

INQUIRY INTO CLIMATE CHANGE (NET ZERO FUTURE) BILL 2023

Organisation: Nature Conservation Council of Australia, WWF Australia and
Australian Conservation Foundation

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25th of October, 2023

Portfolio Committee No. 7
NSW Parliament House

Email: portfoliocommittee7@parliament.nsw.gov.au

Dear Committee,

Climate Change (Net Zero Future) Bill 2023

The Nature Conservation Council of New South Wales (NCC) is the state's peak environment organisation. We represent over 180 environment groups across NSW. Together we are dedicated to protecting and conserving the wildlife, landscapes and natural resources of NSW.

WWF-Australia is part of the WWF International Network, the world's largest independent conservation organisation. WWF's global mission is to stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature. WWF works in more than 100 countries and has around five million supporters worldwide.

ACF is Australia's national environment organisation. ACF is over 700,000 people who speak out for the air we breathe, the water we drink, and the places and wildlife we love. ACF is proudly independent, non-partisan and funded by donations from our community.

Nature Conservation Council, [Australian Conservation Foundation, and WWF Australia support this Bill, and propose several amendments to strengthen the Bill and ensure it is effective in achieving its purpose.

We welcome the opportunity to provide feedback to the draft Climate Change (Net Zero Future) Bill 2023.

Climate change will have profoundly negative impacts on nature in NSW unless every jurisdiction globally, including NSW, urgently reduces greenhouse gas emissions.

Climate change threatens species and ecosystems by changing the fundamental conditions required for survival.



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Increasing temperatures, declining rainfall and changed rainfall patterns, rising sea levels, and more intense wildfires are happening across the state, pushing species to the edge.

All plants and animals have a limited tolerance for heat, cold, fire, and salinity, and all animals need certain food sources at precise times of the year.

When these conditions change, species must move or face extinction. Some species, however, cannot move fast enough, while the critical conditions some need will simply cease to exist.

This Bill sets an important legislative framework to set NSW on a path to do its fair share towards mitigating while at the same time supporting people and our nature ecosystems to adapt to the worsening effects of the changing climate. By aligning to the Paris Agreement commitments to keep warming temperatures to 1.5 °C, we have a significant job ahead of us to ensure this happens. We urge the government to be bold and ambitious in ensuring this legislative framework, the Net-Zero Commission (the Commission) and subsequent policies are guided by the best available science and responsive to the escalating climate risks and stressors we face.

Comments and recommendations

1. Strengthen targets to meet the purpose of the Bill.

While we support the intent of this Bill to legislate targets, we do not believe that the current proposal aligns with the latest science and therefore the targets proposed are not science-based targets.

Other jurisdictions like Victoria already have stronger targets (75-80% reduction by 2035 and net zero by 2045).

An updated assessment of Australia's emissions reduction targets by Climate Resource in June this year found that Australia must reduce emissions by 90% by 2035 and reach net-zero by 2038 to meet a 1.5 degree aligned carbon budget with a generous share of global emissions¹. A fairer share of global emissions would require even faster action. While we recognise that these targets might be seen as a floor rather than a ceiling, it is imperative that there is further ambition and higher targets are proposed. There is a global race to demonstrate commitments to decarbonise cities, towns, industries, and agriculture, and there are tremendous job and industry opportunities that will open up to NSW if it takes a leadership position. A more

¹ https://assets.wwf.org.au/image/upload/f_pdf/Climate-Resource-Updated_assessment_of_Australia_s_emission_reduction_targets_and_1.5C_pathways



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ambitious target will also support NSW's precious biodiversity which is known from the State of the Environment report to be under threat from the changing climate.

Recommendation 1: The targets in the Bill should be strengthened, ideally to achieve net zero emissions by 2035 to 2038 and achieve 75% reduction by 2030.

2. Retain the existing 70% by 2035 target

If the Parliament won't adopt the science aligned targets above, then at least the NSW Government's existing 2035 target of a 70% emissions reduction should not be abolished by the bill. There is already cross-party support in the NSW parliament for a 2035 emissions reduction target at least this strong, and abolishing it is undesirable. If left in place until it can be reviewed by the Commission, this target guarantees earlier emissions reductions towards net zero than having no 2035 target. This is extremely important if we are to limit cumulative emissions over the period 2023-2050.

The 2035 target is already included in NSW Government laws, plans and policies, including the net-zero emissions dashboard², the Energy and Utilities Administration Regulation 2021, and the EPA Climate Change Action Plan.

