AFTER CYCLIN THE WAITANGI TRIBUNAL **WAI 3325**
WAI 3262

IN THE MATTER	of the Treaty of Waitangi Act 1975
AND	
IN THE MATTER	of the Climate Change Priority Inquiry (Wai 3325)
AND	
IN THE MATTER	of a claim by Emily Tuhi-Ao Bailey on behalf of herself and Climate Justice Taranaki (Wai 3262)

CLOSING SUBMISSIONS
Dated: 9 October 2026

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MAY IT PLEASE THE TRIBUNAL:

Ko enei whenua e kore e hoatu e matou ki a korua ringaringa ko te Kawana kei rite matou ki nga manu o te moana, noho ki runga i te kowhatu, ka pari te tai ka ngaromia taua kowhatu e te moana, ka rere nga manu no te mea kahore he nohoanga mo ratou.

"These lands will not be given by us into the Governor's and your hands, lest we resemble the seabirds which perch upon a rock. When the tide flows the rock is covered by the sea, and the birds take flight for they have no resting place."

1. This whakataukī from Wiremu Kīngi Te Rangitāke, rangitara of Waitara, to Governor Brown in 1859 speaks of the incoming changes from the settlers moving to Aotearoa and Taranaki, and the hunger they had for the land and resources.

2. As Ms Bailey explained in the opening presentation for Climate Justice Taranaki:

> These new people came in without understanding our needs and our tikanga, then we would be pushed aside and be washed in the storm. This is very much the same with what's happening with climate change policies and protections from the government. We're not looking after our people.[1]

CLIMATE JUSTICE TARANAKI

3. Climate Justice Taranaki (CJT) was founded in 2010 following petroleum permit block offers that had been opened up in Taranaki. These permit block offers were opposed by Otaraua hapū who had also occupied the proposed well site for many months.[2]

4. Since then, CJT have been actively involved in actions all over Taranaki, regularly submitting on various governance issues at local, regional and national levels, speaking in Select and other Committees on Bills and other legislative aspects, most recently Fast-track projects, while also supporting School Strike for Climate, and being involved in direct action.

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1 Wai 3325, #4.1.3 at p 420.
2 Wai 3325, #4.1.3 at p 428.

5. The Wai 3262 claim is brought on behalf of CJT's Māori members, but the organisation generally has close links with Taranaki tangata whenua, including tangata whenua being part of the governance of the organisation. CJT has also supported Parihaka when they wrote to the UN in opposition to the mass expansion of exploratory surveying and drilling for petroleum products in the environment around their papakainga and coastal reserves.[3]

6. More recently, CJT have been actively involved in opposing the plan for a Liquefied Natural Gas (LNG) import terminal in Taranaki.[4]

CLIMATE EMERGENCY

7. Climate change is an emergency for Māori communities:[5]

> [18] It is unequivocal that human influence has warmed the atmosphere, the land and the surrounding seas. Widespread and rapid changes in the atmosphere, ocean and biosphere have occurred. The pace of these changes is increasing. Global warming of 1.5˚C and 2˚C above 'pre-industrial baseline' (1850-1900) will be exceeded during the 21st century unless deep reductions in CO_2 and other greenhouse gas emissions occur in the coming decades.
>
> [19] The global harm is significantly greater if average temperatures increase by 2˚C or higher than if temperature increases are kept to 1.5˚C. Such harm includes many more millions of people exposed to extreme and exceptional heatwaves, more severe impacts on biodiversity, sea level rise and greater impacts on food security, water supply, human health and security and economic stability. The group of small island developing states, which includes the New Zealand dependency of Tokelau and our associated states of Niue and the Cook Islands, are particularly vulnerable to cyclones, storms and sea level rise. These will increase as global warming increases, and will be significantly worse at 2˚C than 1.5˚C.
>
> [20] On 2 December 2020, Parliament passed a motion declaring a climate emergency. Among other things, Parliament referred to the findings of the 2018 Special Report, noted that global emissions needed to fall by around 45 per cent from 2010 levels by 2030 and reach net zero by around 2050 to avoid more than

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3 Wai 3325, #A17(a).

4 https://climatejusticetaranaki.info/2026/09/17/press-release-activists-unmask-ministers-at-gas-matters-forum-to-demand-end-to-fossil-fuel-revival-wellington/

5 *Lawyers for Climate Action NZ Incorporated v The Climate Change Commission* [2022] NZHC 3064.

> a 1.5˚C rise in global warming, and that New Zealand has committed to taking urgent action on greenhouse gas mitigation and climate change adaptation.

8. Not only are the claimants concerned about the impacts of climate change – it is the *rate* in change of the impacts that are of most concern.[6]

9. Crown officials attended the First Earth Summit in 1972, which recommended Governments be mindful of activities in which there is an appreciable risk of effects on climate.[7] Indeed, since 1972 New Zealand has played a critical global role in measuring atmospheric CO_2, at Baring Head.[8]

10. In 1988, the UN General Assembly "noted with concern that the emerging evidence indicated that continued growth in atmospheric concentrations of greenhouse gases (GHGs) could produce global warming" and said that international co-operation to deal with it was essential.

11. The Government decided to coordinate a programme for responding effectively to the issue of climate change which led to the establishment of the 1998 New Zealand Climate Change Programme.

12. One of the reports prepared as part of that initiative is the 1990 discussion document on the policy options open to New Zealand in responding to climate change.[9] In 1990, the Crown expressed the following concern:

> Global climate change threatens the existence of the world as we know it. Although nothing is certain except that greenhouse gases are increasing in the atmosphere, studies suggest that ecological systems could be disrupted, with major impacts on human economies and societies. If we ignore this threat, it is at our own peril.
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> The greatest uncertainty is the possibility of changes in the frequency or severity of "extreme events", such as floods and droughts. If climate change resulted in a real or perceived increase in such events, then any impacts on society and the economy could be disproportionately great.

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6 Wai 3325, #A17.

7 See attached chronology filed with the generic closing submissions on mitigation.

8 NIWA, *Baring Head Atmospheric Research Station* https://niwa.co.nz/atmosphere/baring-head-atmospheric-research-station

9 Ministry for the Environment (1990), *Responding to Climate Change: A discussion of Options for New Zealand* (ISBN 0-477-05857-4, Wellington). Document attached to the generic closing submissions on mitigation. (**MfE 1990 document**).

13. Despite being a party to the early discussions around climate change, providing crucial data on atmospheric CO_2 and more recently ocean acidification[10] to the global community, and being aware of the high likelihood of destruction and existential threat from climate change, the Crown continues to act with insufficient urgency and in breach of Te Tiriti o Waitangi.

14. In 2024, the amended statement of claim for Wai 3262 alleged that rather than acting to reduce these threats, the Crown has taken actions that will allow global average temperatures to increase over 1.5°C from pre-industrial baseline, further increasing the likelihood of devastating consequences, particularly for Māori, and especially for those dependent on coastal resources.[11]

15. We are now in a situation where the UN Environment Programme (UNEP)'s recent report confirmed that the 1.5 degree limit in the Paris Agreement will be exceeded.[12]

16. The need for urgent action becomes even more critical.

17. We adopt the generic submissions on mitigation in this respect.[13]

CROWN TE TIRITI DUTIES

18. Article II of Te Tiriti o Waitangi guarantee of tino rangatiratanga guarantees hapū authority and decision making in respect of their own affairs.[14] It also requires that Māori lead and partner with the Crown in designing, developing, and implementing strategies affecting them.

