

Clean Economy Jobs Bill 2024

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AUSTRALIA

WWF-Australia Submission to Parliamentary Committee on the Clean Economy Jobs Bill 2024

Thank you for the opportunity to make a submission on the *Clean Economy Jobs Bill 2024 (Bill)* and associated Explanatory Notes and Statement of Compatibility.

WWF-Australia is part of the WWF International Network, the world's largest independent conservation organisation. WWF's global mission is to 'stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature'.

WWF-Australia aims to regenerate our sky, country and saltwater with the knowledge and traditions of First Peoples. WWF-Australia supports Australia becoming a renewable energy superpower, while restoring nature and supporting the leadership of indigenous peoples and local communities. We are committed to fast, best and just outcomes for communities, nature and climate.

SUMMARY

WWF-Australia supports the Bill as a significant step towards science-based targets to avoid some of the worst impacts of climate change on Queensland, Australia and the world.

WWF-Australia is particularly supportive of:

1. the setting of a short term (2035) target that is amongst the strongest in Australia;
2. provision for the making of interim targets (2040 and 2045) within a specified period;
3. the establishment of a Clean Economy Expert Panel for independent advice; and
4. the transparency and accountability of annual reports against objective targets.

Areas WWF-Australia believe the Bill could be enhanced are:

1. increasing the targets to more closely approach what is required by the best available climate science, ie 60% by 2030, 70% by 2032 and 90% by 2035;

2. strengthen the purpose of the Bill to refer more specifically and fulsomely to the global agreed temperature goals, and recognition of the urgency and importance of reducing emissions to mitigate the impacts of climate change;
3. increasing the independence, transparency and role of the Clean Economy Expert Panel by:
 - a. requiring the panel to advise on:
 - i. setting interim targets; and
 - ii. updates to climate science and the risks to the safety, economy, environment and wellbeing of Queenslanders from climate change, and the urgency of climate action needed to mitigate these risks;
 - b. being empowered to advise the Minister without requiring a request from the Minister;
 - c. requiring the panel to consult publicly on its advice at least annually;
 - d. requiring the advice of the panel to be made public;
 - e. ensuring First Nations interests and knowledge are incorporated into CEEP advice;
 - f. preventing panel members from coming from or returning to the fossil fuel sector;
4. amending the Explanatory Notes and including consequential amendments to make clear that the intention of Parliament is for the targets to be considered where relevant within the exercise of existing statutory discretions (for example under planning and environment legislation) while not dictating any particular outcome, and ensuring decision makers do not act inconsistently with action needed to reduce emissions;
5. strengthening emissions reductions plans to provide meaningful guidance for industry through sector specific emissions reductions targets

BACKGROUND

Addressing the climate crises to protect Queenslanders has become increasingly urgent.

In 2015 almost all the countries in the world agreed, by adopting the Paris Agreement, 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.”

Last year (2023) was the hottest year on record and already approached the 1.5°C threshold,¹ giving us a taste of what is to come. For example:

- Tropical Cyclone Kirilly and Tropical Cyclone Jasper recently caused significant impact and damage in Far North Queensland including catastrophic damage to remote indigenous community of Wujal Wujal² and long-term damage to the northern beaches area of Cairns. Climate change makes cyclones more destructive.³
- The Great Barrier Reef World Heritage Area is currently threatened with a possible mass coral bleaching event.⁴

¹ Copernicus (2024) *2023 is the hottest year on record, with global temperatures close to the 1.5°C limit*. Accessed at: <https://climate.copernicus.eu/copernicus-2023-hottest-year-record>; World Meteorological Organisation (2024) *WMO confirms that 2023 smashes global temperature record*. Accessed at: <https://wmo.int/news/media-centre/wmo-confirms-2023-smashes-globaltemperature-record>; Berkeley Earth (2024) *2023 Was Warmest Year Since 1850*. Accessed at: <https://berkeleyearth.org/press-release-2023-was-the-warmest-year-on-recordpress-release/>; NOAA (2024) *2023 was the world's warmest year on record, by far*. Accessed at: <https://www.noaa.gov/news/2023-was-worlds-warmest-year-on-record-by-far>

