

Drafting Instructions: Climate Change Act

Notes:

1. These drafting instructions have been prepared by Climate Tasmania to assist with the development of an amended Climate Change (State Action) Act of the Tasmanian Parliament. For the sake of clarity the instructions are written as if for a completely new Act, rather than as amendments to the existing Act.
 2. In preparing these instructions, Climate Tasmania has included the scale and speed of changes that climate science tells us are necessary if we are to minimise climate disruption and avoid climate breakdown. The alternative was to base our instructions on some judgment of what might be easily politically achievable; such an approach would ignore the science and fail the test of leadership.
 3. Because the worst effects of climate disruption are likely to fall on the poorest in our community, both mitigation and adaptation responses need to include equity considerations as an essential component. These instructions are intended to do just that.
 4. Climate Tasmania's preferred option is for the current Tasmanian Government to facilitate the development of the amended Act and to agree to completely support the administration of the Act. If, however, this does not happen, and the amended Act is passed by the Parliament without an agreement from the Government to support it administratively, then the Act will need to be written in such a way that it can function without such support. These drafting instructions assume that our preferred option has eventuated, and the Government has agreed to support the Act administratively.
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1. Objectives of the Act.

- a. Ensure that Tasmania transitions to a fossil fuel free economy in a way which minimises social and economic disruption to the community and maximises opportunities for all Tasmanians.
- b. Ensure that Tasmania reduces its actual greenhouse gas emissions from all sources with a level of urgency as reflected in the 2015 Paris Agreement's 1.5 degree C target.
- c. Take advantage of Tasmania's largely renewable electricity supply, large renewable resources, relatively small population and small settled area to test approaches and technologies for transitioning away from fossil fuels.
- d. Share Tasmania's experience with the energy transition widely with others and display leadership in responding to climate change.
- e. Ensure Tasmania's planning and associated decision making systems and its physical infrastructure design standards are consistent with the prudent management of the risk of extreme weather events, sea level rise and other developments associated with climate change.
- f. Ensure that Tasmania's emissions reduction actions (Objective (b)) and climate change adaptation actions (Objective (e)) are informed, and continue to be informed, by the best scientific advice available.
- g. Ensure Tasmania's public health system is prepared for the risk of extreme heat waves, and other potential health risks associated with climate change.
- h. Prevent new fossil fuel exploration and production activities in Tasmania.
- i. Provide information, assistance, and data to Tasmanians on climate change and on progress with the energy transition.
- j. Assist Tasmania and Tasmanians to continuously improve the efficiency with which they use energy.
- k. Assist Tasmanian farmers and land managers to increase the amount of carbon that is sequestered in Tasmania's soils and biomass.
- l. Ensure that equity is considered in all responses to climate change so that the cost of action and the cost of climate disruption do not fall on those in the Tasmanian community least able to bear them.

2. Definitions

Agriculture (primary industries) Minister is the Minister with primary responsibility for administering Tasmanian legislation concerning agriculture.

Energy Transition is the process through which uses of fossil fuels are replaced by the use of renewable energy.

Fossil Fuels are fuels which consist of or are derived from geological reserves of coal, petroleum crude oil, natural gas condensate, natural gas, or other hydrocarbons of geological origin.

Greenhouse Gas Emissions are emissions including but not limited to carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, sulphur hexafluoride, and other gases from energy production, industrial processes, agriculture and waste production which have the property of reducing infra-red radiation from the earth to space. Measured or estimated Greenhouse Gas Emissions shall not include any account taken of carbon sequestration through natural or artificial processes.

Net Greenhouse Gas Emissions are the estimated emissions of greenhouse gases after subtracting carbon securely sequestered in Tasmanian soils and biomass from Tasmania's greenhouse gas emissions over the same time period.

Director of Public Health has the same meaning as in the Public Health Act 1997

Aviation fuel use includes all aviation fuels for all flights that begin or end in Tasmania.

Marine fuel use includes all marine fuels for shipping movements in either direction between a Tasmanian port and either another Tasmanian port or a port outside Tasmania.

