stations and other works

completed in the next three years, and the following projects the Government intends to make substantial progress on in the next three years:

28.1 Northwest Busway (also known as the Northwest Rapid Transit Corridor).[25]

28.2 Airport to Botany Busway.[26]

28.3 Rail upgrades in the lower North Island.[27]

29. The transport chapter also includes a commitment by the Government to support public transport authorities to invest in bus decarbonisation initiatives. The ERP2 transport chapter reiterates the mandate that requires only zero emissions buses are purchased by public transport authorities from 1 July 2025 for their public transport fleets (which was also part of ERP1).[28]

30. I note these key transport policies sit within the context of a market-led approach to encouraging net emissions reduction through the New Zealand Emissions Trading Scheme (**NZ ETS**). From a transport perspective, under an ETS-led approach, the role of the transport policies in ERP2 is to help remove barriers to the NZ ETS price functioning effectively, such as unlocking new options for decarbonisation, and enabling investment to flow into low-emissions options. Accordingly, the transport policies in ERP2 are not intended to significantly reduce

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that will increase the efficiency, reliability and frequency of Auckland's passenger rail network. For more information see: <https://at.govt.nz/projects-initiatives/city-centre-projects-and-initiatives/city-rail-link>.

25 The Northwest Rapid Transit Corridor is a project investigating public transit options along State Highway 16 (SH16) from Brigham Creek to the city centre. The emerging preferred option for this rapid transit corridor is a busway, to provide fast, frequent and reliable transport choices. For more information see: <https://www.nzta.govt.nz/projects/northwest-rapid-transit/>.

26 The Airport to Botany Busway project is a long-term project that is part of the Southwest Gateway programme. It is focused on delivering a fast, frequent, high capacity public transport a between Auckland Airport, Manukau and Botany. For more information see: <https://www.nzta.govt.nz/media-releases/next-steps-for-airport-to-botany-bus-rapid-transit-project/>.

27 This refers to the Lower North Island Integrated Mobility project, which aims to deliver 18 new low-emission hybrid trains and infrastructure improvements to ensure service continuity on the Wairarapa and Manawatū Lines. For more information see <https://www.metlink.org.nz/news-and-updates/projects-timeline/Inirim-north-island-rail-connection>.

28 There requirement is given effect in NZTA's Requirement for Urban Buses that only zero emissions buses can be purchased by Public transport authorities after 2025 <https://www.nzta.govt.nz/resources/requirements-for-urban-buses/>.

emissions themselves. They instead expand the range of opportunities to reduce emissions that are affordable and incentivised under the ETS cap.

31. The ERP2 Technical Annex sets out some analysis of the distributional impacts of ERP2 on the Māori population. With regard to transport, it noted:

> To illustrate how the impact can differ for households based on their income, the price of petrol is the main way that households are exposed to an emissions price. Fuel costs represent a higher share of income for lower-income households than for higher-income households. Lower-income households that need a private vehicle will also be relatively less able to pay the upfront costs of switching to an EV, or to a more fuel-efficient vehicle such as a hybrid.
>
> In 2024, the NZ ETS unit price contributed about 15 cents per litre to petrol prices at the pump. The average household currently spends about 0.27 per cent of annual gross income on NZ ETS costs embedded in private transport. This percentage will generally be higher for lower-income households.

32. I understand Hemi Smiler will discuss the distributional impact of ERP2 more generally in his evidence.

Government Policy Statements on Land Transport

Introduction

33. The land transport system is primarily funded by fuel excise duties[29], road user charges[30], motor vehicle registration and licensing fees, and Crown grants which are directed into the NLTF. A small proportion of funding is contributed by track user charges through the rail system. The NLTF is the primary source of funding for land transport in New Zealand, however revenue also comes from outside the NLTF, for example local authority funds, Crown funds, and sector funding. The Government Policy Statement on Land Transport (**GPS**) 2024 explains in more detail how different funding

[29] A tax applied at a rate of 70.024c/l to petrol and 10.4c/l to liquid petroleum gas. See <https://www.mbie.govt.nz/building-and-energy/energy-and-natural-resources/energy-generation-and-markets/liquid-fuel-market/duties-taxes-and-direct-levies-on-motor-fuels-in-new-zealand>.

