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IN THE WAITANGI TRIBUNAL
KEI MUA I TE TARAIPIUNARA

WAI 3325

UNDER **The Treaty of Waitangi Act 1975**

CONCERNING **The Climate Change Priority Inquiry**

MEMORANDUM OF COORDINATING COUNSEL

Dated: 12 December 2025

RECEIVED
Waitangi Tribunal
12 Dec 25
Ministry of Justice
WELLINGTON

TĒNĀ, E TE TARAIPIUNARA

1. This is a memorandum of claimant co-ordinating counsel further to the Tribunal's directions made at the Judicial Conference on 27 November 2025 it was directed the claimant counsel should by 12 December 2025 file any submissions on whether there should be interim findings in light of recent announcements on intended legislative changes.[1]

2. Further to these directions the Crown filed a memorandum dated 5 December 2025 which set out what were said to the be background documents to the legislative changes.

3. The claimants have decided not to seek interim recommendations at this stage.

4. On 9 December 2025 the Crown introduced the Climate Change Response (2050 Target and Other Matters) Amendment Bill (229-1) which is to be passed under urgency before the end of 2025 without public submissions or select committee processes.[2]

5. Given the introduction of the Bill, the Tribunal's ability to consider the impact of these significant policy changes on Māori and make interim recommendations before they are enshrined in law has been removed.

6. The Crown has advised that it is intended that there be another bill making change to the CCRA to be introduced next year which will proceed in the normal way with public submissions. The claimants had earlier raised the possibility that interim recommendations may be provided leading up to this bill given a concern that the proposed changes may impact s 3A of the CCRA which sets out how the Crown recognises the principles of the Treaty of Waitangi within the legislation.

[1] Memorandum Directions dated 10 Tihema 2025 (#2.6.20) where at [36]
[2] https://www3.parliament.nz/en/pb/hansard-debates/rhr/document/HansS_20251209_052080000/bishop-chris

7. However, from the documents released by the Crown the upcoming legislative changes will not impact on s 3A. It is clarified that these provisions will in due course be reviewed under the governments' treaty clause review program.[3] As such, the perceived need for interim recommendations has been alleviated.

Recent policy announcements

8. Among other matters, the amendment Bill recently introduced into parliament proposes to reduce the 2050 target for biogenic methane emissions reduction from 24% to 47% to 14% to 24% of 2017 emissions.[4]

9. This followed an announcement on 4 December 2025 that the Government will not accept any of the Climate Change Commission's recommendations for increased ambition in New Zealand's 2050 emission reduction targets further to the commissions 5 yearly review of the targets in its November 2024 report. The summary of this decision dated 4 December 2025 from MFE is filed with this memorandum.

10. In its 2050 target review issued in November 2024 the Climate Change Commission recommended an increase in both the biogenic methane and long-lived gases components of the current target, namely 35-47 per cent reduction in biogenic methane, and a net negative 20Mt CO2-e for long-lived gases by 2050.

11. The Commission recommended this on the basis that:

    a. Many comparable countries have by now set targets that are more ambitious than the current target of Aotearoa New Zealand.

    b. Scientific evidence is increasingly clear that global action is insufficient to limit global warming to 1.5°C outright. This implies that even greater reductions are needed in the near and longer terms to limit as much as possible the amount by which the world exceeds 1.5°C, and then to potentially bring the temperature back down again.

[3] MFE 14. 273 5 March 25. Although it is not clarified when this will occur.
[4] Clause 4.

c. The impacts of global warming are greater, in both severity and scale, than was understood by the global science community when the target was set.

d. The increased risks and impacts of climate change have implications for Aotearoa New Zealand's future. Delaying action transfers costs and risks to future generations.[5]

12. The Bill also proposes to remove the requirement that New Zealand Emissions Trading Scheme (NZ ETS) unit settings and price control regulations must accord with New Zealand's nationally determined contributions.[6]

13. While we do no longer seek interim findings, we note with concern that in the period between the directions being made and the filing of the Crown memorandum the Government has made these further significant policy announcements and changes.

14. In addition, on 4 December 2025 the Government announced that it will no longer purchase overseas carbon credits in order to meet the shortfall between domestic emissions and the 2030 Nationally Determined Contribution target. The RNZ report on this announcement dated 4 November 2025 is filed with this memorandum. We will be expecting Crown witnesses to address this extraordinary announcement, and the other significant policy and legislative changes matters and their impact on Māori in forthcoming hearings.

Dated: 12 December 2025

michael sharp

Bryce Lyall Michael Sharp Tania Te Whenua

[5] https://www.climatecommission.govt.nz/our-work/advice-to-government-topic/review-of-the-2050-emissions-target/2024-review-of-the-2050-emissions-target/final-report/executive-summary-2050-target-and-isa
[6] Clauses 8-9.