3. Energy Transition Authority

3.1 Overview of the role of the Energy Transition Authority.

The Energy Transition Authority will be the regulatory body tasked with ensuring that Tasmania's energy transition is a "just transition": speedy, equitable and as minimally disruptive as possible under the circumstances. As well as its regulatory work, the Authority will assist companies, associations, local governments and communities which choose to enter into voluntary Energy Transition Plans. The Authority will need to maintain public databases of fossil fuel use, Transition Plans, etc. In addition, the Authority will need to report annually on structural issues (potentially fixable by government) which hinder the energy transition, and report annually on business opportunities which arise from meeting energy transition needs. The Authority will also administer a pool of grant funding to assist voluntary transitioners with their plans.

The Energy Transition Authority would be expected to work itself out of a job: it would disband when fossil fuels are no longer used in Tasmania.

3.2 Specific powers of the Energy Transition Authority

Without derogating from its overall responsibility to manage Tasmania's energy transition, the Energy Transition Authority will need to be given a significant amount of flexibility to carry out that task. All decisions the Authority makes that take advantage of its flexible powers must be made public within 14 days of the making of the decision. Specific examples of the flexibility to be given to the Authority are:

- a. The Authority needs to have the power to grant exemptions to specific named entities from specific provisions relating to reductions in fossil fuel use for a time period of no more than 5 years. (Example: the Tasmanian rescue helicopter service may need such an exemption while alternative renewable energy aircraft or fuels are not available). Such exemptions could be granted subject to binding conditions, and could be renewed after they expire.
- b. The Authority needs to have power to "call in" the making of Energy Transition Plans so it can add additional parties and can coordinate the development of interlinked Plans. As an example, if one of Tasmania's few users of coal is required to develop a Plan, then it would make sense for the Authority to call in the whole coal sector and ensure that Plans are developed which includes the mining companies, the unions representing the employees of the companies involved, and the Fingal Valley community.
- c. The Authority could have some control over the scope and timing of regulatory actions. For example, trigger levels for public reporting of fossil fuel use could lower over time under the control of the Authority. In addition, the development of Energy Transition Plans could be phased in, with only the government entities and the very largest fossil fuel users required to develop them in the first year, and with increasing numbers of private sector fossil fuel users captured by the requirement after that.
- d. The Authority should have the power to make Orders about administrative details such as threshold amounts requiring actions and the timing of actions. Such Orders should be capable of being made directly (not via the Governor in Council) and should be disallowable in the same way as are regulations.

3.3 Composition of the Energy Transition Authority

The Energy Transition Authority would be an independent statutory authority with a Board, a Chief Executive Officer, and staff. The Board of the Authority would consist of:

- A chairperson, who would be qualified in physics or engineering, have had experience in a regulatory role, and also had experience working in industry.
- A person with expertise in Tasmanian social services and the adverse impact on inequality on Tasmanians and who has been recommended by the Tasmanian Council of Social Services.
- A person with expertise in the use of energy in industry.
- A person with expertise in the use of energy in transport.
- A person with expertise in greenhouse gas emissions from agriculture and their sequestration in soils and biomass.

- A person nominated by/expertise in the tertiary education sector.
- A person nominated by the Tasmanian trade unions.
- A person nominated by the Local Government Association of Tasmania.

4. Committee on Climate Change

The Committee will be the high level advisory body on climate change and the energy transition. Its primary role will be to ensure that the best possible account is taken of emerging climate science in the overall program of activities established under the Act.

Membership of the Committee should be defined in terms of people with defined expertise to ensure it has the science and energy technology depth to provide advice to the government and people of Tasmania. In addition, there should be a person from the social services sector on the Committee to help ensure equity issues are properly considered.

The Committee should be required to produce a public annual report of Tasmania's progress with mitigation, adaptation, and energy efficiency. Requests from the relevant Minister or the Energy Transition Authority to the Committee are to be made public, as are all of the Committee's reports, unless the Committee itself decides it needs to provide the Minister or Authority with confidential advice.

