



Issue 16 – June/July 2012

Contents

1. United Nations Conference on Sustainable Development (Rio+20)

National Update

Law

2. Clean Energy legislation commences
3. Brumby's answers to ACCC

Policy

4. Renewable Energy Target under review
5. Clean Technology Innovation Program

International Update

Law

6. Texas Court finds that all natural resources are protected under the public trust doctrine
7. Mexico's climate law expected to face difficulties under new President

Policy

8. Emission reductions commitments will fail to achieve target
9. Europe commits to strong emissions limits for new cars

Media, Reports, and Other News

10. New report exposes Australia as highest per-capita carbon dioxide emitter, global emissions still rising
11. Climate Institute *Climate of the Nation 2012* report released
12. ABC News: Port Augusta backs solar thermal power (23 July 2012)
13. ABC News: Wave technology to power naval base (16 July 2012)

14. Invitation to Join EDO NSW's Scientific Expert Register

1. United Nations Conference on Sustainable Development (Rio+20)

The United Nations Conference on Sustainable Development (Rio+20) was held in Rio de Janeiro, Brazil, in June 2012. Rio+20 marked the 20th anniversary of the United Nations Conference on Environment and Development (Earth Summit), which was also held in Rio de Janeiro. Over 100 heads of state attended the Conference, as well as representatives from the private sector and non-government organisations (NGOs).

The Secretary-General of the United Nations, Mr Ban Ki-moon, was positive about the outcomes of Rio+20, however NGOs and environment groups have expressed disappointment in the Conference, saying that it was a [“hoax summit”](#), that it has [“failed to create the future that people and planet desperately need”](#), and that rather than time being spent effectively on negotiating outcomes, it was spent on announcements from the outcome document.

The Future We Want?

The outcome document from the Conference, *The Future We Want*, was agreed upon by the heads of state in attendance, however it has been reported that the commitments in the document fall short of what is needed to ensure that development in the future is indeed sustainable. Kumi Naidoo, Executive Director of Greenpeace International, expressed his disappointment in the outcomes of the Conference, saying that *The Future We Want* document contains “no benchmarks, no deadlines, and no money on the table to make these things happen”. Mr Naidoo is concerned that timelines are too long, and that action is not urgent enough, meaning that any measures that are taken may be too late to avoid the worst impacts of climate change

Natural Capital and the Green Economy

The Secretary-General said that the world needs to look beyond Gross Domestic Product (GDP) as a measure of progress, and highlighted the role that the [Green Economy](#) could play in poverty reduction, economic growth, and environmental care. There was a positive affirmation of the importance of encouraging the development of and investment in renewable energy technology, and the role that new technologies can play in not only reducing greenhouse gas emissions and slowing the impacts of climate change but also in renewing the economies of developing countries and alleviating poverty. However, NGOs have expressed concerns that there are no implementation timelines for this green growth, and no indication of who will drive such growth.

The United Nations Environment Programme (UNEP) and the World Bank have made claims that ecological devastation must be countered by viewing natural resources, ecosystems, and biodiversity as a form of natural capital which needs to be valued and accounted for in national accounts, financial products and services, and private sector supply chains. The [Natural Capital Declaration](#) was made by the financial sector at Rio+20, announcing a commitment to work towards integrating natural capital into financial products and services.

However, this emphasis on the commodification of natural resources has concerned some. Counter-conference ‘the People’s Summit’ was held in Rio de Janeiro leading up to and during Rio+20. Attendees included civil society groups, including environmentalists, unions, religious groups and Indigenous tribes. Some attendees of the People’s Summit have expressed concern at the emphasis placed on the Green Economy and natural capital, saying that the commodification of natural resources will result in accelerated attempts by the private sector to use natural resources for financial gain, and continued reliance on natural resources for energy production rather than the development of renewable technologies.

New Leaders

It is becoming evident that, rather than relying on governments to make progress on environmental issues, the private sector may have to take the lead. The Secretary-General has said that it is not up to governments alone to tackle the issue of sustainable development, and that active involvement is needed from major groups of civil society, including the private sector. Lisa Jackson, head of the US Environmental Protection Agency, has said of Rio+20, “Perhaps some of the most important work that is happening here are what used to be considered side events – the partnerships between private sector and academia and NGOs and local governments and state level governments.”

National Update

Law

2. Clean Energy legislation commences

The Australian Government’s Clean Energy legislation commenced on 1 July 2012. This package includes the carbon pricing mechanism, which will initially put a fixed price on carbon, and then transition to a flexible price cap-and-trade emissions trading scheme on 1 July 2015. The carbon price applies to the [top 500 polluters](#).