19. Article III of Te Tiriti protects against discrimination and obliges the Crown to positively promote equity.[15] Alongside the active protection of tino rangatiratanga is the Crown's obligation, when exercising its kāwanatanga, to protect actively

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10 NIWA, *New Zealand Ocean Acidification Observing Network (NZOA-ON).* https://niwa.co.nz/oceans/new-zealand-ocean-acidification-observing-network-nzoa

11 Amended statement of claim, Wai 3262, #1.1.1(a), at [20].

12 UN Environment Programme, "UNEP: World set to cross 1.5°C global warning, but can still limit, adapt to and return from higher temperatures" (press release, 2 September 2026). Available online: https://www.unep.org/news-andstories/press-release/unep-world-set-cross-15degc-global-warming-can-still-limit-adapt-and

13 Bennion Law and Michael Sharp closing submissions on mitigation.

14 Waitangi Tribunal, Wai 692: The Napier Hospital and Health Services Report (2001) p53; and Waitangi Tribunal, Wai 785: Te Tau Ihu o Te Waka a Maui: Report on Northern South Island Claims, vol 1 (2008) p4.

15 Waitangi Tribunal, Wai 692 The Napier Hospital and Health Services Report (2001) p48

the rights and interests of Māori as citizens.[16] In relation to Article III, equity of service may differ from equality of outcome.[17]

20. Also relevant is the Crown's Te Tiriti duty to actively protect Māori interests including Māori people and their lives[18] and the principle of options whereby Māori have the right to choose their social and cultural path.[19]

21. Aspects of te Taiao are taonga, such as maunga and waterbodies, as well as specific species of flora and fauna,[20] and the entirety of te Taiao is currently under threat. The courts have determined that when taonga come under threat, the government must intervene and protect those taonga.[21]

22. Implicit in these guarantees and undertakings is:[22]

    a. A requirement that the Crown develops, with Māori, a system of monitoring and make itself aware of the range of threats of substantial harm to Māori communities on their environment in Aotearoa, and shares with Māori all information about those threats and their likelihood;

    b. A requirement that the Crown, once it is aware of a threat of substantial harm to Māori communities and their environment, including threats of low likelihood, it must take all necessary steps and apply maximal resources and the highest ambition to reduce and if possible remove that threat.

    c. A guarantee that the Crown will not involve itself in any schemes which it knows will increase the likelihood of substantial harm to Māori communities and their environment, including allowing that likelihood to develop to the point where the Crown considers that Treaty principles may need to be overridden to prevent that harm where it also affects non-Māori.

16 Waitangi Tribunal Wai 2575 Hauora Report (2019) p34
17 Waitangi Tribunal Wai 2575 Hauora Report (2019) p34
18 Waitangi Tribunal, Wai 692 The Napier Hospital and Health Services Report (2001) p53; and Waitangi Tribunal, Wai 785 Te Tau Ihu o Te Waka a Maui: Report on Northern South Island Claims (2008) p4.
19 Waitangi Tribunal, Wai 692 The Napier Hospital and Health Services Report (2001) p65
20 Waitangi Tribunal Wai 262 Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, 2011 pg 269
21 *New Zealand Māori Council v Attorney-General* [1994] 1 NZLR 513 (PC) p513 at [34] – [35].
22 Wai 3262, #1.1.1(a).

EVIDENCE FILED

23. CJT members presented at hearing week one from Te Whare Hononga in Ngāmotu.[23] Further evidence was presented in hearing week two and four.

24. The following evidence has been filed in support of the claim:

Wai 3262, **#A1** – Affidavit of Tuhi-Ao Bailey	Outlining the need for an urgent response. The genesis for CJT and the Toitū Taranaki 2030 climate change strategy.
Wai 3262, **#A1(a)** – Toitū Taranaki 2030	A community powered strategy for a fast and just carbon neutral transition. Sets out targets and action plans for: • the energy sector • the forestry sector • agricultural sector • political and cultural action • transition education action.
Wai 3325, **#A17** – Brief of evidence of Tuhi-Ao Bailey	Climate crisis and the link with colonisation. The need for a just transition plan and further detailed discussion about Toitū Taranaki 2030.
Wai 3325, **#A17(a)**	Letter of position from the Parihaka community to the UN opposing oil exploration.
Wai 3325, **#A17(b)**	Chronology of key events from 1972 – 2023.
Wai 3325, **#A17(c)**	Extracts from "Fleeing Vesuvius - Overcoming the risks of economic and environmental collapse" on the centrality of tikanga Māori in finding and following the natural law that maintains balance between all things.
Wai 3325, **#A41** – Brief of evidence of Adrian Pucher	Example of Pikiriki Incorporation's experience under the ETS scheme of being locked into a

[23] Te Whare Hononga, meaning "The House That Binds," is a partnership between Ngāti Te Whiti hapū and Taranaki Cathedral Church of St Mary, focusing on justice and reconciliation.

	permanent forest cover and not being supported to transition to native forest.
Wai 3325, **#A41(a)**	Exhibits
Wai 3325, **#A41(b)**	PowerPoint presentation
Wai 3325, **#A42** – Third brief of evidence of Tuhi-Ao Bailey	Explanation of net-gross emissions accounting which is discussed in Toitū Taranaki 2030 as the New Zealand government's emissions target accounting scam.
Wai 3325, **#A42(a)**	Exhibits
Wai 3325, **#A42(b)**	PowerPoint presentation
Wai 3325, **#A42(c)**	Written responses to Tribunal questions
Wai 3325, **#A62** – Statement of evidence of Emeritus Professor Abigail Smith	Evidence on ocean acidification and its effects on marine life.
Wai 3325, **#A62(a)**	PowerPoint Presentation
Wai 3325, **#A63** – Statement of evidence of Stephen Goldthorpe	Inventory of CO_2 emissions from all sources in Taranaki, with a comparison with national and global averages.
Wai 3325, **#A63(a)**	PowerPoint presentation
Wai 3325, **#A63(b)**	Reply to Paul Stocks
Wai 3325, **#A78** – Statement of evidence of Professor Ilan Noy	Methods of climate change economic evaluation and the underestimation of climate change costs in New Zealand.
Wai 3325, **#A78(b)**	PowerPoint presentation
Wai 3325, **#A78(c)**	Reply to Kieran Murray

INDIGINEOUS KNOWLEDGE IS RESISTANCE TO CLIMATE CHANGE

25. Mātauranga Māori and indigenous knowledge has to be a fundamental starting point for addressing the climate crisis. Tikanga Māori, in Ms Bailey's view, 'is finding and following the natural law that maintains dynamic balance between all things – between tangata and whenua, atua and wairua. It starts with discovering and knowing whakapapa, the inseparable connection to all things and to tūpuna.'[24]

26. The Government through its policies and actions appears to have no regard for te Taiao, let alone climate justice. It does not appear to care that Taranaki communities will be badly damaged, if not wiped out by climate change and it is actively taking measures that would hasten that result.[25]

27. As expressed by CJT, colonisation and the climate crisis and inextricably linked and the ecological crisis is 'playing out along colonial lines.' Current policies and solutions are not working because there is no acknowledgement of mātauranga as an actual science. [26]

28. Therefore, any solutions to such a crisis must emanate from a decolonised framework.[27]

29. CJT have used this fundamental understanding to explain that the concepts and targets discussed in Toitū Taranaki 2030, including the values Parihaka used to live by – working together, avoiding waste, finding sustainable solutions, growing and fostering an economy.[28] This legacy is what drove CJT and its Māori members to reconsider and create a different paradigm to what the Government said was the way to address the climate crisis.