² <https://www.sbs.com.au/nitv/article/stranded-wujal-wujal-residents-to-be-evacuated-as-flood-water-eases/pknh8zety>

³ <https://www.climatecouncil.org.au/resources/fact-sheet-tropical-cyclones-and-climate-change/>

⁴ <https://www.theguardian.com/environment/2024/feb/22/bleaching-fears-along-1000km-stretch-of-the-great-barrier-reef>

- the Daintree River flooded more than 2m higher than the previous flood level, set in 2019, which had been the highest in 118 years.⁵
- sea ice extent globally reached record lows.⁶

Climate impacts are hitting harder and sooner than previous scientific assessments have expected. Risks that were thought possible only at global warming levels of 3°C to 4°C are now thought likely at 1.5°C.⁷

Five major tipping points are already at risk of being crossed due to warming right now and three more are threatened in the 2030s as the world exceeds 1.5°C global warming.⁸

Queensland is particularly vulnerable to climate change due its large land area, coastal population and being home to the World Heritage listed Great Barrier Reef. Queensland is already experiencing increased summer rainfall, less winter rainfall, and an increase in the number of days with dangerous weather conditions for bushfires.⁹ Weather extremes are increasing all across Queensland and we can expect more heatwaves, fires and floods if climate change is not abated.

Extreme weather, caused and worsened by climate change, has caused significant economic costs to Queensland. For example, the floods of early 2019 in North Queensland cost AUD\$5.68 billion, while Cyclone Yasi and the Queensland floods of 2011 cost A\$6.9 billion.¹⁰

The United States government has recently produced estimates for the likely net damage to society caused by each tonne of carbon dioxide entering the atmosphere (the **Social Cost of Carbon**).¹¹ The 2024 estimates are \$208 (2020 USD) per tonne for CO₂ which is approximately 356 AUD per tonne and very likely an underestimate of the total cost of damage.

Emissions released within Queensland in 2021 were approximately 139.7 MtCO₂-e¹² which equates to a cost of \$49 billion AUD using the above Social Cost of Carbon.

It is worth noting that Queensland is also a major exporter of fossil fuels, exporting 194.6 million tonnes of coal in the 2023 financial year.¹³ This coal, once burnt, would account for approximately 467 million tonnes of CO₂¹⁴ and causing

⁵ WMO (2023) *WMO Provisional State of the Global Climate in 2023, Supplement*. Accessed at: <https://wmo.int/publication-series/provisional-state-of-global-climate-2023>

⁶ Carbon Brief (12 Jan 2024) *2023 smashes records for surface temperature and ocean heat*. Accessed at: <https://www.carbonbrief.org/state-of-the-climate-2023-smashes-records-for-surface-temperature-and-ocean-heat/>

⁷ WMO (2019) *United in Science, Report prepared for the UN Climate Action Summit 2019*, <https://wedocs.unep.org/bitstream/handle/20.500.11822/30023/climsci.pdf>; IPCC (2022) *AR6 WGII, 4.2, Summary for Policymakers*

⁸ Lenton, T.M. et al. (2023) *The Global Tipping Points Report 2023*. Accessed at: <https://global-tipping-points.org/>

⁹ CSIRO (2021) *Queensland's Changing Climate*, <https://www.climatechangeinaustralia.gov.au/en/changing-climate/state-climate-statements/queensland/>

¹⁰ IPCC (2022) *AR6 WGII, Chapter 11*, and references cited therein.

¹¹ US EPA (Nov 2023) *Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances*. Accessed at: <https://www.epa.gov/environmental-economics/scghg>

¹² <https://www.des.qld.gov.au/climateaction/emissions-targets>

¹³ Queensland Government (2023) *Open Data Portal: Coal sales and exports data*. Accessed at: <https://www.data.qld.gov.au/dataset/27fefb68-dc98-4300-85b6-465f0df233a8/resource/117b8f95-23c1-4ff0-8978-927730c6e770/download/coal-sales-data-fy2017-fy2023.xlsx>

¹⁴ DCCEEW (2023) *Australian National Greenhouse Accounts Factors*, p12 (Bituminous coal), Accessed at: <https://www.dcceew.gov.au/climate-change/publications/national-greenhouse-accounts-factors-2023>

a further cost of 166 billion AUD to society globally using the above Social Cost of Carbon, more than ten times the annual royalty return to Queenslanders from selling the rights to utilise their minerals.

