

Wise Response Incorporated Society

Special General Meeting Dec 1st 2014

"As demand for growth exceeds earth's physical limits, causing unprecedented risks, what knowledge and changes do we need to secure New Zealand's future wellbeing?"

If you're new to Wise Response, review the appeal text <http://bit.ly/wiseresponse> and join us as a supporter today! http://bit.ly/wr_join. For more information, or to put your hand up for a role / action, contact the relevant person via their email address as listed below.

Attending:

Apologies:

Agenda Items:

History of Wise Response (WR) Society:

Accounts to date:

Election of committee members for the WR Society:

Subscriptions to the Society:

Auditor Appointment:

Appoint a Patron:

Motions to be considered: None

Rule changes to be considered: None

General Business:

Royal Society Initiative:

Legal Avenues to compel a response to National Risks:

Appeal to Parliament

WR 'Inquiry' into Systemic Risks

National e-Conference on Specific Risks:

Appendix 1: History of the Wise Response Society:

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Appendix 4: Litigation Option Background Info

Appendix 5: Update on Submission to ORC from WR

Notes on the Precautionary Principle for the uninitiated!

Appendix 6: Strategic Risk and Resilience Panel (SRRP)

Info / commentary on the SRRP pertaining to Wise Response:

Appendix 7: Supporting Organisations to Date

Access these minutes via the web at <http://bit.ly/1Ac4syZ> to download version in other document formats.

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Attending:

Jean Fleming (JeF) jean.fleming@otago.ac.nz
Jim Flynn (JiF) jim.flynn@otago.ac.nz
Mark Jackson (MJ) mark.jackson@es.co.nz
Jocelyn Harris (JH) jocelyn.harris@otago.ac.nz
Doug Holborow (DoH) bdholborow@ihug.co.nz
Davis Holdsworth (DaH)
david.holdsworth@otago.ac.nz
Rob Lawson (RL) rob.lawson@otago.ac.nz
Bob Lloyd (BL) bob.lloyd@otago.ac.nz

Dugald MacTavish (DM) dugald@es.co.nz
Alan Mark (AM) alan.mark@otago.ac.nz
Janet Stephenson (JaS)
janet.stephenson@otago.ac.nz
Liz Slooten (LS) liz.slooten@otago.ac.nz
Nathan Surendran (NS)
nathan@schemaconsulting.co.nz
Anne Simpson (AS) anne.simpson@xtra.co.nz
Jim Simpson (JiS) jim.simpson@otago.ac.nz
Donna Watson (DW) jaxresources@kinect.co.nz

Location CSAFE meeting room, 530 Castle St Dunedin.

Minutes by NS recorded at the meeting. Checked and approved: DM / AM.

Apologies:

Philip Temple, Gordon Stephenson, John Peet, George Preddey, Neville Peat, Graye Shattky, Robin Fordham, David Thom, Derek Wilshere, John Cocks, Emma Neale, Richard Reeve.

AM Moved that the apologies be accepted. DM Seconded. Carried

Agenda Items:

Introduction / icebreaker

Brief attendee description of who they are and why they're here. New members saw advert in local press previous week.

History of Wise Response (WR) Society:

AM tabled document on history to date. He noted that WR formally became an Incorporated Society on 31 July 2014. See Appendix 1 for text.

AM Moved that it is accepted as an accurate history. JH Seconded. Carried.

Accounts to date:

AM tabled accounts as prepared by Neil Gaudin B.Com. See Appendix 2 for accounts detail.

AM Moved that Wise Response formalise receipt of the statement of accounts. DM Seconded. Carried.

Election of committee members for the WR Society:

- DM Moved that AM elected Chair. JaS Seconded. Carried.
- AM Moved that DM elected Secretary. JF Seconded. Carried.
- AM Moved that RL elected Treasurer. JiS Seconded. Carried.
- BL Moved that MJ elected Publicist. AM Seconded. Carried.
 - Note: JF commended MJ on website and content.
- BL Moved that AM elected Spokesperson. JF Seconded. Carried.

