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Climate Change (State Action) Amendment Bill 2021
Consultation draft.

Thank you for the opportunity to comment on the draft for consultation purposes of the Climate Change (State Action) Amendment Bill 2021. We trust you will find our suggestions to be of value.

We have read both the draft 2021 Bill and Regulatory amendment as well as the original 2008 Act.

This consultation draft of the Climate Change (State Action) Amendment Bill 2021 is a strictly limited amendment to the Climate Change (State Action) Act 2008.

Our conclusion is that both the original 2008 Act and the 2021 Amendment to the 2008 Act are manifestly inadequate and in many ways could be described as mostly useless. We cannot tell whether that is intentional, or simply business as usual in Tasmania.

Indeed, TEA suggests that the Climate Change (State Action) Amendment Bill 2021, be redrafted so as to incorporate the proposed legislation into the Resource Management Planning System (RMPS) of Tasmania. Additionally, but separately, we propose that a State Policy over the pollution of Greenhouse Gas Emissions, their impacts and the issue of a worsening, destabilised and warming climate, with a commitment that such a Policy must be created.

Preamble

Human activity in its mostly unabated industrialised forms, continues to pump Greenhouse Gases (emissions), regarded by many, including this Association as pollution, into that thin but crucially vital layer of atmosphere surrounding the planet Earth, which we know as the sky, the atmosphere. We humans seem to take for granted this layer, and its oxygen rich atmosphere, clearly essential for all.

Even though we have known of CO2 pollution and the seemingly irretrievable build-up of carbon dioxide and other gases in the earth's atmosphere for over 40 years, almost no action has been taken. Tasmania, dangerously late created an Act in 2008.

Indeed the Greenhouse Gas pollution problem and the related climate warming and destabilisation of the planet's climate continue to worsen at an escalating rate. The human population continues to grow, the aspirations of undeveloped countries to development continues to escalate and those high energy consuming developed countries, for decade after decade show little sign of heeding the warning signs or changing their behaviour.

The Reality of the State of Tasmania

Many people, when they learn of Tasmania, think of it primarily as an island south of but in proximity to the continent of Australia. A place at an end of the world, which regularly receives the environmental phenomenon of the Roaring 40s, which caused its discovery by Europeans, of course. However, the state of Tasmania is comprised of some 335 islands, including Macquarie Island, at a considerably higher latitude.

About 42% of the State of Tasmania is securely reserved across a variety of land tenures, including private land. This should represent a significant opportunity for Tasmania under Climate Change. Tasmania has been Net Zero under Emissions rules since before 2013.

We agree there may be some opportunities remaining for Tasmania but increasingly there is obviously an overriding crucial imperative to take urgent action. The threats to the State of Tasmania are very real. The notion that the term 'opportunities' would be presented to the Tasmanian public as arising from the Climate Change challenge and crisis is highly unfortunate. We consider this aspect to be concerning.

Stated Purpose of the Draft 2021 Bill

We make this submission in support of the retention of some of the 2021 improvements to the 2008 Act and make other suggestions, which we consider would be essential for inclusion in an Amended Climate Change (State Action) Act.

It has been stated in the covering description of the Consultation Draft 2021 Bill that:

"The draft Bill proposes to amend the Act by

- *strengthening Tasmania's emissions reduction target by legislating a target of **net zero emissions for Tasmania from 2030**;*
- *establishing a framework for sector-based **emissions reduction and resilience plans** to be prepared in partnership between the Tasmanian Government and representatives from industry and business;*

- requiring the Tasmanian Government to have a **Climate Change Action Plan** in place; and
- requiring a statewide **climate change risk assessment** be completed every five years.

The proposed amendments are based on the recommendations of the independent review of the Act, and have been refined through broad consultation with industry, business and the community.”

TEA’s submission aims to comment on and deal with such matters.

Lack of a Definition of Climate Change

The following fundamental problems remain in the 2008 Act: Within the Act’s Interpretation (Section 3) there is no definition of “Climate Change”. This Act of the Tasmanian Parliament is described within The Act itself as:

“An Act for certain measures to help the State address the challenges of climate change and contribute to the broader national and international response to those challenges and for related purposes.”

