

# CLIMATE CHANGE BILL 2016

*First Reading*

**Bill introduced on motion by Ms Jenny Leong, read a first time and printed.**

*Second Reading*

**Ms JENNY LEONG ( Newtown ) ( 10:44 ): I move:**

That this bill be now read a second time.

Climate change is real. It is happening, and it is clear that we need to step up our efforts massively not just in this place and in New South Wales but also across this country and around the globe if we are to prevent the most catastrophic impact of this reality on our planet, our lives, our people and our precious environment. But it is not all doom and gloom. The positive part of this reality is that people and communities in New South Wales, across this land and throughout the world are taking matters into their own hands. They are already acting to prevent dangerous climate change. They are calling on politicians and Parliaments also to act now. Once again, it is the people who are leading the way and it is politicians and governments that are scrambling to catch up or are still living in denial, with their heads buried in the sand.

The Greens have a long, strong and proud tradition of standing with communities in supporting grassroots movements and raising and representing their views in the Parliament. In fact, our first parliamentary leader, Bob Brown, was the person most known for this. It is the foundation of our party as well as the inspiration behind why so many of us are here, including me. Communities and people on the streets will lead the way: Parliaments must respond, react and follow. By introducing The Greens Climate Change Bill 2016 to the Legislative Assembly we are continuing that approach. We are seeking to bring to this place the chants of the hundreds of thousands of people who have marched on the streets in climate actions such as Walk Against Warming and other protests. We are seeking to bring the determination of those who have occupied the offices of corporate polluters and foyers of our national parliaments and who have locked on to machinery and infrastructure to prevent it from destroying our natural environment and adding to climate change.

We are also seeking to bring the strength of the networks, groups and organisations that make up the global environment movement in this country and around the world. By introducing this bill, we are saying that The Greens have heard their calls. We have seen their determined actions and their strength and courage. We have seen them put their bodies physically on the line to save our planet and get action on climate change. We introduce this bill in solidarity with them and the actions they take on the streets, in the offices of corporate polluters and at mines and other sites of environmental destruction where they lock on and engage in non-violent direct action to prevent further damage to our natural environment.

With this bill we want to ensure that our State has a coherent and all-encompassing framework to make sure that the New South Wales Government delivers an adequate and coordinated approach to climate change. Before I outline the detail of the bill, I acknowledge the work of my colleague in the other place Ms Jan Barham, who, along with her office, has done an incredible amount of behind-the-scenes work and community engagement to make this bill a reality. Ms Jan Barham is incredibly passionate about the protection of our planet and the wellbeing of the people who inhabit it. This legislation demonstrates her commitment to ensuring that we can all do something to take action on climate change because it is too great a problem to ignore. In the other place Ms Barham stated:

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.

That is why The Greens are bringing this bill to this place. I will now briefly outline what the bill will achieve. The bill contains a set of guiding principles, including a statement of scientific consensus regarding climate change and the international commitment to attempt to limit global warming by reducing greenhouse gas emissions, that assert the need for planning and action across all aspects of government to contribute to climate change adaptation and mitigation. The bill provides that all New South Wales legislation is to be interpreted in accordance with the guiding principles and the Minister is to have regard to the principles when exercising his or her functions under this legislation.

Climate change should not just sit within the Environment portfolio. The actions of this Government across a range of portfolios are contributing to dangerous climate change, and it is the responsibility of the portfolio Ministers and government departments to be ready to assist with mitigation and community support, recognising that disasters will occur as the impacts of climate change become a reality.

The bill sets a primary target of achieving net zero greenhouse gas emissions by 2040, with interim targets of 25 per cent below 2000 levels by 2020, 40 per cent to 50 per cent by 2025, and 60 per cent to 80 per cent by 2030. As governments around the world are starting to live up to the obligations agreed to at the United Nations Framework Convention on Climate Change in Paris—even big polluters such as China and the United States of America are moving to act—Australia continues to lag behind. All the major polluters are starting to move, yet Australia lags behind. It is clear that what gets measured, gets done. That is why we need to set targets and have reporting. The emissions targets in this bill are consistent with the recommendations of the Climate and Health Alliance and the World Wildlife Fund. They are similar to the Climate Institute's recommendations and in line with calls by international scientists and island states to maintain a realistic possibility of limiting global warming to 1.5 degrees Centigrade.