30. Ms Nganeko Eriwata shared this concept more eloquently:

> For Māori, the environment is not just a resource, it is our whakapapa. It is Ranginui and Papatūānuku, Tāne-mahuta and the sacred breath of life that was given to Hine-ahu-one. The trees give us oxygen, and we give them breath in return. This reciprocal relationship is at our core of existence. Climate change is threatening more than just our physical environment. It is threatening our

24 Wai 3325, #A17(c).
25 Wai 3325, #A17.
26 Wai 3325, #A17.
27 Wai 3325, #A17.
28 Wai 3325, #A17.

> mātauranga, passed down through generations – our songs, stories, art and karakia are all reflectors of the wisdom of how we live in balance with the environment. To lose our ecosystem is to lose this knowledge, our identity.[29]
>
> Our tūpuna taught us through whakapapa that if Tāne-mahuta and the ngahere were no longer to exist, the separation between Ranginui and Papatūānuku collapse. If they reunite, we return to darkness. This is more than a symbolic kōrero. It is a warning. The loss of oxygen from the trees, the pollution of our waters, and the desecration of our ecosystem will create an uninhabitable world, a darkness that we cannot survive, perhaps. These stories are no myths. They are lessons, and they guide us in order to be good kaitiaki.[30]

RAUORA FRAMEWORK IS A JUST TRANSITION APPROACH

31. Against this backdrop, CJT advocates for a just transition. A just transition acknowledges the underlying injustices to the climate and geological crisis, and advocates for a plan that does not produce further disproportionate harm to those that are already disadvantaged.[31] That is consistent with te Tiriti o Waitangi.

32. As noted in Toitū Taranaki 2030, 'just bringing the emissions down' is not so simple, nor appropriately achievable, in our interconnected supply chains of a global market economy, with the embedded effects of socio-cultural inequity and environmental degradation. Capitalist economies essentially rely on capitalising from unlimited growth and exploitation of finite natural resources and workers across the globe.[32]

33. Ms Bailey describes the problem as 'the big dinosaur in the room':[33]

> This being our whole export economy, where we have primary industries exporting the majority of their product overseas only for us to import similar product back in. We are burning up finite fossil fuels and overexploiting our environment to supply ten times our population overseas, leaving behind toxic wastes and damaging ecosystems, while profits go to corporate investors rather than into communities.

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29 Wai 3325, #4.1.3 at p 424.
30 Wai 3325, #4.1.3 at p 424.
31 Wai 3262, #A1(a).
32 Wai 3262, #A1(a), at p 15 – 16.
33 Wai 3325, #A17.

34. The underlying concepts discussed in a 'just transition' framework are also consistent with some of the guiding principles for climate change policy noted in the MfE 1990 document:[34]

a. The atmosphere and other environmental resources are vital to all life.

b. Policy should recognise that human-induced climate change may occur in addition to the long-term and short-term fluctuations in climate caused by natural processes.

c. The potential effects of climate change constitute a global problem, and New Zealand is part of the global physical and biological system. Causes, consequences, and appropriate responses should be considered in the context of these global systems and recognise that the impacts of actions may be distant from these actions.

d. Policy must not conflict with or compromise the Treaty of Waitangi.

e. Policy should ensure the continued protection of Māori physical, cultural, and spiritual needs as guaranteed by the Treaty of Waitangi.

f. Policy should recognise that climatic change is ongoing. Although scenarios of potential impacts have been developed there is no expectation of reaching a state of equilibrium by 2030 or 2050 or 2100 unless action is taken to limit greenhouse gas emissions. Even if / when such limitations occur, lags and 'commitment' in the climate system from past emissions and 'feedbacks' will result in further climate change. This includes future global temperature increase that is now locked into the Earth's system because of past and present human activities, even if greenhouse gas emissions were to stop immediately.

g. Any actions undertaken in the present will have consequences far into the future. In evaluating policy response options, substantial weighting, rather than discounting, should be given to the long term, consistent with the intimate connection between whakapapa and kaitiakitanga.

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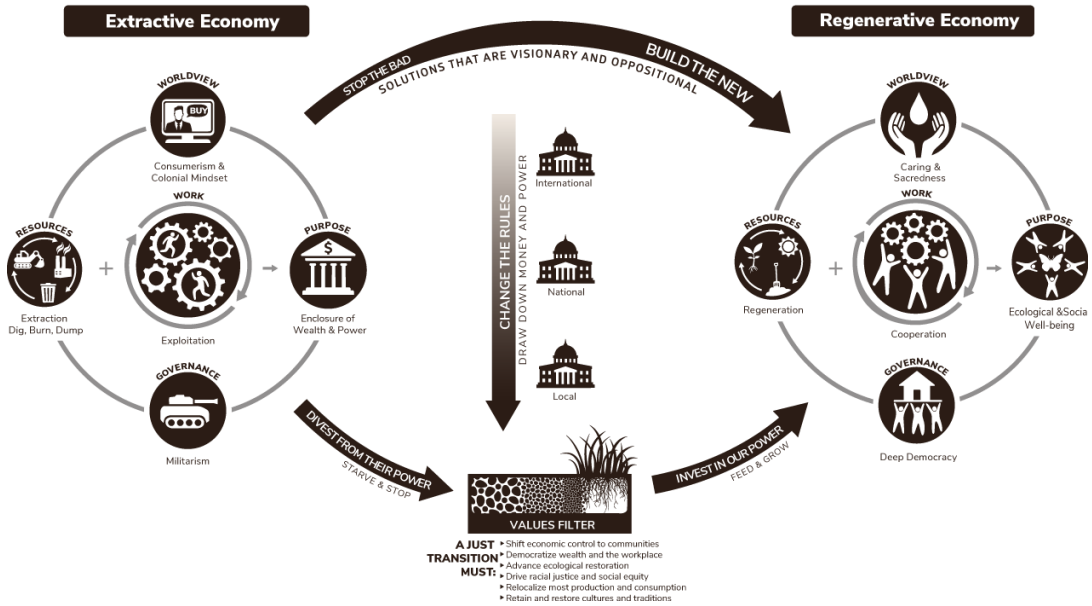
34 At p 19.

h. Policy should attempt to promote social equity and ensure that it does not create or exacerbate social inequalities.

