



# Independent review of the **Climate Change (State Action) Act 2008**

## **Tasmanian Greens' Response**

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**Cassy O'Connor MP**  
Greens Leader  
Climate Change spokesperson

# Introduction

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The moral imperative to take meaningful, sustained action to mitigate the impact of climate change and enable communities to adapt has been reinforced with the signing of the Paris Agreement in December 2015.

The Australian Government is a party to the Agreement, committing to a long term goal of keeping the global average temperature increase to well below 2° Celsius and to undertaking rapid emissions' reductions measures in accordance with the best available science.

Parties to the Paris Agreement also committed to meet every five years to set more ambitious targets as required by science, to report transparently on their efforts and to be accountable for their actions towards avoiding dangerous climate change.

The Paris Agreement is legally binding. The Australian and Tasmanian Governments must implement legislation and policies that deliver on the nation's commitment to be part of the global climate solution.

The Tasmanian Government has an important opportunity to make a significant contribution towards reducing Australia's emissions profile through emissions reductions' activities across all sectors of the economy, enabling increased renewable generation and by becoming a vital carbon bank for the planet through the protection of carbon sequestered in Tasmania's forest landscapes.

The events of the past Summer in Tasmania have brought the reality of climate change home to Tasmanians.

Prolonged drought, a massive El Niño, unprecedented and destructive bushfires, regional floods and parched Hydro storages are evidence of global climatic shifts at the local level.

It is the Tasmanian Greens' hope that the events of the past six months in Tasmania will sharpen the State Government's focus on the imperative to deliver an effective climate mitigation and adaptation plan, underpinned by legislation that is capable of driving real change. A modernised and effective *Climate Change (State Action) Act 2008* can play a key role in delivering climate action across the State and all sectors of the economy.

There is a pressing need for meaningful, sustained action. Tasmania is not moving fast enough towards a low carbon economy. Nor are we steadfastly embracing the adaption challenge. All three tiers of government are too often ignoring the expertise and scientific tools at hand. This leads to poor political decision making and creates social, environmental and economic vulnerability across the Tasmanian community.

Following the removal of the ministerial portfolio of climate change, the new Environment, Parks and State Growth Minister introduced legislation to abolish the independent, expert Tasmanian Climate Action Council and the replacement of the '*Climate Smart 2020*' strategy with '*Embracing the Challenge*', are all shamefully

backwards actions that do not act strongly enough to acknowledge and deal with the contemporary challenges of climate change.

The failure of Basslink after a prolonged dry period and extreme El Niño event has exposed our island's energy insecurity and the lack of diversity in its renewable energy mix. Importantly a reliance on energy importation cannot continue. Current emissions reporting under the *Climate Change (State Action) Act 2008* ignores the impact of our energy importation on energy emissions, and thus fails to drive the moral imperative for change.

The need for a strong, effective climate legislation is urgently required to build the foundations for sustainability and long term prosperity in response to current and future climate disruption.

With our proud history of renewable energy generation and our early delivery of the *Climate Change (State Action) Act 2008*, Tasmania can and must show leadership.

The Victorian Government has recently supported a wide range of sensible amendments to their legislation. The Tasmanian Greens call on the Tasmanian Government to follow their lead.

## Response to the Review

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### Adequacy of the Act as it Currently Stands

While the Act has been an important milestone and is a significant symbolic piece of legislation it primarily focuses on measurement of emissions and emission reduction targets. In isolation, these actions have a limited capacity to drive change.

The intention of the Act is further compromised by the fact that it has proven ineffective at driving change in Tasmania's energy imports, which are a significant contributor to our emissions profile. As a legislative instrument to deliver emissions' reductions, the Act has had a limited impact to date.

The limitations of the Act are compounded by the lack of acknowledgement of climate change in key pieces of other State legislation, particularly those dealing with planning and the management of resources.

Acts that should be examined in the context of Tasmania's response to climate change include:

- *Land Use Planning and Approvals Act 1993*
- *Environmental Management and Pollution Control Act 1994*
- *State Policies and Projects Act 1993*
- *Major Infrastructure Development Approvals Act 1997*

- *Water Management Act 1999*
- *Marine Farming Planning Act 1995*
- *Threatened Species Protection Act 1995*
- *Forest Practices Act 1985*
- *Mineral Resources Development Act 1995*
- *Fire Service Act 1979*
- *Nature Conservation Act 2002*
- *National Parks and Reserves Management Act 2002*

Without amendments to strengthen other key pieces of legislation, the potential of the *Climate change (State Action) Act 2008* to drive change is significantly limited.

