

Submission by Climate Tasmania on Proposed Amendments to *Climate Change (State Action) Act 2008*

Climate Tasmania is pleased to make this submission on the proposed amendments to the *Climate Change (State Action) Act 2008*, to help inform the Tasmanian Government in its efforts to determine how the Act can be improved to ensure Tasmania becomes a genuine leader in taking action on climate change. It is from this shared objective that Climate Tasmania presents its views on the questions raised in 'Amending the Climate Change (State Action) Act 2008: Discussion Paper':

1. Do you support the proposed revised objects of the Act? If not, what other objects should be considered?

Climate Tasmania welcomes Recommendation 2 on consolidating the objects of the Act. It will be important that in doing so the objects capture the full scope of the Act. The proposed amendments fail to capture some important elements contained within the existing 10 objects, such as promoting energy efficiency and conservation, promoting research and development, and promoting and facilitating business and community consultation and early action.

Climate Tasmania is also concerned that the proposed amendments fail to implement the second theme of Recommendation 2 by omitting any reference to the purpose of taking *actions* to reduce greenhouse gas emissions.

Further, Climate Tasmania notes that the reporting component of the first theme of Recommendation 2 appears to be reflected in the proposed 'object b' rather than 'option a'. Monitoring, evaluation and reporting on progress made is important, and should be undertaken in relation to the breadth of climate actions required, including mitigation and adaptation targets. Targets relating to adaptation action should also be incorporated to fully implement the first theme, which is not restricted to mitigation targets by the independent review.

Recommendation 2 can be implemented more effectively by utilising the four themes to organise the existing objects. This is also an opportunity to further elaborate and enhance the existing objects. For example, the first theme on targets and reporting could encompass:

- Set 5 yearly targets for next two 5-year periods, which are consistent with achieving Tasmania's target of zero net greenhouse gas emissions by 2050 at the latest and which are broken up by sectors.
- Set 5 yearly targets for the next two 5-year periods relating to enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change within Tasmania, with a view to contributing to sustainable development and ensuring an adequate adaptation response.
- Before the end of the fourth year of each 5-year period, independently review progress towards the targets and the targets for the following two 5-year periods themselves.

- Progress reports are to consider the latest science and are also to consider all mitigation and adaptation actions.
- Progress reports are to also assess the impacts of both climate change and of mitigation and adaptation actions on Tasmania's society, environment and economy.

The second theme on actions to reduce greenhouse gas emissions could encompass:

- Ensure that Tasmania transitions to a fossil fuel free economy in a way that minimises social and economic disruption to the community and maximises opportunities for all Tasmanians.
- Ensure that Tasmania reduces its greenhouse gas emissions as quickly as possible, and at least as quickly as is required to achieve the mitigation target of zero net greenhouse gas emissions by 2050, noting that to achieve the 1.5°C temperature goal of the Paris Agreement developed countries such as Australia must take the lead in rapidly reducing emissions to net zero by 2040.
- Take advantage of Tasmania's largely renewable electricity supply, large renewable resources and relatively small population, and settled area to test approaches and technologies for transitioning away from fossil fuels.
- Share Tasmania's experience with the energy transition widely with others in terms of both renewable energy and energy efficiency.
- Establish an Energy Transition Authority to be the regulatory body tasked with ensuring that Tasmania's energy transition is speedy, equitable and is as minimally disruptive as possible under the circumstances: a "just transition".

Climate Tasmania also emphasises that implementation of the fourth theme of Recommendation 2 must not be used to excuse low ambition by aligning with weak or unambitious national and international initiatives. Tasmania is well placed to forge ahead as a leader on climate action, and the state should take advantage of this opportunity.

2. Do you support the proposed principles to guide decision making? Are there other principles that should be included? If so, why?

In relation to Recommendation 4 on principles to guide decision making, Climate Tasmania is concerned that the proposed amendment fails to pick up some important principles and suggests that the six principles in the *Climate Change Act 2017 (Vic)* are a good model that can be applied.¹ In relation to these principles, Climate Tasmania particularly emphasises the following:

- 1) *Principle of informed decision making:* Comprehensive analysis based on the best available science should inform decision making.
- 2) *Principle of integrated decision making:* Tasmania should adopt a holistic approach in responding to climate change by considering all relevant issues related to climate change, utilising systems thinking, and taking a 'whole of government' approach.
- 3) *Principle of risk management:* Evidence based risk management should underpin Tasmania's response to climate change, including rigorous evaluation of likelihood and consequence. The precautionary principle should be applied in this process.

¹ [Climate Change Act 2017 \(Vic\)](#) [23]-[28].

- 4) *Principle of equity*: Equity is an essential principle to achieving a fair and effective response to climate change. This principle should recognise the need to consider both intragenerational and intergenerational equity.
- 5) *Principle of community engagement*: Community consultation and transparency is essential to an effective and enduring transition to a zero carbon, climate resilient society in Tasmania.
- 6) *Principle of compatibility*: As discussed above, it is important that the principle of compatibility and/or complementarity is not used to legitimise a lowest common denominator approach.