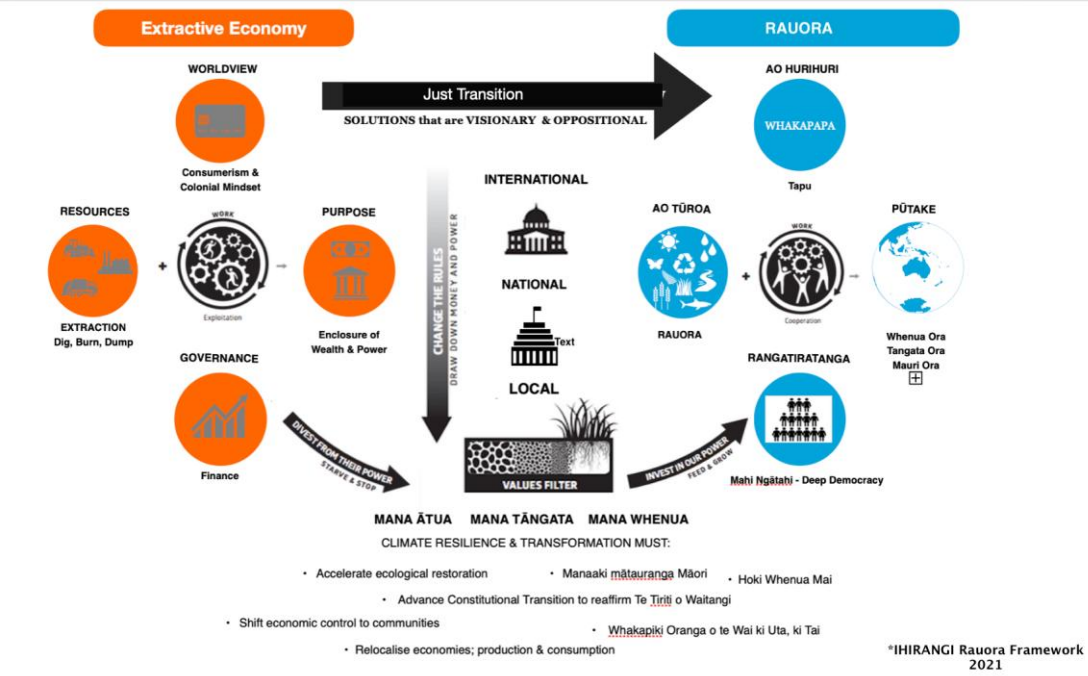
i. Policy should ensure the continued protection of all people's social, physical, cultural, and spiritual needs.

35. A just transition lens which describes shifting from an extractive economy to a regenerative economy:[35]



36. A similar approach was designed and put forward by Ihirangi, who were contracted by the Ministry for the Environment ('MFE') to provide a report outlining a proposed scope for the Indigenous Worldview Framework to underpin the National Climate Change Adaptation Plan (NAP).[36]

35 Wai 3262, #A1(a), at p 19.
36 Wai 3325, #A141(a), at MFE.008.0303.



37. The explanation accompanying this framework states:

> An indigenous world view does not work from a minimal or reductionist lens; it operates above the baseline, at the optimal, and sees stress on any composite part of the eco-system (such as overuse, over allocation, degradation etc) as creating its own measurable impact on other parts of the whole. This is a blend of an inter-connectivity lens with that of inter-generational equity; and then looks additionally at the quality and state of wellbeing; and assesses that against a measure of abundance, vibrancy, regeneration and optimal health. It is not necessarily that the measuring stick for impact is inconsistent with current applications, but critically the indigenous worldview starts the measurement from a markedly different point; that of abundance, or rauora.

38. CJT consider this framework to be consistent with action plans set out in Toitū Taranaki 2030 and that climate resilience and transformation must include:[37]

a. Accelerating ecological restoration
b. Manaaki matauranga māori
c. Hoki whenua mai
d. Advancing constitutional transition to reaffirm te tiriti o waitangi
e. Shifting economic control to communities

37 Wai 3325, #A141(a), at MFE.008.0303.

f. Re-localising economies
g. Whakapiki oranga o te wai ki uta, ki tai

39. Disappointingly, the Rauora framework that has ultimately made its way into policy is quite different.[38] Critical elements missing are:

a. Advancing constitutional transition to reaffirm Te Tiriti O Waitangi
b. Shifting economic control to communities
c. Re-localising economies, production and consumption
d. Divesting from extractive industries and practices that exacerbate, rather than mitigate, climate change and related socio-cultural and environmental disruption.

40. After Cyclone Gabrielle, in 2023 Te Puni Kokiri (TPK) undertook a first step exploratory analysis to understand the projected risks of climate hazards on hapori Māori.[39]

41. It is intended to be a guide for policy makers on the specific challenges and needs for Māori households, and recommends the Rauora framework be used to inform decision-making.

42. Recommendations arising from that report emphasise:[40]

a. that policymakers should actively engage with hapori Māori and groups representative of Māori rights and interests to foster collaborative and inclusive decision-making processes, ensuring the challenges identified in this report are thoroughly considered.

b. Policy measures need to acknowledge and uphold Māori rights and interests, valuing and incorporating mātauranga-a-iwi and mātauranga-a-hapū into addressing climate-related risks. By integrating Māori perspectives and principles, policies can be more effective and culturally relevant, aligning with the specific needs and aspirations of hapori Māori.

38 Wai 3325, #A140(a), at MFE.002.3103.
39 TPK.001.0807. Wai 3325, #A149(a), at p 493.
40 TPK.001.0843 - TPK.001.0844.

c. Policies and interventions should prioritise equity and inclusivity, recognising the unique socio-economic circumstances and cultural considerations of hapori Māori, as explored in this analysis.

d. It is crucial to adopt a comprehensive approach that combines mitigation efforts to reduce greenhouse gas emissions with adaptation strategies that enhance the resilience of Māori communities. This may involve supporting sustainable livelihoods, improving access to essential services like healthcare and education, and preserving cultural heritage. Additionally, incorporating nature-based solutions, such as ecosystem restoration and conservation, can contribute to climate change mitigation and adaptation while providing co-benefits for biodiversity and community wellbeing.

43. These recommendations are all concepts that would naturally be embedded in the Rauora framework.

44. Additionally, the recommendations by TPK echo what the Crown has already said it should be doing in 1990:[41]

a. Any policy options which could have equity implications will therefore need to be analysed for their impacts on Māori. For instance, the use of economic instruments for the implementation of policy can exacerbate existing inequalities and create new ones. The requirement for equity in education implies that all policy options which involve the dissemination of information should consider how the information can be disseminated in a culturally appropriate way.

b. Māori traditional forms of knowledge and lore provide a valuable source of information on past and ongoing changes to the environment. In attempting to clarify further impacts arising from climate change, Māori traditional forms of knowledge should be along with conventional scientific methodologies. There is a need to develop culturally acceptable ways in which this knowledge can be used.

c. Often those people who will be the most effective monitors of the environment will be those who have local knowledge of a particular area, and a continuing interactive relationship with the area. Māori knowledge of the environment fits

41 MfE 1990 document.

this pattern. A detailed base of knowledge is learned through interaction with the environment and passed through the generations.