[30] A distance-based charge applied to diesel vehicles and heavy vehicles over 3.5 tonnes. At present, different RUC rates apply to vehicle classes depending on weight and axle configuration and range from $76 to over $1,000 per 1,000km travelled.

and financing sources contribute to land transport investment, including the various funding sources for the current NLTF.[31]

34. The NLTF is administered by the NZTA and established under the LTMA and is spent on the land transport system through the NLTP. The NLTP is a three-year programme the NZTA must triennially prepare, setting out the planned land transport activities and projects that will receive funding.[32] The NZTA has statutory authority over what activities and projects are included in the NLTP and approved for funding.[33] Many activities that the NZTA will anticipate approving in any given NLTP will be derived from Regional Land Transport Plans (**RLTP**). These are developed by local Government bodies for their respective regions and identify regional transport priorities.

35. The LTMA requires the Minister to issue a GPS covering the Government's priorities for land transport investment over a 10-year period.[34] The LTMA requires a GPS to include, among other things:[35]

    35.1 the results that the Crown wishes to achieve from the allocation of funding from the NLTF over a period of at least 10 consecutive financial years;

    35.2 the Crown's land transport investment strategy; and

    35.3 the Crown's policy on borrowing for the purpose of managing the NLTP.

36. The GPS must be reviewed every three years and, historically, a new GPS has been issued every three years.

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31 Ministry of Transport *Government Policy Statement 2024* (June 2024) at p 25, "Table 1 NLTF funding sources 2024/25-2026/27" <Government-Policy-Statement-on-land-transport-2024-FINAL.pdf> (**GPS 2024**). [**MOT.001.3236**]

32 See LTMA, s 19C.

33 Section 20 of the LTMA permits the NZTA to approve funding of an activity as qualifying for payments from the NLTF. Generally, Waka Kotahi may only approve funding from the NLTF for an activity if it is satisfied that the criteria in subsection (2) are met and considerations under subsection (3) have been taken into account.

34 For a detailed discussion on the scheme of the LTMA and the Government Policy Statement see *Movement v Waka Kotahi* [2023] NZHC 342, at [23]-[26] and [27]-[46]. [**MOT.002.1178**]

35 LTMA, s 68(1).

37. A GPS will not impose hard-edged, absolute obligations that must be achieved by the NZTA. Instead, in broad terms the GPS guides investments in land transport by outlining the Government's land transport investment strategy, often through *strategic priorities* over a ten-year period. The NZTA is required by statute to "give effect" to the GPS "when performing its functions under subpart 1 of Part 2 in respect of land transport planning and funding."[36] These functions include preparing and adopting an NLTP.[37] The GPS also defines the classes of activity for investment and prescribes the funding bands for each of these classes. It is then for the NZTA, through the NLTP, to translate the GPS's strategic priorities into investment decisions about specific projects in specific places i.e., with reference to the activity classes and funding bands. It is not uncommon for this exercise to include trade-offs between investments.

Role of the GPS in reducing transport emissions

Limitations of the NLTF

38. The GPS serves as the Government's main lever for ensuring investment in land transport reflects Government priorities. Accordingly, the high-level policy in a GPS is capable of encouraging investment decisions that aim to reduce transport emissions. However, what any given GPS can achieve depends to a large extent on the amount of funding available, meaning the margins for change to the land transport system can be relatively small. The NLTF is subject to various pressures and is not intended to fund a generational transformation of the land transport system. Oftentimes, the bulk of the NLTF will be committed to investment in maintaining the existing land transport system which is important for a range of reasons including safety and resilience. Regarding GPS 2024, this was illustrated in a Cabinet paper seeking Cabinet's decision to release a draft GPS 2024 for public consultation:[38]

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[36] LTMA, s 70. The Government Policy Statement can also set an expectation for Waka Kotahi to consider Government programmes and priorities when allocating funding through the NLTP, see LTMA, s 68(2)(b)(ix).

[37] See LTMA, s 19A – 19B.

[38] Cabinet Paper entitled "Government Policy Statement on land transport 2024 – release of draft for public consultation"**[MOT.002.1786]**.

> [9] GPS 2024 is the largest investment programme to address our infrastructure deficit, with $20.4 billion of investment expected over 2024-2027. This investment includes *$11 billion for maintaining and operating existing assets, $4.8 billion towards precommitted improvement activities, $2.3 billion to cover debt repayments,* and $2.3 billion for additional improvements, including initiating delivery of our new Roads of National Significance.

