

Submission
No 75

INQUIRY INTO CLIMATE CHANGE (NET ZERO FUTURE) BILL 2023

Organisation: Humane Society International Australia

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Climate Change (Net Zero Future) Bill 2023 25 October 2023

About HSI Australia

Humane Society International (HSI) is the world's largest animal protection organisation and HSI Australia established our office in 1994. We work to create a humane and sustainable world for animals advocating across wildlife conservation and animal welfare policy areas.

Our vision is for a world where people treat animals and nature with respect and compassion.

Submitted to:

Portfolio Committee No. 7 - Planning and Environment

Parliament of NSW

Via online questionnaire

For further information on this submission, please contact:

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Nature Campaigner



Summary

HSI Australia strongly supports initiatives to reduce carbon emissions and achieve a safe climate. The *Climate Change (Net Zero Future) Bill 2023* (Bill) provides an important legislative foundation for these efforts but the Parliament should take the opportunity to strengthen the outcomes that can be achieved through the Bill as outlined in this submission.

Objects

A significant gap in the Objects of the Bill is adequate recognition of the relationship between activities in New South Wales (NSW) and the goals of the 2015 Paris Agreement, namely to hold the increase in the global average temperature to well below 2°C above pre-industrial levels, and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels. While Objects designed to set targets for the reduction in net greenhouse gas emissions in New South Wales by 2030 and 2050 are important and welcome, this narrow focus does not recognise the need for an absolute reduction in emissions or the fact that activities that occur in NSW, such as the continued approval of new coal mines, significantly undermines global efforts to limit temperature increases.

Recommendation: The Bill should set targets for absolute reductions in greenhouse gas emissions, as well as reductions in net greenhouse gas emissions.

Recommendation: An additional objective that recognises the need to reduce all emissions as a consequence of NSW based activities (whether those emissions are produced in NSW or not) should be included in the Act.

Definitions

We recommend some caution in relation to the definition of climate change as currently expressed. We understand that the intention of the definition is to recognise that there is natural variability in climate and that this Bill is seeking to address climate changes that are a consequence of human activity. However, the language of “in addition to natural climate variability” may not adequately capture changes that occur within historical variability but can still have a significant impact on the environment. To use a simplistic example, natural variability of temperature may be 10-40°C. An environment that averages 23°C with occasional days of 10°C or 40°C degrees is very different to an environment that averages 35°C with occasional days of 10°C or 40°C, but could still be considered with the range of natural variability.

Recommendation: A better approach to the definition of climate change would be to maintain the focus of the definition on human induced changes.

Principles

HSI Australia supports the principles expressed in the Bill and suggests an additional principle that recognises the impacts of climate on nature in its own right and not as a function of the rights of the people of NSW or ecologically sustainable development.

Recommendation: An additional guiding principle should reflect the following intent:

Action to address climate change to reduce the risk of environmental changes as a consequence of climate change, including catastrophic events, which impact on the environment, species and ecological communities of NSW, while also contributing to the resilience and adaptation of biodiversity and functioning ecosystems in the face of climate impacts.

Emissions Targets

HSI Australia strongly welcomes the proposal to include greenhouse gas emissions reduction targets in legislation. Unfortunately, the targets proposed are not consistent with current scientific knowledge and are not expressed in a way that will ensure that emissions will be reduced in line with the Paris Agreement targets.

We have two primary recommendations – the first is that the targets should be aligned with current available science (i.e. achieving net zero by 2035) and the second is that those targets must recognise that achieving net zero is insufficient on its own. Net zero must also be achieved within a carbon budget that will deliver the goals of the Paris Agreement. NSW's emissions should not exceed our fair share of that budget. This requirement should not be limited to the Commission giving advice about emissions budget but be formally embedded in the target setting. Achieving net zero while failing to hold with a carbon budget that limits warming to 1.5°C above pre-industrial levels will not deliver a safe climate.

If best available science net zero targets are not adopted in the Act, then the existing NSW Government commitment to a 70% emissions reduction by 2035 should be restated as a policy position.

The Bill should also include a mechanism to review and strengthen the 2030 and 2050 emissions targets, as well as a schedule for setting interim targets. This mechanism should be supported by a non-regression clause to ensure that future governments can not weaken legislative targets. The 2030 and 2050 targets should be reviewed as soon as the Net Zero Commission is established, and there should be a schedule to ensure these reviews are done regularly.

Recommendation: Ensure that legislated net zero targets are consistent with the best available science (including appropriate consideration of the available carbon budget for limiting warming to 1.5°C above pre-industrial levels) and that there is a formal review mechanism to ensure that the Act remains consistent with best available science.

Net Zero Commission

To support better consideration of the impacts of climate change on nature, an additional skill, qualification or experience for Commissioners should be added, namely the impacts of climate change on the natural environment.

The functions of the Committee in relation to their ability to provide advice on emissions budgets for NSW, should not be constrained by having regard to Commonwealth emissions budgets and nationally determined contributions as currently expressed, although we acknowledge that this might be a relevant consideration.

We welcome clause (7) that “This Act prevails to the extent of an inconsistency with another Act or law” however we recommend this is made stronger by using the Bill to embed action to address climate change as a core feature of all government decision making. This should include requirements that climate impacts and emissions targets are considered in all government policy and decisions.

This would be supported by allowing the functions of the Net Zero Commission to be expanded so the Commission is required to provide advice on other government decision making, including all new emissions intensive developments such as fossil fuel projects and forestry activities and whether such activities are consistent with achieving net zero for NSW.

Recommendation: Add skills, qualifications or experiences in relation to the impacts of climate change on the natural environment as a relevant consideration in the appointment of Commissioners.

Recommendation: Expand the functions of the Net Zero Committee to remove constraints on the context in which they can provide advice on emissions budget.

Recommendation: Use the Act to require that climate impacts are considered in all government policy and decisions, and expand the functions of the Committee to allow it to provide advice in relation any government decision related to activities that will influence the ability for NSW to achieve its net zero targets.