45. In the Second Emissions Reduction Plan, the Crown told people it had established a climate priorities ministerial group of key ministers to oversee cross-government climate change work programme supported by a climate change chief executives board. Despite spearheading some work in understanding the climate hazards for Māori, TPK does not appear to have a seat at the table when it comes to providing key insights and concerns for Māori. When asked about this, Ms Paula Rawiri confirmed TPK were not part of this chief executives' board and had not been part of the previous one either.[42]

46. TPK were not consulted prior to the decision to not continue work on an equitable transition strategy as part of ERP1.[43]

TOITŪ TARANAKI 2030

47. While Crown action and policy continues to lag behind in terms of the ambition and speed at which change is required, the Taranaki community mobilised.

48. In April 2018 the Government announced that it would end any new offshore oil and gas exploration, but continue to allow exploration under existing offshore permits, and onshore exploration in Taranaki.[44]

49. Around the same time, the Government rushed through a Tapuae Roa energy strategy (to guide Taranaki's transition from a traditional oil and gas hub into a diversified, lower-emissions regional economy) via the mayor's forum and the Iwi Chairs Forum. Following complaints from the community on the approach taken, the Government then decided on a roadmap route which was originally just for industry input.[45]

50. The community was left out of the process which CJT felt was taken over by industries and did not leave the transition community in a good space.[46]

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42 Wai 3325, #4.1.11, at p 213.
43 Wai 3325, #A149(c).
44 Wai 3325, #A17, at [38].
45 Wai 3325, #A17.
46 Wai 3325, #A17.

51. CJT were concerned that important community messages in the roadmap process had either failed to be incorporated or were uncertain in their interpretation within the roadmap. This prompted the community to come together and write their own just-transition plan.[47]

52. In response to what CJT considered to be a wholly inadequate government approach to the decision to end oil and gas exploration (including having an executive from the oil industry chair a forum to develop a 'just transition' strategy for the region), people from across Taranaki, including tangata whenua, came together as a community, held workshops, and developed Toitū Taranaki 2030 – A Community Powered Strategy for a Fast and Just Carbon Neutral Transition.

53. The Toitū strategy criticised the government climate targets as far too little and far too late, namely:[48]

    a. The goals under the Climate Change Response Act 2002 to achieve net zero emissions of long-lived greenhouse gases by 2050; and

    b. reducing biogenic methane emissions between 24-47% by 2050.

54. CJT considered these to be inadequate to prevent already dangerous climate change becoming much worse. As discussed in the generic closing submissions on mitigation, these targets have been further weakened.

55. Given the huge damage that dangerous climate change is and will cause, CJT set a more appropriate timeline for an emergency response of 2030 for zero emissions and focused on practical actions that were achievable and would better protect Taranaki communities.

56. CJT members also considered climate change scenarios developed by the IPCC and took into account the fact that these scarious did not address, but further entrenched and heightened inequalities. The Climate Change Response Act 2002 section 5ZC says that the Commission should “set emissions budgets that are ambitious but likely to be technically and economically achievable”. This wording is ambiguous. It can be interpreted in various ways, relating to feasibility and time-lines for technological ‘fixes’ and future economic approach. It can be interpreted to mean maintaining many non-essential high emitting activities.

47 Wai 3325, #A17 and Wai 3262, #A1(a),
48 Wai 3262, #A1(a).

Indeed, this is precisely what has happened with certain exclusions and the carbon credits system of the ETS.

57. Therefore, the vision put forward by CJT is a world that values resource conservation and efficiency, sustainable energy, agriculture, transport and other systems that bring justice for the common people, future generations and Papatūānuku.

58. In developing Toitū, CJT focused heavily on the practical actions required to drive down emissions as fast as reasonably possible to save as many people and communities as possible from the worst effects of climate change, and focused much less on maintaining the current distribution of economic wealth and markets servicing high emitting activities by higher income groups.[49]

***Oil, gas and coal* / energy**

59. An immediate action that can be taken is to phase out oil and gas production, but the Crown has taken a significant step back by reversing the ban on new permits.

60. Related to that is an end to all forms of perverse subsidies and other investments to the fossil fuel industry. Furthermore, bonds and insurances need to be mandatory at adequate levels to fully cover decommissioning and any potential risks such as well casings that only have an average life span of 20-30 years.[50] In 2025, the Crown made other changes to the Crown Minerals Act 1991, that weakened such initiatives.

61. Changing the purpose of the Act from 'manage' to 'promote' prospecting for, exploration for, and mining of Crown owned minerals for the benefit of New Zealand.[51]

    a. Introducing the ability for the Minister for Resources to issue a Government Policy Statement on petroleum and minerals.

    b. Allowing for new methods to allocate petroleum permits.

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49 Wai 3262, #A1(a).
50 Wai 3262, #A1(a).
51 MBIE (7 August 2025), *Crown Minerals Amendment Act 2025.* https://www.mbie.govt.nz/building-and-energy/energy-and-natural-resources/minerals-and-petroleum/consultations-and-reviews/crown-minerals-amendment-act-2025

c. Providing greater flexibility under the existing exemption and deferral powers for decommissioning to consider exemptions for either the whole or parts of particular items of infrastructure.

d. Providing greater flexibility and clarity around what types of financial securities may be accepted.

e. Extending the confidentiality period for speculative prospectors who were impacted by the ban.

62. Other actions noted in the energy and transport action plan are aimed at reducing energy wastage and consumption, which in turn would substantially reduce the need for fossil fuels, cut greenhouse gas emissions, and improve air quality.

63. Shifting Aotearoa New Zealand's economy to run on renewable energy is also an action proposed by the plan. It starts by supporting community-owned renewable energy. Enabling regulatory environments and positive financial incentives are then required for appropriate adoption, scaling and development of the chosen technologies.[52]

64. Transport is another sector where significant reductions in emissions can be achieved. Suggested actions include:[53]

a. reducing the speed limit to 80-90km,

b. support e-scoter / e-bike / EV share schemes – options contemplated by ERP1.

c. restoring rail transport to regions

d. banning fossil-fuel vehicle imports

e. increasing active modes of transport such as walking and cycling, in particular extending cycle lanes across the region on all commuter routes.

65. In 2024, Ms Bailey provided an update on the action plans at hearing week 2.[54] The red shading indicates where the topic has not progressed or been reversed.

52 Wai 3325, #A1(a), at p 23.
53 Wai 3325, #A1(a), at p 41.
54 Wai 3325, #A42.

Yellow illustrates partial progress. Grey are things that need to stop and white are things to support.

