

TASMANIA

**CLIMATE CHANGE (STATE ACTION)
AMENDMENT BILL 2021**

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CLIMATE CHANGE (STATE ACTION) AMENDMENT BILL 2021

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
6 September 2022

*(Brought in by the Minister for Climate Change, the
Honourable Roger Charles Jaensch)*

A BILL FOR

An Act to amend the *Climate Change (State Action) Act 2008*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Climate Change (State Action) Amendment Act 2021*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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Part 2 – Climate Change (State Action) Act 2008 Amended

**PART 2 – CLIMATE CHANGE (STATE ACTION) ACT
2008 AMENDED**

3. Principal Act

In this Part, the *Climate Change (State Action) Act 2008** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definitions before the definition of *emissions offset programs*:

adaptation measures means measures taken to moderate harm, or to take advantage of opportunities, associated with the process of adjustment to the actual or expected climate and its effects;

anthropogenic emissions means emissions of greenhouse gases, precursors of greenhouse gases and aerosols caused by human activities, including the following:

- (a) the burning of fossil fuels;

*No. 36 of 2008

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- (b) deforestation;
- (c) land-use and land-use changes;
- (d) livestock production;
- (e) fertilisation;
- (f) waste management;
- (g) industrial processes;

anthropogenic removals means the withdrawal of greenhouse gases from the atmosphere as a result of deliberate human activities, including –

- (a) enhancing biological sinks of carbon dioxide; and
- (b) using chemical engineering to achieve long-term removal and storage;

climate change means a change of climate over a period of time which –

- (a) is attributable directly or indirectly to human activity; and

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- (b) alters the composition of the global atmosphere; and
 - (c) is in addition to natural climate variability observed over comparable periods of time;
- (b) by omitting the definition of *greenhouse gas emissions* and substituting the following definitions:

greenhouse gas emissions means emissions of –

- (a) carbon dioxide; or
- (b) methane; or
- (c) nitrous oxide; or
- (d) hydrofluorocarbons; or
- (e) perfluorocarbons; or
- (f) sulfur hexafluoride; or
- (g) gases prescribed by the regulations; or
- (h) gases prescribed by regulations under the *National Greenhouse and Energy Reporting Act 2007* of the Commonwealth to be a greenhouse gas for the

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purposes of section
7A(1)(g) of that Act;

Greenhouse Gas Inventory means the
Australian National Greenhouse
Accounts: State and Territory
Greenhouse Gas Inventories
published by the Commonwealth
Government;

- (c) by omitting the definition of *State's 2050 target* and substituting the following definition:

Tasmania's emissions reduction target means the emissions
reduction target set under
section 5.

5. Section 4 substituted

Section 4 of the Principal Act is repealed and the following section is substituted:

4. Objects of Act

The objects of this Act are to –

- (a) support Tasmania to take action on climate change by providing for –
- (i) the setting of a target for the reduction of greenhouse gas emissions in Tasmania; and

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- (ii) reporting and Parliamentary oversight of progress made towards achieving Tasmania's emissions reduction target and other targets; and
- (b) identify, promote and support measures to reduce Tasmania's greenhouse gas emissions; and
- (c) identify, promote and support measures to help Tasmania adapt to climate change and to manage the risks and opportunities of a changing climate; and
- (d) facilitate Tasmania's contribution to international, national and local government emissions reduction and adaptation measures to support the transition to a low emissions future; and
- (e) support a consultative partnership approach with relevant business, industry, scientific, environmental and community bodies, children and young people, local government and the Tasmanian community to reduce greenhouse gas emissions and build resilience to the impacts of climate change, including considering the impacts of climate change on –

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- (i) the health and wellbeing of Tasmanians; and
- (ii) future generations.

6. Part 2, Division 1 substituted

Division 1 of Part 2 of the Principal Act is repealed and the following Division is substituted:

Division 1 – Target and action planning

5. Tasmania’s emissions reduction target

- (1) Tasmania’s emissions reduction target under this Act is to achieve net zero greenhouse gas emissions, or lower, in Tasmania from 30 June 2030.
- (2) For the purposes of subsection (1), ***net zero greenhouse gas emissions*** means a balance between the amount of anthropogenic emissions into the atmosphere and the amount of anthropogenic removals from the atmosphere in each year.

5A. Climate change action plan

- (1) The Minister is to prepare a climate change action plan within 2 years after the commencement of this Act and at least every 5 years thereafter.

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- (2) Subsection (1) notwithstanding, the Minister is to prepare the first climate change action plan within 12 months of the day on which this Act receives the Royal Assent.
- (3) Before preparing a climate change action plan under subsection (1) or (2), the Minister is to cause a draft climate change action plan to be published online and call for public comment.
- (4) A climate change action plan must include details of the emissions reduction measures that Tasmania will adopt.
- (5) The actions in the climate change action plan must –
 - (a) reduce Tasmania’s greenhouse gas emissions; and
 - (b) build resilience to the impacts of a changing climate through adaptation measures; and
 - (c) manage climate-related risks and take advantage of potential opportunities from a changing climate.
- (6) In developing a climate change action plan, the Minister is to take into account the following matters:
 - (a) the objects of this Act;

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- (b) Tasmania's emissions reduction target;
 - (c) greenhouse gas emissions for Tasmania contained in the latest Greenhouse Gas Inventory;
 - (d) the latest and best available science on the projected impacts of climate change on Tasmania;
 - (e) consultation with relevant business, industry, scientific, environmental and community bodies, children and young people, local government and the Tasmanian community;
 - (f) evidence on the effectiveness of existing measures to reduce Tasmania's greenhouse gas emissions and adapt to the impacts of climate change;
 - (g) the findings of the most recent statewide climate change risk assessment and emissions reduction and resilience plans;
 - (h) developments in other jurisdictions;
 - (i) any other matter the Minister considers relevant.
- (7) The Minister is to publish the climate change action plan in such formats as the

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Part 2 – Climate Change (State Action) Act 2008 Amended

Minister considers appropriate to ensure easy accessibility to a wide range of audiences, including children and young people.