TEA Inc. cannot see how it is possible to address the challenges of climate change when the term ‘climate change’ itself has not been, in any adequate or transparent way, defined within The Act. Surely The Act, one would expect may be the principle way Tasmania would consider the issue, the risk and the nature of the problem. This lack of a definition is an amazing oversight and a fundamental deficiency, which simply must be addressed now. This is a fundamental inadequacy of the 2008 Act, which clearly is currently, not proposed to be remedied within the 2021 amendment Draft Bill.

The term Climate Change refers to the changes which have occurred to planet Earth’s previously long-term stable and life supporting terrestrial and marine, global climate caused by way of anthropogenic pollution through Greenhouse Gas Emissions into its atmosphere, thus causing and exacerbating the said Climate Change. This effect was described in the 19th century and the measurement of the escalation and identified the link between emissions and temperature rise back since the 1950s. Climate Change has come about because of our industrial consumption of fossil fuels, which currently underpin our behaviours and our society and its artificially structured economy, in the main predicated upon a liquidation of carbon, especially fossilised carbon resources and the generation of greenhouse gas pollution of earth’s atmosphere.

The Tasmanian Climate Change Office within the Department of Premier and Cabinet does have a fact sheet, which inadequately describes the imminent threat of Climate Change and in general completely fails to adequately alert the community of Tasmania to the massive dangers and risks.

The Tasmanian Climate Change Office (TCCO) states:

“Climate change is a change in global climate patterns over many decades that has been caused by increasing levels of greenhouse gas emissions, primarily from the burning of fossil fuels like coal.

Climate change is a serious and complex issue, which presents challenges and opportunities for Tasmania.”

We do not consider this TCCO one to be an adequate definition.

In any case, whichever adequate and accurate definition of Climate Change is adopted by Tasmania, we urge a definition of Climate Change be incorporated into the 2021 Amendment, known currently as Climate Change (State Action) Amendment Bill 2021 Consultation draft.

Greenhouse Gas Emissions

The Climate Change (State Action) Act 2008 states at Section 3:

“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;”

So, one can see from the 2008 Act which states, in regards to **“greenhouse gas emissions”** that it are merely defined as “emissions”. This is another fundamental problem of the 2008 Act, which is not currently being remedied within the 2021 amendment Draft Bill. Further, it does not specify what is happening to the Greenhouse Gas Emissions, or who or what is causing the Emissions. So many inadequacies and such a lack of transparency, it verges on denial but in any case is inadequate.

TEA Inc. proposes that the definition of **“greenhouse gas emissions”** be amended in the 2021 Amendment Bill and so modified so as it is no longer described as “emissions” in the 2021 Amendment but rather acknowledges that emission is a form of pollution:

“greenhouse gas emissions means a harmful form of anthropogenic pollution of the earth’s atmosphere by any combination of –
(a) carbon dioxide; or will
(b) methane; or
(c) nitrous oxide; or
(d) hydrofluorocarbons; or

(e) perfluorocarbons; or

(f) sulfur hexafluoride; or

(g) gases prescribed by the regulations;

And which has been proven to have the consequence that causes an anthropogenic warming and destabilisation of the long term life supporting climate, affecting both terrestrial and marine environments, including in Tasmania.”

Currently the definition of greenhouse gas emissions in the 2008 Act is basically nonsense.

Tasmania’s Emissions Reduction Target

The 2021 Amendment Bill, sets a new Target at 4. (Amending Section 3) as follows:

“Section 3 of the Principal Act is amended as follows:

(b) 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.”*

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, or lower, greenhouse gas emissions in Tasmania from 31 December 2030.

*For the purposes of subsection (1), **net zero greenhouse gas emissions** means a balance between the amount of greenhouse gas emitted into the atmosphere due to anthropogenic activities within Tasmania and the amount of greenhouse gas removed from the atmosphere due to anthropogenic activities within Tasmania.”*

Firstly, TEA Inc. does not support this revised 2021 Tasmania’s emissions reduction target, which has been expressed within the 2021 consultation draft Bill, but we do support removing the target from the Interpretation section, for a number of reasons.

Nor do we support the actual target mechanism of having a single year target to achieve net zero, or lower for greenhouse gas emissions in Tasmania “from 31 December 2030” proposed to be included in the Climate Change (State Action) Act 2008.

