



Climate Change Bill 2015

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Extract from NSW Legislative Council Hansard and Papers Thursday 22 October 2015.

Second Reading

Ms JAN BARHAM [10.20 a.m.]: I move:

That this bill be now read a second time.

I am very proud to introduce the Climate Change Bill 2015 on behalf of The Greens. I am introducing this bill because it is essential that we provide for the wellbeing of future generations and protect our natural environment and precious biodiversity. If we fail to address global warming and its impact on our climate we will leave an unsafe environment and a compromised quality of life to those who inherit the consequences of our inaction. This bill delivers in a fundamental way on our constitutional expectation that the Parliament will make laws for the peace, welfare and good government of New South Wales. If this Parliament is to act in the best interests of the people of New South Wales, now and into the future, it is our responsibility to ensure that the laws of the State prioritise reducing the risks and impacts of climate change. There is an unprecedented but foreseeable risk and there are things that can be done to address it. It is our responsibility to act.

We are faced with a genuine opportunity for New South Wales to be a leader and provide responsible and innovative action on behalf of the people of this State. We can wait no longer for the Federal Government to lead on climate change. New Prime Minister Malcom Turnbull has committed to maintain the weak and ineffective climate policies of his predecessor; we are set to be the international dunces at the United Nations climate conference in Paris. As it stands, Australia will be seen as a developed, wealthy country that lacks the courage to make decisions in the best interests of its citizens, and instead has allowed a strange brew of ideology and short-term vested interests to influence its decision-making powers.

The NSW Government has recognised the implications of dangerous global warming. In a submission it prepared for the Federal consultation on post-2020 emissions targets but was never submitted by the Premier, there was a summary of key findings from the NSW and ACT Regional Climate Modelling [NARClIM] projections developed by the New South Wales and Australian Capital Territory governments in conjunction with the Climate Change Research Centre at the University of New South Wales. The submission, which was obtained under the Government Information (Public Access) Act [GIPA], notes that:

... without significant reductions in global emissions:

- NSW is expected to experience an increase in average maximum and minimum temperatures for the near future (2030) and far future (2070)
- by 2070 NSW average temperatures will be 2.1 degrees higher than now
- summer and spring will see the largest change, with maximum temperatures up to 3 degrees higher than now by 2070
- by 2070 the north-west may see over 40 additional hot days a year with over one-third of the year experiencing maximum temperatures above 35 degrees
- along the Great Dividing Range and the Tablelands there will be fewer cold nights, potentially impacting on natural ecosystems, snow tourism and cool climate agriculture. In the Snowy Mountains there will be up to 40 fewer nights with temperatures below 2 degrees
- annual average rainfall will not change significantly, but there will be changes in seasonal rainfall
- increases in severe fire weather during spring may increase bushfire risk and reduce opportunities for hazard reduction burning.

In particular, the impacts on the agricultural and tourism sectors, alpine regions, regional and coastal communities, human health and emergency services would be very significant.

These are foreseeable risks that we must take seriously and we should expect dedicated action at all levels of government. But instead of sensible debate about the risks and the pathways to successful mitigation and adaptation, we have had bizarre reflections on the aesthetic value of wind turbines, the glorification of coal, and a strange resistance to embracing the opportunity to have a go and meet a challenge head-on. For too long we

have failed to grasp the opportunity in the face of a serious problem to be innovators and leaders and to expand into a jobs-rich and economically beneficial future. We have failed to lead the movement for the global action that is needed and to care for the health and wellbeing of our community and the environment. We are guilty of wilful blindness through our inaction on climate change.

As a North Coast resident for several decades, I have been very aware of the impact of the climate on our wellbeing, safety and local environment. We have seen the history of cyclones, storms, floods and destruction caused by dynamic weather patterns that are the hallmark of this subtropical region. Warming of the oceans and atmosphere mean that the intensity of future events is likely to be amplified by climate change, and so too will be the impacts and the risks we face without the necessary planning and actions to prepare and instil resilience to face disaster. Severe coastal storms in the 1970s led to an extensive investigation of coastal erosion by NSW Public Works. The Byron Bay to Hastings report provided sound evidence for the adoption of a coastal management option that became known as "planned retreat" in Byron Shire.