The Committee will have a chairperson and members, all of whom can demonstrate an understanding of and commitment to act on climate change. The chairperson should be a senior scientist with experience in the development and implementation of policy in one or more areas of science. Other members include:

- A climate scientist with expertise in sea level rise.
- A climate scientist with expertise in regional (fine scale) climate change modelling.
- A climate scientist with expertise in the ecological and biodiversity implications of climate change.
- A person with expertise in the impact of climate change on bushfire occurrence and behaviour.
- A senior officer from the Tasmanian Fire Service.
- A senior scientist from the climate section of the Australian Bureau of Meteorology.
- A scientist or engineer with expertise in the impact of extreme weather events on Tasmania's built infrastructure.
- An economist with expertise in the impact of climate change on economic inequality.
- A senior person from the Tasmanian Council of Social Service.
- A senior officer from the Tasmanian Environment Protection Authority.

The Chairperson and Chief Executive Officer of the Energy Transition Authority, the Director of Public Health and the Director, Carbon Farming, will be ex-officio members of the Committee.

5. Emissions reductions

5.1 Objectives

To assist in the international response to climate change and to show leadership for other Australian States, a fundamental objective should be to reduce greenhouse gas emissions to net zero “as quickly as possible”. The energy transition will require deep emissions reductions in all sectors using a wide range of mitigation options. Recent IPCC reports find that there are grave risks for exceeding warming of 1.5°C above pre-industrial global temperature as projected on our current global emissions pathway. The rate of decarbonisation suggested by the IPCC SR15 report is that globally we need to at least halve our carbon dioxide (equivalent) emissions below current levels by about 2030.

5.2 Overall target and specific sectoral targets

Targets should be set with all greenhouse gas emissions apart from those from land use, land use change and forestry (LULUCF) reaching zero by 2040, and with Tasmania’s overall greenhouse gas emissions (including LULUCF) being firmly negative by 2050. The baseline will be Tasmania’s greenhouse gas emissions in the year 2015-2016 which were 8.05 Mt CO₂-eq (excluding LULUCF). Specific targets should be set for each major economic sector of the State’s economy with interim targets for each 3-year period. These targets will be set by the Committee on Climate Change.

5.3 Reviews of progress and emission reduction objectives

The Committee on Climate Change should be tasked with preparing review reports to:

- Determine whether the State climate change response is meeting the emission reduction targets (review annually).
- Provide updates to global and regional climate science and determine whether these require a change to emission reduction objectives (review every 3 years).
- Report how climate change is impacting Tasmania both sectorally and economically (review every 3 years).
- Report on how the Energy Transition is progressing, and whether Tasmania’s energy efficiency improvements are successfully reducing emissions (review every 3 years).
- Ensure consistency with best national and international practices with respect to setting the baseline and determining a method for calculating reductions in greenhouse gas emissions.
- Provide advice on actions which may help to accelerate mitigation and adaptation efforts.

6. Control of methane emissions

Amend the Environmental Management and Pollution Control Act 1994 to:

- Ensure that emissions of all the greenhouse gases are capable of being regulated by the Tasmanian EPA.
- Empower and require the EPA to regulate for the measurement and reporting of fugitive emissions of methane from the Tasmanian gas pipeline network and from Liquefied Natural Gas (LNG) facilities and operations in Tasmania.
- Empower and require the EPA to sufficiently investigate emissions of methane from waste management practices in Tasmania, including the management of food and agricultural wastes, so that the EPA is able to prepare scientifically defensible annual estimates of those emissions for Tasmania which are based on measurements made in Tasmania to the maximum extent possible.
- Empower and require the EPA to investigate any other potential sources of methane emissions in Tasmania. (Example: methane emissions from partially combusted wood in domestic wood heaters.)
- Require the EPA to provide a public annual report to the Committee on Climate Change on Tasmania's methane emissions from all sources which includes actual or proposed regulatory actions by the EPA or others to reduce those emissions as quickly as possible.
- Empower the EPA to use its existing regulatory instruments (such as Environmental Protection Notices) to reduce methane emissions from all sources in Tasmania.
- Require the EPA to develop an *Environment Protection (Greenhouse Gas Emissions) Policy* to set out limits above which greenhouse gas emissions will be considered an "environmental nuisance", and outline best practice measures to minimise emissions. The policy will not be self-enforceable, but will allow the EPA or local councils to utilise tools within the *Environmental Management and Pollution Control Act 1994* to set appropriate conditions on permits, require audits to be undertaken, require ageing industrial buildings to enter environmental improvement programmes and clarify that greenhouse gases will be considered a "pollutant" for the purposes of EMPCA.