Tasmania is at least at Net Zero for all sectors now and has been so since at least 2013 and indeed probably since about 2010.

The 2008 Act states at Section 5:

“The State's 2050 target under this Act is to reduce, by 31 December 2050, greenhouse gas emissions in Tasmania to at least 60% below 1990 levels.”

This very conservative target that we also do not support. It does not talk about an aggregated performance but a lowering of emissions when compared with 1990

levels. One can easily argue and it is obviously intended that sector by sector there is an intention of a 60% reduction by 2050.

The 2021 draft Bill removes any comparison with 1990. Yet, 1990 remains a benchmark before the effects of climate change became far more obvious and pernicious.

TEA Inc. considers we should not have a 2030 emissions reduction target at all. Tasmania should rather, have an emissions reduction target for each and every year from here on in-perpetuity. We advocate such change to the 2021 Consultation Draft Bill. That the Tasmanian emissions reduction target should at least reflect our current achievement of Net Zero. That is:

Tasmania's emissions reduction target under this Act is to achieve net zero, or lower, greenhouse gas emissions in Tasmania each and every year from 31 December 2021 (or from the date of the proclamation of this amendment).

Tasmania should not be proposing to enter the world of unsustainability, which appears to be Minister Jaensch's ambition.

Tasmania has achieved a Net Zero performance or better, each and every year since at least 2013 and should continue to do so. It certainly should not adopt a weaker position than it has currently achieved.

Indeed TEA argues that to do so would be against the premise of the 2008 Act and any such target as the one expressed in the consultation draft is in fact malfeasant.

Objectives of The Act

The Amendment replaces the 2008 Objectives of the 2008 Act.

The 2008 Act' Objectives state:

4. Objects of Act

The objects of this Act are –

(a) to help Tasmania respond to the challenges of climate change by addressing issues associated with that phenomenon and, in particular, by providing for the setting of a target for the reduction of greenhouse gas emissions in the State as part of the national and international response to climate change; and

(b) to promote a commitment to action on climate change issues in Tasmania by providing for the development of–

(i) interim State targets for the reduction of greenhouse gas emissions in the State; and

(ii) suitable targets and interim targets, having the same aim, for specific sectors of the State's economy; and

- (c) to help Tasmania take advantage of the new social, economic and environmental opportunities that climate change will present; and*
- (d) to provide for reporting and Parliamentary oversight of progress being made towards achieving the State's 2050 target and other targets; and*
- (e) to promote energy efficiency and conservation; and*
- (f) to promote research and development in the development and use of technology for reducing or limiting greenhouse gas emissions or for dealing with and adapting to the expected consequences of climate change, including technology for removing greenhouse gases from the atmosphere; and*
- (g) to promote and facilitate business and community consultation and early action on climate change issues; and*
- (h) to identify, promote and support measures to help Tasmania deal with and adapt to the expected consequences of climate change; and*
- (i) to promote a Tasmanian response to climate change issues that is as far as practicable consistent with national and international schemes addressing those issues, including any schemes for emissions trading and emissions reporting; and*
- (j) to enhance Tasmania's willingness and capacity to contribute and respond, constructively and expeditiously, to national and international developments in climate change issues.*

The 2021 Consultation Draft Bill states:

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 –

- (a) to 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*
 - (ii) reporting and Parliamentary oversight of progress made towards achieving Tasmania's emissions reduction target and other targets; and*
- (b) to 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;*

(d) facilitate Tasmania's contribution to international, national and local government emissions reduction and climate change adaptation measures to support the transition to a low emissions future; and

(e) support a partnership approach with business, industry and the community to reduce greenhouse gas emissions and build resilience to the impacts of climate change.

The revised 2008 objectives outlined and stated within the 2021 Consultation Draft Bill fail to recognise the threat Climate Change causes by the ongoing anthropocentric pollution by way of Greenhouse Gas Emissions (pollution). This is a significant failure. TEA proposes the Objectives be amended so as to recognise the dual and interconnected threats of Climate Change and the anthropogenic pollution of Greenhouse Gas Emissions.

The revised 2008 objectives outlined and stated within the 2021 Consultation Draft Bill do not commit to the generation of a State Policy under the State Policies and Projects Act, a part of the RMPS but it should do so. There are potentially considerable benefits.