At a State level, the 1990 NSW Coastline Management Manual required the consideration of global warming in the planning of coastal settlements and directed councils to assess potential impacts. The manual also identified "planned retreat" as a valid management option. This science-based response to strategic planning ensured that the recognition of past risks and threats to the social, environmental and economic security of the coast should be considered alongside the future risk of global warming. I raise this example as a resident and representative of the North Coast who lives with the understanding of why it is important to act. There are those whose lives have been changed by the events of the past—homes lost, loved ones lost and their futures altered. They have been supported by our strong local communities and the commitment of disaster volunteers, but the Government's duty of care to the people means they must act. As a community activist, then a councillor and mayor, I recognised the importance of a responsible approach to planning for the impacts of climate change.

Other events have shaped my appreciation of the magnitude of the risk and the need to act—the unavoidable facts that underpin my reasons for introducing this bill. I recall the day in June 1992 sitting in a local cafe with a group of friends listening to our independent community radio station BayFM broadcasting reports from Rio de Janeiro about the progress of the Earth Summit. In a single day, 154 countries had signed a treaty: the United Nations Framework Convention on Climate Change, making a commitment to ensure the stabilisation of greenhouse gas emissions to prevent dangerous climate change; allow ecosystems to adapt; ensure food production is not threatened; and allow economic development to proceed sustainably.

In November of the same year came the news that 1,700 of the world's leading scientists, including the majority of Nobel Laureates in the sciences, had presented a warning to humanity that "human beings and the natural world are on a collision course" and that fundamental changes were required, including a "move away from fossil fuels to more benign, inexhaustible energy sources to cut greenhouse gas emissions". Those moments of clear global acknowledgement of the urgent need to address global warming and ensure the ecological sustainability of our planet changed my life. I perhaps naively thought that they would change the world we live in.

Personal experience also has left me acutely aware of the health risks that may be intensified by the changing climate. In 2003 I discovered that I had what I thought was severe flu but in fact was Ross River fever. I was forced to begin a rest period of a few months, due to the debilitating chills and headaches and painful muscles and joints known as polyarthritis. I have suffered relapses and a compromised immune system. I hold great concern about the escalation of this condition and its impact on others. Extended warm seasons and more intense seasonal rainfall will create conditions that make outbreaks of mosquito-borne diseases more likely. Last summer there was a sevenfold increase in Ross River fever infections in New South Wales, with 540 cases compared to 80 in the previous year. Mosquito-borne diseases, heat stress and the impacts of extreme weather events—as well as the mental health issues that align with them—are some of the many health risks that confront us in a changing climate.

This bill ensures that these issues will be subject to planning. The most vulnerable groups in society, including older people, the young and the socially and economically disadvantaged, will feel the impact of those health risks. A compassionate society will need to plan to support those who are at risk. The 2015 Lancet Commission on Health and Climate Change observed that addressing climate change could be "the greatest global health opportunity" of this century. Reducing the impacts of climate change and adapting to the changes and risks that are occurring requires coordinated planning across all levels of government. In 2002 Byron Shire Council joined the Cities for Climate Protection program, an initiative of the International Council for Local Environmental Initiatives delivered in collaboration with the Australian Greenhouse Office. The goal was to reduce the greenhouse emissions levels of 1990 by at least 30 per cent by 2020. A greenhouse action strategy was developed and implemented across the organisation.

By 2007 more than 220 councils across Australia had signed up to the Cities for Climate Protection program, taking action at a local government level. The councils' efforts worked in conjunction with the initiatives under the Government's Climate Change Fund. These initiatives, across multiple levels of government, demonstrated the significant work that was possible at an individual and local community level to increase sustainability and

reduce greenhouse emissions. In October 2007 my mayoral proposal for a climate change policy to address strategic planning for the shire was supported. This year my successor, The Greens Mayor Simon Richardson, has proposed a zero emissions plan for Byron shire and has been invited to the United Nations conference in Paris. It must be acknowledged that when government provides the leadership and support communities can and will respond. Unfortunately, that leadership and support for action on climate change has been haphazard at all levels of government and, in many cases, actively undermined. That is why the targets and the ongoing planning provisions in this bill are so important.