Whilst action on climate change can help the Tasmanian image and brand, this should not be considered an objective of the Act. The use of the legislation to promote a Tasmanian image can contribute to a culture of using emissions targets as a shallow boast, rather than a practical and moral necessity.

The Act should serve as a legislative instrument to deliver real action on climate change, not as a device to construct a positive narrative or image.

## Emission Reduction Targets

It is the Tasmanian Greens' view that the emissions target should be revised Net zero emissions by 2030, with the aim of becoming a carbon sink by 2050. In our view, this is certainly achievable. Victoria has set a target of Net zero by 2050. This measure should be supported by the establishment of four yearly interim emission reduction targets.

Sectoral targets and emission reduction plans should also be established, particularly for high emissions sectors such as agriculture, transport and stationary energy. Targets should be based on factors such as the emissions intensity of sectors, as well as the relative cost-effectiveness of emission reductions within the sector.

## Climate Change Principles

The Victorian review has recently resulted in an updated set of guiding principles. A similar set of principles should be incorporated into the Tasmanian legislation. The principles should include:

- An acknowledgement that climate change is anthropogenic as well as an acknowledgement of the responsibility of all Governments to take make decisive action towards reducing emissions, protecting carbon stocks and increasing carbon sequestration activities;

- Acknowledgement of Tasmania's unique position to establish itself as a carbon sink for the nation, as well as globally;
- A commitment to transition to 100% renewable energy; and
- A requirement to subject government decision making to Climate Impact Assessments where there is likely to be an impact on emissions or adaptation measures.

## Measuring Emissions

There is a need to acknowledge that utilisation of emission intensive energy has the same environmental impact regardless of the geographic location of the emitter. Any activities that contribute to emissions outside of Tasmania should be factored into progress on emissions targets.

In the 2014-15 financial year, approximately 2,200 GWh of energy was imported<sup>1</sup>, remarkably similar to 2009 projections<sup>2</sup>. Based on the latest estimates of Hazelwood's emissions this would equate to roughly 3.41Mt of CO<sub>2</sub>-e emissions<sup>3</sup>.

Based on the 2014-15 imports and the 2013-14 emissions profile, the 2014-15 profile is likely to be in order 4.97 Mt of CO<sub>2</sub>-e, but 11.48 Mt excluding land use forestry changes. This represents a significant contribution to the State's emissions profile.

In 2009, a report commissioned by DPaC projected that by 2050 over 10,000 GWh<sup>4</sup> of energy will be imported, which would equate to 15.5 Mt CO<sub>2</sub>-e.<sup>5</sup>

All of this indicates that Basslink imports are a significant aspect of Tasmania's emission profile and therefore should be acknowledged and measured.

Whilst it is important to not double count when discussing Tasmania's contribution to the national profile, a separate real impact of Tasmanian activities on emissions should be reported on in order to provide accurate data on Tasmania's climate impact.

Furthermore emission offsets, while important, are imprecise measurements and should not be overly relied on for the purposes of government targets. Actual emissions, Net emissions, and Tasmania's contribution to the national emissions' profile, should all be reported on as accurately and transparently as is achievable. Targets should be measured against Net emissions, which should include offshore emissions generated by Tasmanian activity as well as emission offsets.

<sup>1</sup> [http://www.energyregulator.tas.gov.au/domino/otter.nsf/LookupFiles/Energy\\_in\\_Tasmania\\_-\\_Performance\\_Report\\_2014-15.pdf/\\$file/Energy\\_in\\_Tasmania\\_-\\_Performance\\_Report\\_2014-15.pdf](http://www.energyregulator.tas.gov.au/domino/otter.nsf/LookupFiles/Energy_in_Tasmania_-_Performance_Report_2014-15.pdf/$file/Energy_in_Tasmania_-_Performance_Report_2014-15.pdf)

<sup>2</sup> [http://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0018/116208/Volume\\_2\\_-\\_Main\\_Report.pdf](http://www.dpac.tas.gov.au/_data/assets/pdf_file/0018/116208/Volume_2_-_Main_Report.pdf)

