

# Climate Change Bill 2015 – BRIEFING NOTE

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## PURPOSE OF THE BILL

This Bill provides a legislative framework for action on climate change mitigation and adaptation in NSW. It does so by setting targets for the state to reduce greenhouse gas emissions, requiring the Government to develop strategies to meet those targets and adapt to the effects of climate change, ensuring that public authorities do not act in a way that would decrease the state's ability to meet those targets and adapt to the effects of climate change, and providing for annual reporting about progress along with independent advice and analysis from a statutory authority on climate change.

## MAIN PROVISIONS OF THE BILL

**Guiding principles:** The Bill includes a set of guiding principles that acknowledge the serious threat of climate change, the strong scientific evidence about climate change and the global objective to reduce greenhouse gas emissions in order to limit its effects. These principles include a statement that the Government of the day must take urgent action and develop strategies, policies and programs to address climate change. These guiding principles are to be considered by the Minister in exercising functions under this legislation, and all other legislation in NSW is to be interpreted (to the extent that it can) in accordance with the guiding principles.

**Emissions reduction targets:** The Bill imposes a duty on the Premier to ensure that the state achieves net zero greenhouse gas emissions by 2040, with interim targets of 25% less than 2000 levels by 2020, 40-50% less by 2025 and 60-80% less by 2030.

**NSW climate change plans:** Every four years the Minister is to prepare:

- a Greenhouse Gas Emissions Plan, which sets annual carbon budgets in line with the targets and sets out the strategies, policies and programs the Government will implement to meet the budgets, and
- a Climate Change Adaptation Plan, which presents an analysis of the likely impacts and vulnerabilities relating to climate change across the state and identifies strategies, policies and programs to adapt to these impacts and prepare for emergencies caused by climate change.

The plans are to be developed with public consultation and having regard to the advice of the Climate Change Commission.

**Annual reporting:** The Minister is to make an annual report about the most recent measurements of greenhouse gas emissions and the state's progress in implementing the plans. If at any time the state fails to meet an annual carbon budget, the Minister must identify the reasons why the budget was not met, the action that is to be taken to ensure future budgets will be met and the action that will be taken to compensate for the excess emissions.

**Obligations on public authorities:** Each public authority, which includes Government departments, local councils and any private entity that requests to be subject to the same obligations as a public authority, must:

- prepare a Climate Change Action Plan every four years that details what the authority will do to contribute to achieving the emissions targets and adapting to climate change, and
- ensure that in exercising its functions, it does not decrease the state's ability to meet the targets and adapt to the effects of climate change, having regard to the relevant plans and any Ministerial guidelines.

**Judicial restraint and review:** Any person may bring legal proceedings to remedy or restrain a breach of the legislation, including any decision or action by a public authority that would decrease the state's ability to meet the targets or adapt to the effects of climate change.

**Climate Change Commission:** The Bill establishes an independent statutory body of 5-9 members with expertise in climate change and its effects, who will advise the Minister and provide information to and consult with the public. The Commission will publish an annual report that details all advice given to the Minister and may make special climate change reports that will be tabled in Parliament.