



Fact sheet:

Process for the 2021 review of the Tasmanian Climate Change Act

3 November 2021

Background

One of the provisions of the Tasmanian *Climate Change (State Action) Act 2008* [TasGov 2008] is the requirement that it be independently reviewed every four years. The most recent review was conducted by Jacobs (a consulting firm) and completed in June 2021 (but released publicly in August).

On 13 October the Premier released a public statement that the Tasmanian Government would accept all of the recommendations in the Jacobs final report “in full or in-principle”. [Gutwein 2021]

Following this, the Government’s response to the Jacobs final report and an exposure draft of proposed changes were released on the Tasmanian Climate Change Office website. [TCCO 2021]

This paper summarises the context for this review and the implementation via the proposed changes proposed by the state government.

The 2008 Act and subsequent amendments

The original 2008 Act was passed by a Labor/Green state government. It provided for:

- A target to reduce greenhouse gas emissions in Tasmania to at least 60% below 1990 levels by the end of 2050
- The establishment of a Tasmanian Climate Action Council to provide the Minister with independent advice on climate change issues as they affect Tasmania
- Provisions for regulation, measurement and reporting of emissions
- A legislated requirement for a review of the Act every four years.

Climate Tasmania is a group of concerned professionals who have a diverse range of expertise, spanning scientific, legal, economic, health, energy, social and policy aspects of climate change. Our aim is “To provide timely, independent and authoritative advice to Tasmanian business, government and community leaders on climate change and appropriate policy responses.”

Details of the members of the Climate Tasmania board and expert advisers are available at www.climatetasmania.org/members/

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In September 2014 the Liberal state government [repealed the sections](#) establishing the Tasmanian Climate Action Council.

The liberal state government subsequently announced a target of net zero emissions by 2050 and committed to “Undertake community consultation on an ambitious Net Zero Emissions Target” involving “a detailed analysis of the pathway Tasmania would need to take to achieve a target of net zero emissions prior to 2050”.

The Independent Review

The Act requires an independent review of its operation every four years. Consulting firm Jacobs Group (Australia) Pty Ltd (Jacobs) delivered the third independent review of the Act over a period of six months.

The review was supported by two other publicly released reports, one by Point Advisory on the practicalities of particular emissions reduction targets [Point 2021a, 2021b, 2021c] and one by Victoria University [VU 2021] providing a detailed economic analysis of the impacts on industry and employment of a more ambitious net zero emissions target.

The Jacobs final report

The Jacobs Final Report [Jacobs 2021] is dated June but was released in August and publicly announced in a media release [Rockliff 2021] by Jeremy Rockliff (the then Acting Minister for Climate Change).

Summary of recommendations

The Jacobs Final Report has 7 broad recommendations. These are listed pages 4-5. Recommendations are spelt out in more detail on pages 69-72.

Review recommendation #1: Net zero emissions from 2030

Amend the Act to legislate net emissions (gross emissions less any carbon removals) are not to exceed net zero beyond 31 December 2030.

Review recommendation #2: Consolidate the Objects of the Act

Amend the Act to consolidate the existing objects of the Act around five themes.

Review recommendation #3: A set of principles to guide climate action

Amend the Act to include a set of principles, such as the following: ...

Review recommendation #4: Relevant policies and strategies informed by climate change

Amend the Act to include the consideration of climate change in the development of relevant government policies, planning, and strategies.

Review recommendation #5: Make the Climate Action Plan a legislative requirement

Amend the Act to make the development of a Climate Action Plan (CAP) a statutory requirement.

Review recommendation #6: State-wide climate change risk assessment

Amend the Act to require a 5-yearly State-wide climate change risk assessment to be completed.

Review recommendation #7: Decarbonisation & Resilience Plans

Amend the Act to include the completion of sector based Decarbonisation & Resilience Plans.

The Government's response to the final report

The government's response to the final report [TasGov 2021] lists (p.11) the following responses to the Jacobs recommendations:

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| 1. Amend the Act to legislate an emissions reduction target of net zero emissions from 2030. | Support |
| 2. Amend the Act to consolidate the existing objects of the Act around five themes. | Support |
| 3. Amend the Act to include a set of principles to guide climate action. | Support in principle |
| 4. Amend the Act to include the consideration of climate change in the development of relevant government policies, plans and strategies. | Support in principle |
| 5. Amend the Act to make the development of a Climate Action Plan a statutory requirement. | Support |
| 6. Amend the Act to require a five-yearly statewide climate risk assessment to be completed. | Support |
| 7. Amend the Act to include the completion of sector-based Decarbonisation and Resilience Plans. | Support |

In relation to a legislated target (recommendation 1) the response says:

"Importantly, in adopting an ambitious whole-of-economy target, the Government will not be legislating sectoral targets, and recognises that industries and sectors will need more time, support and research to reduce emissions in the context of the global transition." (p.12)

In relation to a legislated set of principles (recommendation 3) the response argues that a government policy framework as part of a whole of government approach rather than legislated principles "provides for flexibility in the Government's future climate action".

