

Submission
No 52

INQUIRY INTO CLIMATE CHANGE (NET ZERO FUTURE) BILL 2023

Organisation: Law Society of New South Wales

Date Received: 26 October 2023



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CCWG:CBib261023

26 October 2023

The Chair
Portfolio Committee No 7 - Planning and Environment
Parliament House
Macquarie Street
Sydney NSW 2000

Via submission portal

Dear Ms Higginson,

Inquiry into the Climate Change (Net Zero Futures) Bill 2023

The Law Society appreciates the opportunity to respond to the Inquiry into the Climate Change (Net Zero Futures) Bill 2023 (Bill). The Law Society's Climate Change Working Group contributed to this submission.

General

We welcome the introduction of the Bill and the setting of targets for 2030 and 2050 for the reduction of greenhouse gas emissions in New South Wales. We also welcome and support the inclusion of an adaptation objective for New South Wales to be more resilient to a changing climate.

We consider that the Guiding Principles provide a sound basis for informing decision making, but suggest there may be other principles to include which speak to alignment with achieving nature repair and taking mitigation and adaptation actions that deliver environmental and social benefits.

Targets

We note the desirability of rolling interim targets to be updated, having regard to international and national expectations and NSW specific circumstances. We agree that it is not appropriate for specific interim targets to be set by regulation, as prohibited by s. 9(3) of the Bill, but suggest an alternative process may be for the Government to review information from the Net Zero Commission, and gazette interim targets (in a similar way to what is proposed in Western Australia).¹

¹ See Western Australian Government, Department of Water and Environmental Regulation, *Climate Change Bill Explanatory Paper*, 11-12. https://www.wa.gov.au/system/files/2023-09/climate-change-bill-explanatory-paper_0.pdf

Net Zero Commission

We welcome the proposal to establish a Net Zero Commission to independently review and monitor progress on the targets and to identify and recommend action to address climate change.

We generally support the functions of the Commission and note the potential for it to advise on updated targets. We also note that the Commission can request information from government agencies. We suggest a more comprehensive framework would include reporting obligations for government agencies to demonstrate to the Commission how they are implementing the Guiding Principles, undertaking climate change risk assessment and developing their own emission reductions targets, strategies and transition plans.

Lack of detail on implementation

We also consider that some provisions require further elaboration in the Bill. We highlight, in particular, the lack of detail to describe what implementing the Principle in proposed section 8(9) means in practice:

- (9) The Government of New South Wales is responsible for—
 - (a) urgently developing and implementing strategies, policies and programs to address climate change, and
 - (b) ensuring the Government of New South Wales pursues best practice in addressing climate change.

At present, the Bill does not impose specific obligations on government agencies and would be improved if it was clear that every government agency had to have regard to the Guiding Principles in making decisions or exercising powers and functions (not dissimilar to how this expressed in the Victorian legislation)².

Any questions in relation to this submission can be directed to Liza Booth, Head of Commercial and Advisory Law Reform on

Yours sincerely,

Cassandra Banks
President

² [Climate Change Act 2017 \(Victoria\)](#) ss 17-19.