39. A similar issue is also seen with regard to GPS 2021, as outlined in *Movement v Waka Kotahi*, a recent High Court decision concerning the LTMA:[39]

> [118] … 90 per cent of forecast funding from NLTF [for the relevant GPS 2021 period] was directed toward "baseline" activity funding for committed activities which include maintenance of existing public transport services, maintenance of the road network at essential levels for safety, resilience and access, and funding for road policing and road safety promotions.

Evolving focus of the environment and climate change in GPSs

40. I stress the fact that the GPS is the Government of the day's policy document. Unsurprisingly, the nature and policy direction of GPSs have changed invariably since the first GPS came into effect in 2009, and their subsequent versions coming into effect on 1 July 2012, 2015, 2018, 2021, and 2024. The strategic priorities in earlier GPSs were focussed on economic growth and productivity,[40] value for money[41] and road safety.[42] These earlier GPSs also prioritised investment in the state highway network generally.[43]

41. More recently, GPS 2018 and GPS 2021 elevated the environment and climate change respectively as key strategic focal points. Regarding GPS 2018, "Environment" was included as a "supporting strategic priorit[y]", with a stated objective being "a land transport system that reduces greenhouse gas emissions, as well as adverse effects on the local

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39 *Movement v Waka Kotahi* [2023] NZHC 342. [**MOT.002.1178**]

40 See Ministry of Transport *Government Policy Statement on Land Transport Funding 2009* (May 2009) at [27]-[32] (**GPS 2009**) [**MOT.002.1974**]**;** Ministry of Transport *Government Policy Statement on Land Transport Funding 2012* (July 2011) at [15], [20] (**GPS 2012**) [**MOT.002.2004**]; and Ministry of Transport *General Policy Statement on Land Transport 2015* (February 2017) at [3]-[4] and [84] (**GPS 2015**) [**MOT.002.2036**].

41 See GPS 2012 at [15] and GPS 2015 at [4] and [84]. [**MOT.002.2004**]

42 See GPS 2012 at [15] and GPS 2015 at [4] and [84]. [**MOT.002.2036**]

43 See GPS 2009 at [29]; GPS 2012 at page 1, [21]-[24] [**MOT.002.1974**]; and GPS 2015 at page 1, [30]-[31] and [104]. [**MOT.002.2004**]

environment and public health".[44] Regarding GPS 2021, "Climate Change" was elevated as one of the GPS 2021's four strategic priorities of equal standing. The priority was described as "[t]ransforming to a low carbon transport system that supports emissions reductions aligned with national commitments, while improving safety and inclusive access."[45]

42. GPS 2024 reintroduces a focus on increasing economic growth and productivity and notes that it "sets the balance between investing in new projects and ensuring we maintain and repair our existing infrastructure."[46] Its four strategic priorities are economic growth and productivity, increased maintenance and resilience, safety, and value for money. Although neither the environment or climate change are expressly elevated as standalone strategic priorities, other levers available to reduce transport emissions sitting outside of GPS 2024 are mentioned. The document notes:[47]

> The Emissions Trading Scheme (ETS) is the Government's key tool to reduce emissions.
>
> The Government acknowledges the emissions impact from the transport sector and that, in response to the ETS, steps need to be taken to reduce transport emissions in line with achieving emissions reduction budgets and the target of net zero emissions by 2050.
>
> Public consultation is currently planned for mid-2024 on the second Emissions Reduction Plan (ERP2), with the Government proposing to complement the overarching ETS with several key transport policies – including supercharging electric vehicle (EV) charging infrastructure; continuing to apply the Clean Car Importer Standard; and its major public transport projects. The specific mix of policies and initiatives aimed at achieving the second emissions reduction budget, and net zero target by 2050, will be confirmed in ERP2 by the end of 2024.
>
> Alongside GPS 2024, the Government is committed to doubling renewable energy through its Electrify NZ policy by removing red tape and regulatory constraints. The Government is also committed to delivering 10,000 public electric vehicle (EV) chargers by 2030, subject to cost benefit analysis. Doubling renewable energy and delivering a comprehensive, nationwide network of public EV

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44 Ministry of Transport *Government Policy Statement on Land Transport 2018* (June 2018) at p 9 (**GPS 2018**). [**MOT.001.3099**]

45 Ministry of Transport *Government Policy Statement on Land Transport 2021* (September 2020) at p 22 (**GPS 2021**).

46 GPS 2024 at p 3. [**MOT.001.3310**]

47 See GPS 2024 at p 5-6. [**MOT.001.3236**]

chargers will reduce New Zealand's emissions by enabling the electrification of New Zealand's vehicle fleet.

