



New South Wales

Climate Change Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to set targets to reduce greenhouse gas emissions,
- (b) to facilitate the Government's development of strategies, policies and programs to meet those targets and to adapt to the effects of climate change,
- (c) 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,
- (d) to encourage the local government sector, the private business sector and the wider community to take action to address climate change.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act 3 months after the date of assent to the proposed Act, unless commenced sooner by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Objects and principles

Clause 4 specifies the objects of the proposed Act.

Clause 5 sets out the guiding principles relating to climate change for the purposes of the proposed Act.

Clause 6 provides that State legislation is to be interpreted in accordance with the guiding principles under the proposed Act.

Part 3 Targets

Clause 7 sets out the greenhouse gas emissions target for the State (the *NSW target*).

Clause 8 sets out the interim greenhouse gas emissions targets for the State (the *interim targets*).

Part 4 Functions of Minister

Clause 9 specifies the functions of the Minister under the proposed Act, which include developing strategies, policies and programs to ensure that the State meets the NSW target and the interim targets.

Clause 10 requires the Minister to prepare a Greenhouse Gas Emissions Plan every 4 years, which is to include a carbon budget that sets the maximum annual amount of net greenhouse gas emissions for the State during the relevant period.

Clause 11 requires the Minister to prepare a Climate Change Adaptation Plan every 4 years, which is to include a summary of the Government's policies and programs to manage the effects of climate change in the State.

Clause 12 enables the Minister to issue guidelines to public authorities.

Clause 13 requires the Minister to ensure that no more than 20% of the reduction in greenhouse gas emissions required to meet any annual carbon budget is achieved through tradeable greenhouse gas emissions schemes.

Clause 14 provides for the method for the measurement and reporting of greenhouse gas emissions.

Clause 15 requires the Minister to prepare an annual Climate Change Progress Report.

Part 5 Functions of public authorities

Clause 16 requires a public authority to prepare a Climate Change Action Plan every 4 years, which is to include an analysis of the public authority's strategies to contribute to the implementation of the Greenhouse Gas Emissions Plan and the Climate Change Adaptation Plan.

Clause 17 requires the public authority to report annually to the Minister on the implementation of its Climate Change Action Plan.

Clause 18 imposes a duty on the public authority to ensure that in exercising its functions it does not decrease the State's ability to meet its targets in reducing greenhouse gas emissions or to adapt to the impacts of climate change.

Part 6 NSW Climate Change Commission

Clause 19 establishes the NSW Climate Change Commission.

Clause 20 provides for the membership of the Commission.

Clause 21 specifies the functions of the Commission under the proposed Act, which include advising the Minister on matters relating to climate change and making recommendations regarding the State's progress in addressing climate change.

Clause 22 enables the Commission to periodically prepare a report relating to climate change.

Clause 23 requires the Commission to prepare an annual report, which is to include any advice given or recommendations made to the Minister.

Part 7 Miscellaneous

Clause 24 provides that the proposed Act binds the Crown.

Clause 25 provides protection from personal liability for the Minister, a member of the Commission and certain others in relation to any matter or thing done or omitted in good faith for the purposes of executing the proposed Act.

Clause 26 provides for remedies or restraints of breaches of the proposed Act.

Clause 27 enables the Governor to make regulations for the purpose of the proposed Act.

Clause 28 provides for the review of the proposed Act in 6 years, and at 8-year intervals for subsequent reviews.

Schedule 1 Provisions relating to membership and procedure of NSW Climate Change Commission

Schedule 1 contains provisions relating to the membership and procedure of the NSW Climate Change Commission, including the appointment of a Chair and Deputy Chair, terms of office, remuneration, vacancy of office and procedural matters.

Schedule 2 Savings, transitional and other provisions

Schedule 2 provides for savings, transitional and other provisions to be made consequent on the enactment of the proposed Act.