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- Note: Role is that of convenor of spokespeople. Will drag in others as needed for specialist comment, etc.
- AM Moved that MJ elected webmaster. NS Seconded. Carried.
 - Note: MJ maintains multiple websites, but Wise Response site is the only one that is the target of ongoing hacking attempts to gain access to admin console.
- Dunedin based committee consists of: Emma Neale, Bob Lloyd, Nathan Surendran, Jocelyn Harris, Philip Temple, Brian Turner, Pat Scott, Janet Stephenson, Lewis Verduyn, Liz Slooten, Jim Simpson, Donna Watson, Alan Mark, Dugald MacTavish, Rob Lawson, John Cocks, Mark Jackson.
Note: The Dunedin Committee is a subset of the general contributor list, designed to ensure that there is a quorum of people at any given meeting of the Society. Other WR supporters wishing to attend can Skype in to meetings if they desire - committee needs notice to arrange Skype facility is available.
DM Moved that this committee be confirmed subject to individuals agreement / recorded. AM Seconded. Carried.
- Suggested that distinct WR communication groups (to be set up in Google Groups):
 - [Private] WR Elected Committee - Otago based - exists primarily to ensure quorum at periodic 'in-person' (members of the National Discussion List can Skype in too) meetings in Dunedin.
 - [Private] WR National Discussion list (ie the existing list plus any new committee members, Max Crowe, Yvonne Curtis).
 - [Private] WR Networking Group - (Elected committee and representatives from other environmental organisations and key supporters - these will be the groups who have expressed formal support for WR, and are listed on our website).
 - [Public] WR Members and the 100 Notables for Newsletters etc.
 - [Public] WR Risk Appeal Petitioners - for updates on the Appeal.
 - [Public] A general discussion group for the 5 areas of risk, to allow supporters to document areas that the risk assessment should consider under each, and to document / link to research / information as a general reference for Wise Response.
- Supporter Mailing List: As per list compiled from website by MJ. Expanding with time as new supporters sign the list. MJ maintains mailchimp functionality and this has a small ongoing cost due to us having exceeded the numbers for the free service.

Subscriptions to the Society:

General discussion established that in the committee's view, a no subscription model, with a standing invitation to donate, and appeals for project related funds is preferred. Subscription seen as a barrier to entry. Also much easier to produce accounts.

BL Moved that 'no subscription' model be adopted. JF Seconded. Carried.

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Auditor Appointment:

General discussion established that it was not necessary to appoint an auditor at this point. Official documentation states that we 'may' appoint an auditor. Deferred until next AGM.

Appoint a Patron:

JaS suggested Sir Geoffrey Palmer is approached. AM action.

JaS Moved that Sir Geoffrey Palmer be appointed if he is amenable to the idea. JF Seconded. Carried.

[Post meeting note: Sir Geoffrey subsequently accepted]

Motions to be considered: None

Rule changes to be considered: None

General Business:

Royal Society Initiative:

AM reported back from recent Royal Society Fellows meeting. AM / Peter Barrett (PB) tabled a motion at the meeting (see Appendix 3 for wording). President Sir David Skegg is considering how the Society will respond. The Royal Society is to consider the motion at the general meeting on the 4th Dec 2014. [Awaiting report as to outcome.]

General discussion of Royal Society's role in shaping debate in society to date: Recent 'Energy Futures' exercise - JaS was involved. Initial brief too narrow. Broadened to the 'Facing the Future' report. Challenges GDP measure and correlates GDP and wellbeing. Paper is signed off by the Royal Society Chair. Launched and publicised. NZ Herald articles. Infographics. Gerry Carrington presenting on this in various venues. Response from incumbent gov't is that they are doing everything needed.

Legal Avenues to compel a response to National Risks:

Advice a Litigation option directly against the Govt through the Public Trust Doctrine or similar is too risky - much expenditure, limited chance of success. See Appendix 4 for more information.

Concurrently, WR is pursuing the following alternate approach currently being pursued and discussed in AGM:

Regional Policy Statement (RPS) informs much policy at the local level. By introducing the 'precautionary principle' into the RPS documents wherever possible as a 'strong' statement of the principle. The Otago Regional Council (ORC) consultation on the RPS is ongoing, Wise Response submitted to that process earlier in the year (see Appendix 5), and they have currently got a 'Draft Revised Statement' out for comment. AM requested WR group support a submission to the appeal for comments on this document. JaS noted that from her planning experience, the first attempt is usually the strongest statement of the document. Subsequent revisions typically watered down as vested interests lobby to protect their industry's position as they see it. JaS indicated that numbers of supporting statements are needed to get the council to retain important aspects to us. General discussion was that this approach is not to be underestimated as an approach with potential. 'Precautionary Principle' into the RPS will allow leverage of this principle in hearings, etc.

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Our comments on the Issues and Options document have been lodged with the ORC, and the next formal step will be responding to the notification the the Proposed Regional Policy statement due the end of March 2015.

WR needs to identify a suitably qualified sub-group from within the supporters to call on for this process as needed. DM to follow up.

Appeal to Parliament

The initial project for WR was to get the government to consider a non-partisan broad spectrum risk assessment to answer the question:

As demand for growth exceeds earth's physical limits causing unprecedented risks, what knowledge and changes do we need to secure New Zealand's future well-being?

The wording of the petition was: We the undersigned, request that the House: (1) urge Government to undertake a National Risk Assessment of: Economic Security, Energy and Climate Security, Ecological/Environmental Security, Business Continuity and Genuine Well-being, and: (2) that from that Risk Assessment, develop and implement cross-party policies to avert any confirmed threats to future generations of New Zealanders.