- (8) The Minister is to cause a copy of the climate change action plan to be tabled in each House of Parliament.

5B. Statewide climate change risk assessment

- (1) The Minister is to prepare a statewide climate change risk assessment within 2 years after the commencement of this Act and at least every 5 years thereafter.
- (2) In developing a statewide climate change risk assessment, the Minister is to take into account the following matters:
- (a) the latest and best available science on the projected impacts of climate change on Tasmania;
 - (b) consideration of economic, social and environmental implications of climate change and assessment of the associated risks to Tasmanian communities, natural environments and ecosystems and economic activity;
 - (c) the impact of climate change on –
 - (i) the health and wellbeing of Tasmanians; and

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- (ii) future generations;
 - (d) any other matter that the Minister considers relevant.
- (3) The Minister is to cause a copy of the climate change risk assessment to be tabled in each House of Parliament.

5C. Sector-based emissions reduction and resilience plans

- (1) The Minister, in consultation with each relevant portfolio Minister, is to consult with business and industry representatives to develop a sector-based emissions reduction and resilience plan for each of the following sectors:
- (a) energy;
 - (b) transport;
 - (c) industrial processes and product use;
 - (d) agriculture;
 - (e) land-use, land-use change and forestry;
 - (f) waste;
 - (g) any other sector or sub-sector determined by the Minister.

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- (2) The development of an emissions reduction and resilience plan must support –
 - (a) greenhouse gas emissions reduction; and
 - (b) the transition to a low emissions economy; and
 - (c) resilience to climate-related risks.
- (3) The Minister is to prepare sector-based emissions reduction and resilience plans –
 - (a) in the case of transport, within 12 month of the day on which this Act receives the Royal Assent; and
 - (b) in all other cases, within 24 months of the day on which this Act receives the Royal Assent.
- (4) Before preparing a sector-based emissions reduction and resilience plan under subsection (1) or (3), the Minister is to cause a draft sector-based emissions reduction and resilience plan to be published online and call for public comment.
- (5) An emissions reduction and resilience plan must be updated at least every 5 years.

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- (6) In developing an emissions reduction and resilience plan, the objects of this Act must be taken into account.
- (7) The Minister is to cause a copy of an emissions reduction and resilience plan to be tabled in each House of Parliament.

5D. Greenhouse gas report

- (1) The Minister is to prepare a greenhouse gas report every year.
- (2) The greenhouse gas report is to include –
 - (a) details of Tasmania’s greenhouse gas emissions for the sectors reported in the Greenhouse Gas Inventory; and
 - (b) details of Tasmania’s progress towards achieving its emissions reduction target; and
 - (c) any other relevant analysis and reporting.
- (3) The Minister is to cause a copy of the greenhouse gas report to be tabled in each House of Parliament.

5E. Climate change activity statement

- (1) The Minister is to prepare a climate change activity statement every year.

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- (2) A climate change activity statement is to include –
- (a) a description of Tasmania’s adaptation measures and measures to reduce greenhouse gas emissions; and
 - (b) details of progress towards achieving the targets and objectives of the sector-based emission reduction and resilience plans; and
 - (c) any other relevant analysis and reporting.
- (3) The Minister is to cause a copy of the climate change activity statement to be tabled in each House of Parliament.

7. Section 7 amended (Greenhouse gas emission regulations)

Section 7 of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) from subsection (1);
- (b) by omitting paragraph (a) from subsection (2) and substituting the following paragraph:
 - (a) any previous action taken to limit or reduce greenhouse gas emissions; and

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8. Section 18 amended (Review of Act)

Section 18 of the Principal Act is amended as follows:

(a) by omitting subsection (3) and substituting the following subsection:

(3) The Minister is to take reasonable steps to ensure that the review is carried out in consultation with relevant business, industry, scientific, environmental and community bodies, children and young people, local government and the Tasmanian community.

(b) by omitting subsection (6).

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Amended

**PART 3 – CLIMATE CHANGE (GREENHOUSE GAS
EMISSIONS) REGULATIONS 2012 AMENDED**

9. Principal Regulations

In this Part, the *Climate Change (Greenhouse Gas Emissions) Regulations 2012** are referred to as the Principal Regulations.

10. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended by omitting the definitions of *Act* and *baseline figure*.

11. Regulations 4, 5 and 6 substituted

Regulations 4, 5 and 6 of the Principal Regulations are rescinded and the following regulations are substituted:

4. Measuring greenhouse gas emissions

Greenhouse gas emissions are to be measured by determining the sum of the carbon dioxide equivalent emission and removal figures for Tasmania for each of the following sectors, as set out in the most recently published Greenhouse Gas Inventory:

- (a) energy;

*S.R. 2012, No. 99

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- (b) industrial processes;
 - (c) agriculture;
 - (d) waste;
 - (e) land use, land-use change and forestry;
 - (f) any other sector set out in the Greenhouse Gas Inventory.

5. Minister to publish greenhouse gas emissions

(1) In this regulation –

relevant year, in relation to a Greenhouse Gas Inventory, means the year in which the most recent financial year to which that Inventory relates ends.

(2) Within 60 days after a Greenhouse Gas Inventory is published, the Minister is to publish in the *Gazette*, and may publish in any other manner he or she considers appropriate, Tasmania's greenhouse gas emissions for the relevant year.

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Part 4 – Repeal of Act

PART 4 – REPEAL OF ACT

12. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commences.