The relative ambition of the 50% by 2030, 70% by 2035, and net zero by 2050 targets is shown in figure 1. The emissions reduction rate required to meet the 50% by 2030 target is 5.2 million tonnes CO₂e per year every year this decade. The 70% by 2035 target would maintain this rate, with a slight increase. On the other hand, the net zero by 2050 target represents a substantial decrease in the rate of emission reduction to only 4 million tonnes per year.

² <https://www.seed.nsw.gov.au/net-zero-emissions-dashboard>



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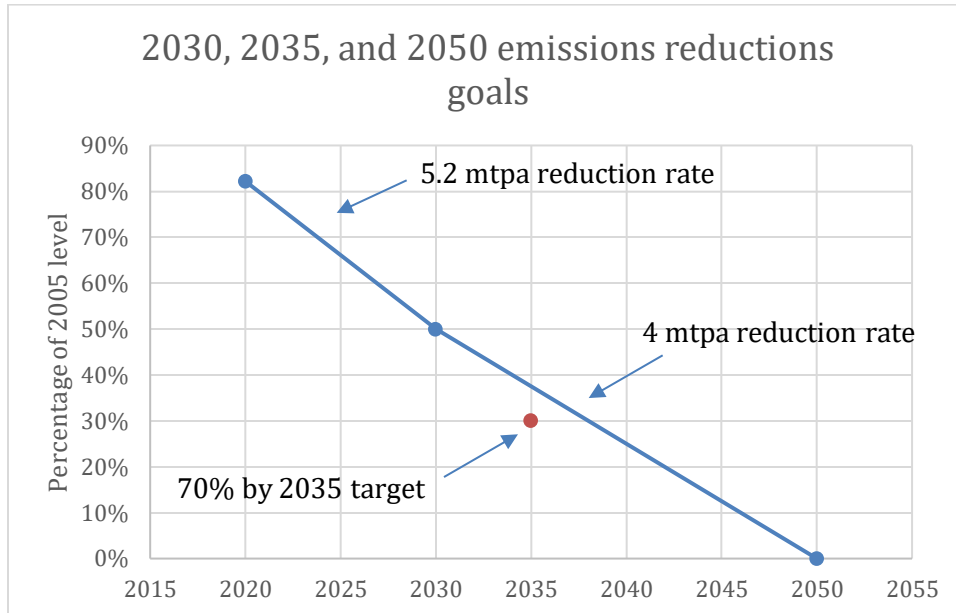


Figure 1: Retaining the 70% by 2035 emissions reduction target would maintain the current rate of climate action.

Recommendation 2: If science-aligned targets in (1) are not adopted, at least include the existing 70% by 2035 interim target.

3. Add a mechanism to review and ratchet targets.

Under the Paris agreement, emissions goals are set with the acknowledgment that these will need to be ratcheted up over time to close the “ambition gap” between existing commitments and science-based targets. Similarly, the Commission can play an important role in achieving ratcheting ambition at the NSW level. We recommend adding a mechanism to review and ratchet the 2030 and 2050 emissions targets, as well as a schedule for setting and reviewing interim targets. The 2030 and 2050 targets should be reviewed as soon as the commission is established to provide advice to the Parliament on how closely these targets align with the purpose of the Bill. For an example in other jurisdictions, the Victorian Climate Change Act requires the Government to set targets for each five-year period, and a similar approach could be taken in NSW (see [Victorian Climate Act 2017](#))



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Recommendation 3: Include a review and ratchet mechanism for the 2030 and 2050 emissions targets, review these targets upon establishment of the Commission, and set a schedule for setting and reviewing interim targets.

4. Require the Premier and Climate Change Minister to ensure targets are met

Since action on climate change will require a whole-of-government approach, it is important that the highest offices are explicitly responsible for setting a policy framework that achieves climate targets.

Recommendation 4: Amend the Bill to include: “The Premier and the Minister must ensure that the State achieves the emissions reduction targets.”

5. Ensure carbon budgets are based on science

The carbon budgets established under section 14 (2)(e) of the Bill need to be based on science and a fair contribution to the Paris agreement goal of limiting warming to 1.5 degrees, not just the commonwealth carbon budget. This is because the commonwealth carbon budget may be overly generous, or opportunities may arise in NSW to achieve budgets that are more closely aligned with climate science than those adopted by the federal government.