Energy and Transport Action Plan

~~2021~~	~~2022~~	~~2023~~	~~2024~~	2025	2026	2027	2028	2029	2030
No new coal, oil & gas permits	No new oil & gas drilling. Close all coal mines (& remediate by 2027)	**Phase out oil and gas production[18]**							
Ban new gas utilities	Phase out coal boilers[19]				Phase out gas utilities except biogas				
80-90km/hr speed limit[20]	Disincentivise private car ownership				Reduce international trade to essentials** only				
Ban fossil fuel car imports				Disincentivise non-essential air travel[21]			Phase out large trucks		
Ban fossil fuel car vehicle ads	Decrease car parks, redesign cities for active and public transport					Urban and rural cycle lanes on all commuter routes			
Support community-owned renewable energy					Zero-waste Aotearoa				
Support energy-efficient retrofits				Energy production and national grid into public ownership					
Support Escooter / Ebike / EV Share schemes					Regional trains operational				
Public transport promotion campaign			Urban and regional public transport free or affordable, replace FF buses with EVs						
Restore, expand daily public transport services					Web communication fossil fuel free				
Support kinetic / electric product manufacturing					Support sail ships to the Pacific				

Forestry and agricultural

66. CJT members acknowledge the challenges in reforming these areas. This will require cultural shifts, legislative reform, financial incentives, redesigning product markets, retraining local communities in multiple fields, shifting ownership of various assets, and careful management of risk, stress and uncertainty.

67. With this in mind, CJT have suggested some actions:[55]

    a. Reduce stock numbers - a growth-based economy trying to keep on top of unsustainable debt has encouraged farmers to increase stock and use technology and external inputs while reducing labour. This issue is not restricted to Taranaki (e.g. despite clear warnings dating from early 2000s, along with clearing of native vegetation, development of irrigation schemes enabling massive industrial dairy expansion in Canterbury with input of fossil-fuel derived urea has caused regional declines in water

55 Wai 3325, #A1(a), at p 46.

quality affecting human and ecosystem health. “In nearly one-quarter of Canterbury’s fresh water, the water quality is below desired standards and in another one-third the water quality is at risk”).[56]

b. Cut synthetic fertilisers, blood phosphate and Palm Kernal Expeller (PKE). There are many alternatives available, already in practice by progressive farmers, such as effluent discharge to land, compost, no-till, mixed-clover pastures, mob-grazing and edible hedging such as tagasaste and Banksia.

c. Stop forest to farm conversions - Any forestry lands should be replanted as sustainable harvest forests or permanent land cover areas.

d. Shift the research - stop wasting time and money trialling expensive, uncertain new technologies such as genetic engineering and spray-on de-nitrifying solutions in the hope to continue business as usual.

e. Downshift import and export markets - this can start with products that are already produced in Aotearoa such as fruit and vegetables.

f. Localise markets - plan, reorganise and protect farming for local consumption and domestic markets.

g. Permanent land cover areas - carbon sinks, biodiversity, freshwater and wild habitat protection - new land areas and harvested forest blocks can be bought with public money derived from carbon charges to restore native forests, tussock lands, wetlands, scrubland and dunelands. These lands would be held as public conservation lands or as iwi or community-owned conservation blocks.

h. Support Māori to repopulate their lands - the call to reduce council rates on Māori-owned land and assistance to increase access for land under multiple-ownership will greatly help Māori get back on their land to live, produce food and care for taiao.

i. Introduce a capital gains tax.

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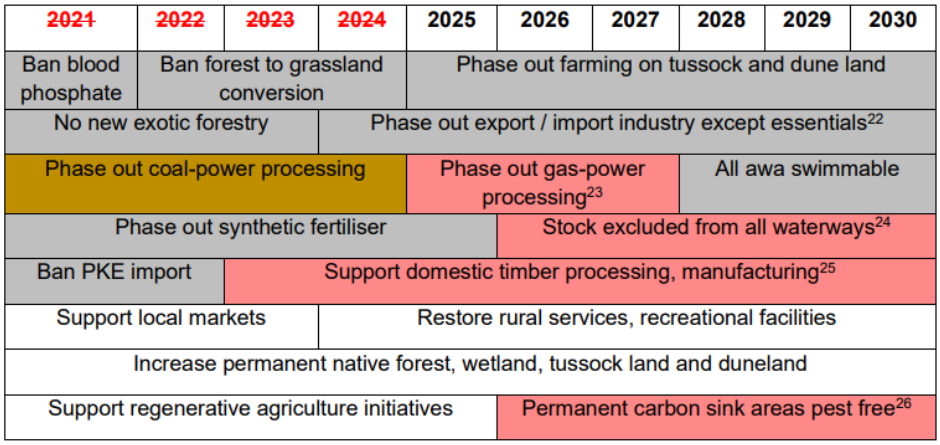
56 Wai 3262, #A1(a) and https://canterburymaps.govt.nz/map?webmap=bbe146672abe492780722b16a075aa73

Reforestation and Agriculture Action Plan



57

Political and cultural change

68. CJT consider the greatest obstacle to just transition to a zero-carbon future is inequality. There is a huge disparity in access to and use of resources.[58]

69. Actions suggested include:

    a. Greatly invest in better communication systems, education and up-skilling that assists more people, especially the disadvantaged, to fully participate in decision-making that affects their communities. This investment should be spread amongst government departments and independent community groups.

    b. Heavily subsidise public transport, in particular with family and group discounts, so it is actually cheaper, more accessible and more convenient than using private vehicles.

    c. Introduce capital gains tax on houses and property beyond the primary home or farm. Limit the number of houses a person and/or family can own and bring in new laws to discourage disproportionately large new home builds.

57 Wai 3325, #A42.
58 Wai 3262, #A1(a), at p 52.

d. Support farmers markets and local manufacturers who sell only locally, use local ingredients and hire local staff with a living wage at least, rather than outsourcing overseas to poorer or more corrupt countries. Relatedly, we note that New Zealand has dropped 10 points in a decade on Transparency International's Corruption Perceptions Index, with growing concerns around unregulated lobbying, opaque political donations, "chumocracy" or revolving-door appointments, and fast-tracked legislation that increases ministerial discretion.[59]

e. Address the housing crisis by guaranteeing adequate supply of affordable, healthy homes, ending money creation by banks and capping rents at 25% of income.

f. Free healthcare and education for all ages by 2030 to reduce disparity in communities and increase opportunity and well-being of the disadvantaged.

Political and cultural change

~~2021~~	~~2022~~	~~2023~~	~~2024~~	2025	2026	2027	2028	2029	2030
Measure and charge global travel GHGs in ETS/tax			Limit international travel[27]			Limit international trade			
Capital gains tax		Limit multiple house ownership			Limit new land ownership			No homelessness[28]	
Reform ETS / new carbon tax		Inheritance tax		Wealth tax		All buildings energy efficient			
Phase out grey/stormwater in sewers				Support greywater, compost & rainwater infrastructure					
Ban disposable plastics & aluminium				Redesign & build local, domestic market economies					
Charge business for water takes		Incr. social housing stock[29]			Major papakāinga housing & land support				
Living wage for all		4 day work/school week			Mobility access in all public and work spaces				
No GST on food		Overhaul food and trade acts			Crown increase return of land to Māori				
Support circular economy infrastructure				Co-management iwi and regional councils				Zero waste NZ	
Remove refugee quota, increase intake				Residency for Pacifica in NZ			Free education and health		
Decentralise and redesign town / country for active and public transport							Free local public transport		

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59 https://www.transparency.org.nz/.
60 Wai 3325, #A42.