The other side of the climate change coin is that Queensland has a lot to gain from abating climate change faster and being part of the global economic transformation.¹⁵

These circumstances make addressing the climate crises an urgent policy priority. This Bill is a welcome step in the right direction, while leaving room for improvement.

CLEAN ECONOMY JOBS BILL 2024

Stated targets are a significant step toward what is required to avoid the worst of climate change

The new targets contained within the Bill set Queensland among the leaders of legislated emissions reduction targets in Australia from 2035, but among the lowest for 2030.

Table 1: Comparison of legislated emissions reductions targets in Australia (relative to 2005 levels)

	2030	2035	Net Zero year
Federal Government¹⁶	43%	TBA after Sept 2024	2050
NSW¹⁷	50%	70%	2050
Vic¹⁸	45-50%	75-80%	2045
WA¹⁹	none committed	none committed	2050
QLD	30%	75%	2050

A scientific assessment prepared for WWF-Australia found that Australia's share of global emissions would require reductions (relative to 2005 levels) of 67% by 2030, 90% by 2035 and net zero by 2038 to have a 50% chance of limiting warming to 1.5°C.²⁰

Accordingly, while the targets contained in the Bill are a significant step in the right direction they should be substantially more ambitious to be consistent with what the science indicates is required to pursue efforts to 1.5°C, consistent with the Paris Agreement, and avoid some of the worst impacts of climate change.

¹⁵ <https://wwf.org.au/blogs/it-s-queensland-s-time-to-shine/>

¹⁶ *Climate Change Act 2022* (Cth), s10(1).

¹⁷ *Climate Change (Net Zero Future) Act 2023* (NSW), s9.

¹⁸ *Climate Change Act 2017* (Vic).

¹⁹ *Climate Change Bill 2023* (WA).

²⁰ Dr. Z. Nicholls, A/Prof. M. Meinshausen (2023) Updated assessment of Australia's emissions reduction targets and 1.5°C pathways. Accessed at: https://www.climate-resource.com/reports/wwf/20230612_WWF-Aus-Targets.pdf

As we, and 13 other organisations representing 931,508 Queenslanders, wrote to the Premier on 19 September 2023: **Queensland’s emissions reduction targets should be increased to at least 60% by 2030, 70% by 2032 and 90% below 2005 levels by 2035.**

Main purpose of the Bill could be strengthened

The main purpose of the Bill is “to reduce greenhouse gas emissions in Queensland by stating emissions reduction targets”.²¹

This purpose falls short of the more specific and fulsome purposes of the federal, New South Wales and Victorian Acts. For example, we compare the purposes of the federal and New South Wales provisions below:

Climate Change Act 2022 (Cth) (**Federal Act**):

“(aa) to advance an effective and progressive response to the urgent threat of climate change drawing on the best available scientific knowledge; and

(a) to set out Australia’s greenhouse gas emissions reduction targets which contribute to the global goals of:
(i) holding the increase in the global average temperature to well below 2°C above pre-industrial levels; and
(ii) pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels;”

Climate Change (Net Zero Future) Act 2023 (NSW) (**NSW Act**)

- (1) “The purpose of this Act is to give effect to the international commitment established through the 2015 Paris Agreement to—
 - (a) hold the increase in the global average temperature to well below 2°C above pre-industrial levels, and
 - (b) pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, and
 - (c) increase the ability to adapt to the adverse impacts of climate change.
- (2) The Parliament of New South Wales, in enacting this Act, recognises—
 - (a) there is a scientific consensus that human activity is causing abnormal changes to the climate, and
 - (b) action is urgently required to reduce greenhouse gas emissions and to address the adverse impacts of climate change.
- (3) The Parliament of New South Wales, in enacting this Act, is committed to effective action on climate change to ensure a sustainable and fair future for the people, economy and environment of New South Wales.”