7. Measurement and public reporting of fossil fuel use.

The regulatory philosophy is "what is measured is what is managed". Essentially, large and medium users of fossil fuels in Tasmania will be required to report their quarterly use into a public database. State and local government organisations and GBEs must also report, regardless of the amount used. All reporting entities will be expected to reduce their usage, year on year, but that will only be an explicit regulatory requirement (with potential penalties) on the subset of the entities who are required to develop and implement Energy Transition Plans. For the remaining entities, the pressure to reduce usage will come from celebration of high achievers and community pressure on laggards. However, despite the absence of specific penalties, Tasmanian government and local government purchasing decisions should be required to include the fossil fuel reduction performance of possible suppliers in their selection processes.

Detailed provisions will incorporate the following requirements:

- a. Wholesalers of fossil fuels will be required to provide to the Energy Transition Authority quarterly total sales numbers by fuel as well as details of individual customers whose purchases are above trigger levels. From this data, only the State totals by fuel will be public.
- b. The Energy Transition Authority will set the various trigger levels for fossil fuel use reporting, and will review its trigger levels every two years and will publicly report on each review.
- c. While there will be different trigger levels for each fuel, an entity which exceeds a trigger level for one fuel will be obliged to report its usage of all fuels.
- d. The Energy Transition Authority will need to be given the power to demand the production of documents and other records so it can audit compliance with the fossil fuel reporting requirements.
- e. There will need to be penalties associated with failing to report when required to do so, and with knowingly making false reports.
- f. The trigger levels referred to in this section can be set and modified by the Energy Transition Authority directly (not via the Executive) by making disallowable Orders.
- g. Regardless of their actual levels of fossil fuel use, all Government Departments, Government Business Enterprises, other Government organisations and instrumentalities and local government bodies will be required to report their fossil fuel use as if they have exceeded one of the trigger levels.

Fossil fuel use to be reported under this section will consist at a minimum of all fossil fuels purchased by or paid for by the entity required to make the report. Marine fuels and aviation fuels are included in this minimum reportable group. The Energy Transition Authority may, through making disallowable Orders, extend the definition of the usages to be reported, particularly if it has grounds to believe that an entity is arranging its affairs to ensure that the fossil fuel use it is responsible for initiating is not reportable.

If a fuel is a blend which includes a non fossil fuel component (example: E10 light vehicle fuel) then the quarterly volumes of that fuel sold or used may be reduced by the volumes of the non fossil fuel blended into the total fuel on an equivalent energy basis, if the Energy Transition Authority is satisfied that it has been provided with sufficient data to support the blending ratios claimed by the wholesaler of the fuel. If the Energy Transition Authority is not so satisfied, then it may at its discretion, treat the total fuel volume as all fossil fuel.

8. Energy Transition Plans

Energy Transition Plans will be the primary regulatory tool used to require users of fossil fuels to transition away from their use. The development of Energy Transition Plans (just “Plans” from here on) will either be voluntary or mandatory. Regardless of how initiated, the development of Plans is intended to:

- a. Require Plan developers to set out how they intend to phase out their use of fossil fuels within the overall timescale set by the Act’s emission reduction objectives. Because of

this longer timescale, it will be natural for Plans to be detailed and specific in the early years and be more general for years further in the future.

- b. Send a set of market signals about the availability of fossil fuel free alternative technologies so that suppliers, distributors and maintenance organisations can prepare for a different future.
- c. Ensure that economic disruption is as small as possible consistent with the overarching need to meet emissions reduction targets. In particular, Plans are intended to ensure that the transition away from fossil fuels is as just and equitable as possible.
- d. Ensure that learnings are shared and that common barriers and opportunities are identified. For this reason, all Plans will be public. Because Plans are aimed at reducing fossil fuel use, the public database of Plans will be integrated with the fossil fuel use database.

