

# Judicial review: High Court dismisses applic: (Climate Change Commission, 2022b)

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**23 November 2022**

He Pou a Rangi Climate Change Commission has received the decision on the judicial review of aspects of [Ināia tonu nei](#) ([our-work/advice-to-government-topic/inaia-tonu-nei-a-low-emissions-future-for-aotearoa/](#)), our first advice to the Government.

The High Court has dismissed the application for judicial review brought by Lawyers for Climate Action New Zealand Incorporated (LCANZI) on all grounds.

We stood by our advice through the court process and maintained that claims we are not sufficiently ambitious are wrong and misrepresent our advice.

We respect the role of the Court and acknowledge the sincere intentions of the applicants.

We will review the decision in detail to understand if there are any implications for our work programme and our future advice.

We will not be making any further comment at this point in time.

## About He Pou a Rangi Climate Change Commission

Parliament established the Commission to provide independent, evidence-based, expert advice on how to reach Aotearoa New Zealand's emissions reduction targets.

Our core work programme is set out in legislation. The Climate Change Response Act 2002 requires the Commission to deliver key functions within specific timeframes.

Under its obligations in the Climate Change Response Act, the Commission's advice must be based on delivering an economically and technically achievable transition to net zero in an equitable and inclusive way by 2050.

In our advice to the Government, we use the best available evidence, along with extensive analysis and our expert judgment.

In *Ināia tonu nei* we presented ambitious, achievable, and equitable paths that Aotearoa can take to meet its emissions reduction targets and contribute to global efforts to address climate change.

Setting Aotearoa's greenhouse gas emissions reduction budgets and deciding on the policies to achieve them is a political and ethical issue for the government of the day.

## About the application for judicial review

The point of difference between the Commission and LCANZI was how quickly emissions should be reduced between now and 2030.

Our advice on emissions budgets and the emissions reduction plan would see Aotearoa meet the 2050 target set by Parliament and this was not challenged.

LCANZI argued there were four grounds for judicial review, taking issue with:

- How our advice aligns modelling from the IPCC Special Report 2018
- Interpretation of the purpose provisions of the Climate Change Response Act
- Forestry Accounting approach
- Application of all of these together in developing emissions budgets

These grounds were all dismissed.

5<sup>th</sup>

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Published 2 Jul 2021

## High Court documents

- Media release: [MR \[2022\] NZHC 3064](#) [PDF - 146 KB]
- Full judgment: [Lawyers for Climate Action NZ Inc v The Climate Change Commission](#) [PDF - 202 KB]

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