Equally, the *Climate Change Act 2017* (Vic) (**Victorian Act**) provides a Preamble which recognising the Paris Agreement commitments, the scientific consensus around human induced climate change and the seriousness of climate change induced risks and the Victorian Government’s commitments to driving the transition to reduce greenhouse gas emissions through an orderly and just transition.

WWF-Australia recommends including objectives that mirror these more specific and fulsome objectives, so that there is a clear aim of contributing to the global temperature goals when setting interim targets and recognition of the urgency and importance of reducing emissions to mitigate the impacts of climate change.

²¹ s2 of the Bill.

The Clean Economy Expert Panel is welcomed but could be strengthened

WWF-Australia welcomes the establishment of the Clean Economy Expert Panel (**CEEP**) to provide independent advice to the Minister about achieving the emissions reduction targets, and recommends its role be strengthened (as detailed below) to:

1. provide advice on:
 - a. setting interim targets;
 - b. updates to climate science and the risks to the safety, economy, environment and wellbeing of Queenslanders from climate change and the urgency of climate action needed to mitigate these risks;
2. provide advice to the Minister without a request from the Minister being required;
3. consult on its advice;
4. publish its advice;
5. ensure First Nations interests and knowledge are incorporated into CEEP advice by panel membership; and
6. diminish the potential influence of vested fossil fuel interests.

The Clean Economy Expert Panel should have a role in the setting of interim targets

The CEEP is well placed to provide advice to the Minister on interim targets for 2040 and 2045 but does not have an automatic function of providing this advice.

The Federal Act includes advice on future targets as one of the matters upon which the federal Minister may seek advice from the federal Climate Change Authority,²² and requires the Minister to seek that advice at least once every five years.²³

Further the NSW Act empowers the Net Zero Commission, created under the Act,²⁴ to monitor and report on progress against the relevant targets, to recommend action that should be taken to address climate change and to advise and make recommendations on the interim targets, emissions budgets and sector action, amongst other matters.²⁵

Under the Victorian Act the Minister must obtain advice from one or more independent experts (noting this Act does not appoint an expert panel or commission otherwise) in relation to the interim emissions reductions targets,²⁶ and this advice must be published and tabled in parliament.²⁷

Similarly, the Bill should include a requirement for the CEEP to provide advice to the Minister on the interim targets, as well as possibly the emissions budget of Queensland and sector plans.

The Clean Economy Expert Panel should provide advice on any update to climate science, the risks faced by Queensland from climate change and the urgency of action required to mitigate these impacts.

Given the expertise on the panel, the CEEP can be a helpful independent source of updates to the Queensland Government on changes to climate and risk related science, to ensure the most up to date information is being incorporated into CEEP advice and considered in policy and decision making in Queensland.

²² Federal Act, s15(1).

²³ Federal Act, s15(2).

²⁴ NSW Act, Part 3.

²⁵ NSW Act, s15.

²⁶ Victorian Act, s12.

²⁷ Victorian Act, s13.

Under the NSW Act there is a broad function provided to the Net Zero Commission to educate and inform the Government of NSW, businesses, organisation and individuals to promote action to address climate change. This power can be used to ensure current climate change science is disseminated and applied to climate change action.

Further, the Victorian Act requires the relevant Minister to prepare a report on the science and data relevant to climate change and its implications to the State.²⁸ This report is required every 5 years, and must be published and tabled in Parliament.²⁹

Requiring the dissemination of the latest scientific understanding of climate change, related risks arising from climate change science, and any amendment to the urgency of action required, at a regular time period of at most every 5 years ensures that the Queensland Government and community are best informed in decision making and actions around climate change.

The Clean Economy Expert Panel should be empowered to provide advice to the Minister without request

The NSW Act empowers the Commission to provide the relevant Minister with a report, information, advice or recommendation on the Commission's own initiative, as well as upon request by the Minister.³⁰ As with reports requested by the Minister, unrequested reports from the Commission must also be published and tabled in Parliament, and the Minister must publish a response that addresses whether the advice or recommendations of the report are accepted and what action will be taken, or the reasons advice is not accepted.³¹

Providing the CEEP with the power to provide advice and information without a request being needed will help to ensure the best available information is provided to assist the government in addressing the issues raised in a timely manner, without any machinations of politics interfering with this advisory function.