For the most part, we have lost a generation of action on climate change. A clear and loud consensus on the threat of global warming emerged during the 1980s. In 1988, NASA scientist James Hansen testified on climate change before the United States Congress. The Toronto Conference on the Changing Atmosphere was the first major international forum to bring together scientists and politicians in an effort to address global warming. Developed nations called for a 20 per cent reduction of 1988 greenhouse gas emissions by 2005, and the first meeting on the Intergovernmental Panel on Climate Change was held.

In 1989 the New South Wales Premier, Nick Greiner, moved to adopt the Toronto target. His Government released a discussion paper on the New South Wales greenhouse strategy. Federally, a Senate inquiry reported that early action was essential. Prime Minister Bob Hawke said that there was considerable scope to immediately reduce emissions. What followed was a watering down of action and a failure to follow through on changes that we as a society had the capacity to make. I encourage those who want to know more about how this happened to read the recent book by Maria Taylor, based on her PhD, titled *Global warming and climate change: what Australia knew and buried*.

Maria Taylor's work shows how the message that we were capable of transforming our society and our industry was undermined by an ongoing effort to cloud the scientific debate and to create the belief that Australia could not move away from its reliance on burning and exporting fossil fuels. Twenty-five years later, and with the world still warming, we are faced with growing urgency for action. The longer governments delay the process, the greater the problem they are handing to future generations. There are clear and foreseeable risks. All governments have a duty of care to their citizens to act in addressing those risks. The time to act is now. As United States President Barack Obama stated last year:

We are the first generation to feel the impact of climate change and the last generation that can do something about it.

This year Pope Francis acknowledged the unprecedented threat posed by climate change and called for everyone to act on their responsibility as caretakers for the natural environment. His encyclical stated:

The climate is a common good belonging to all and meant for all ... Reducing greenhouse gases requires honesty, courage and responsibility.

We are capable of meeting the challenge, but climate change action on a global scale requires a foundation that will provide consistent, long-term action. That is what this bill provides. Clause 5 of the bill establishes a set of guiding principles that acknowledge the serious threat of climate change, the strong scientific evidence about climate change and the global objective to reduce greenhouse gas emissions in order to limit its effects. These principles include a statement that the government of the day must take urgent action and develop strategies, policies and programs to address climate change. The guiding principles are to be considered by the Minister in exercising functions under this legislation. Clause 6 provides that all other legislation in New South Wales is to be interpreted, to the extent that it can be, in accordance with the guiding principles.

The bill imposes a duty on the Premier to ensure that New South Wales achieves a target of net zero greenhouse gas emissions by 2040, with interim targets of 25 per cent less than 2000 levels by 2020, 40 to 50 per cent less by 2025 and 60 to 80 per cent less by 2030. These are strong and appropriate targets, consistent with ensuring that New South Wales makes a contribution to limiting the rise in global temperatures to no more than two degrees and to achieving the goal of limiting global warming to 1.5 degrees—a goal that our a neighbouring Pacific Island States and leading experts have strongly urged global leaders to pursue.

These targets guide our emissions reduction trajectory, but every government from this point forward must play its part. To ensure this happens, the bill provides that at four-year intervals the Minister is to prepare a greenhouse gas emissions plan that sets annual carbon budgets in line with the targets and sets out the strategies, policies and progress that the Government will implement to meet budgets. The Minister is also to prepare a climate change adaptation plan that presents an analysis of the likely impacts and vulnerabilities related to climate change across the State and identifies strategies, policies and programs to adapt to the impacts and prepare for emergencies caused by climate change.

The Minister is to make an annual report about the most recent measurements of greenhouse gas emissions and the State's progress in implementing the plans. If at any time the State fails to meet an annual carbon budget, the Minister must identify the reasons why the budget was not met, the action that is to be taken to ensure future budgets will be met and the action that will be taken to compensate for the excess emissions. Under part 5 of the bill, all public authorities, which includes every government department and each local council, must prepare a Climate Change Action Plan every four years that details what the authority will do to contribute to achieving the emissions targets and adapting to climate change. The bill also introduces a requirement that a public authority, in exercising its functions, must ensure that it does not decrease the State's ability to meet the targets and to adapt to the effects of climate change.