The package also includes initiatives such as the [Carbon Farming Initiative](#), the [Indigenous Carbon Farming Fund](#), and initiatives to drive investment in and development of renewable energy.

For more information about the commencement of the Clean Energy legislation, [visit the Clean Energy Future website](#).

3. Brumby's answers to ACCC

Retail Food Group Limited (RFG), which owns Brumby's Bakeries Pty Ltd, has given an [enforceable undertaking](#) to the Australian Competition and Consumer Commission (ACCC) following an incident in which franchisees were told in a newsletter from head office to 'let the carbon tax take the blame' for price rises.

In the undertaking, RFG acknowledges that the directions to franchisees to blame price increases on the carbon pricing mechanism may have breached Australian consumer law because of their misleading and deceptive nature. RFG has undertaken to refrain from making any representations that price rises have been caused by the carbon pricing mechanism without a reasonable basis, and to refrain from encouraging franchisees to do so. RFG has written to franchisees outlining their legal obligations with regards to pricing and the carbon pricing mechanism.

To read the undertaking, [visit the ACCC website](#).

Policy

4. Renewable Energy Target under review

The Climate Change Authority (CCA) was established on 1 July 2012. The CCA is responsible for providing independent advice on the operation of Australia's carbon price, emissions reduction targets, caps and trajectories, and other Australian Government climate change initiatives.

The Renewable Energy Target (RET) review will run from July 2012 to December 2012, and is the first study to be undertaken by the CCA. The review will include an examination of economic efficiency, environmental effectiveness, equity and the impact of the RET on the community and business.

For more information, [visit the CCA website](#).

5. Clean Technology Innovation Program

The Clean Technology Innovation Program was launched on 6 July 2012. This \$200 million program, which is part of the Australian Government's Clean Energy Future package, aims to provide opportunities for Australian businesses to find innovative ways of reducing greenhouse gas emissions, including supporting projects that generate energy from wind, solar, wave, tidal, hydro or geothermal power.

The Minister for Industry and Innovation [launched the program](#), saying, "We are looking for innovative projects involving applied research and development, proof of concept or early stage commercialisation activities. The aim is to develop new clean

technologies and associated services, including low emission and energy efficient solutions that reduce greenhouse gas emissions."

For more information, [visit the AusIndustry website](#).

International Update

Law

6. Texas Court finds that all natural resources are protected under the public trust doctrine

The case *Angela Bonser-Lain, et al. v. Texas Commission on Environmental Quality* is part of legal action in 49 states, the District of Columbia, and against the United States Government on behalf of youth aimed at countering the negative impacts of climate change by reducing carbon dioxide emissions.

The non-profit organisation Our Children's Trust, represented by the Texas Environment Law Centre, brought a case against the Texas Commission on Environmental Quality, arguing that the Commission failed to protect the atmosphere and air by refusing to adopt a rule that would require reductions in State-wide carbon dioxide emissions from fossil fuels.

The Texas Commission on Environmental Quality argued that the public trust doctrine, which says that governments must protect resources that are vital to human health and survival, applies exclusively to water. The Court found that this conclusion was legally invalid, and that the public trust doctrine protects all natural resources in the State, saying that this is not only enshrined in common law, but is also included in the Texas Constitution.

It has been reported that the judgment could be used as a persuasive argument in lawsuits pending in 11 other States.

For more information, read the [Our Children's Trust media release](#). To read the plaintiff's original petition, [please click](#).

7. Mexico's climate law expected to face difficulties under new President

Mexico's General Climate Change Bill, as reported in [previous Climate Law Bulletins](#), was passed in early 2012. This Bill, which aims to cut greenhouse gas emissions by 30 per cent by 2020 and by 50 per cent by 2050, includes goals for renewable sources to generate up to 35 per cent of all electricity, and requires mandatory emissions reporting, was signed by the previous president in June 2012.

However there are fears that the incoming President's party will focus on accelerating economic growth and oil and gas production and that this will result in challenges for the new law. The national election was held in Mexico in July, and the Institutional Revolutionary Party will resume its 71 year leadership of Mexico after a break of 12 years. Among the party's election promises are a commitment to reform the state-owned petroleum company Pemex to allow more private investment. The party is also expected to work towards stimulating Gross Domestic Product (GDP) growth.

The Director of Pronatura Mexico AC, an environmental organisation, has said that because the industrial sector contributed resources to the party's election campaign, the President will now be under pressure to consult with the sector, which has the potential to result in environmental issues taking a back seat.

For more information, [please click](#).