To be clear TEA proposes that beyond an Action Plan (which we support), we advocate a State Policy be created which constrains the suite of legislation and other strategic documents and indeed would also sit over the yet to be created Tasmanian Planning Policies under the RMPS. Such a Policy is crucial to the State of Tasmania to ensure its development and prosperity remains sustainable and indeed becomes even more so.

The revised 2008 objectives which have been outlined and stated within the 2021 Consultation Draft Bill do not commit to a revised set of regulatory mechanisms. It is vital Tasmania takes a more specific regulatory approach over the pollution of the atmosphere which Tasmanians are causing now, rather than relying on or rather hiding behind the fortuitously fortunate environmental aspects of Tasmania.

It is our view Tasmania continues to predicate development upon, favour and operate a carbon liquidation based economy. We simply have an energy system dependant and designed upon on renewables and a significant amount of forest, which sequesters carbon dioxide and acts as a carbon sink. But many other aspects of our society are not truly sustainable and this is reflected in Sectoral data. This Act and mechanisms under The Act should highlight those unsustainable activities and deal with those Sectoral issues so as to achieve changed behaviour, which will increase our resilience.

It is vital that Tasmania take more seriously the threat of Climate Change and what its own Greenhouse Gas Emissions causes, seemingly only by some sectors,.

It is our view that there is an overriding imperative to take urgent action over the calamitous crisis which climate change represents, including within the revised legislation.

Greenhouse Gas pollution has been trivialised by terming the Greenhouse gases which pollute the Earth's atmosphere as mere Emissions. This is a massive error and it is a reprehensible one, we argue.

We quote James Baldwin from 'As Much Truth as One Can Bear', 1962.

"Not everything that is faced can be changed. But nothing can be changed until it is faced."

Indeed, we regard avoidance to be a very poor strategy. The 2030 Target is avoidance. Indeed, we claim it would be a reckless avoidance.

TEA considers that significant emissions accrue as a result of human development and that emissions should be regarded pollution. Carbon is both an asset and a resource, which when managed sustainably would preferably not be contributing Greenhouse Gas Emissions.

Incorporate the draft Bill into the Resource Management Planning System (RMPS) of Tasmania

TEA thus suggests the Climate Change (State Action) Amendment Bill 2021 be redrafted so as to incorporate the legislation into the Resource Management Planning System (RMPS) of Tasmania. It would then need to be incorporated into the Schedule 1 Objectives of the RMPS into the Amending 2021 Bill.

These RMPS Objectives would and indeed are providing an excellent and consistent way of better integrating the Climate Change (State Action) Amendment Bill 2021 into the array of legislation which controls and regulates much of our lives.

The incorporation of the RMPS Objectives would strengthen the Climate Change (State Action) Act 2008.

It is to be hoped the result would mean the incorporation of commitments over Climate Change being looked at in a more holistic manner and being actioned across the gamut of RMPS legislation, such as Threatened species, marine issues, biosecurity, land use planning, environmental pollution and our Parks and Wildlife and Private Reserves. Climate Change affects all these things and the commitments made under the Climate Change (State Action) Act 2008 could more easily become a relevant consideration for the suite of RMPS legislation.

The RMPS Schedule 1 Objectives state:

SCHEDULE 1 - Objectives

PART 1 - Objectives of the Resource Management and Planning System of Tasmania

1. The objectives of the resource management and planning system of Tasmania are –

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

(c) to encourage public involvement in resource management and planning; and

(d) to facilitate economic development in accordance with the objectives set out in [paragraphs \(a\)](#) , [\(b\)](#) and [\(c\)](#) ; and

(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

2. In [clause 1 \(a\)](#) , **sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –**

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

5A. Climate change action plan

Regarding the clause (3) (c):

“(3) The actions in the climate action plan must –

(a) reduce Tasmania’s greenhouse gas emissions; and

(b) build climate 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.”

TEA is concerned that the “potential opportunities from a changing climate” have been mixed in with the management of “climate-related risks”. These two issues should be separated. The risks are current and real whereas the opportunities appear to only be potential. These two matters need to be revised into separate points.