To that end, WR:

- Generated the petition text through a collaborative process, put onto the web, and launched the appeal in Dunedin: <http://bit.ly/wiseresponse>
- Created an Avaaz appeal: <http://bit.ly/wr-avap>
- Submitted the petition to parliament
- Followed up with the parliamentary process

Note: the government has recently set up a group known as the 'Strategic Risk and Resilience Panel' (SRRP). Attempts by AM and DM to engage directly with this committee has so far been unfruitful. Refer Appendix 6 for an overview of this group based on publically available information. There had been no response at the time of the AGM.

WR 'Inquiry' into Systemic Risks

NS: How can WR move the discussion forward in NZ? An approach discussed in the conversation with Yvonne Curtis from the Futures Trust is to act as a coordinating organisation and rallying point for disparate efforts with varying degrees of overlap with the statement above. There is much good work that has already been done by organisations and is freely available. Can WR create an online 'systematic inquiry' into the risks, and appropriate 'knowledge and changes' and synthesise a coherent approach using this work by others (edited to focus it on our question above) as a starting point and building blocks?

Another positive of this approach - it furthers the public conversation whilst at the same time not putting too much pressure on any individual as long as the online discussion via comments (assuming the inquiry articles are published in blog format) do not get out of control - solution is to use full moderation of comments, which will slow things down, but means the conversation remains within WR parameters - NS to moderate with help from others if willing. This approach was generally met favourably.

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Actions: NS/MJ to coordinate adding a blog to the website. NS to configure this and then start to seek out people who can contribute to the inquiry. Create publishing schedule and create draft posts as topics are identified, inviting WR members to collaborate with the original authors (where they are willing) to edit the posts ahead of the target dates for release onto the blog. Use wordpress editorial workflow to facilitate all this.

Post meeting suggestion from DM to consider whilst getting this underway: Initiating a WR crowd-driven Risk Inquiry or developing an "alternative economic development plan".

Making it accessible: as articles are published and areas covered, start to bundle them and publish as e-books and on-demand printed books.

Appeal to supporters reading these minutes: Need people willing to identify relevant articles particularly from organisations (supporting organisations and those with overlap, see list in Appendix 7), re-work them around the subject of risk, and submit them for editorial check and publish to the blog.

National e-Conference on Specific Risks:

From: Susan Krumdieck

Date: 11 October 2014 at 00:34

Subject: Wise Response National e-Conference?

Hi all,

I feel that we are needing to have conversations that are better and possibly more well practiced, documented and accessible. Please have a quick look at this website if you haven't before: www.signsofchange.org.nz

In 2010 I organised a national conference to discuss the emergence of sustainability - what does it look like when it is happening. People weren't allowed to talk about big problems that "we must" do something about, they had to showcase how they were changing things.

It might be possible to organise another national e-conference for next year if we start now. Since it was done before, it might be easier the second time round. We already have our expert speaker list. This conference could be 40 speakers who outline precisely a particular risk, and then explain exactly what would be needed to mitigate that risk. The risk has to be specific, relevant and have an actual location and timeframe.

Interested?

Susan

General support for this idea - synopses of these presentations could potentially form a large part of the first tranche of articles in the Systemic Inquiry above. The aim of the conference would be to connect people and spark further inquiry articles that attempt to synthesise these risks. Need to discuss how to progress this at next committee meeting? SK / DM / Others

END

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Appendix 1: History of the Wise Response Society:

A brief history of the Wise Response Society Inc, to date (1/12/14).

It's said that "large trees from little acorns grow" and Wise Response (WR) is still growing from very small beginnings in 2011, and is, as yet, far from achieving its objectives. A number of Otago persons had been involved with groups in opposing various major resource development initiatives under the RMA including Project Aqua and the North Bank Tunnel on the Waitaki, Wind farm proposals in Central Otago and at that moment, proposals by Contact Energy for further hydroelectric stations damming the Clutha. Email exchanges revealed those individuals were not only worn-out but deeply frustrated with the seemingly endless stream of proposals and thus demands on them to make the environmental case at hearings. Rather than continuing to front these battles, it seemed that it might be better to try and tackle the underlying issue common to them all which seemed to be about our relationship with and attitude to the environment - a "crisis of the human spirit" was one description offered.

To set the ball in motion the Clutha River Forum hosted a seminar "Adapting to Our Rapidly Changing World", was held in Alexandra on the 1 Oct 2011 with David Beach (Neptune Power) on energy, Kennedy Graham (Green Part) on economics, and Dr Steve Earnshaw (Transition Towns and Timaru District Councillor) with Dugald MacTavish (Moeraki) on community sustainability initiatives. This was followed up by a similar meeting in Dunedin attended by some 150 persons called "Fronting up to Our Deteriorating World" on 13 Oct at the Otago University campus with Professor Bob Lloyd, Louis Chambers (Generation Zero), and Dr David Beach, Professor Rob Lawson, Dugald MacTavish and chaired by Professor Alan Mark. A "declaration" put up at the meeting appealing for a rational political response to our deteriorating world got unanimous support from the meeting.