Extent of investment in public transport and cycle ways

43. I pause here to address a claim that GPS 2024 underinvests in public transport and cycleways.[48] As demonstrated by the recent NLTP, $6.4 billion is forecast for investment in public transport[49] and $460 million in footpath and cycleway improvement and maintenance.[50] Investments in these spaces reduce congestion on our roads and provide low-emission transport options in our main cities.

44. These forecasted investments lie downstream of commitments made in the GPS 2024, in particular, investment of up to $2.3 billion in public transport for public transport services, as well as up to $3.1 billion for public transport infrastructure.[51] The GPS 2024 also noted that "existing public transport services will continue to be funded where they are cost effective, achieve value for money, and achieve the expected outcomes of less congestion and increased patronage."[52]

45. GPS 2024 further recognises the importance of efficient public transport networks in our main cities, outlining the major public transport projects the Government is committed to delivering.[53] This coincides with the Government's commitment to deliver infrastructure that reduces congestion, boosts productivity, and creates a more reliable and resilient transport network that drives economic growth.

46. Additionally, the GPS 2024 provides for a walking and cycling activity class "for the purposes of maintaining the existing walking and cycling network and investment in walking and cycling where there is either clear benefit for increasing economic growth or clear benefit for improving safety and

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48 See Brief of Evidence of Natasha Koia (Wai 3325, #A8) at paragraph 20.

49 New Zealand Transport Agency Waka Kotahi *National Land Transport Programme 2024-2024* at p 6 (**NLTP 2024**). [**MOT.002.1268**]

50 NLTP 2024 at p 5. [**MOT.002.1268**]

51 GPS 2024 at p 4. [**MOT.001.3236**]

52 See GPS 2024 at p 13. [**MOT.001.3236**]

53 See GPS 2024 at p 13. [**MOT.001.3236**]

where there is an existing or reliably forecast demand for walking or cycling."[54]

Key plans for reducing emissions from land transport

47. I reiterate that decarbonising the transport sector through electrification of the light and heavy vehicle fleet is a primary driver in the ERP2 transport chapter. These policies complement the role of the ETS as the key policy lever for reducing emissions. As I have explained above, there are several other levers available to reduce transport emissions. These are discussed below.

Projects relating to public transport and electric vehicle infrastructure

48. One such lever is investing in public transport projects, particularly in major cities. As explained in the ERP2, reliable and accessible public transport in our largest urban centres enables more efficient use of New Zealand's existing transport infrastructure. These projects also support our emissions reduction goals by reducing congestion and travel time, improving efficiency and lifespan of existing infrastructure, shifting demand from more emissions-intensive transport modes to cleaner energy sources, and providing accessible and affordable travel alternatives. These key public transport projects are included in the ERP2 transport chapter and are also described above at paragraph [28].

49. Other emissions-reducing transport initiatives include requiring that only zero emissions buses can be purchased by public transport authorities for public transport fleets from 1 July 2025 and the Government's plan to have a network of 10,000 public EV charging points across New Zealand before 2030, as mentioned above at paragraphs [26] and [27].

Heavy vehicle decarbonisation

50. Heavy vehicles are also a focus for reducing emissions from land transport. As noted in the ERP2, our freight is mainly carried on road by heavy trucks, and heavy vehicles play a key role in other sectors such as waste removal

[54] GPS 2024 at p 32. [**MOT.001.3236**]

and construction.[55] For that reason, heavy fleet vehicles tend to be highly utilised. As noted above at paragraph [6], the heavy vehicle fleet accounts for 28 per cent of the transport sector's emissions. Decarbonisation of heavy vehicles is at an earlier stage than light vehicles both globally and in New Zealand.[56] Some key initiatives for reducing emissions in this space include:

50.1 Reviewing regulatory barriers to low and zero emissions heavy vehicles including the Vehicle Mass and Dimension rule and driver license weight categories.