Mandatory Plans will grow out of the mandatory reporting of fossil fuel use, with the following rules applying:

- a. If an entity's fossil fuel use exceeds a trigger point for just one fossil fuel, then their use of all fuels is to be covered by their Plan.
- b. Government Departments, GBEs and local governments will be required to develop Plans regardless of their level of fossil fuel use. The timing of their requirement to develop a Plan may, however, vary with their usage, with the larger users in this cohort being required to go first.
- c. Mandatory Plans will be required to be approved by the Energy Transition Authority, so the fundamental requirement will be to develop an approved Plan. It will be the approved Plans that will be public.
- d. Given the learning processes likely to be involved in the first few years, the Energy Transition Authority will have the power to set the fossil fuel usage trigger levels at which Plan development is mandated. The Authority will need to have the power to do this via disallowable Orders.
- e. Entities required to develop and implement Plans must still report their fossil fuel use into the public database so everyone can see whether their fossil fuel use is decreasing as planned.
- f. Plans will need to be formally reviewed every 3 to 6 years to take into account lessons learned and advances in technology. Revised Plans will once again need to be formally approved by the Energy Transition Authority.
- g. The review period for each Plan will be set by the Energy Transition Authority when each Plan is approved, by means of setting an expiry period for the Plan.

People, businesses, associations and communities (perhaps via a local Progress Association) can all elect to prepare and implement their own voluntary Energy Transition Plans. Such voluntary Plans will be a way to make commitments, report on progress and share learnings. Voluntary Plan developers will use the Authority's public database to upload their Plan and periodic progress reports. The Authority will not scrutinise nor approve these Plans, but the Authority's database will remind Plan developers when periodic progress reports are due.

The Energy Transition Authority will have the power to provide assistance grants to assist with the Energy Transition. The Authority may make it a condition of such grants that the grant recipient enters into the making of an approved Energy Transition Plan as if the recipient has exceeded a relevant trigger level.

The Energy Transition Authority will also have the power to implement a low interest loan scheme to assist individuals, associations and businesses with the capital cost of the energy transition.

9. Climate Change Impact Assessments

The Act will require the consistent and independent assessment of the likely greenhouse gas emissions of all significant projects (see below). This must include a Climate Impact Statement that addresses, as appropriate:

- a. how the project proposal affects (whether assisting or compromising) relevant emissions reduction targets;
- b. specific measures to avoid, minimise, mitigate, and offset emissions from the project (including direct and downstream emissions);
- c. full cost of the project's emissions; and
- d. comprehensive consideration of alternative options.

The Act will require Climate Impact Statements to be undertaken by an accredited expert (similar to existing requirements for the preparation of bushfire management plans, contaminated sites assessments etc)

“Significant projects” should include:

- a. Level 2 activities under EMPCA.
- b. Any project declared to be a Project of State Significance under the *State Policies and Projects Act 1993*.
- c. Any project declared to be a Project of Regional Significance under the *Land Use Planning and Approvals Act 1993*.
- d. Any proposal requiring an exploration licence for an area exceeding 100 ha under the *Mineral Resources Development Act 1995*.
- e. Any proposal to declare a Strategic Prospectivity Zone under the [Mining \(Strategic Prospectivity Zones\) Act 1993](#).
- f. Any proposal to clear and convert more than 50 ha of native vegetation under the *Forest Practices Act 1985*.
- g. Any Major Project under the Major Infrastructure Development Approvals Act 1997.
- h. Any other prescribed project (this could include significant infrastructure projects, or development proposals that will facilitate / require a significant volume of additional traffic movements (e.g. greenfields industrial parks), large agricultural developments).

Where a Climate Impact Statement reveals that a proposal will compromise achievement of emissions reduction targets, the decision-maker may only grant approval where satisfied

emissions are minimised to the greatest extent possible, and that there is no feasible alternative to the proposal.

The Act must ensure that projects for which climate impact assessments are required are subject to public comment and third parties' right of review by the Resource Management and Planning Appeal Tribunal.

In addition to requiring a formal Climate Impact Statement for significant projects, consideration of the objectives / principles articulated in the Climate Act should be mandatory for a wide range of resource management and planning decisions (see adaptation below).

Regulatory Impact Statements as per section 11 below.