70. Political and cultural change is also an essential pillar towards a just transition or to achieve a state of rauora. This inherently upholds and honours te Tiriti o Waitangi.

71. Another concern explored with Crown officials relates to the climate emergency developing to a point where the state will be unable to guarantee continued recognition or protection of customary and cultural rights, or the state engaging in arbitrary and/or large-scale takings of Māori resources to respond to the emergency. The Crown appears to be aware of this risk to an extent. Ms Wilson gave evidence for … that adaptation risks it has considered include:

> 50.4 Risk of a breach of Treaty of Waitangi obligations from a failure to engage adequately with and protect current and future generations of Māori from the impacts of climate change.
>
> ….
>
> 51.5 Risk to the ability of democratic institutions to follow due democratic decision-making processes under pressure from an increasing frequency and scale of climate change impacts.

72. Ms Wilson also said:

> I think that risk is one where the way in which our democratic institutions are functioning so far to date, do not appear to have been significantly put under pressure from an ability to follow due process because of increasing frequency and scale of climate change impacts in terms of the kinds of decision making that they have taken in relation to large scale climate change. Due process has generally been able to be met.

73. This comment is chilling because it acknowledges that climate change is already placing pressure on the rule of law, an existential matter in any other setting, and then dismisses it in a casual and off-hand manner. Climate policy cannot be delayed and must not be at the whim of an election cycle every three years.

74. To achieve social and political change, educating the future is a must. This is indeed something CJT advocate for.[61]

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61 Wai 3262, #A1(a).

75. As Ms Bailey said:[62]

> … we are not averse to growth. Indeed we want and encourage growth in:
>
> - resilient communities, not climate crises
> - community wellbeing, not greed
> - rural communities, not emigration
> - local markets, not global trade
> - quality food, not export commodities
> - local manufacturing, not import reliance
> - papakāinga, not prisons.

EXTENT OF RISK OF PREJUDICE

Ocean acidification (OA)

76. Detailed evidence presented by Emeritus Professor Smith. As Professor Smith puts it, "the ocean is the world's greatest alley against climate change."[63]

77. The current carbon cycle in the sea is and will continue to be affected by ocean acidification from surface waters to the seafloor. The contention is that as the ocean mixes, lower pH water will move to the seafloor, mixing with sediments that contain carbonate which are easily dissolved by lower pH waters. Adding CO_2 to the sea, also adds to the atmosphere. If the sea cannot absorb more CO_2, this speeds up global warming.

78. This in turn has an effect on shell producing species, including some of major commercial significance, making thinner, damaged or malformed shells. While the adults can manage lowered pH seawater, the larvae cannot.[64]

79. Ocean acidification is thus damaging to the ecosystem. But ocean acidification is preventable – and really the only mechanism that we know of to do that is to

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62 Wai 3325, #4.1.5, at pp 186.
63 Wai 3325, #4.1.8, at p 81.
64 Wai 3325, #4.1.8, at p 85.

reduce CO_2 emissions into the atmosphere. If we want to be serious about improving the prospects of our ocean, we have to stop or slow CO_2 emissions.[65]

The impact

80. Taranaki must be at the forefront of climate change mitigation and adaptation in terms of government policy. Being on an exposed coast means:

> A Cyclone Gabrielle type event on our coast would be devastating as our farming landscape has many of the short, steep slopes characteristic of the east coast, as well as some exotic forest plantations.[66]

81. The claimants experienced severe weather events in 2022:

> Strong wind, tree fall, power cuts, and floods taking out bridges and waterlines are already an issue. Waitara, in particular, is a flood risk zone and of course happens to be the poorest community, with a high Māori population. Parihaka Pā experienced a major flood on Waitangi Day 2022 and almost the same again a week later, except as a small community we did urgent works to reduce flooding. Many of us are still traumatised from the event and it has been a costly exercise so far to overhaul the design of our infrastructure and hire civil engineers and other professionals to replace bridges and piping. Wetland destruction/deforestation for intensive agriculture upstream of Parihaka is a major issue.[67]

> In this flood, we had heavy rainfalls over a day and then in the evening it peaked at about 4 am and we had three houses flooded, and the marae, the wharekai at the back was flooded. It was one centimetre away from coming into the wharenui, where we just had new carpet laid down. We had our water line broken. This is the main drinking water, feeding our papakāinga, and we had a bridge broken on the other side. At the same time, we had houses, schools, and businesses flooded down the road in Rahotu. This has been consistent, kind of, pattern we're seeing now more and more in Taranaki.[68]

82. The impact of sea level risk is of particular concern for Waitara. Waitara is a populated with Māori whānau. CJT members shared photos and maps that showed estimations of where the sea level will rise with a .5 to 2 metre sea level

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65 Wai 3325, #4.1.8, at p 86.
66 Wai 3262, #A1, at [11].
67 Wai 3262, #A1, at [12].
68 Wai 3325, #4.1.3 at p 421.

rise. Particular I'm expecting we will have more than a 2 metre rise due to climate change.[69]

83. Ms Eriwata shared: [70]

> I am an uri of Waitara, and they demand urgent attention now. Rising sea levels have forced friends and family from their homes, with others choosing to stay, preferring to risk a flooding than certain homelessness. Coastal erosions have degraded urupā and tūpuna have been washed out to sea, some remains found only by chance on the shorelines. This is not just a physical loss. It is our connection to whakapapa and wairua, a spiritual wound that cannot be easily healed.

BREACH AND PREJUDICE

84. Accordingly, the claimants say they are suffering effects of climate change, and their ways of life are being destroyed.

85. By failing to act on climate change, the Crown is in complicit in the:

a. Significant adverse impacts on their lands and taonga, traditional ways of life and culturally important living resources, infrastructure, housing, land-based food production systems, and marine industries.

b. The loss of life of some of the claimants and/or their descendants - through extreme weather events, increased incidence of disease, heat-related illnesses, and destruction of food production.

c. The loss and destruction of mātauranga Māori, particularly given rapid changes in ecosystems due to climate change which have been stable for many millennia.

FINDINGS AND RECOMMENDATIONS SOUGHT

86. Toitū Taranaki 2030, developed five years ago after community engagement, set out specific targets which may have seemed ambitious at the time, but should

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69 Wai 3325, #4.1.3 at p 422.
70 Wai 3325, #4.1.3 at p 423.

now be viewed as necessary in light of the fact that the 1.5 degree 'safe' limit has been missed.[71]

87. For example, Toitū Taranaki recommended urgent forestry reforms focussed on reduced use of exotics, local sustainability, and expansion of native forests:

a. REFORESTATION TARGET ONE - phase out importing and exporting timber and shift forestry markets in Aotearoa predominantly towards the domestic market by 2030, reducing deforestation while creating new local wood processing and manufacturing jobs, decreasing transport emissions and helping ensure social and environmental protections.

b. REFORESTATION TARGET TWO - establish a sustainable forestry industry that meets all ongoing domestic consumption by 2030 consisting of a minimum 2.2% of total land area or of 0.587 million ha, requiring a reduction in current exotic forests by about 5.6% or 1.5 million hectares.

c. REFORESTATION TARGET THREE - establish a total permanent carbon sink from native forest, tussock land, wetland, scrub and duneland at a minimum of 60% of total land area or 16 million ha by 2030, an increase of 25.1% total land area from 34.9% (in 2017). Ideally that includes 40% total native forest (up 11% from 29%) and 10% total wetland (up 7.4% from 2.6%).

d. REFORESTATION TARGET FOUR - reform the ETS or switch to a carbon charge by 2022 that caps emissions, stops international offsetting and free allocations, includes agriculture and sets a price that will reduce emissions sufficiently to meet our targets.