3. Do you have any other comments or suggestions relating to the proposed amendments to the Act?

Recommendation 1

In relation to the recommendation on Tasmania's new aspirational long-term emissions reduction target, setting this target presents an important opportunity for Tasmania to demonstrate its leadership on climate action within Australia and around the world. Tasmania can enhance its 'clean, green branding' through leading efforts 'to limit the temperature increase to 1.5 °C above pre-industrial levels', as called for in the Paris Agreement. This would be both consistent with international agreements and the best available science. As was recently confirmed in the IPCC special report on the impacts of global warming of 1.5 °C, warming of 1.5°C or higher increases the risk associated with long-lasting or irreversible changes, and a number of climate change impacts can be avoided by limiting global warming to 1.5°C compared to 2°C.²

Climate Tasmania recommends that targets are applied to sectors and require genuine emissions reductions without the use of carbon sequestration to make sure greenhouse gas emissions reach the zero target. For example, "greenhouse gas emissions" should be defined to exclude carbon sequestration in any form, and "net emissions" should be defined as including sequestration. Sectoral targets and intermediate targets are then expressed as reductions in greenhouse gas emissions, rather than net emissions.

Achieving a long-term target (e.g. for 2050) will be more likely if medium term (e.g. 5-yearly) sectoral targets are also implemented. This has been done, for example, in South Australia and the ACT. In South Australia, an overall target for greenhouse gas emissions reductions has been set for 2050 as well as sectoral short-term targets for 7 years after the start date of the Act. Incorporating interim short-term targets into Tasmania's long-term emissions reduction target would enhance accountability, help to communicate the urgency to act, and define the trajectory required to achieve the long-term target that progress can be measured against.

Tasmania should continue to review its emissions reduction targets in light of the best available science as new scientific evidence is published.

Recommendation 3

In relation to the recommendation on statutory requirements to have regard to climate change, it is important that the outcomes of the independent review are fully and accurately implemented in the proposed amendments. The review recommended that State agencies and Departments be *required* to consider the target, objects and proposed principles in relation to relevant decisions. However, the Discussion Paper instead proposes to insert a new section stating that State agencies *should* consider the target, objects and proposed principles of the Act in relation to relevant decisions. Climate Tasmania emphasises that consideration should be mandatory, as recommended in the review, rather than directory. This would also promote the principles of informed and integrated decision making.

² IPCC Special Report on Global Warming of 1.5°C, Summary for Policy Makers

The Discussion Paper also does not set out what ‘relevant decisions’ includes. To promote transparency and accountability in the implementation of the Act, Climate Tasmania recommends that what constitutes a ‘relevant decision’ should be clearly defined within the Act. This could include a non-exhaustive, indicative list of decisions considered to be ‘relevant’.

Recommendation 5 and Tasmania’s history of climate policy churn.

The government has not accepted Recommendation 5 of the review, which was to amend the Act to include a statutory requirement for the government of the day to prepare, implement and evaluate a Climate Change Action Plan. This rejection was based on two main arguments:

- 1) The Tasmanian Government has already done what was recommended: it has a climate change action plan (called Climate Action 21) which satisfies the statutory plan’s characteristics as recommended by the review; and
- 2) As the Discussion Paper said: “... action on climate change is an ongoing and long-term issue, requiring long timeframes for results to be realised which extend beyond the electoral cycle timeframe.”

Climate Tasmania agrees with the above quote from the Discussion Paper, and that is why we think a fundamental rethink of the *Climate Change (State Action) Act* is required. The recent history of climate policy in Tasmania has been one of policy churn: as governments change, or even as key personnel in governments change, there has been a policy revision. Time is always lost during these revisions. The current Plan was finalised in 2017 and runs to 2021. What happens then? Will there be a two-year period of public consultation while a new plan is prepared? Will the next scheduled review of the Act also delay the development of a new plan?

The most recent IPCC Special Report laid out the situation in very explicit terms: holding warming to 1.5°C above pre-industrial levels will result in outcomes that are significantly less disruptive than if warming is allowed to rise to 2°C above pre-industrial levels; keeping warming to 1.5°C is possible, but only if urgent and strong action is taken. Given the need for strong and sustained action, and the history of policy churn in Tasmania, Climate Tasmania sees the need for the Act to be the detailed plan that will maintain momentum despite changes in government. The current Climate Action 21 plan does not enjoy cross party support, nor has it been reviewed by the Legislative Council. On the other hand, a new, very detailed, *Climate Change (State Action) Act* will need to have had a significant amount of cross-party support as well as the support of the Legislative Council in order to be enacted. Such an Act is likely to survive changes of government, while providing Tasmanians with continuity and certainty around efforts to avoid climate disruption.

Climate Tasmania is developing a detailed set of drafting instructions for a new *Climate Change (State Action) Act*, and is in discussions with members of both Houses of the Tasmanian Parliament. Climate Tasmania welcomes opportunities to discuss our proposals with members of the government.