

Climate Emergency Australia submission to Climate Change (National Framework for Adaptation and Mitigation) Bill 2020

House of Representatives Standing Committee on the Environment and Energy

Summary

Climate Emergency Australia (CEA) is a network representing the 96 local governments in Australia that have declared a climate emergency.

As a signatory to the Paris Agreement, Australia must act to limit global warming to 1.5°C above pre-industrial levels. A climate emergency perspective notes that such ambition locks in already dangerous levels of climate change, resulting in ongoing impacts of the type and scale seen during the 2019-20 bushfire season. Our response requires deep, immediate cuts in greenhouse gas emissions and a rapid transition away from fossil fuels.

There are opportunities in rapidly transitioning to a zero-carbon economy. Australian and world leaders continue to call for and driving a green-led recovery from the disruption of COVID-19. Now is the time for Australia to take its place as a leader in this global transformation.

A Federal legislative framework that drives action will help ensure the devastating effects of climate breakdown we are already witnessing will not escalate, and that we provide protection for our most vulnerable.

A Federal legislative framework will also secure our economic resilience and ensure Australia transitions to a renewable energy superpower, leveraging our abundant renewable resources, industry and skilled workers.

The Climate Change (National Framework for Adaptation and Mitigation) Bill 2020 proposed by Independent MP Zali Steggall offers a way forward. It is non-partisan and will complement and accelerate actions already taken by Federal, State and Territory, and Local Governments.

Our primary concerns with the draft legislation are:

- it potentially locks in targets that will be quickly superseded by emerging scientific evidence; and
- it relies heavily on the Minister of the day acting in good faith to enact the recommendations of the Climate Change Commission.

Our feedback is offered in a spirit of seeking stronger outcomes that will deliver the objectives the Bill seeks to attain.

A Climate Emergency

While the need for urgency in responding to climate change has long been a mainstay of those advocating for action to reduce greenhouse gas emissions, the climate emergency movement seeks to accelerate and broaden the scope of societal responses. Local governments declaring a climate emergency are accelerating their own level of response to climate change as well as encouraging others, in particular other levels of government, to do likewise.

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The City of Darebin became the first local government in the world to recognise a climate emergency in December 2016. Since then, more than a thousand jurisdictions globally have also declared an emergency, including an additional 95 in Australia.

In February 2020, local governments gathered at the Climate Emergency Summit and pledged to form a national network to represent their interests and support the local government sector to act more vigorously to reduce emissions and provide maximum protection for the communities it serves. From that, Climate Emergency Australia has been formed.

Based at the City of Melbourne and governed by a national strategic advisory group, Climate Emergency Australia advocates on behalf of climate emergency councils and supports its members in their ongoing battle against climate change (both in terms of reducing emissions and responding to the impacts).

A Need for Action

Climate change presents a multitude of challenges including significant financial, infrastructure and reputational risks to local governments and the socio-economic wellbeing of their communities. Climate change poses risks for every part of council business and is already impacting local governments and their communities across the country, whether through dealing with the immediate impacts of bushfires and recovery, protecting citizens from increasing incidences of heatwaves, supporting communities suffering through prolonged droughts or managing impacts on infrastructure from rising sea levels and coastal inundation. These impacts are at risk of overwhelming the ability of Australian local governments to effectively respond in the future to increasingly dangerous bushfires, prolonged droughts and potentially catastrophic coastal events.

For local government to be confident in its ability to reduce emissions and manage the worst impacts of climate change, it requires a Federal legislative framework capable of meeting the challenge of a climate emergency. Globally, we are currently tracking at the 'worse case' emissions and temperature rise scenario (RCP 8.5), resulting in increasingly dangerous climate change impacts. The Commonwealth Government's emissions reduction targets and actions are inadequate to meet Australia's obligations under the Paris Agreement to keep global warming below 2 degrees, let alone aim for below 1.5 degrees. (The Paris Equity Check shows that the level of ambition demonstrated by the Australian Government, if equalled by the rest of the world, would lead to a global temperature increase of 4.4 degrees by 2100.) Furthermore, there is an overwhelming volume of research demonstrating the high economic and social costs of delaying action on climate change. Taking effective and immediate action maximises the opportunity for success and reduces the risks over the long term.

We need to acknowledge the necessary action required to create a world that is livable for generations to come. Responding to this emergency requires a rapid transition to zero emissions as well as the drawdown of excess greenhouse gases. Business as usual and incremental improvements will not be enough. The establishment of an emissions reduction target provides certainty for policymaking, increases confidence in financial investment in the energy transition and normalizes the need for action. The Climate Change (National Framework for Adaptation and Mitigation) Bill 2020 proposed by Independent MP Zali Steggall offers a strong starting point for such a framework. However, we

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would stress the need for urgent action on climate change and the need to ensure that the objectives of the Bill are met.

Primary Considerations

Climate Emergency Australia's primary concerns with the draft Bill are that it potentially locks in targets that will be quickly superseded by emerging scientific evidence and that it relies heavily on the Minister of the day acting in good faith to enact the recommendations of the Climate Change Commission.

Locking in Long-Term Targets

With regard to the first point, while reducing Australia's emissions to net zero by 2050 has become established as a norm within national debate, we would encourage consideration of more ambitious targets in line with emerging climate science. While Climate Emergency Australia supports the need for a strong target to drive action, the long-term target of net zero by 2050 reflects the science that informed the Paris Agreement that was last updated ahead of being published in 2013.