10. Health impacts of climate change

The Director of Public Health shall be responsible for providing scientific assessment, detailed planning and advice regarding the public health impacts of hot weather and heat waves on Tasmanians, and the prevention of heat related mortality and morbidity. Without limiting the generality of that responsibility, the Director of Public Health shall:

- a. Define criteria for multiple levels of heat wave health warnings for use in Tasmania;
- b. Work with the Bureau of Meteorology to implement the criteria in weather forecasts issued by the Bureau;
- c. Prepare a heat wave action plan in consultation with relevant agencies from Federal, Tasmanian and local governments, including the Tasmanian Health Service, which specifies actions to be taken at the defined heat wave warning levels to protect all Tasmanians, but particularly the most vulnerable Tasmanians, from the adverse health risks of heat waves; and
- d. Annually prepare a report for the Tasmanian Parliament on the level of heat related mortality and morbidity experienced in Tasmania over the year covered by the report. The report is to include a review of the effectiveness of the heat wave action plan, including its implementation, in preventing heat related mortality and morbidity in Tasmania.

In discharging the above responsibility, the Director of Public Health shall be independent from specific directions from the Tasmanian Government as to the content of any report, plan, or communication prepared or issued by the Director regarding the prevention of heat related mortality and morbidity.

The Director of Public Health shall be responsible for providing scientific assessment, detailed planning and advice regarding the scope of known and emerging public health impacts. These include, but are not limited to, extremes of heat, particulate air pollution associated with wildfires, emergence and spread of vector borne disease and mental health effects of those events known to be amplified by climate change, such as wildfire, flooding and prolonged drought.

Heat preparedness includes measures to reduce heat extremes associated with better urban planning and housing standards, as well as appropriate responses to hot weather and heat waves on Tasmanians, and the prevention of heat related mortality and morbidity.

In developing community level responses to particulate air pollution the Director of Public Health shall;

- a. Work with the EPA to maintain air quality monitoring sites and reporting throughout the state; and
- b. Establish trigger levels for alerting health service providers and the community with advice on appropriate responses to minimise morbidity and mortality.

All of the above may increase patient load within a short time period. The Director of Public Health shall identify the surge capacity of existing health facilities and advise on additional resources required to maintain delivery of acute care services.

11. Management of adaptation to climate change

To ensure that climate adaptation (both in terms of impacts of, and impacts on, proposed developments) are considered, the Act should amend a range of RMPS legislation to include climate impacts as a mandatory consideration:

- a. *Land Use Planning and Approvals Act 1993* - decisions to declare or amend Statewide Planning Provisions and Local Provisions Schedules; review of Statewide Planning Provisions and Regional Land Use Strategies; assessment of development applications and projects of regional significance;
- b. *Environmental Management and Pollution Control Act 1994* - assessment of Level 2 activities; development of environmental management plans and site management plans; determination of “environmental harm” and “environmental nuisance”;
- c. *State Policies and Projects Act 1993* - development of State Policies; assessment of Projects of State significance;
- d. *Water Management Act 1999* - allocation of water licences; interpretation of emergency provisions; assessment of dam applications; development or amendment of water management plans;
- e. *Marine Farming Planning Act 1995 & Living Marine Resources Management Act 1995* - development and amendment of marine farming development plans; declaration of emergency leases; development of Sustainable Industry Growth Plan;
- f. *Threatened Species Protection Act 1995* - declaration of threatening processes, critical habitat and development of threat abatement plans (in particular, recognising the need for protection of retreat habitat for species to recolonise in the event of climate-change induced habitat losses);
- g. *Forest Practices Act 1985 & Forestry (Rebuilding the Forest industry) Act 2014* – certification of forest practices plans; development of three year harvesting plans; development and review of the Forest Practices Code; setting of minimum harvest quotas;

- h. *Fire Service Act 1979* - development and approval of bushfire management plans; declaration of fire seasons; and
- i. *Nature Conservation Act 2002 / National Parks and Reserves Management Act 2002* - identification of potential reserve areas; development of management plans; reserve activity assessments and assessing licence applications.

Amend the *Local Government Act 1993* to provide protection from liability for local governments acting in good faith to undertake climate mitigation and adaptation actions. Section 733 of the *Local Government Act 1993* (NSW) provides a good model for a liability exemption provision.