The targets will ensure that New South Wales commits to emissions reductions that reflect the scientific consensus requiring a rapid transition to a decarbonised economy and society. They will ensure that we deliver the leadership on climate change mitigation that is lacking at a national level. New South Wales has the opportunity to step up, and it is incumbent on us to do so because of the impacts that climate change will have on our environment and our community. The bill also includes a requirement that the designated Minister prepare two plans at four-year intervals—the NSW Greenhouse Gas Emissions Plan and the NSW Climate Change Adaption Plan. The NSW Greenhouse Gas Emissions Plan, which must first be prepared by June 2017, is to set a carbon budget for each year of the following four-year period and to identify strategic priorities and planned policies and programs to meet carbon budgets. The NSW Climate Change Adaption Plan, which must first be prepared by June 2018, is to assess the evidence about projected climate impacts and risks, and to identify strategic priorities and planned programs and policies for managing impacts, risks and vulnerabilities related to climate change.

The bill also requires all government departments, local councils and other public authorities to prepare a Climate Change Action Plan at four-year intervals, with the first plan due by the end of December 2018, to outline their planned contributions to climate change mitigation and adaption, and to achieving the priorities set out in the New South Wales plans. The bill also places obligations on public authorities for all functions to be exercised in a way that does not reduce the State's capacity to meet its emissions targets or to adapt to the likely impacts of climate change. Judicial review will be available so that legal action can be taken to remedy or restrain any actions or decisions that would decrease the State's ability to meet the emissions targets and adapt to climate change. Private entities committed to climate action can request to be bound voluntarily by the same obligations to produce action plans and be subject to legal review of actions. We know that what is measured, gets done. By setting targets, requiring reporting and putting in place checks and balances and obligations on public authorities, we will see integrated action by this Government.

The bill also includes the establishment of a NSW Climate Change Commission to provide independent advice and recommendations about climate change to the Minister, and to consult with and provide information to communities, local government, non-government organisations and businesses relating to action on climate change. The Minister is required to seek the commission's advice and have regard to it when exercising functions under the bill. The commission will also publish any advice and recommendations provided to the Minister and may publish special reports. The final element of the bill is a requirement for an annual climate change progress report by the Minister, to be made public and presented to Parliament. It would report on progress and actions in all aspects of the plans and functions provided under the Act, including an analysis of whether carbon budgets have been met. If a carbon budget is not met, the Minister must explain why not and set out a planned action to ensure that future budgets are met and to compensate for the excess emissions.

As I said earlier, governments around the world are stepping up to take this action, but not in Australia. Australian governments have fallen short consistently. While successive governments in New South Wales and nationally have pointed to specific initiatives and have introduced individual schemes and programs, none have successfully managed to make this a sustained, all-of-government integrated response to handling the biggest challenge that we face as a society. We need to introduce and support legislation in this State to address climate change through a whole-of-government approach. A number of nations, states and territories have enacted climate change legislation—for example, the United Kingdom Climate Change Act 2008. Key features of that Act include statutory long-term emissions targets, annual carbon budgets and an independent committee on climate change. Several pieces of climate change legislation have also been passed in Australia—South Australia's Climate Change and Greenhouse Emissions Reduction Act, the Australian Capital Territory's Climate Change and Greenhouse Gas Reduction Act, and the Victorian Climate Change Act. These Acts vary in terms of the targets they set and other features, but each includes some of the same framework established in this bill. The Victorian Act originally included an emissions reduction target but, unfortunately, it was amended and the target was removed. Another review is now underway.

In New South Wales successive governments have continued to be addicted to the polluting fossil fuel industries. The corrupting influence that those industries have had on politics in New South Wales—on the current and former Liberal-Nationals governments and former Labor governments—is well known. Earlier this year when The Greens member for Balmain, my colleague in this place, introduced the Mining and Petroleum Industry Political Donations Legislation Amendment (Corruption Risk Reduction) Bill 2015, which sought to reduce corruption in New South Wales by banning political donations from mining and petroleum companies, the Labor Opposition joined with the Government in opposing the bill. That bill attempted to stop the corrupting influence of the mining and petroleum industry on the decisions that are made in this place. As I said, the Labor Opposition joined with the Liberal-Nationals Government to vote against it, allowing it to take corrupting donations from the mining and petroleum industry.

At about midday today in the other place my Greens colleague Mr Jeremy Buckingham will introduce the Mining Amendment (Climate Protection—No New Coal Mines) Bill 2016. This demonstrates the concerted and committed effort of The Greens in all Australian Parliaments to make sure that we are responding to dangerous climate change. In New South Wales there is no coherent framework for ensuring that the Government delivers an adequate and coordinated response to climate change. In 2012, following the introduction of the Federal carbon price, the New South Wales Greenhouse Reduction Scheme was scrapped. I repeat: This should not just be left to the Minister for the Environment. I will give an example.