Importantly, the bill will provide for the bringing of court proceedings to remedy or restrain any decision or action that is in breach of these obligations. This mechanism will ensure that public authorities are addressing climate change in their decision-making and their activities in a way that is consistent with the relevant plans and guidelines. If a government develops solid plans to contribute to climate action and follows them, these safeguards will never be necessary. But these provisions will ensure that the public can hold any government accountable. The bill also provides a voluntary mechanism for any private entity to request to be subject to the same obligations as is a public authority. Any company or non-government organisation that wants to demonstrate leadership on climate change can notify the Minister that it would like to be subject to these same obligations to produce action plans and to ensure its decisions and actions do not detrimentally affect our capacity to meet the targets or adapt to climate change.

This provision will be a welcome opportunity for communities and consumers, who are increasingly insisting that the businesses they deal with display a genuine commitment to sustainability and social responsibility, as we have seen in the strength of the fossil fuel divestment movement. Finally, the bill establishes the NSW Climate Change Commission, an independent statutory body of five to nine members with expertise in climate change and its effects, which will advise the Minister as well as provide information to and consult with the public. The Minister must consult with the commission in developing the Government's climate change plans, and the commission will publish an annual report that details all advice given to the Minister. The commission may also make special climate change reports that will be tabled in Parliament, allowing the commission to provide independent analysis and commentary about any issues or actions affecting the State's performance in addressing climate change.

I note that this bill does not dictate what policies or mechanisms the government of the day should use to address climate change. It provides the flexibility for government to determine how it meets the targets and how it develops its action and adaptation plans. The Greens, of course, have our own vision and ideas about the appropriate policies to reduce emissions and to adapt to climate change. We have introduced other legislation that reflects some of these approaches. As two examples, last year Dr John Kaye introduced the Transforming NSW Energy Sector (Towards 100 percent Renewables) Bill 2014 and Mr Jeremy Buckingham introduced the Responsible Mining (Protecting Land, Water and Communities) Bill 2014. The Greens will continue to introduce bills in the future and will continue to campaign for the government of the day to adopt policies that are effective in addressing the challenge and to promote climate justice for all.

The current bill has a different intent. This bill provides the framework to ensure that the Government develops its own plans and that the community and business sectors are consulted and are made aware of those plans. If we are going to live up to our responsibility on climate change, we need to reach a fundamental agreement about the need for a plan of action. That is what this bill allows us to do. Some might be inclined to suggest that reducing greenhouse gas emissions is a responsibility of the Australian Government and that State targets would interfere with the efficiency of Federal climate action. But let us face the facts: this is too important for us to fail, and the Federal Government has us on a pathway to failure. Australia's post-2020 emissions targets are among the weakest put forward by developed countries and are insufficient to avoid catastrophic global warming.

Around the world sub-national governments are stepping up to make a significant contribution to addressing climate change. The Compact of States and Regions was established last September at the United Nations Climate Summit in New York and already consists of 20 State, Territory and provincial governments which represent more than 220 million people and \$US8.3 trillion in gross domestic product [GDP]. They include California, New York, Wales, Scotland and Rio de Janeiro. These member States make a public commitment on targets to reduce greenhouse gas emissions and publicly report a standard set of annual greenhouse gas inventory data to the international community. Both the Australian Capital Territory and South Australia have joined. If this bill is enacted, New South Wales could become a leading member of this compact.

In 1992, when I heard the warning of scientists, I could never have conceived that 23 years later I would be standing here in Parliament presenting legislation to address our duty of care to the citizens of the State. It is of further amazement to me that I would be quoting the Pope, but I have done so in recognition of the breadth of recognition and leadership we are seeing on climate change and in an attempt to shift the conversation to our responsibility to act. I respect and appreciate the different views of honourable members in this place. In

presenting this bill, I appeal to all members to seriously consider this proposal which would enable New South Wales to be in a position to report to the United Nations Conference on Climate Change in Paris that we, like many other sub-national governments, are taking responsible action—because we can and because it is the right thing to do as elected representatives.

This is a significant challenge and this bill sets us on a course for strong climate action. Climate change poses a foreseeable risk and we must act. This bill presents the opportunity for innovation; it presents the opportunity to ensure the health and wellbeing of the environment and the people and to prepare for an uncertain future. It presents the opportunity for us as elected members to show the courage that is needed and expected to meet the responsibility and challenge of climate change. I take this opportunity to thank my colleague David Mallard for his diligence and commitment to the preparation of this legislation. I commend the bill to the House.