The success of this meeting prompted formation of an informal local group to promote a "Wise Response", to 'Symptoms too serious to ignore'. Litigation challenging the Government to address underlying environmental issues was briefly considered but it was felt that we should first make a request. This involved modifying the declaration into an Appeal to Parliament for a Risk Assessment of five issues of general concern: Economic Security: the risk of a sudden deepening or prolonged financial crisis; Energy & Climate Security: the risk of continuing heavy dependence on fossil fuels and associated global warming; Business Continuity: the risk exposure of all NZ business, including farming, to a lower carbon economy; Ecological/Environmental Security: the risks associated with failing to genuinely protect and sustain both land-based and marine ecosystems; Genuine Well-being: the risk of persisting with a subsidised, debt-based economy, preoccupied with maximising consumption and GDP.

These became the focus for a formal afternoon launch of Wise Response at the Museum Reserve, Dunedin on March 8, 2013. Five local speakers, Hoani Lansbury, Neville Peat, Louis Chambers, Jean Fleming, and Maree Baker-Galloway, and five from beyond Otago, Prof. Tim Hazledine of Auckland University, Dr Mike Joy of Massey University, Prof. Peter Barrett of Victoria University, Dr Russell Tregonning of Wellington School of Medicine and Prof. Susan Krumdieck of Canterbury University. Three of the six invited political parties were represented and Dr David Clark (Labour), Dr Kennedy Graham (Greens) and Mr Andrew Williams (NZ First) each spoke of their party's support for Wise Response. Dr Royden Somerville QC substituted for Maree when the same speakers expanded on their concerns at an evening meeting. Alan Mark chaired both meetings.

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We decided that a national campaign was warranted, for which we canvassed support from more than 100 prominent New Zealanders while Alan offered to undertake what effectively became a nation-wide roadshow to garner support for the Appeal. Public meetings, some with additional speakers, were organised through 2013-4 in Auckland (3, including one of the "Conversation" series hosted by the City Council), Tauranga, Hamilton, Palmerston North, Wellington, Nelson, Christchurch, Oamaru, Wanaka, Queenstown and Invercargill, and additional ones with The Northern Club in Auckland and the N.Z. Planning Association's Annual Conference in Queenstown. Engineers for Social Responsibility assisted with organising several of these meetings and also contributed significantly to their cost.

A web site (www.wiseresponse.org.nz) and logo was established and maintained by Mark Jackson, while a petition was launched:

To the House of Representatives, stating: "We the undersigned request that the House: (1) urge Government to undertake a National Risk Assessment of: Economic Security, Energy and Climate Security, Business Continuity, Ecological/Environmental Security and Genuine Well-being, and: (2) that from that Risk Assessment, develop and implement cross-party policies to avert any confirmed threats to future generations of New Zealanders."

A meeting in Wellington of Alan and Dugald with the Parliamentary Commissioner for the Environment to see if she would undertake the Risk Assessment was not fruitful. However, Alan had a fruitful discussion with the Prime Minister's Science Adviser, Sir Peter Gluckman before we proceeded with the presentation of the Petition to Parliament. The Labour Party assisted with arranging this presentation on March 9, 2014, with ~4600 petitioners and 29 supporting organizations. For this we organized a special mid-day function in Parliament grounds, attended by some 80 supporters, which was addressed by advocates Brian Gould, Geoff Bertram, Gerry Te Kapa Coates and Bob Lloyd, as well as MPs representing the three political parties which had formally accepted the petition: Moana Mackey (Labour: who delivered it to The Speaker), Kennedy Graham (Greens: who presented a strong supporting statement to The House at its afternoon session) and Andrew Williams (NZ First). The petition has been referred to the Finance and Expenditure Select Committee and we await their response.

We followed the presentation with a 1-hour Think Tank in the Old Parliament Building regarding future strategies with ~20 individuals including representatives of a range of interested organisations resulting in a lengthy list of suggestions for the group. There have been subsequent discussions with some of these organisations; Fish & Game (Bryce Johnson) and Futures Thinking Aotearoa (NZ Futures Trust: Yvonne Curtis).

One of these was that, while the Appeal was with Parliament, we should push on with other initiatives consistent with the appeal objectives. Our approach to all 79 territorial authorities resulted in a negligible return. We also considered the litigation option, based on the Public Trust Doctrine or similar, possibly as far as the International Court of Justice. A proposal was prepared but Counsel advice was that this would be both expensive and complex, and it would be more practical to promote the "precautionary principle" through the review of the Regional Policy Statement (RPS). The Society has thus lodged a preliminary submission to the RPS of Otago Review which is expected to be formally notified in 2015. To be most effective in that forum we were also advised to formalise the organisation.