Recently a health and climate change forum was held in our nation's capital. The preliminary findings of a survey had shown that 98 per cent of health professionals agreed with the need for a national strategy on climate, health and wellbeing. Forty Australian leading health and medical experts came together to raise the deep concerns of the health sector that there was no national health plan to deal with the impacts of climate change. The impacts discussed were the risks of injury and illnesses associated with extreme weather events such as bushfires, storms, flooding, heatwaves, mental health impacts of disasters and their aftermath, increased spread of infectious

diseases and worsening of air quality. We know that there will be health impacts as a result of climate change and that our health sector will need to support the community as those impacts become real.

This is just one example of why we cannot allow climate change to continue to sit only within the Environment portfolio. Climate change should be responded to in the same way as other areas of government are—Health, Transport, Roads and Energy. The whole of government should be able to respond. That is why The Greens bill seeks to set a coherent framework across all areas of government. A coherent framework is particularly needed in Transport and Roads. The roads Minister is separate to the transport Minister, which means that we cannot have an integrated approach to dealing with the challenges of congestion in our cities and the challenges for people in our regional and rural communities being able to travel where they want to. The fact that we have a roads Minister who is intent on delivering roads and more roads while we have a transport Minister who is attempting to deliver transport projects demonstrates the need for a more coherent approach.

This bill will require current and future New South Wales governments across all departments, in coordination with local councils, to plan for and deliver effective action for climate change mitigation and adaptation to work towards ensuring human and ecological health and wellbeing, while recognising the need to plan for climate impacts on all people, particularly on the vulnerable and disadvantaged. It is also crucial when we see the kinds of attacks being made on native vegetation with land clearing, and on our wildlife and our marine life. The Greens are committed to working on this bigger issue, which is a whole-of-government issue. It is something my colleagues in the other place have continued to push for and it is something that we will continue to work for in a coordinated effort across this Parliament and with the community. I acknowledge Phil Bradley, a member of The Greens Climate Change Working Group, who has joined us today in the Chamber to hear the introduction of this bill.

It is crucial that there is an integrated response across the whole of government, as we have seen following calls from the health sector, as we have seen from communities standing up to protect their land and their water in the agricultural sector, and as we have seen from the innovative and creative renewable energy sector that has stepped up. One recent initiative in the electorate of Newtown is the creation of solar-powered beer in a partnership between Pingala and Young Henrys Brewery. I declare that I am an investor in this initiative. It would be wonderful if more people in this place declared an interest in the renewable energy sector as opposed to declaring an interest via donations from mining and petroleum companies, which, unfortunately, is what we see on the register of most members in this place. I am proud to be an investor in solar-powered beer, an initiative that uses solar energy from the rooftop of Young Henrys Brewery to create renewable energy and allows community control and community investment in solar.

**Mr Jai Rowell:** What's the beer called?

**Ms JENNY LEONG:** I have mentioned it already; the member can go back to look at it. I am not going to do an advertisement. The New South Wales Government has the potential to respond to climate change, but members are struggling against themselves. On one hand we hear those on the other side encouraging the idea of investment in the renewable energy sector, but on the other hand we see a resistance to set any measurable targets. I say once again that if the Government will not set targets, if the Government will not make itself accountable and if the Government does not put obligations on all areas of government to meet those targets, we will not see the action that is needed to address dangerous climate change. It is crucial that New South Wales government departments, agencies and local councils that engage in a range of activities develop climate action plans.

**The ASSISTANT SPEAKER:** Order! In accordance with sessional orders debate is interrupted for the consideration of General Business Orders of the Day (for Bills). I set down the resumption of the debate as an order of the day for a future day.

**Debate resumed from 20 October.**

**Ms JENNY LEONG ( Newtown ) ( 10:42 ):** I continue my second reading speech on the Climate Change Bill 2016 on behalf of the Greens. To reiterate, the aim of this bill is to set targets to reduce greenhouse gas emissions; to facilitate the Government's development of strategies, policies and programs to meet those targets and to adapt to the effects of climate change; to promote transparency and accountability by facilitating the provision of accessible information about the effects of climate change on people, communities and ecosystems across the State; and to encourage the local government sector, the private business sector and the wider community to take action to address climate change.