50.2 Providing, through the Low Emissions Heavy Vehicle Fund, grants to support purchase of low and zero emissions heavy vehicles or conversion of heavy vehicles to hybrid or zero emissions technology.[57]

Clean Vehicle Standard and Clean Vehicle Discount scheme

51. On 22 February 2022, the Land Transport (Clean Vehicles) Amendment Act 2022 was enacted inserting, among other things, Part 13 of the Land Transport Act 1998 (**LTA**).[58] Part 13 comprises ss 170–197G of the LTA and sets out a broad framework for the Clean Vehicle Standard (*sometimes referred to as the Clean Car Standard and Clean Car Importer Standard*) (**the Standard**) and Clean Vehicle Discount scheme (**the Scheme**), while providing for the details of these policies to be set by regulations.[59]

52. On 1 January 2024, the Scheme was repealed by the Land Transport (Clean Vehicle Discount Scheme Repeal) Amendment Act 2023. On 29 June 2024, the Land Transport (Clean Vehicle Standard) Amendment Act 2024 received royal assent, enabling the Standard's targets for 2025 and onward to be set in secondary legislation. On 18 August 2025 the Land Transport (Clean Vehicle Standard) Amendment Bill (No 2) was introduced to

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55 ERP2 at p 52. [**MOT.002.0496**]

56 ERP2 at p 52. [**MOT.002.0496**]

57 See for example: <https://www.beehive.govt.nz/release/driving-uptake-low-emission-heavy-vehicles>.

58 See s 10 of the Land Transport (Clean Vehicles) Amendment Act 2022.

59 See for example, ss 167A, 167B, and 167C as also inserted by section 10 of the Land Transport (Clean Vehicles) Amendment Act 2022.

implement policies previously agreed following the 2024 review of the Standard, these are flexibility measures and enable non-weight adjusted targets to be set. These respective schemes are discussed below.

Clean Vehicle Standard

53. The Standard is aimed at reducing vehicle land transport emissions by influencing the supply of zero and low-emissions light vehicles. The Standard was a key initiative following Action 10.2.1 of ERP1 entitled "[a]ccelerate the uptake of low-emission vehicles".[60]

54. The Standard sets emissions targets for light vehicle importers, which they must meet on average across each calendar year beginning 1 January 2023. Vehicles below the targets earn credits, while vehicles that exceed the targets incur charges. No population implications (including implications to Māori) were identified relating to the Standard.[61] The targets for the Standard up to the year 2027 were originally set in s 175 of the LTA.

55. Section 175A of the LTA required the Minister to initiate a review of the targets by 30 June 2024, which was commenced by the Minister's direction in January 2024.[62] On 29 June 2024, the Land Transport (Clean Vehicle Standard) Amendment Act 2024 received royal assent, revoking the targets from 2025 onwards, enabling the setting of the targets by secondary legislation, and empowering a cost recovery scheme which shifted the cost of the Standard from the Crown to those registering imported vehicles.

56. On 2 September 2024, the Land Transport (Clean Vehicle Standard) Amendment Regulations 2024 were signed by the Governor-General, amending the Land Transport (Clean Vehicle Standard) Regulations 2022 and setting new targets for 2025 to 2029 (aside from the 2025 Type A vehicle target, which has remained the same). This responded to the results of the targets review, which concluded that the original targets in

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60 See ERP1 at p 184. [**MOT.002.0830**]

61 <https://www.transport.govt.nz/assets/Uploads/Outcome-of-the-review-of-the-Clean-Car-Importer-Standard-11-June-2024-Redacted.pdf> at p 31 and 61. [**MOT.002.1365**]

62 See Cabinet Paper entitled "OUTCOME OF THE REVIEW OF THE CLEAN CAR IMPORTER STANDARD" at [2] available here. [**MOT.002.1365**]

s 175 of the LTA were not likely to be achieved, and that the Standard's expected reductions in carbon emissions would not be realised as a result.

57. On 18 August 2025, the Land Transport (Clean Vehicle Standard) Amendment Bill (No 2) was introduced. This Bill gives effect to policy decisions made following the 2024 review. The Bill enhances the Standard's flexibility measures by:

57.1 Extending the lifespan of emissions credits (existing and future) from three to four years.

57.2 Extending the use of borrowing of future target over-achievement (payment obligation deferral) beyond 2025.

57.3 Removing the legislative restriction on credit transfers between the new and used-import sectors, with a 2026 start date for transfers. The transfers would occur at a rate of 2 used-import credits being equal to 1 new-import credit.

58. These changes will give vehicle importers more flexibility in how and when they comply with the Standard's annual targets. They better enable importers to overachieve targets when supply and demand conditions are favourable, and to use the overachievement to offset the Standard's charges when conditions are unfavourable to target achievement.