The Clean Economy Expert Panel should consult the public in preparing advice

Unlike the Federal Act, which requires provision for public consultation in the preparation of advice,³² the Bill does not require the CEEP to consult the public in the provision of its advice. The NSW Act also requires the Net Zero Commission to consult with and consider submissions from the persons the Commission considers relevant or necessary for the exercise of its functions, including government agencies and the general public.³³

The Bill should provide for the CEEP to make provision for public consultation and require the CEEP to undertake public consultation on its advice at least once annually, including proactively seeking and enabling the consideration of the views of Aboriginal and Torres Strait Islanders affected by climate change.

Advice of the CEEP should be published, and a response should be required from the Minister

Unlike the Federal Act,³⁴ the advice of the CEEP to the Minister is not required to be published publicly. Under the NSW Act the reports of the Net Zero Commission are required to be published, tabled in Parliament and a Ministerial response is required including action to be taken to address recommendations made, and reasons for the decision not to accept any recommendations.³⁵

²⁸ Victorian Act, s51(1) and (2).

²⁹ Victorian Act, s51(3)-(5).

³⁰ NSW Act, s19(3).

³¹ NSW Act, s20.

³² Federal Act, ss14(3), 14(3A) and 15(3).

³³ NSW Act, s17.

³⁴ Federal Act, s14(6) and s15(6).

³⁵ NSW Act, s20.

WWF-Australia recommends that s15 of the Bill be amended to include a requirement for the reports of the CEEP to be:

- (a) published on the government or CEEP's website;
- (b) tabled in parliament within 28 days of receipt of the report; and

a response to a CEEP report be required to be published by the Minister within 3 months of receiving a report of the Commission, including:

- (a) whether advice or recommendations from the CEEP are accepted, refused or noted;
- (b) if accepted the action that is to be taken to address any recommendations; and
- (c) if any recommendations are refused the reasons for the refusal.

These steps will greatly improve the transparency of the advice and information of the CEEP, ensure the community can also make use of this advice and information and ensure the CEEP's advice is considered and acted upon by the Minister as appropriate.

The Clean Economy Expert Panel must incorporate knowledge and interests of First Nations

At least one panel position should be required to be held by an Aboriginal and/or Torres Strait Islander person to ensure First Nations' interests and knowledge are incorporated into advice of the CEEP.

In addition to this required panel position, WWF-Australia recommends that the Bill be amended to allow for the creation of sub-committees to advise on particular issues. Particularly, the establishment of a sub-committee should be mandated through the Bill, with First Nations peoples appointed, to provide advice and information with respect to the knowledge, concerns, vulnerabilities and interests of First Nations and First Nations communities relating to climate change, including benefits and risks for local communities, employment and industries that can be stimulated through action to reduce emissions.

The NSW Act also specifically provides for the knowledge and perspectives of Aboriginal communities to be taken into account in addressing climate change, and the need to support Aboriginal communities who may be affected by this action.³⁶

The Clean Economy Expert Panel could be better protected from vested interests from the fossil fuel industry

Given the history of vested fossil fuel interests seeking appointment to such government positions,³⁷ the Bill should include safeguards to prevent inappropriate appointments by future governments.

Further, the Bill only provide vague reference in s20 to conflicts of interest being addressed arising out of panel business. There is no specific provision which requires the avoidance of conflicts of interest for membership on the CEEP or in decision making of the CEEP. The NSW Act specifically provides for the disclosure of pecuniary and other interests and a requirement that members not take part in a decision or be present for deliberation of any matter that is relevant to a matter for which they hold a conflicting interest.³⁸

³⁶ NSW Act, s8(8)(a) and (d).

³⁷ For example, The Australia Institute (2105) *Too Close for Comfort*. Accessed at: https://australiainstitute.org.au/wp-content/uploads/2020/12/P117-Too-close-for-comfort-FINAL_0.pdf ; ACF and The Australia Institute (2016) *Greasing the Wheels*. Accessed at: https://australiainstitute.org.au/wp-content/uploads/2020/12/P266-Greasing-the-Wheels-160726_0.pdf

³⁸ NSW Act, s9.