Since the discussion started on climate change and the need for a climate change bill in this place, the New South Wales Government introduced a plan which was reported as setting a net zero carbon emissions goal by 2050 as Australian pollution climbs. The Greens welcomed the Baird Government's announcement that they would set a net zero emissions target by 2050 and allocate money to encourage energy efficiency and renewable energy. This announcement shows that the Government has been listening to the calls by The Greens and by many groups and organisations across this State, across this country—in fact, across the planet—who have been calling for governments to take action in relation to zero emissions. But it is clear that much more needs to be done.

In fact, a report on the New South Wales Government plan that was announced on 3 November made the comment:

There are no interim targets, such as 2030, at this point. Nor are there guarantees that policies promoting increased emissions, such as new coal mines or increased land clearing, will be blocked.

It is important to note that this announcement by the New South Wales Government, which looked as if the Government was attempting to address the serious impact of climate change on our communities and our planet, lacked any commitment to shedding the dinosaur attitudes towards energy and climate that we have seen for too long in New South Wales.

A zero net emissions target will not be reached unless we deal with coal. Banning new coalmines is an essential step if we are to truly reach that goal. We need a State-based renewable energy target, and to formulate a concrete transition strategy away from the fossil fuel industry and into renewable energy. If we do not have targets and if these things are not measured they will not get done. That is a simple mantra that is repeated time and time again, because we know that it is essential if we are going to see any action to address dangerous climate change.

In this place, both sides—the Liberal-Nationals Government and the Labor Opposition—have refused to oppose the introduction of new coalmines. The Government's New South Wales Climate Change Policy Framework does not go anywhere near far enough towards ensuring the action that is needed. We need to see a respect for a whole-of-government approach to dealing with the issue of climate change. The Climate Change Policy Framework has been introduced in the shadow of the land clearing laws being introduced by the Minister for the Environment. These laws will see millions of tonnes of greenhouse gases emitted. There is a climate change catastrophe waiting to happen and this will propel climate change even more.

When the Queensland Government had the same open-slather approach to land clearing not that long ago it resulted in the clearing of land the size of the Australian Capital Territory as well as the release of 35 million tonnes of carbon dioxide. This cancelled out 80 per cent of the abatements purchased by the Federal Government. I note that the Premier is in the Chamber. This Government is happy to talk the talk on climate change but until targets are set and are measured, and until people, governments and the sectors are required to report on them we will not see the action needed.

This Government is happy to talk the talk on climate change—to talk about renewables and zero emissions—provided they are not held to account on it. Although there are calls for people to be held to account and calls for targets to be set that has not occurred. If this Government really cares

about climate change they need to drop the proposed land clearing laws. Instead, they would be setting strict renewable energy targets and looking at what all government sectors need to achieve in relation to climate change policy.

In conclusion, I recognise the incredible work that has been done by a number of organisations and groups that have been campaigning to ensure that members of this House do not forget the importance of climate change. This week Naomi Klein is visiting Sydney to receive the Sydney Peace Prize, which is yet another reason to remember that the push to ensure that our governments respond to the urgent need to address climate change is not one that is supported only by members of Parliament and by The Greens who stand with those communities but by a significant number of organisations. I recognise the support and the work done on this bill by Environmental Justice Australia, which worked on a proposal for a Victorian climate charter. The bill draws on their work. I also recognise the Environmental Defenders Office in New South Wales, which has contributed important advocacy for legal frameworks on climate change.

I also acknowledge a number of other groups that have campaigned consistently and assisted with support: the Climate Council; Solar Citizens; the Australian Youth Climate Coalition; Climate Action Network Australia; the Climate Institute; the Australia Conservation Foundation; the Climate and Health Alliance; the Centre for Australian Weather and Climate Research [CAWCR]; 350.org; the World Wildlife Fund—Australia; Greenpeace; GetUp; Planet Ark; Clean Energy for Eternity [CEFE]; Farmers for Climate Action; one of everyone's favourite organisations, the Knitting Nannas; the Nature Conservation Council New South Wales; Lock the Gate; the Grassroots Community Climate Network; the Wilderness Society; the Sunrise Project; Doctors for the Environment; the Sutherland Environment Centre; Stop CSG groups across the State and throughout our country; Psychologists for a Safe Climate; Front Line Action Against Coal. I also recognise two local initiatives in the Newtown electorate, the Climate Action Newtown group and the Green Living Centre. As the late John Kaye, MLC, said as the slogan in his 100 per cent renewables campaign, "This is possible, affordable and essential." I commend the bill to the House.

**Debate adjourned.**