

Outline of amendments to the Climate Change (State Action) Bill being sought by Climate Tasmania and the Tasmanian Independent Science Council

*Climate Tasmania and the Tasmanian Independent Science Council, as independent experts, are calling for changes to the State's climate change legislation that will align with the best scientific evidence on the need for urgent reductions in greenhouse gas emissions and a proactive, feasible and just approach to adaptation and resilience measures. The IPCC Report released at the end of February 2022 confirmed successive IPCC advice on the critical need to ramp up emissions abatement and focus urgently on adaptation and resilience building. **

The proposed Bill does not signal urgency, does not provide a proactive and fair framework to guarantee emissions reductions, does not provide a decarbonisation pathway, and does not provide state of the art adaptation and resilience measures. It also does not ensure sufficient accountability, transparency, and community engagement, nor set out how we can achieve collaborative change in our State.

We are calling both for amendments to the Bill and a commitment to increase funding on climate change starting this year and over the next 5 years.

1. **Need for urgency.** The Bill fails to convey the message that climate action is urgent.
 - a) The legislated target of net zero emissions should start earlier than 2030, preferably by the end of 2023.
 - b) The Minister must determine and publish a target for a reduction in absolute emissions (excluding LULUCF- Land Use, Land Use Change, and Forestry) within 1 year of the Bill being enacted. The Minister should also be able to set interim targets.
 - c) Faster timeline for all plans. For example, with the proposed sectoral plans, the Minister has no obligation to conclude them within any timeframe and reviews are only every 5 years. The Minister should be obliged to conclude the first sectoral plan on transport within 12 months of the Bill being enacted, with all remaining plans to be concluded within 24 months of the Bill being enacted. Sectoral plans should be reviewed every 3 years.

2. **Need for stronger sectoral emissions reduction and resilience plans.**
 - a) The plans should include specific voluntary agreements with the largest emitters in each sector.
 - b) The Minister's consultations to develop the plans should be wider than with "business and industry representatives", and so include communities etc who will be affected.
 - c) Sectoral plans must include planned emissions reductions targets.

* IPCC, Climate Change 2022. Impacts, Adaptation and Vulnerability, Summary for Policy Makers SPM p5/35, (February 2022), AR6 Working Group II. See also Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty (SR1.5)

- 3. Need for an independent expert advisory body.** Establish an independent statutory Climate Change Commission (“the Commission”), building on existing departmental capacity, to provide the Government, the Parliament, and the public with:
- a) independent science-based recommendations to ensure that the best possible account is taken of emerging climate science in the overall program of activities established under the Act.
 - b) reports which create the evidence base on which policy can be developed, including improved understanding of LULUCF (Land Use, Land Use Change, and Forestry); fossil fuel usage in the State; who the main emitters are; and feasible and fair adaptation and resilience options.
 - c) reports on policy issues associated with emissions reduction, adaptation to climate change and social impacts of climate change, including proposed decisions.
 - d) Input into and comment on the development of sectoral plans.
 - e) Other matters the Minister requests advice on.
- The Commission should also maintain a publicly accessible database of fossil fuel use by Government Departments, GBEs and local government entities. The database must also be accessible to voluntary reporters and designed to be useable by the larger fossil fuel users in Tasmania.
- 4. Establish an on-going Parliamentary oversight mechanism** (e.g. a Joint Standing Committee).
- 5. Legislate for a statutory obligation to take climate change into account** by Tasmanian decision makers. A fuller objects clause and Guiding Principles should be included to guide decision makers. The new Commission should provide advice on proposals which it has reason to believe could increase emissions or reduce resilience to climate change. The last 2 independent reviews of the Act commissioned by the Government recommended that the Act be amended to include the consideration of climate change in the development of relevant government policies, planning, and strategies.
- 6. Recognition of Tasmania’s first nations peoples and the value of indigenous knowledge particularly in the context of adaptation and resilience building, as well as their representatives’ involvement in all forms of consultation. Recognition of the need for a just transition, and the importance of community engagement, collaboration with research bodies, and ensuring the well-being of Tasmanian communities, children, and future generations.**
- 7. Increased multi-year funding for the government’s climate work and the new Climate Change Commission in the May Budget.**

Explanatory Notes

- 1(a) Tasmania is already below net zero emissions and is likely to stay that way for the next several years. Therefore delaying the legislated net zero target to 2030 sends the message that climate change is not an urgent problem.
- 1(b) “Absolute emissions” are sometimes called “gross emissions” and are the emissions before any account is taken of carbon sequestration. The Minister’s determination of the absolute emissions target should be informed by the best independent advice, feasibility studies, consultation with businesses and communities in non LULUCF sectors and the broader community. It should inform the sectoral plans. The University of Tasmania has already identified possible options:
- A 37% reduction in absolute (gross) emissions by 2030 relative to 2019 as proposed in the University *Discussion Paper*. This approach would ensure that Tasmania is able to maintain its

current net-negative profile (-1683 kt CO_{2-e} GHG) even under the worst-case scenario for LULUCF removals modelled for the Tasmanian Government in the *Emissions Pathways Review*.