<sup>3</sup> [http://www.aemo.com.au/Electricity/Planning/Related-Information/~/\\_media/Files/Other/planning/Emissions%202014/20140411\\_Emissions\\_report\\_V2.ashx](http://www.aemo.com.au/Electricity/Planning/Related-Information/~/_media/Files/Other/planning/Emissions%202014/20140411_Emissions_report_V2.ashx)

<sup>4</sup> [http://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0018/116208/Volume\\_2\\_-\\_Main\\_Report.pdf](http://www.dpac.tas.gov.au/_data/assets/pdf_file/0018/116208/Volume_2_-_Main_Report.pdf)

<sup>5</sup> [http://www.aemo.com.au/Electricity/Planning/Related-Information/~/\\_media/Files/Other/planning/Emissions%202014/20140411\\_Emissions\\_report\\_V2.ashx](http://www.aemo.com.au/Electricity/Planning/Related-Information/~/_media/Files/Other/planning/Emissions%202014/20140411_Emissions_report_V2.ashx)

## Other Amendments the Act Requires

As it stands, the Act primarily focuses on the measurement of emissions as well as emissions reduction targets. In order to be more effective, the Act should provide a framework for consideration of the climate change impacts of government decision making, activities, policy and planning.

The Act should make it clear that government has a responsibility to protect existing carbon stocks in the Tasmanian landscape.

The Act should create a process for Climate Impact Assessments on all major projects, with the specifications for these assessments outlined in regulations. The objective of these assessments should be to require, wherever practicable, the use of the most efficient technology and practices.

The Act should provide for a regular analysis of the impacts of climate change on key sectors, including an overview of current initiatives and opportunities that could be explored. This should be used as a basis for development of regular, contemporary adaptation plans.

## Future Reviews

Future reviews of the *Climate Change (State Action) Act 2008* need to actively consider changes to other relevant pieces of legislation. Amendments to the Act can only achieve so much in isolation.

The Victorian legislation, for example, allows the persons conducting a review to have reference to other laws or policies relating to climate change.

In contrast, the current Tasmanian Act is restrictive, as it only allows for the review to address *“the extent to which additional legislative measures, if any, are considered necessary to achieve the targets set by this Act within the periods contemplated by this Act...”*

This does not allow for any review of the Act to consider other climate change related factors, such as climate adaptation responses that may need to be considered in planning legislation or provisions.

# Recommendations

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## Recommendation 1

Tasmania's emissions target be revised to Net zero emissions by 2030.

## Recommendation 2

Interim, four yearly reduction targets be established and progress evaluated at each review on the basis of available climate data and science.

## Recommendation 3

Annual reporting on Tasmania's emissions to include actual emissions, Net emissions, as well as Tasmania's contribution to the national emissions' profile.

Actual emissions to include all emissions generated by Tasmanian activities, including those generated offshore due to Tasmanian demand. Net emissions should include offset activities. Current reporting methods should be maintained to represent Tasmania's contribution to the national emissions' profile.

## Recommendation 4

A set of principles should be adopted in the Act, including:

- An acknowledgement that climate change is anthropogenic as well as an acknowledgement of the responsibility of all Governments to take make decisive action towards reducing emissions, protecting carbon stocks and increasing carbon sequestration activities;
- Acknowledgement of Tasmania's unique position to establish itself as a carbon sink for the nation, as well as globally;
- A commitment to transition to 100% renewable energy; and
- A requirement to subject Government decision making to Climate Impact Assessments where there is likely to be an impact on emissions or adaptation measures.

### **Recommendation 5**

The Act to create a process for Climate Impact Assessments on all major projects, with the specifications for these assessments outlined in regulations. The objective of these assessments should be to require, wherever practicable, the use of the most efficient technology and practices.

### **Recommendation 6**

The Act must provide for a ongoing analysis of the impacts of climate change on key sectors. This should be used as a basis for development of regular, contemporary adaptation plans.

### **Recommendation 7**

The Act must reinstate the Tasmanian Climate Action Council to drive the delivery of independent, expert advice to government.

### **Recommendation 8**

The Act should be administered by the Minister for Climate Change, who should also be the Premier, in acknowledgement of the fact that responding to climate change is a whole of government imperative.

*Submitted by Cassy O'Connor MP, on behalf of the Tasmanian Greens*