59. The Bill also enables CO_2 targets that are not weight-adjusted, for implementation through regulations. A key reason why such targets will be needed is when there is no material linear relationship between vehicle weight and CO_2 emissions, noting that for passenger vehicles this could be in 2027 on the basis of 2025 vehicle registration data.

Clean Vehicle Discount Scheme

60. The Scheme ran from 1 July 2021 to 31 December 2023 and was aimed at accelerating the transition to low-emission vehicles at a faster rate than would be achieved through market forces alone. This would be achieved through the issue of rebates or the imposition of charges – the Scheme's

rebates would incentivise New Zealanders to purchase low and zero-emission vehicles, while charges imposed by the scheme would discourage the purchase of high emission vehicles.

61. As with the Standard, the Scheme was a key initiative following Action 10.2.1 of ERP1 entitled "[a]ccelerate the uptake of low-emission vehicles".[63] The Scheme was intended to be fiscally neutral to the Crown over 10 years, with the charges providing the revenue for the payment of rebates and the Scheme's implementation and administration costs.

62. From 1 July 2021 to 31 March 2022, a rebate was paid to the first registered person of an eligible vehicle. From 1 April 2022 to 31 December 2023, the Scheme provided rebates to consumers who purchased low emissions vehicles (including electric vehicles and plug-in electric hybrid vehicles) and imposed charges on consumers who purchased high emissions vehicles.

63. The criteria for the Scheme were amended on 22 May 2023, which had the effect of decreasing the vehicles subject to rebates and expanding the vehicles subject to charges. On 30 December 2023, the Scheme was repealed by the Land Transport (Clean Vehicle Discount Scheme Repeal) Amendment Act 2023.

64. Before the Scheme was repealed, modelling showed that removal of the Scheme was not expected to affect achievement of the transport sector's contribution to the first emissions budget.[64]

65. Wealthier New Zealanders were most likely to have benefited from the Scheme, and there was evidence that Māori (along with Pacific Peoples) were likely to have benefited less than other ethnicities from the Scheme.[65]

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63 See ERP1 at p 184. [**MOT.002.0830**]

64 Cabinet Paper entitled "OC230965 Ending the Clean Car Discount Scheme" at [46] **[MOT.001.4762]**.

65 Ministry of Transport "Regulatory Impact Statement: Discontinuing the Clean Car Discount" at p 11 **[MOT.0015052]**.

Other forms of transport and the Ministry's role with these forms of transport

66. As I mention above at paragraph [6], 7.5 per cent of New Zealand's gross greenhouse gas emissions come from domestic aviation, 0.7 per cent come from domestic shipping.[66]

67. I briefly discuss efforts to reduce emissions in the maritime and aviation space below, but note that emissions from international aviation and international maritime emissions currently sit outside New Zealand's commitments under the Paris Agreement and are not included in our domestic emissions reduction targets and budgets. The Climate Change Commission reported at the end of 2024 on whether to include these emissions in the net zero 2050 target.[67] The Government is currently working through this advice.

Aviation

Carbon Offsetting and Reduction Scheme for International Aviation

68. Due to the challenges in assigning international aviation emissions to specific countries, the Paris Agreement is silent on the inclusion of international aviation emissions in states' domestic accounting. In 2013, the International Civil Aviation Organisation (**ICAO**), responsible for regulating international aviation activity, agreed on a global goal to achieve carbon neutral growth in the international aviation sector from 2020. In 2016, ICAO agreed to introduce the Carbon Offsetting and Reduction Scheme for International Aviation (**CORSIA**), a global market-based measure for reducing and offsetting carbon emissions in the international aviation sector.

69. New Zealand is voluntarily participating in CORSIA through a Memorandum of Understanding between the Ministry and Air New Zealand. CORSIA

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66 ERP2 at p 49. [**MOT.002.0496**]

67 Climate Change Commission *Review of the 2050 emissions target including whether emissions from international shipping and aviation should be included* (November 2024) **[MOT.002.1580].**

participation will become mandatory from 2027 and will become regulated through the Civil Aviation Act 2023.[68]

Maritime

Revised Strategy on Reduction of GHG Emissions from Ships 2023

70. Because emissions from international shipping are not covered by the Paris Agreement and not included in national targets, efforts to reduce greenhouse gas emissions from international shipping are primarily managed through the International Maritime Organization (**IMO**).