Thus Wise Response Society applied, successfully, for Incorporation on the basis that: "The purpose of the Society is to persuade the New Zealand Parliament, Government and New Zealand society in general to confront and respond effectively to any confirmed threats arising from the question: As demand for growth

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exceeds earth's physical limits causing unprecedented risks, what knowledge and changes do we need to secure New Zealand's future wellbeing?"

Incorporation was approved in late July. Local member, Jean Fleming, presented a Wise Response poster at the Environmental Defence Society's AGM in Auckland, in August.

We have also recently approached the Royal Society of NZ: Fellows Peter Barrett and Alan Mark, for Wise Response moved a resolution, successfully, at their Fellows AGM on October 29: "Request that the R.S.N.Z. Academy Council convene a group of experts to review and assess the risks associated with recent and projected trends in greenhouse gas emissions, the likely consequences for New Zealand in future decades and centuries, and consider options for both mitigation and adaptation, taking into account environmental, social and economic considerations."

We have also made a submission to the newly established New Zealand Strategic Risk and Resilience Panel, chaired by GCSB Director Ian Fletcher, with a request that representatives of the Wise Response Soc. Inc. meet with the Panel to "discuss sharing some of our perspectives and concerns." We await further developments on both of these initiatives.

All the while a growing amount of information and opinion has been shared electronically on our "committee" list which (most of us would readily acknowledge) has expanded enormously our understanding of the scale and interrelated nature of the issues we face and just how crucial and urgent it is that we act in transformative ways to make redress.

This far, WR has been largely driven directly by a number of Otago-based individuals who have contributed in various ways and at different times. These include Alan Mark, Bob Lloyd, Brian Turner, Pat Scott, Jean Fleming, Jocelyn Harris, John Cocks, Rob Lawson, Denis Bartley, Emma Neale, Lewis Verduyn, Mark Jackson, Nathan Surendran, Brian Turner, Jenny Neilson, Jennie Upton, Philip Temple, Janet Stephenson, Hoani Langsbury, Graye Shattky, Neville Peat, Hank Weiss, Toni Atkinson, David Ford, Gordon Stephenson and Dugald MacTavish. We have also had enormous support from others located elsewhere in New Zealand. These include John la Roche, John Peet, Susan Krumdieck, Peter Barrett, Margaret Stanley, Ross Ramsay, John Darby, Marion Borrell, Zuni Steer, Jonathan Boston, Russell Tregonning, Mike Joy, David Hamilton, Chris Laidlaw, Wendy McGuinness, Mike Summerell, Tom O'Connor, George Preddy, Paul Young, Peta Carey, Nigel Brown, Klaus Bosselmann and Morgan Williams. There will be others who escape me right now. But to all those people helped in many other ways, the various speakers at our meetings, and to those who kindly donated funds we offer our sincere thanks.

We also thank the >100 notable and highly respected and variously qualified New Zealanders who put their name in support of the Appeal to give it weight and wings, as well as to all the many others who have signed our Petition in support.

To date, \$6715.00 has been kindly donated to Wise Response, while expenses have amounted to \$4987.98: current assets are \$1727.02 (see Financial statement).

Alan F. Mark, FRSNZ, KNZM, Emeritus Professor, University of Otago.
Convener, Wise Response Society Inc.
December 1, 2014.

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Appendix 2: Accounts:

Wise Response Society Inc
Statement of Income & Expenditure
12 Months 1 November 2013 to 31 October 2014

	2014	2013
	\$	\$
Income		
Donations Received	3181.00	3534.00
Total Income	<u>3181.00</u>	<u>3534.00</u>
Expenditure		
Launch Costs		
Airtfares Meals		200.00
Equipment Hire		275.00
Printing		772.50
	928.26	
Presentation Travel Costs		
Parliament	1950.00	
Enviromental Defence Society	150.00	
Royal Society	331.00	
	<u>2431.00</u>	
Incorporated Society Fees	102.22	
Facebook Page	150.00	
General Expenses (Printing,etc)	129.00	
Total Expenditure	<u>3740.48</u>	<u>1247.50</u>
Surplus/ -Deficit of Income over Expenditure	<u>-559.48</u>	<u>2286.50</u>

Wise Response Society Inc
Balance Sheet
as at 31 October 2014

	2014	2013
	\$	\$
Accumulated Funds		
Openi ng Balance	2286.50	0.00
Surplus for Period	-559.48	2286.50
Closing Balance	<u>1727.02</u>	<u>2286.50</u>
Represented by:		
Assets		
Cash at Bank	<u>1727.02</u>	<u>2286.50</u>

Certified as an accurate record of the transactions of the Society

N D Gaudin BCom

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Appendix 3: Royal Society Fellows meeting motion:

On 30/10/2014, at 12:59 pm, "Alan Mark" wrote:

Hi to WR Supporters/Members,

SUCCESS; Yes, Peter Barrett and I managed to get our resolution to the Royal Soc. NZ's Annual Fellows Forum, passed unanimously at yesterday's meeting in Wellington. There was some useful discussion before the vote so now the issue will be presented to the Fellow's Council for them to decide how best to action it, hopefully with further input from Peter and me. We will keep you up with the play.

