

16. Climate Laws



There is a wealth of information available about changes to our climate, the impacts of climate change on biodiversity, landscapes, business and communities, and actions that can be taken to try to reduce and adapt to these impacts.

This chapter does not try to replicate all that information – it aims to give a general overview of some of the laws dealing with aspects of climate change, and provide links to relevant websites where you can obtain more detailed information.

16.1 What is climate change?

Information about climate change is often full of jargon and complex terms. The following sites provide a comprehensive glossary of some of the most common terms:

- [Land Learn](#)
- [PWC - Climate Change facts](#)
- [Emission Statement - Glossary of Terms](#)

“Climate change” refers to changes in long term weather patterns observed over many decades. On average, global temperatures have been increasing (a phenomenon known as “global warming”), however some places have also experienced reduced temperatures or more extreme highs and lows in temperatures and changing rainfall patterns.

The international convention, the *United Nations Framework Convention on Climate Change*, defines “climate change” more specifically as changes that are directly or indirectly attributable to human activity, additional to natural climate variability. The vast majority of scientific evidence supports the conclusion that the rate of climate change is being exacerbated by human activities, particularly the ongoing release of greenhouse gases.

Some of the challenges presented by a changing climate include:

- Drought periods and water shortages, leading to food security issues;
- More frequent, and more intense, storms and bushfires;
- Changing fish populations and habitats, necessitating changes in fisheries planning;
- Rising sea levels and storm surges, increasing erosion in coastal communities;
- Extinction of some plant and animal species;
- Bleaching of coral and related impacts on reef systems.

Excellent resources in relation to the science of climate change are available from:

- [The Climate Commission](#)
Please note, the Climate Commission ceased operation in September 2013. The website is no longer updated, however a range of resources remain available on the site.
- [The Climate Council](#)
Following the demise of the Climate Commission, the Climate Council was established to continue to provide climate change information to the public.
- [Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education](#)
- [Australian Academy of Science](#)

- [CSIRO](#). In particular, a recent publication, [Climate Change: Science and Solutions for Australia](#) provides a wide range of data designed to underpin decisions made in business and in government.
- [Intergovernmental Panel on Climate Change \(IPCC\)](#)
- [Tasmanian Climate Change Office](#)

16.2 What is the government doing?

The government can play a significant role in assisting the community to address issues relating to climate change. For example, government laws and policies can:

- Facilitate improvements in energy efficiency, including adopting minimum efficiency standards for appliances and ensuring government offices are housed in high-efficiency buildings;
- Put a "price" on carbon dioxide emissions, to more accurately account for impacts resulting from such emissions;
- Promote the use and development of renewable energy options;
- Restrict vegetation clearance to secure "carbon sinks";
- Prevent development in areas at risk from sea level rise;
- Assist vulnerable communities, including in the Pacific, to adapt to unavoidable impacts of climate change;
- Facilitate research into adaptation options in relation to food and water security, improving resilience of biodiversity and fisheries planning.

Mitigation vs adaptation

Actions to address climate change generally fall into two categories: mitigation and adaptation.

Mitigation refers to actions designed to reduce the concentration of greenhouse gases in the atmosphere, including reducing emissions and increasing vegetation plantings to absorb carbon dioxide. The aim of mitigation is to reverse the upwards emissions trend and restrict increases in global emissions to 2 degrees above pre-industrial levels (this was the goal agreed to at the [international meeting in Copenhagen in 2009](#)).

Adaptation refers to actions taken to manage the local, regional and national consequences of climate change which are no longer able to be avoided. Adaptation actions include more stringent planning in coastal areas to avoid development in high risk areas and efforts to relocate habitat likely to be inundated by rising sea levels.

In order to make appropriate progress towards securing safer climate outcomes, it is essential that government actions focus on both mitigation and adaptation.

16.3 Action by the Commonwealth Government

International agreement

The United Nations Framework Convention on Climate Change (**UNFCC**) created a framework for reaching agreement on international climate change co-operation. The most significant agreement under the UNFCC was the [Kyoto Protocol](#), which sets out binding targets for reducing emissions and the rules for how emissions are reported.



Australia was part of the initial negotiations for the Kyoto Protocol in 1997, but did not ratify (that is, agree to implement) the Protocol until 2007. Along with approximately 90 other countries, Australia has agreed to join the second commitment period (2013 – 2020) and continues to be involved in negotiations to set targets and other commitments.