71. In July 2023, Ministry officials led New Zealand's delegation to the IMO in London. During this meeting there was agreement on a revised Strategy on Reduction of GHG Emissions from Ships.[69] The revised IMO strategy set a goal to peak GHG emissions from international shipping as soon as possible and to reach net-zero GHG emissions by 2050, consistent with the Paris Agreement.[70] It also included indicative 2030 and 2040 checkpoints to reduce international shipping emissions by at least 20% and 70% respectively.[71]

72. Subsequent to this, Ministry officials have attended further meetings at the IMO on reducing GHG emissions from Ships. The most recent meeting was held in April 2025. Negotiations are focused on a draft resolution to help give effect to the IMO's Strategy on Reduction of Greenhouse Gas Emissions from Ships. Ministry officials will be attending a meeting for further negotiations on this draft resolution in October 2025.

Specific responses to claimant evidence

Inequitable impacts of Government policies on Māori in remote locations

73. The brief of evidence of Wayne James Ngata says at:

> [28] Government policies do not have sufficient regard to their inequitable impacts on Māori, particularly in remote regions. Socio-

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[68] See Civil Aviation Act 2023, subpart 3 entitled "Carbon offsetting and reduction scheme for international aviation (CORSIA)"; and s 2(3).

[69] See <https://www.imo.org/en/OurWork/Environment/Pages/2023-IMO-Strategy-on-Reduction-of-GHG-Emissions-from-Ships.aspx>.

[70] See 2023 IMO Strategy on Reduction of GHG Emissions from Ships, Level of Ambition 4 entitled "GHG emissions from international shipping to reach net zero". [**MOT.002.1807**]

[71] See 2023 IMO Strategy on Reduction of GHG Emissions from Ships, Indicative Checkpoints. [**MOT.002.1807**]

> economic factors need to be taken into account for example when climate change levies are put on motor vehicle fuel that does not recognise that in places like Tairāwhiti and Taitokerau, Māori often live in isolated communities, rely on their own mother vehicles for transport as there is no public transport, and cannot afford an EV, let alone readily access EV services.

74. As discussed above, the NZ ETS does impose some cost on petrol and diesel importers, which gets passed on to consumers. In 2025, the NZ ETS unit price contributed about 14 cents per litre to petrol prices at the pump. The ERP2 technical annex does acknowledge that socio-economic factors do affect people's exposure to fuel costs.

75. However, there should not be any regional variation on how this cost is passed through to consumers.

76. With regard to the availability of public transport. Public transport systems generally reflect population density and need, so it is not unusual that there is less public transport available in isolated communities. Responsibility for the specific provision of services sits with regional councils rather than central Government.

77. The Government currently funds a 50% reduction in public transport fares for Community Services Card holders, which provides some accommodation for different socio-economic services.

Impacts of climate change/extreme weather events on infrastructure

78. A number of briefs of evidence have discussed the impacts that climate change is likely to have, or is already having, on infrastructure like roads and bridges and the issues this can create, such as communities being left isolated after severe weather events.[72]

79. I understand climate change will increase the severity and frequency of extreme weather events, and these will have an increased impact on infrastructure, including transport infrastructure.

[72] Evidence of Merepeka Raukawa-Tait (WAI 3325, #A34), Jarrad Gallagher (WAI 3325, #A86), Marcelle Scadden (WAI 3325, #A88), Dr Lillian Martha George (WAI 3325, #A87), Natasha Koia (WAI 3325, #A8).

80. To date the most extreme weather events have resulted in additional funding. For example, Cyclone Gabrielle had specific funding allocated through Budget 2024.

81. For transport infrastructure, there was specific additional funding provided to NZTA to repair damaged roads. The Government provided $567 million to NZTA for immediate works on state highways in Tairāwhiti, Wairoa, Hawke's Bay, Coromandel and Northland.[73]

82. With regard to particular consideration given to roads, bridges and highways near Māori communities, responsibility for this would sit with controlling authority, most likely NZTA or local and regional councils.

Signed:

Siobhan Anne Routledge

Date: 30 September 2025

TO: The Registrar, Waitangi Tribunal

AND TO: Claimant Counsel

[73] Hon Grant Robertson "Major new investment to repair cyclone-affected roads" (press release, 31 July 2023) <Major new investment to repair cyclone-affected roads | Beehive.govt.nz>.