Policy

8. Emission reductions commitments will fail to achieve target

A report released by a group of Chinese researchers has revealed that current greenhouse gas emissions reduction targets will fail to achieve the 2 per cent limitation on temperature rise agreed by world leaders at the 2010 Cancun United Nations Framework Convention on Climate Change Conference.

The report argues that by 2005, developed countries had contributed 60-80 per cent to the global temperature rise, and developing countries 20-40 per cent, and so developed countries should bear the responsibility of slowing emissions. However, China was the biggest emitter of carbon dioxide in 2011, with a growth in emissions of 9 per cent.

The report finds that broader mitigation measures are needed to counter the effect that greenhouse gas emissions are having on the climate.

To read the report, [visit the PNAS website](#).

9. Europe commits to strong emissions limits for new cars

The European Commission has announced that it will build on its already strong standards on average carbon dioxide emissions for new cars in the European Union, with the hope of reducing carbon dioxide emissions, and encouraging development in alternative technologies. Lower emissions will also result in lower fuel usage and therefore decreased cost for consumers.

The new proposals are expected to stimulate research and innovation in the automotive sector, promoting green growth and jobs and improving the international competitiveness of the EU industry.

Australia's proposed emissions standard has fallen behind, with the target for 2015 set at 190 grams of carbon dioxide per kilometre driven, and a review target of 155g by 2024, compared to the EU's 130g by 2015 and 95g by 2020.

For more information, [visit the European Commission website](#).

Media, Reports, and Other News

10. New report exposes Australia as highest per-capita carbon dioxide emitter, global emissions still rising

A [report on global emissions](#) released by the PBL Netherlands Environmental Assessment Agency and the European Commission shows that in 2011 Australia was the highest emitter of carbon dioxide per-capita, and had the 15th largest emissions in the world. China topped the list for total emissions, and was followed by the United States of America.

Global carbon dioxide emissions increased 3 per cent in 2011, reaching an all-time high of 34 billion tonnes. In 2011 Australia's emissions increased by 8 per cent, and China's increased by 9 per cent. Global carbon dioxide emissions caused by human activity have risen by 50 per cent since the UN Earth Summit in Rio de Janeiro in 1992. The report also found that accelerated developments in renewable energy have reflected positively on global emissions, which would potentially have been 5 per cent higher without this development in renewable energy.

To read the report, [click here](#).

11. Climate Institute *Climate of the Nation 2012* report released

The [Climate Institute](#) has released its [Climate of the Nation 2012](#) report. This annual report uncovers Australian attitudes to climate change and related policies. A major finding of this year's report is that Australians are uncertain about climate change science, and are not yet convinced by the carbon laws. However Australians are open to be convinced on both.

John Connor, CEO of the Climate Institute said of the report, "Our research was carried out at a time of highly politicised and poorly informed debate preceding the start of the carbon laws. Some of these findings are concerning but not surprising and set out policy and communication challenges on solutions, impacts and opportunities... there is a wealth of concern for impacts and readiness for action. We found that even amidst all the political noise, Australians are 'doing their bit' to

address their environmental footprint. But they are looking to government and business to lead and do more on reducing carbon pollution.”

To read the report, [please click](#).

12. ABC News: Port Augusta backs solar thermal power (23 July 2012)

In a vote of 3,500 Port Augusta residents, 98 per cent have indicated that they support a move towards replacing the city’s coal power stations with solar thermal power.

[Re-power Port Augusta](#) engineered the vote, saying that the result sends a significant message to governments. Re-power Port Augusta says that the current operators Alinta Energy also support the change, and that it is now up to governments to help the transformation.

To read the full article, [visit ABC News online](#).

13. ABC News: Wave technology to power naval base (16 July 2012)

The Defence Department will use wave technology to power its largest naval facility, south of Perth.

The Prime Minister announced the deal with Carnegie Wave Technology. The company's Chief Executive says that power generated by waves from the ocean will be fed into the island's grid from the end of next year.

Wave power will be used to power HMAS Stirling's electrical infrastructure at Garden Island.

To read the full story, [visit ABC News online](#).

14. Invitation to Join EDO NSW's Scientific Expert Register

EDO NSW is seeking scientific and technical experts with 10 or more years' experience in a range of fields to join our Expert Register. PhD students are also encouraged to apply.

The Expert Register is a list of scientific experts who are willing to assist EDO NSW with public interest environmental matters on a pro bono basis. A key aim of the service is to increase the public's capacity to participate effectively in the environmental planning and development assessment process.

EDO NSW is also seeking to develop relationships with research organisations and environmental consultancies interested in doing pro bono work.

If you would like more information on how to be involved in the scientific work of EDO NSW, and have expertise in climate science or a relevant environmental field, please contact EDO NSW on 02 9262 6989.