Amend the *Subordinate Legislation Act 1992* and s.156A of the *Local Government Act 1993* to require regulatory impact statements for statutory instruments or by-laws to address the objectives / Climate Principles.

Establish a Cities Taskforce to coordinate planning efforts to constrain urban growth within agreed boundaries by increasing density in appropriate areas, providing quality green spaces and developing effective public transport networks [*probably not necessary for this to be a legislative body*]

12. Management of agricultural emissions

Agriculture and forestry – land management – is a key sector in responding to climate change. Land managers need to take account of climate disruption in their management of land. They control what can be significant sources of emissions, particularly of methane; and by maximising the amount of carbon stored in their biomass and soils they offer a way of reducing atmospheric greenhouse gas concentrations not available elsewhere. The approach proposed in the Act is to be strongly focussed on science and on providing expert advice to farmers and other land managers.

The Agriculture Minister must establish and maintain a Carbon Farming Unit whose purpose is to:

- a. Develop expertise in the measurement and management of greenhouse gas emissions from livestock, soils and land management changes.
- b. Develop expertise in the measurement and management of carbon sequestration in soils and biomass (including marine biomass) in Tasmania.
- c. Work with the Tasmanian Institute of Agriculture, CSIRO, and other research bodies to develop a Tasmanian specific knowledge base about greenhouse gas emissions and carbon sequestration in Tasmanian agriculture, forestry, and marine areas. To the maximum extent practicable, this knowledge base is to be founded on measurements.
- d. Work with Tasmanian farmers and land managers to reduce their greenhouse gas emissions from all sources influenced by their farming practices.
- e. Work with Tasmanian farmers and land managers to encourage and assist them to increase the amount of carbon sequestered in their soils and biomass.
- f. Provide practical, credible, advice to land managers accessible in all parts of Tasmania, including the Bass Strait Islands.

The Carbon Farming Unit is to be led by a Director, Carbon Farming, who is an internationally recognised scientist with demonstrated leadership in either the control of agricultural emissions or the enhanced sequestration of carbon in soils, or both. The Unit must include regionally located extension officers to provide advice to farmers and land managers.

The Director, Carbon Farming is to prepare a public annual report to the Minister and the Committee on Climate Change on the emissions from the land use sector in Tasmania. The report is to include a discussion of the actions being taken to both reduce emissions and to increase sequestration in soils and biomass. The report should identify any barriers to increasing emissions reduction and sequestration that the Tasmanian Government may be able to address, and should also identify any business opportunities that may arise from emissions reduction and increased sequestration actions. (An example is the development of a market for biochar in Tasmania.)

13. Prohibition of exploration for fossil fuels in Tasmania.

Amend the Mineral Resources Development Act, 1995 so that:

- a. The Minister administering that Act cannot grant an exploration licence which includes exploration for Category 2 minerals or Category 4 minerals; and
- b. The Minister administering that Act cannot grant a special exploration licence which includes exploration for Category 2 minerals or Category 4 minerals.

14. Public reporting and celebration of achievements.

The intention is to encourage public focus on the energy transition and climate adaptation by publicly celebrating the achievements of those who are excelling at making the transition and adaptation.

Minister to host an annual public event which is to celebrate achievements in all aspects covered by the Act, such as reductions in fossil fuel usage, increases in carbon sequestration in soils and biomass, innovation in energy transition, over-achievement in executing an Energy Transition Plan, excellence in energy efficiency, and so on.

15. Enforcement.

Actions required by the Act need to be enforceable. These include:

- a. the supply of accurate information to the Energy Transition Authority;
- b. the preparation of draft Energy Transition Plans;
- c. compliance with approved Energy Transition Plans;
- d. the updating of Energy Transition Plans when required due to their expiry; and
- e. complying with conditions on exemptions.

Because so much is at stake with respect to climate change, consideration should be given to administrative enforcement powers. For example, if a Minister fails to comply with the prohibition on granting a mineral exploration licence for fossil fuels, a citizen can initiate a review by the relevant court to overturn the Minister's decision.

16. Penalties.

The level of penalties should be commensurate with what is at stake. For example, the penalty for knowingly supplying inaccurate information to the Energy Transition Authority should be commensurate for penalties for knowingly supplying inaccurate information in other areas.