Australia is also a signatory to the [United Nations Convention on Biological Diversity](#). The principal mechanism for implementing Australia's obligations under the Convention is through the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*—see [Chapter 15](#)). As the [impacts of climate change on biodiversity](#) are better understood, further action may be taken under the EPBC Act to address (and avoid) those impacts.

National action

In March 2013, the federal Department of Climate Change and Energy Efficiency (**DCCEE**) was disbanded, and its functions transferred to the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education. The DCCEE had been integral to the development and implementation of Australia's carbon price.

🔒 **More content will be added to this section once the Federal government's policy position is made clear.**

16.4 Action by the Tasmanian Government

Statutory requirements

Under the *Climate Change (State Action) Act 2008*, the Tasmanian government committed to a target of reducing greenhouse gas emissions to at least 60% below 1990 levels by the end of 2050.

The Act also allows for regulations to be made about a range of matters, including:

- Methods for measuring greenhouse gas emissions (for the purpose of establishing the baseline and measuring reductions);
- Setting interim emission reduction targets;
- Prescribing sector specific reduction targets; and
- Establishing and promoting emissions offset programmes



Parched Tasmanian midlands, south of Kempton

There have been [recommendations that interim targets be adopted](#), though not necessarily by way of legislation. Though the current Minister for Climate Change supports legislated interim targets, the government has [indicated that it is not in favour of setting such targets](#) at this stage but will review its position through the development of the *2020 Climate Change Strategy*.

A recent review of the Act by Sinclair Knight Merz made the following recommendations:

- The 2050 target should be retained
- The Act could be amended to strengthen the objectives, clarify roles and responsibilities and include the 2050 emission reduction target baseline measurement
- No regulations need to be introduced at this time
- Consideration be given to setting interim policy targets to assist in understanding how Tasmania is tracking in terms of meeting the 2050 legislated target
- The State government has a facilitation role and should monitor and be ready to act if market failures are identified or changes occur at the national level that will affect emission reduction policies.

This report, and the Government's response to it, is available on the [Climate Change Office website](#).

Climate Change Office

The [Tasmanian Climate Change Office \(TCCO\)](#), situated within the Department of Premier and Cabinet, was established to provide support to the government in achieving the statutory reduction target. The TCCO has primary responsibility for coordinating government action on climate change, developing policies and providing information to the Tasmanian community.

The TCCO manages the following community grant programmes:

- [Earn Your Stars grants](#) - projects designed to help communities reduce their carbon footprint
- [ClimateConnect grants](#) - projects designed to help communities adapt to climate change



Climate Action Council

The [Tasmanian Climate Action Council](#) was established to provide advice to the Climate Change Minister about how the government is tracking towards its targets, the effectiveness of government initiatives and policies, and suggest alternative mechanisms to achieve the target. The Council is comprised of community representatives with expertise in science, policy, economics, law, planning, health and education.

The inaugural Council released a number of reports and [advice to government](#), including recommended responses to the Tasmanian Wedges Report (see below) and adoption of interim targets.

Building on this work, the second Climate Action Council released a [Blueprint for Action](#) in May 2013. The Blueprint sets out key priority actions designed to minimise emissions while maximising the economic benefits to the Tasmanian community, focussing on:

- Renewable Energy
- Energy Savings for Economic Benefit
- Climate Ready Agriculture

The Blueprint and other Council reports are available on the [TCCO website](#).

Establishing the information base

The Tasmanian government has undertaken a number of projects designed to inform its decision making in relation to climate change action.

The [Tasmanian Wedges Project](#) modelled Tasmania's greenhouse gas emissions under a business-as-usual scenario to 2050, identified potential emission reduction options for each sector of the economy and discussed opportunities to take advantage of Tasmania's natural advantages in terms of renewable energy.

The [Climate Futures for Tasmania](#) project has provided a large amount of data about how climate change is likely to affect Tasmanian communities. The project has released technical papers on the following issues:

- General Climate Impacts
- Climate Modelling
- Impacts on Agriculture
- Water and Catchments
- Extreme Events
- Extreme Tide and Sea Level Events
- Severe Wind Hazard and Risk

The reports are available to download on the [TCCO website](#). A recent [Climate Commission report](#) also discusses the climate change impacts and opportunities for Tasmania.

In September 2012, the government released a [Forest Carbon Study](#), calculating the carbon stocks in Tasmania's forests and identifying potential economic values in forest retention.