For those who didn't see the motion, as drafted in our message to the RSNZ President, Sir David Skegg, ahead of time, I will include it below as the last part of our last para in the message to Sir David. Regards, Alan M.

To that end we believe RSNZ is uniquely placed for setting terms and framing a comprehensive discussion around the future risks of climate change, as well as for engaging the expertise needed for an informed assessment. We therefore seek your permission to move and second the following resolution under "Other Business" at the Fellows' Forum ***"to request that the RSNZ Academy Council convene a group of experts to review and assess the risks associated with recent and projected trends in greenhouse gas emissions, the likely consequences for New Zealand in future decades and centuries, and consider options for both mitigation and adaptation, taking into account environmental, social and economic considerations."***

Alan Mark ΦBK, FRSNZ, KNZM

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Appendix 4: Litigation Option Background Info

Informal QC advice:

“Thank you for your message about possible declaratory proceedings in the New Zealand courts. In order to bring proceedings based on a question of whether the government is contravening a domestic or international law, there would need to be a specific question of law which does not depend on any disputed facts. I agree .. that it would need a carefully crafted question of law otherwise the proceedings are likely to be struck out by the court on the basis that it does not have jurisdiction to deal with factual and policy matters. There is also significant risk in respect of costs awards if wide-ranging statements of principle are involved and are not matters the court has the ability to address.

The issue about international conventions is often addressed in the international courts pursuant to principles of international law. It would require a very clearly defined breach of international law that is not disputed factually for a declaration to be made against a sovereign power.”

Watching brief on overseas developments from those who are pursuing a litigation approach is WR preferred option at this point, following efforts such as this from the US:

Young people across the country are suing several government agencies for failing to develop a climate change recovery plan, conduct that amounts to a violation of their constitutional rights, says their lawyer Julia Olson. Their futures are at stake, say the young plaintiffs. “Climate change is the biggest issue of our time,” said 13-year-old Xiuhtezcatl Roske-Martinez, a member of nonprofit Kids vs. Global Warming, a plaintiff in the suit.

And more on the public trust legal principle:

‘Atmospheric trust’ - Although many cases have applied the public trust doctrine to bodies of water, it has not yet been judicially applied to the climate system, a relatively new concern. Wood says the logic behind protecting bodies of water also applies to air. “Both are essential resources for our survival,” she said.

Source: <http://alj.am/1yxstOw>

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Appendix 5: Update on Submission to ORC from WR

Download the full Wise Response submission in pdf format: <http://bit.ly/1Ayjz1m>

What we were responding to is here:

<http://www.orc.govt.nz/Documents/Publications/Regional/RPS/ORC-RPS-web.pdf>

Legal advice to our committee was to prepare a suite of specific policies for the RPS that would meet WR objectives - i.e. genuinely planning for limits, minimising risk and back them up with supporting evidence from our expert supporters at the hearing. The core assertion will be implementation of the precautionary principle. We are aiming to make a profound difference to the Plan.

So we need to look at what has been proposed and identify any need for start thinking about stronger policies that will really make a difference. Any comments suggestions back to the Society will be gratefully received.

You can see the consultative draft at:

<http://www.orc.govt.nz/Publications-and-Reports/Regional-Policies-and-Plans/Regional-Policy-Statement/>.

Below is some background information on the precautionary principle:

Notes on the Precautionary Principle for the uninitiated!

From NS email to group:

The Precautionary Principle is described on Wikipedia as:

"The **precautionary principle** or precautionary approach states that if an action or policy has a suspected risk of causing harm to the [public](#) or to the [environment](#), in the absence of [scientific consensus](#) that the action or policy is not harmful, the [burden of proof](#) that it is *not* harmful falls on those taking an action.

The principle is used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from taking a particular course or making a certain decision when extensive scientific knowledge on the matter is lacking. The principle implies that there is a [social responsibility](#) to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result."

Also:

"Many of the concepts underpinning the precautionary principle pre-date the term's inception. For example, the essence of the principle is captured in a number of cautionary [aphorisms](#) such as "an ounce of prevention is worth a pound of cure", "better safe than sorry", and "look before you leap". The precautionary principle may also be interpreted as the evolution of the ancient medical principle of "[first, do no harm](#)" to apply to institutions and institutional decision-making processes rather than individuals."

http://en.wikipedia.org/wiki/Precautionary_principle

From www.environmentalcommons.org:

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The Precautionary Principle is a guiding framework for decision-making that anticipates how our actions will affect the environment and health of future generations. The Principle emphasizes public participation and stakeholder collaboration in long-term environmental health and ecological policies and programs.