In relation to recommendation 4 the government response again argues that a whole of government policy framework provides "flexibility for decision makers".

In relation to recommendation 7 the government response states that “The Tasmanian Government supports legislating a requirement for Emissions Reduction and Resilience Plans (Plans), but not sector-based emissions reduction targets.”

The response confirms the intention to table an amendment bill in Parliament this year following a five week public consultation on a draft Bill.

The proposed amendments

The Exposure Draft [TasGov 2021] implements the government’s response to the Jacobs final report:

The proposed 5 (1) “Tasmania’s emissions reduction target under this Act is to achieve net zero, or lower, greenhouse gas emissions in Tasmania from 31 December 2030.” implements recommendation 1 of the Jacobs report. Note that definitions in section (2) qualifies both emissions and removal as ‘anthropogenic’ which involves significant interpretation in relation to forestry emissions and sequestration.

The proposed section 4 *Objects of the Act* paraphrases the four suggested Objects in recommendation 2 in the Jacobs report and adds a fifth to “support a partnership approach with business, industry and the community to reduce greenhouse gas emissions and build resilience to the impacts of climate change.”

In line with the government’s response to recommendation 3, the proposed amendments do **not** set out a set of principles but at least some of the principles suggested by Jacobs are reflected in the matters to be taken into consideration by the Minister in developing climate action plans and sectoral plans (notably ‘Science based approach’ and ‘Community engagement’).

In line with the government’s response to recommendation 4, the proposed amendments do **not** make any mention of taking into account climate change in the development of other government policies, plans and strategies.

Recommendations 5, 6 and 7 are implemented in the proposed amendments.

In relation to the development of sectoral plans the proposed amendments list “energy (including stationary energy and transport)” as a single sector. The transport sector in particular has quite different challenges and opportunities from stationary energy (electricity and piped natural gas). The proposed amendments to provide for the development of sector-based plans do allow for the development of plans in ‘any other sector or sub-sector determined by the Minister’.

References

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https://www.climate Tasmania.org/wp-content/uploads/Drafting-instructions_-_Climate-Change-Bill-V1-18-Sep-19.pdf
- Climate Tasmania 2021, *Tasmanian State Election – climate facts*, 20 April 2021
Webpage linking to a series of Fact Sheets prepared for the State Election, associated media releases, and longer versions of related content.
<https://www.climate Tasmania.org/tasmanian-state-election-climate-facts/>
- Fact sheet #1: Does Tasmania have 100% renewable energy?
 - Fact sheet #2: Is Tasmania a world leader in mitigating climate change?
 - Fact sheet #3: Stranded assets – why are they important?
 - Fact sheet #4: Will Tasmania's 200% renewables target reduce emissions?
 - Policy Paper: Why there's a need for an independent Climate Commission.
- DPAC nd, *Review of Tasmania's Climate Change Act* (webpage), Tasmanian Climate Change Office, Department of Premier and Cabinet, no date
Description of the process and access to background papers, the Jacobs final report and the Tasmanian Government's response.
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- Gutwein 2021, *Securing Tasmania's status as a climate leader*, media release by Peter Gutwein, Premier of Tasmania, 13 Oct 2021
https://www.premier.tas.gov.au/site_resources_2015/additional_releases/securing_tasmanias_status_as_a_climate_leader
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<https://www.iea.org/reports/net-zero-by-2050>
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<https://www.ipcc.ch/sr15/>
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http://www.dpac.tas.gov.au/_data/assets/pdf_file/0008/586403/Independent_Review_of_the_Climate_Change_State_Action_Act_2008_-_Final_Report_2021.PDF
- Point 2021a, *Net zero emissions pathway options for Tasmania: Background Paper*, Point Advisory for DPaC, 19 Mar 2021
Commissioned as part of the process to review the Tasmanian Climate Change Act, this paper provides background information and preliminary analysis on Tasmania's emission profile, pathways and opportunities to set a net zero emissions target more ambitious than the current 2050 target.
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- Point 2021b, *2021 Update of Tasmania's Emissions Pathway Review – technical report Final report*, Point Advisory for DPaC, 28 Jun 2021
https://www.dpac.tas.gov.au/_data/assets/pdf_file/0010/587341/Update_of_Tasmania_s_Emissions_Pathway_Review_-_technical_report.pdf
- Point 2021c, *2021 Tasmania: Net Zero by 2030 Emissions Pathway Review Summary Report*, Point Advisory for DPaC, 2 Sep 2021
- Rockliffe 2021, *Leading the way in climate action*, media release, Jeremy Rockliffe, Acting Minister for Climate Change, 31 August 2021
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<https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2008-036>
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