WWF-Australia recommends that the Bill be amended to exclude those with significant association or affiliation with the fossil fuel industry from appointment to the CEEP. For example the Bill could, in s16 (3A):

- exclude anyone from participation as a panel member if they may have a real or perceivable conflict of interest, including a direct or indirect pecuniary or other interest in a matter of relevant to the CEEP. This would be in alignment with the NSW Act s 9 but should be broader than just no involvement in decisions and should be extended to not being allowed to be nominated on the CEEP; and
- state that "The Minister may not appoint a person under 16(1) if they have derived more than 50% of their income from coal, oil or gas (fossil fuels) within the last 5 years".

Further, disclosure of any real or perceivable conflict of interest in a matter to be discussed by the CEEP should be required, along with a requirement that the disclosing panel member then not be allowed to be present for or participate in the relevant discussion. We also recommend a termination clause in appointments based on any conflict of interest arising or actions taken which hinder the government's achievement of fair and safe action towards the emissions reduction targets.

The CEEP could be made more durable through any future changes in government by mandating, in s19, minimum three year paid terms of employment for appointees.³⁹

The Bill should be amended to insert a new s20A to provide that a member of the CEEP cannot work for the fossil fuel industry for a period of 5 years following the term of appointment.

The Bill introduces a laudable transparency to objective targets which could be further enhanced

WWF-Australia supports the requirement for the Minister to report annually, before 31 December each year, on the progress made towards achieving the targets in the preceding financial year.⁴⁰

However six months is a long time to prepare the report and the 31 December deadline allows unfavourable reports to be buried by release in the Christmas period.⁴¹ WWF-Australia queries why reports could not be prepared in three months. We recommend changing to 1 December, 30 June or to the last sitting day of the Qld Parliamentary Calendar Year.

WWF-Australia also recommends consideration be given to the Clean Economy Expert Panel being provided with the responsibility of annual reporting on progress under the Act, where this power is currently given to the Minister.

Under NSW Act it is the Commission who must report on progress in meeting the targets, along with any recommendations, and the Minister must table a response to this report. As mentioned above, the Victorian Act also requires the Minister to seek and publish independent advice with respect to the interim targets and required action to maximise potential opportunities for emissions reductions.⁴² This assists in providing a more independent review of the progress being made by the Queensland Government, and annual recommendations for needed action.

³⁹ Fixed terms are not uncommon for roles performing important administrative functions, for example members of the Queensland Land Court are appointed for fixed 15 year terms: *Land Court Act 2000* (Qld), s16(2).

⁴⁰ s8 of the Bill.

⁴¹ Which is consistent with the Federal Act, s12.

⁴² Victorian Act, s12.

The Bill should include consequential amendments to relevant statutory decisions

Considering that the main purpose of the Bill is “to reduce greenhouse gas emissions in Queensland by stating emissions reduction targets”,⁴³ it should follow that those targets should then be required to be considered in all government decisions which are relevant to climate change.

The NSW Act provides that the Act prevails to the extent of any inconsistency with another Act or law,⁴⁴ places a requirement upon the Premier and the Minister to ensure New South Wales achieves the target set out in the Act,⁴⁵ and makes the Government of NSW responsible for ensuring urgent development and implementation of strategies, policies and programs to address climate change; and ensuring the Government pursues best practice in addressing climate change.⁴⁶

The Victorian Act places a specific obligation on relevant decisions makers to have regard to climate change, including:

- (a) the potential impacts of climate change relevant to the decision or action; and
- (b) the potential contribution to the State's greenhouse gas emissions of the decision or action; and
- (c) any guidelines issued by the Minister under s 18 of that Act.⁴⁷

The Victorian Act provides significant detail on the considerations that must be taken into account in the application of these considerations to decisions.⁴⁸

WWF-Australia recommends that the Bill be amended to:

- (a) place a requirement upon the Premier and the Minister to ensure Queensland achieves the target set out in the Act; and
- (b) include similar requirements upon relevant decision makers who may make decisions relating to greenhouse gas emissions:
 - (i) to not act inconsistently with action required to achieve the emissions reductions targets; and
 - (ii) to have regard to:
 - the potential short and long term impacts of climate change relevant to the decision or action;
 - the best available science and knowledge with respect to climate change and associated risks to the safety, wellbeing, economy and environment of Queensland;
 - the right to a clean, healthy and sustainable environment;
 - the principles of ecologically sustainable development (ESD); and
 - the economic, environmental and health and wellbeing risks of delaying action to address climate change.