"The Precautionary Principle represents a paradigm shift in decision-making. It allows for five key elements that can prevent irreversible damage to people and nature:

1. **Anticipatory Action:** *There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.*
2. **Right to Know:** *The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations, or plans. The burden to supply this information lies with the proponent, not with the general public.*
3. **Alternatives Assessment:** *An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of doing nothing.*
4. **Full Cost Accounting:** *When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs even if such costs are not reflected in the initial price. Short and long-term benefits and time thresholds should be considered when making decisions.*
5. **Participatory Decision Process:** *Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available science and other relevant information.*

<http://environmentalcommons.org/precaution.html>

It has been considered in the context of NZ Environmental Risk Management in existing policies by Treasury in 2006:

"While the precautionary principle is being applied in New Zealand in a range of policy areas, this is not within the context of an integrated risk management framework (although regulatory impact statements are required, based on good practice, including standard cost-benefit analysis). Under current legislative provisions, society's risk tolerance and risk aversion is, arguably, left open to officials and other decision-makers to decide. Application of the precautionary principle is therefore open to wide interpretation, with similar risks being treated differently and cases ending up in litigation as a result."

<http://www.treasury.govtour.nz/publications/research-policy/ppp/2006/06-06/06.htm>

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Appendix 6: Strategic Risk and Resilience Panel (SRRP)

During 2014 it became apparent to WR that there was already a body charged with national "Risk Assessment". We have since written to the GCSB to see if we might meet with them and discuss the risks we see with a view to their being addressed through the existing structures.

Some research was done in order to understand more about that organization (or rather network of organizations) and the scope of their work. This is copied below for general information. A key question for WR is the extent to which this National Security Process might be able to go beyond dealing with "emergency" risks to existing systems to actually examining deep-seated structural vulnerabilities to the likes of fossil fuel access or to another and deeper global financial crash.

Terms of Reference received by WR from <http://bit.ly/1CEo5OG>

The terms of reference document is very vague. The information below helps to understand how this body addresses risk in the context of 'National Security' with notes from NS on what the likely problems with this approach are based on the fact of the planetary boundaries / biophysical limits that the Wise Response appeal is cognisant of:

Info / commentary on the SRRP pertaining to Wise Response:

Source: "New Zealand's National Security System" (<http://bit.ly/1wRAmju>)

This first diagram below explains the overall, with the SRRP feeding into the ODESC as a new advisory panel, as far as I can tell alongside the three existing 'governance bodies', SRG (may be quite a bit of crossover with SRRP), NAB and ICG. See Annex E of the document for a full description of these three 'governance bodies' and their purpose.



Source: <http://bit.ly/1wRAmju> - Page 13

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Some key excerpts of text from the document that describe how the government views these risks:

Risk Management - A risk management approach to national security is intended to:

- *minimise the occurrence and scale of any significant harm or disruption;*
- *integrate preventive and protective measures;*
- *build contingent capacity and improve national resilience;*
- *respond quickly to adverse events and stabilize disruption; and*
- ***return society to normal functioning quickly and efficiently.***

NS: The danger is that 'business as usual' assumptions, that underpin the thinking that goes into defining the priorities that feed into these efforts, runs the risk of focusing significant time and energy into threats that will 'dematerialise' as state shifts ('tipping points' due to the ongoing story of reaching biophysical planetary boundaries or limits) affect economic, energy and environmental systems as the risks play out.

Interesting to see how Central Gov't describes themselves in this context:

Role of Central Government

Central Government has two distinct roles in respect of national security:

- *Maintain confidence in normal conditions: to ensure that policy settings, state institutions, the regulatory environment and the allocation of resources together promote confidence in New Zealand society, and encourage ongoing national development*
- ***Provide leadership in crisis conditions: to ensure that disturbances to the normal functioning of society and the economy, or interruptions to critical supplies or services, cause minimum impact and that a return to normality is achieved expeditiously.***

NS: Again, not sure how that'll work out for them as we come up against biophysical limits...