The danger in locking in a long-term target of attaining zero-emissions by 2050 is that it normalises this target in the national debate, potentially making more ambitious action difficult. If the next IPCC Physical Science Report suggests a need to respond more aggressively than in the timetable set out in the Bill, it will be challenging to make the case when we have just agreed to the 2050 target.

The Bill does grant both the Commission and Minister the power to act more quickly (Section 24) by altering the long-term emissions reduction target if a "*significant change has occurred or is likely to occur*" in relation to a range of factors including "*best available academic peer reviewed research or public reports*". However, we argue this potentially leaves the legislation vulnerable to Australia's domestic climate politics, which has proved contentious.

We propose two possible solutions.

Firstly, at the very least, we would recommend that a long-term target for the Bill not be established until the publication of the next Intergovernmental Panel on Climate Change Physical Science Report is due in April 2021. This will give the Commonwealth Government greater certainty on whether the net zero by 2050 target is still viable and appropriate.

Secondly, we proposed that the legislative framework recognises uncertainty and is structured to respond accordingly. Climate Emergency Australia suggests that the Bill establish a mechanism whereby a trigger mechanism is established that reflects the best available information from the IPCC Physical Science Report and associated documents. As currently written, the Bill states that the Commission "*must not recommend a change to the Target*" unless significant change has occurred. We would suggest this be re-framed so that the Commission must act in alignment with updated climate science, shifting the emphasis from a restrictive to a more expansive response to changes in climate science.

Power of the Minister

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The Bill establishes an advisory relationship between the Minister responsible for its implementation and the Climate Change Commission. While this recognises the power of Cabinet in the Westminster system, Climate Emergency Australia is concerned that it relies on the responsible Minister acting in good faith.

Given Australia's fractured political history over climate change (both directly and indirectly contributing to the demise of three Prime Ministers, a scale of turmoil unequalled elsewhere), we would recommend that the Bill be adjusted to reduce opportunities for Ministerial intransigence. We would suggest this can be achieved by:

- adjusting the Bill to clarify guiding principles (Section 10);
- establish minimum standards for the interim emissions budgets (Section 26); and
- increase the public role of the Commission with regard to review of the target (Section 23).

At present, Section 10 establishes guiding principles that Ministers must take into account in their decision-making, including "*Australia's financial, economic, health, environmental, industry, community, human rights and foreign policy objectives.*" While consideration of such a broad scope is admirable and useful, Climate Emergency Australia is concerned that some factors (in particular, as has been the case in the past, economic and financial factors) may be used by Ministers to justify inaction on working towards achieving emissions reductions. We suggest that any decisions that result in inaction or slowing of the Commonwealth's climate change response on the part of the Minister, be made public and are based on best available evidence.

Currently, Section 26 establishes the need for five-yearly emissions budgets to be set by the Minister. This aligns with similar instruments in state legislation, such as the Victorian Climate Change Act. Our concern again reflects the divisive nature of Federal politics and the opportunity for Ministers to establish low-achievement emissions budgets during their time of governance with a view to deferring action to later emissions budget periods. The lack of an interim target (e.g., a percentage of emissions by 2030) only exacerbates this danger.

Finally, in order to ensure transparency, we seek an amendment to Section 23. As written, the Commission must review the target and advise the Minister of any suggested alterations due to changes as specified in Section 26 (e.g., global action, best available academic peer reviewed research or public reports, technological developments). This advice is provided directly to the Minister who must provide a statement in response within 15 sitting days. However, there appears to be no requirement for the Commission's original advice to be made public as part of this process, unlike the national climate change risk assessment (Section 17/3), the national adaptation plan (Section 20/2) or subsequent progress reports (Section 21/3).

Secondary Considerations

In addition, Climate Emergency Australia would like to suggest the following amendments to the Bill:

- Section 3 – add new Object: "*Establishing market wide accounting, allocation trading and claims rules and guidance framework*"

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- Section 5 – *low emissions technologies* are those defined as set out in the Technology Investment Roadmap. This document focuses on future possible technologies and downplays the existing renewable energy technologies (solar, wind, hydro and storage) that will play the major role in reducing Australia’s emissions. We would suggest this definition be expanded to cover these technologies.
- Section 8 – interaction with other laws refers to how other laws would influence the proposed Climate Change Act. We would suggest a reversal to consider how other Federal legislation can be more directly impacted by this Bill.
- Section 10 – change 10 (a) to: “*effective in reducing or adapting to climate change impacts and in supporting an effective and just effective global response to climate change*”
- Division 2 - add new principle: “*Principle 17. That sound market based accounting, allocation, trading frameworks and rules be established within the National Greenhouse and Energy Reporting Framework to support large and small scale end use markets for renewable electricity and carbon offsets and guide claims.*”
- Section 25 – it is not clear whether fossil fuel export emissions will be included in the Bill’s emissions budget. At present, this appears to be left to the Minister to decide but this requires clarification.
- Section 30 – add additional clause: “*30, (3) (e) Policies and strategies to support the role of consumer choices by businesses and households to participate in voluntary markets for renewable electricity, carbon offsets and low emission products.*”
- Section 37/2 – this is a small amendment but highlighting *business competitiveness* as the initial experience factor, ahead of *climate science* and *climate change policy* appears odd.

Climate Emergency Australia congratulates the Member for Warringah, Zali Steggall MP, for drafting this Climate Change Bill and in doing so, taking a vital step towards creating a national legislative framework. As the level of government on the front line of dealing with climate change impacts and assisting their communities to transition to a zero emissions society, local governments are an important voice to be heard. We thank you for this opportunity to submit and are happy to answer any questions arising from this submission.

Yours sincerely,



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