These considerations, including specifically the right to a clean, healthy and sustainable environment and the principles of ESD, are also reflected in the NSW Act ‘guiding principles’.⁴⁹

In Queensland currently, the ‘standard criteria’ under the *Environmental Protection Act 1994* (Qld) include “any Commonwealth or State government plans, standards, agreements or requirements about environmental protection or ecologically sustainable development”, which permits the targets in the Bill to be considered when

⁴³ s2 of the Bill.

⁴⁴ NSW Act, s7.

⁴⁵ s11 of the *Climate Change (Net Zero Future) Act 2023* (NSW)

⁴⁶ NSW Act, s8(10).

⁴⁷ Victorian Act, s17.

⁴⁸ Victorian Act, s(2)-(4).

⁴⁹ NSW Act, s8, see particularly (5).

relevant to an assessment under that Act. This includes the targets as potentially relevant considerations, but does not mandate their consideration or fetter the ultimate discretion of the decision maker.

Other development legislation in Queensland does not require specific consideration of the need to reduce or even consider greenhouse gas emissions in application assessment, such as under the *State Development and Public Works Organisation Act 1971* (Qld), the *Planning Act 2016* (Qld), the *Economic Development Act 2014* (Qld).

Along with the above requirement recommended for decision makers to not act inconsistently with the targets, WWF-Australia recommends that the targets be strengthened by consequential amendments to relevant planning and environment legislation to include the targets as specified **mandatory** considerations for decision involving the authorisation of development or activities which result (directly or indirectly) in greenhouse gas emissions. Providing for this mandatory consideration in the relevant Acts will ensure certainty and clarity in the application of the considerations to decisions made under the Acts.

The following statement in the Explanatory Notes to the Bill is counterproductive in this regard, and should be deleted:

"While the Bill will increase accountability for achieving the State's emissions reduction targets, it is not intended that the Bill operate as a legally binding constraint in any future statutory decision or approval processes. The Bill does not seek to override existing statutory decision making processes, rights and obligations, including those that already consider emissions such as those under Queensland's development, planning and environmental laws."

While it is true the Bill does not mandate an outcome from the exercise of existing discretions, the targets should be considered by decision makers, where relevant, and given appropriate weight in the circumstances. The above statement risks the decision makers placing diminished weight on the targets on the understanding that parliament did not intend them to operate as a constraint on statutory decisions. This would diminish the strength and utility of the targets, contrary to the overarching aim of reducing Queensland's emissions.

Emissions reductions plans can be supported to provide meaningful guidance for industry through targets

The emissions reductions plans are supported and will provide necessary guidance for industry sectors to implement emissions reductions in their areas in a clear, transparent and considered manner.

While the criteria for the sector plans is generally supported, the criteria in s 10(1)(b) could be clarified, where it currently states: "an estimate of the reduction of greenhouse gas emissions produced by the sector". It is unclear if this is referring to a target being set for the sector to meet, and, if so, whether a timeframe is required to be provided to meet this target.

WWF-Australia recommend that Bill s10(1)(b) be amended to clearly specify that the emissions reductions plans should be required to stipulate specific targets relevant to the sector, and the timeframe the targets must be met, to ensure meaningful, tangible accountability to the achievement of emissions reductions. It is recommended that interim and long-term targets be required, with interim targets ratcheted at 5 yearly intervals in alignment with the overarching emissions reductions targets.

WWF-Australia appreciates the opportunity to comment on this consultation. We would welcome the opportunity to discuss our recommendations further. For further information, please contact WWF-Australia's Senior Manager – Climate and Energy Policy, Ariane Wilkinson on [REDACTED]



©Troy Mayne, June 2010, Sunlight illuminates the coral at the Great Barrier Reef

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