Tasmania already has a changed climate and this is not adequately recognised in the legislation in a number of ways including in this Section of the draft Bill.

In regards to the sub-Section (4) which states:

(4) In developing a climate change action plan, the Minister is to take into account the following matters:

One of the matters which must be added to the list of relevant considerations under this clause, because it clearly would be a relevant consideration, is the requirement to consider the last Statewide Climate Change Risk Assessment made under Section 5B:

(1) The Minister is to prepare a statewide climate change risk assessment at least every 5 years.

Statewide Climate Change Risk Assessment

This risk assessment should be expanded to include and report on Climate Change impacts to both the natural and built environment, including to those parts of our State, which remain essentially in natural condition across all land tenures but also those areas subject to managed human interventions to the once natural environment.

Such a clause and requirement is essential to ensure that the Climate Change Risk Assessment reports recent events and has the task to develop a Climate Change Risk Assessment and an Action Plan, which is consistent and takes account of the reality of Climate Change, recognising it is not a natural phenomenon.

Thus in relation to:

(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;

The avoidance of actual recent and past impacts and the dealing with only projected impacts in the draft Bill is insufficient and unwise.

Comment on Sectors

Tasmania is a unique place, with a unique set of land uses, which nonetheless are in a process of transition, frustratingly slowly we might add. None the less, in terms of strategic planning, Tasmania is not especially well served by the sectoral descriptors which have been presented in the draft bill and which have been used to date.

Of particular note is Tasmania's reserve system, which is designed principally for nature conservation and the protection of biological diversity, recognition of world Heritage, and wilderness protection. Our comprehensive reserve system represents some 42% of the state of Tasmania.

Surely, when a collection of land tenures based around in perpetuity reserves on both public and private land accounts for 42% of the state, the state of Tasmania should consider that that particular land-use and the overriding imperative to conserve the natural environment, because of the obvious qualities of Tasmania, would result in this activity being recognised with the inclusion of it as a Sector for Climate Change purposes.

This 42% area of Tasmania is under threat from Climate Change and only by considering this 42% to be a valid sector, does the government of Tasmania start to consider more critically the impacts and the strategies, which will undoubtedly be unique to that sector.

Concluding Statements

Some see Climate Change as a problem to be reported upon and to be subject to a set of accounting style rules. Some see it as something to be considered only by business and industry. It is something we all need to consider and where we all need to change what we do and how we do it. We quote author and Climate Change activist: Al Gore:

“One reason we’ve failed to recognise the damage we’re doing is that we’ve assumed it’s fine to use our atmosphere as an open sewer.”

We wish to urge Tasmania that some of the unfortunate issues and unsustainable proposals, which have been floated by Australia or which have arisen at or as a result of the recent Glasgow COP 26, be avoided.

It remains our view that several of the issues and mechanisms referred to in The Draft Bill could be expanded and broadened thus increasing the opportunity for the participation by the Tasmanian community in the benefits of Carbon trading and pricing.

The simple and important concept is to redesign the planet’s Carbon Liquidation Economy with a set of universal commitments that target the worst failings, tax the worst Greenhouse Gas pollution technologies, which will set us all on a path to an early Net Zero target with a realistic chance to achieve and limit to 1.5° see and a speedy transition from our Carbon Liquidating Society, which pervades the whole of the globe, including Tasmania to a Carbon Conserving Economy.

The Aboriginal nations who inhabited and lived across Australia, and Tasmania managed the Australian environment for over 65,000 years. Just look at what our modern industrialised Carbon Liquidating Economy has done in a mere 250 years. It’s a disgrace.

No one will remember those who weasel, who compromised, who failed to be visionary, and who failed to have integrity. No one will remember those didn’t act.

Most Australians and Tasmanians, we believe will want to do the right thing once they realise the consequences and impacts of their behaviour.

Hence communicating to them a target, which shows clearly that we already are in uncharted, unsafe territory over Climate Change in Australia, is vital.

Please bear in mind that Tasmania is particularly at risk. We have already lost 95% of Tasmania’s giant kelp forests for example and the threats to our Gondwanic vegetation are high. Even some Eucalyptus forests are showing considerable stress now.

We trust that you will find our criticisms and suggestions to be positive, worthwhile and useful.

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