Recommendation 5: Amend section 14(2)(e) to set carbon budgets according to best available science and a fair contribution to the Paris agreement goal of limiting warming to 1.5 degrees

6. Acknowledge the link between biodiversity protection and climate change

It is fundamental that the proposed legislation recognises the critical role that nature plays in both adaption and mitigation. The National Inventory Report 2020 for NSW³ found that land clearing in NSW (including native forest logging and poor agricultural practices) are making a significant ongoing contribution to NSW’s greenhouse emissions. In 2020 land clearing resulted in approx. 6.3% of NSW total emissions. Native forest logging in the state has been estimated to release 3.6 million tonnes of carbon annually.⁴ NSW was ranked last of nine federal, state and

³ <https://www.dcceew.gov.au/climate-change/publications/national-inventory-report-2020>

⁴ <https://www.thetreeprojects.com/forestcarbon>



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territory governments in the WWF Trees Scorecard 2023 due to weak and permissive laws regarding land clearing and native forest logging.⁵ Further, NSW lacks an ambitious whole-of-government restoration plan and target that coordinates and galvanises revegetation efforts across agencies, farmers, landcare networks, First Nations, conservation organisations and carbon markets.

More can be done to encourage better practices. Furthermore, NSW could be a global leader in adopting a policy framework around Nature-based Solutions (NbS) to support the sustainable management and restoration of both natural and modified ecosystems, benefiting biodiversity and human wellbeing. Carefully managed or restored mangroves, for example, mitigate climate change through carbon sequestration while also reducing the severity of storms and tidal surges for coastal communities and infrastructure. Healthy mangroves also provide spawning grounds for fish and crustaceans that are the foundation for food security and economic activity for many communities across the region.

Additionally, the IPCC 6th assessment report found protection and restoration of biodiverse ecosystems is essential to maintain the resilience of carbon stores as climate threats increase.⁶

Recommendation 6: Amend section 8 of the Bill to include as a guiding principle “that action to address climate change should be taken in a way that protects and restores ecosystems and supports biodiversity”.

7. Embed climate action into other laws

The bill would be significantly improved by a series of consequential amendments to ensure the guiding principles, targets and objectives are embedded in related legislation. The bill should make necessary consequential amendments to ensure the key elements (principles, targets, objectives) are considered in government decision-making. To illustrate, the bill’s principles, targets and objectives should be mandatory considerations in planning assessments under the Environmental Planning and Assessment Act 1979, and forestry operations under the Forestry Act 2012. One potential model is the Victorian Climate Change Act (Part 3) which embeds climate considerations into seven other acts.

⁵ <https://wwf.org.au/get-involved/we-all-need-trees/the-trees-scorecard/>

⁶ IPCC 6th Assessment Report Working Group II [Summary for Policymakers](#) (2022), found: “building the resilience of biodiversity and supporting ecosystem integrity can maintain benefits for people, including livelihoods, human health and well-being and the provision of food, fibre and water, as well as contribute to disaster risk reduction and climate change adaptation and mitigation” and “protecting and restoring ecosystems is essential for maintaining and enhancing the resilience of the biosphere”



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Recommendation 7: Make necessary consequential amendments to related legislation to ensure the key elements of the Climate Act (principles, targets, objectives, purpose) are considered in government decision-making.

8. Expand the role of the Commission to have real-world impact

The functions of the Net Zero Commission should be amended so the Commission is required to provide advice on all new emissions-intensive developments such as fossil fuel projects. The Bill as currently drafted has little to no impact on proposed coal mines and expansions in NSW which are responsible for a growing share of NSW's emissions. A moratorium on proposed fossil fuel expansions should be in place until the commission is established.

Additionally, the functions of the Commission should be amended to require it to audit government agencies and departments to identify opportunities to reduce emissions. For example, by requiring the Forestry Corporation of NSW to cease native forest logging and instead shift to sustainable plantation-based operations or recommending the Department of Education accelerate the Smart Energy Schools program to install solar panels on all NSW public schools.

The strength of the Commission could be substantially increased by changing the word "may" in 14(2) to "shall".

Recommendation 8: Require the Commission to provide advice on the above projects, agencies and departments.

Thank you for the opportunity to participate in the consultation.

Your key contact point for further questions and correspondence is Dr Brad Smith, Policy and Advocacy Director, available via brad.smith@ncc.org.au We welcome further conversation on this matter.

Yours sincerely,

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