Risk Characteristics

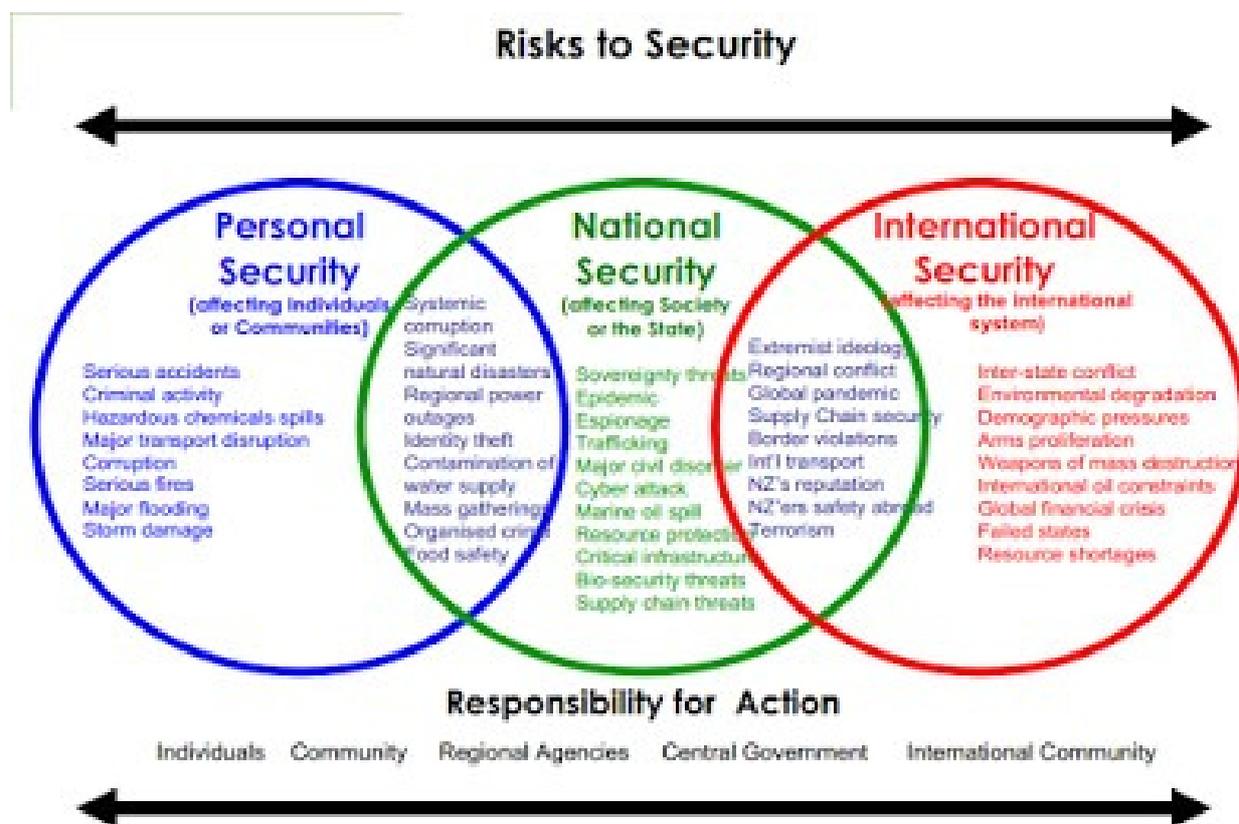
Within the overall context set out above, government takes a particular interest in risks that have:

- *unusual features of scale, nature, intensity, or possible consequences*
- *challenges for sovereignty, or nation-wide law and order*
- *multiple or inter-related problems which when taken together constitute a national or systemic risk*
- ***a high degree of uncertainty or complexity such that only central Government has the capability to tackle them***
- *interdependent issues with potential for cascade effects or escalation*

NS: I'd probably have replaced 'capability' with 'capacity' in the second to last bullet point, and the government's 'capability' is dependent on the continued functioning (in light of probable financial crisis and the global destabilisation effect that will have) and confidence that the general public retains in whatever remains functional. Refer to the '5 Stages of Collapse' thinking by Dmitry Orlov for more on this: <http://bit.ly/5stagesofcollapse> and the intro excerpt specifically: <http://bit.ly/1sP0G8G>

They have a list of 20 risks in Annex A which is well worth scanning through, and also the following diagram in Annex B. Source: <http://bit.ly/1wRAMju>

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Appendix 7: Supporting Organisations to Date

For a full list of organisations who have expressed formal support for Wise Response, please see the list on our website here: http://wiseresponse.org.nz/?page_id=3608

NS: Organisations with a similar or overlapping purpose that we could approach, many of who have great blog posts / publications suitable to repurpose / edit to work into our 'Inquiry':

- Fabian society - <http://www.fabians.org.nz/>
- Australia Foundation. ??
- Sustainable Energy Forum <http://www.sef.org.nz/index.shtml>
http://www.sef.org.nz/views/Windmills_Piddington.pdf
- Engineers for Social Responsibility - www.esr.org.nz/
- Futures Trust - <http://www.futurestrust.org.nz/>
- NERI - <http://www.neri.org.nz/>
- Sustainable Aoteroa NZ <http://www.earthslimits.org/>
- Gen Zero: <http://www.generationzero.org/thebigask>
- Centre for NZ Progress <http://www.nzprogress.org.nz/about> -
- Solar Action NZ <http://solaraction.org.nz/> - t
- The Sustainability Society <http://www.thesustainabilitysociety.org.nz/charter/>
- Shaping Our Future www.shapingourfuture.org.nz Great signup functionality:
<http://shapingourfuture.org.nz/participate>- could we emulate?