88. Now, exotic forests on the east coast are becoming a life-threatening liability, and the PCE recommends placing a temporary moratorium on new NZ ETS forestry registrations until the balance between gross and net emissions reductions, the role of forestry, and the role of the NZ ETS relative to other 'complementary' climate policies has been reviewed.[72]

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71 Wai 3262, #A1(a).

72 Adrift: What future does the Emissions Trading Scheme have? Summary document August 2026 at https://pce.parliament.nz/media/thqheejx/adrift-what-future-does-the-emissions-trading-scheme-have_summary-document-pdf-76-kb.pdf

89. In relation to transport, Toitū Taranaki recommended a number of measures that were included in some form in ERP1, including:

> 10.1.2.1 Develop VKT reduction programmes for New Zealand's major urban areas (Tiers 1 and 2) in partnership with local government, Māori and community representatives.

90. In terms of energy, Toitū Taranaki recommended:

e. ENERGY TARGET ONE - Phase out fossil fuel domestic production and imports by 2030 with bans on new exploration, new production and new associated infrastructure by 2023.

f. ENERGY TARGET TWO - Phase out fossil-fuel based transportation by 2030 with a ban on new fossil-fuel vehicle imports by 2022.

g. ENERGY TARGET THREE - Phase out all fossil-fuel use in agriculture and other industries by 2030 with a ban on new fossil fuel infrastructure by 2022.

h. ENERGY TARGET FOUR - get energy production, transmission, distribution and pricing back under public control by 2025.

91. These are now occurring at scale (through the adoption of EVs, solar, wind, batteries) or have been partly instituted (the offshore exploration ban – now reversed).

92. In terms of agriculture, Toitū Taranaki recommended:

i. AGRICULTURE TARGET ONE - phase out all fossil-fuelled processing of agricultural products by 2028 and all fossil-fuelled transportation for agriculture by 2030. Farm vehicles will ideally shift to EVs and biofuel.

j. AGRICULTURE TARGET TWO - phase out natural gas-derived and imported fertilisers and feeds for agriculture by 2025. All agriculture will ideally shift to regenerative systems by 2030.

k. AGRICULTURE TARGET THREE - shift central and local government plans, policies and bylaws, and banking rules to allow subdivisions and mortgages for smaller rural land blocks by 2022, to enable small-scale

agriculture and land use diversification, new housing, forestry and other local needs such as local processing and retail.

93. The first target could be achieved with developments in EVs, including electric trucks and tractors. Small-scale agriculture and processing could be promoted at any time.

94. The Tribunal cannot assess all of the technical details of the urgent policy changes and actions that are required. In any event, these will change between the time the hearing closes and the Tribunal report is issued.

95. CJT invites the Tribunal to make high level findings and recommendations that become Treaty-consistent climate objectives or settings to drive policies and actions. These include:

a. Make strong findings about the urgency of the current climate emergency, the immediate and longer-term existential threat to Māori.

b. Drawing on evidence from iwi and Māori communities, describe levels or types of damage from climate change to Māori society and culture, or aspects of it (say a level of risk to pā and Marae, fresh water, food production and harvesting), along with benchmarks of mitigation as measures of success (say demonstrable positive health outcomes for people, thriving species and ecosystems) that are bottom lines. That is, their loss is unacceptable under any circumstances, so that they require the Crown to exert maximum effort at the national and international level to avoid risks of the former outcomes and achieve the latter outcomes. In Taranaki these would include vulnerable and disadvantaged communities becoming safe and thriving communities through legislative, policy and fiscal interventions that substantially reduce emissions, mitigate climate impacts and support essential adaptation.

c. Highlight the dangerous gap between that urgency of the climate emergency and Crown actions and policies to address it, both through mitigation and adaptation, and that this must be closed at all possible speed, that is, significant advances being made within years in the current decade.

d. Provide central government resources to communities to plan mitigation and adaptation strategies and actions.

e. Provide permanent centrally funded education on mitigation and adaptation, with local communities able to seek funding for local initiatives. The first policies discussed in the MFE 1990 document were public education, school-based education, green consumerism and community action to mitigate emissions.

f. Find that technically viable mitigation and adaptation options that exist today must be aggressively funded for research, real-life trials and adoption as soon as possible. There is no longer an 'option value of delay' for Māori, that is, delaying decisions in the hope that better information or technologies may arrive. That may have been true in 1990, when it was less clear (with high probability) whether, when, where and how there would be significant impacts from climate change, but it is certainly no longer the case.

g. Confirm that Crown policy for mitigation and adaptation must be equitable, but that the need to provide equity must not be used as a reason to avoid action in this emergency situation. That is, the fact that mitigation options, such as raising fuel costs, may disproportionately impact Māori households or businesses, cannot be used as a reason to delay the introduction of that policy, but must be provided for in other ways, such as funding public transport options, or providing low-cost leasing of EVs (both policies were part of ERP1), or providing funding for electric farming operations.

h. Similarly, concerns about international 'leakage' of emissions from measures taken in New Zealand must be addressed and may not be used as a reason not to take action.

i. Find that further prospecting, exploration, mining and exploitation of fossil fuel reserves is unacceptable in this climate emergency.

j. Find that mitigation limits need to be set, and breaches of mitigation limits must be enforceable and require compensation internally.

k. Recommend that kaitiaki and future generations must have a strong legislated voice in policy development. Our system of governance is not functioning for the people, with various recent legislative changes further eroding fairness and equity. Constitutional reform is urgently needed, as well illustrated by Matike Mai Aotearoa. We also note in this regard

international models such as the Well-being of Future Generations (Wales) Act 2015, whose goals include:

> An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing fair work.

l. In terms of economic policy, recommend that:

i. Further work be undertaken immediately on a circular economy that reduces material and energy throughputs, working with local communities such as Parihaka.

ii. Recommend that, if demand-led growth is to be the economic engine for some mitigation and adaptation options, it must be defined and constrained – where it takes place, what it seeks to achieve and how its principal mechanisms will operate. Planetary boundaries must be respected by avoiding trade-offs, fostering synergies and aiming for co-benefits. Demand is not a given. It is political, social, cultural and responsive to information and education.

Dated at Wellington this 9th day of October 2026

Tom Bennion / Emma Whiley / Kudrat
Counsel for the claimants