- A 50% cut by 2030 as per leading (net) targets in other Australian states including South Australia, Victoria, NSW and the ACT.
- A 60% reduction in absolute emissions (excluding LULUCF) by 2030, as proposed by Climate Tasmania, which would be ‘ambitious but achievable and would demonstrate real leadership’. (Submission to the Climate Change (State Action) Bill, Climate Tasmania and the Tasmanian Independent Science Council, November 2021, p 9.)

- 1(c) The Bill as tabled has no deadline for the creation of the emissions reduction and resilience plans, and has a five yearly review cycle for the plans.
- 2(b) Communities, the workforce, and local ecosystems might be impacted by emissions reduction activities, and thus consultation on emissions reduction and resilience plans needs to be wider than just the sector participants.
- 2(c) The “planned emissions reductions targets” are not binding targets: they are an estimate of what reductions the emissions reduction plan is expected to achieve. They will incentivise action and provide certainty to industry, individual businesses, the financial sector, and affected communities. Sectoral plan emissions targets are important whether or not the legislation includes a requirement for the Minister to set an absolute or gross target for the State.
- 3(a) Other duties of the Commission should include, but not be limited to:
- Urgently developing a capabilities inventory (see 3 (b) and the Appendix below).
 - Assisting the Minister with the development of sector-based emissions reduction and resilience plans.
 - Providing recommendations on the role of LULUCF and offsets.
 - Maintaining oversight of energy transition issues and trends, including energy efficiency, as applicable to Tasmania.
 - Providing advice to the State Government, Government Business Enterprises, and Local Governments on how their purchasing can help reduce emissions and increase resilience.
- 3(b) Two examples of reports which develop the evidence base for policy development are:
- A report inventorying available datasets and Tasmania’s capabilities to understand all relevant issues, such as local climate impacts, local opportunities to decrease emissions and increase sequestration, and local adaptation challenges. This **Capability Inventory** is to include an identification of the key gaps that will hinder the development of evidence based policy in Tasmania. Appendix 1 lists just some of the areas and capabilities to be included in the Capability Inventory.
 - A **Fossil Fuel Use Distribution Report** which, for each of the fossil fuels used in Tasmania, will contain:
 - An identification of the ten largest users in Tasmania; and
 - An estimate of the number of users in each of the quartiles by annual usage volume.The report should also include an identification of the 10 largest emitters in Tasmania and policy suggestions for the lowest cost approach to reducing emissions after considering the fossil fuel use distribution data and the availability of substitutes for the energy services provided by the fuels.

- 3(c) An example of such a report is a **Stranded Assets Report**. This report will assume the eventual phasing out of all fossil fuels in Tasmania¹ and will provide:
- Estimates of the supply and demand side fossil fuel assets that could be stranded, depending on the fossil fuel phase out trajectory;
 - Estimates of the emissions implications of allowing the stock of demand side assets to continue in use for their full economic lives;
 - An exploration of the extent to which renewables, biofuels and other low carbon fuels might assist with the stranded assets issue in the short term;
 - Some description (perhaps via scenarios) of possible different futures from both the emissions and asset stranding perspective; and
 - Some policy options for addressing the stranded assets issue.

Appendix 1

The issues to be considered in the Capability Inventory include, but are not limited to, the following:

- The ability to measure and control methane emissions from natural gas installations, livestock, and waste disposal operations.
- Emissions from bushfires in Tasmania, including emissions and sequestration changes subsequent to bushfires.
- Emissions from the spectrum of land management practices in Tasmania, both agricultural practices and other land management practices.
- Emissions associated with the traditional land management practices of Tasmania's first nations people.
- Sequestration changes in Tasmania as a result of current and possible future land management practices, including the expected residence durations of the carbon so sequestered.
- Public health implications of heat waves in Tasmania, including any differences in heat adaptation in Tasmanians compared with other Australians, and how the Tasmanian built environment influences heat stress impacts during heat waves.
- Public health response plans to heat wave health risks and their effectiveness.
- Health system resources and realistic surge capacity in response to heat waves and other climate driven health emergencies.
- Fossil fuel use in Tasmania: who uses each fuel, for what purposes the fuel is used, the availability of fossil fuel free substitutes for each of those uses, and the costs and benefits of adopting those substitutes.
- Social implications of climate change and how they will impact different groups in the community, with particular emphasis on the more vulnerable Tasmanians.
- Social and economic implications of the transition from fossil fuels in Tasmania, including social equity and the identification of the groups of Tasmanians most likely to be adversely impacted and those most likely to be advantaged.
- Physical implications of climate change in Tasmania, including extreme weather impacts on people, infrastructure, agriculture, forestry and biodiversity.
- Use of offsets in Tasmania – both offset projects in Tasmania and offsets used by Tasmanians and located elsewhere.
- Suitability of current design codes, standards and guidelines for buildings, roads, powerlines and other infrastructure with respect to anticipated changes in Tasmania's climate and extreme weather.
- Impacts of sea level rise on Tasmania and our response to it.

¹ This assumption is consistent with the Tasmanian Government's policy position as described on p16 of the *Tasmanian Future Gas Strategy Discussion Paper*.