



# Climate Law Bulletin

The bimonthly climate update from the Environmental Defender's Office

VOLUME 1 – MAY/JUNE 2009

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## **Editorial**

The Environmental Defender's Office NSW would like to welcome you to this first edition of the Climate Law Bulletin. Across the economic, social, environmental and political spheres, climate change has come to the fore as one of the most pressing issues being faced by the people of Australia. The purpose of this bulletin is to ensure you are kept informed and updated on the progress of climate change law and policy. As the Australian Government takes its first steps to address climate change in concrete terms, public participation and public awareness of the issues surrounding climate change will be the key to developing a pro-active and effective approach to the impacts of climate change. This bulletin seeks to provide readers with crucial information to ensure and enable timely and effective public participation.

### **Five key legislative measures to tackle climate change**

Various legislative and policy mechanisms have been proposed to address climate change in Australia. The EDO's position is that there is no single solution to climate change and that a range of complementary measures are needed to ensure that a holistic approach is taken.

In this article, we provide a summary of five legislative mechanisms that are likely to constitute key elements of the Australian Government's response to climate change.

#### **1. National emissions targets**

Fundamental to achieving emissions reductions in Australia is for the government to set an overall emissions target for Australia.

The EDO submits that short-term and long-term targets set must be meaningful and assist

Australia in achieving 80-90% reductions on 1990 levels by 2050 which is in line with Intergovernmental Panel on Climate Change recommendations. Indeed, lower targets will not help to restrict global temperature rise to 2 degrees, which is regarded as the 'tipping point' towards catastrophic climate change. Despite this, Australia has only committed to a 5% reduction on 2000 levels by 2020, with the potential for a 25% target to be adopted if other countries adopt similar targets at the meeting in Copenhagen in December 2009.

Australia's 5% unconditional target is much lower than other jurisdictions around the world. For example, the European Union has adopted a target of 20-30 per cent below 1990 levels by 2020 and the United Kingdom has adopted a 26-32 per cent target below 1990 levels by 2020.

## 2. Emissions trading

An emissions trading scheme involves achieving emissions cuts through the use of a market mechanism. The government sets an annual cap on emissions for those sectors covered by the scheme and then issues permits to polluters up to the level of that cap. Permits can then be traded between parties.

An emissions trading scheme is meant to alter industry behaviour by putting a price on greenhouse gas emissions. That is, for every tonne of greenhouse gas emissions, emitters will have to buy a permit, where previously emitters have been free to emit at no charge. Moreover, emissions trading ensures that permits move to their highest cost use in the economy. That is, those emitters for whom it is cost effective to reduce their emissions will do so, and those for whom it is more cost effective to continue emitting at high rates will buy permits off the market.

The Commonwealth Government proposed an emissions trading scheme entitled the *Carbon Pollution Reduction Scheme* (CPRS) in early 2009, which has fundamental flaws.

See EDO's submission on the CPRS below:

<http://www.edo.org.au/policy/090415cprs.pdf>

## 3. Carbon tax

An alternative or adjunct measure to emissions trading is a carbon tax. A carbon tax involves setting a tax on emissions at a sufficient level that it will make it more expensive to emit, and therefore alter behaviour and reduce emissions. Carbon taxes have been introduced in various countries to discourage emissions and promote efficiencies. Models from Scandinavia could be applied in Australia, involving an air pollution tax on all emitters across the economy, or a levy on various types of fuel and electricity used by business, agriculture and the public sector as applied in the UK.

One of the problems with a carbon tax is that it can only estimate the emissions reductions that will be achieved at a certain level of tax. That is, a carbon tax cannot guarantee that a desired level of emissions will be achieved. However, the EDO is of the view that a carbon tax can be an important measure when used in conjunction with other measures such as emissions trading.

## 4. Renewable energy target

A crucial and focal element of Australia's climate change response will be the transition towards non-GHG emitting sources of energy. Indeed, in the EDO's opinion the deployment of renewable energy represents the primary long-term viable solution to climate change. Australia is blessed with an abundance of renewable energy sources, including solar, wind

and geothermal energy but has not established the framework for the large-scale deployment of renewable technologies. Several developed countries have put in place strong renewable energy targets. For example, California has a target of 33% by 2010 and Denmark 28% by 2010.

The Commonwealth Government has recently increased the Mandatory Renewable Energy Target (MRET) under the *Renewable Energy (Electricity) Act 2000* (Cth) to require that 20 percent of electricity is supplied by renewable energy by 2020. However, given the projected increase in electricity demand and Australia's emissions, stronger targets are needed along with other mechanisms that provide incentives for the renewable industry to develop. This includes introducing national feed-in tariffs and promoting the growth of employment in the 'green' industry.

Feed-in tariffs are laws requiring electricity utilities to allow independent producers of renewable power to 'feed' their electricity into the grid against a guaranteed payment of a certain fee per unit of output. This is meant to encourage households and individuals to generate their own renewable energy. Feed-in tariffs have been widely implemented in countries around the world. California has introduced a feed-in tariff through the [Assembly Bill 1969 of 2006](#). Furthermore, legislative amendments have been proposed in California and five other states that would create more expanded feed-in tariff systems, while another eight states have considered similar legislation. Similarly, fixed feed-in tariffs have been introduced in 18 of the 27 EU member states.

Another mechanism to encourage the deployment of renewable energy is the promotion of a 'green jobs' industry as in the United States under the *Green Jobs Act 2007*. That Act provides government funding, investment and job training to promote the development of a renewable energy industry in the United States. Moreover, in addition to developing a viable renewable energy industry the green jobs initiative has also created employment opportunities for disadvantaged communities including Indigenous groups. Similar legislation is needed in Australia.

The EDO's submissions on renewable energy can be found here:

<http://www.edo.org.au/policy/090219ret.pdf>

<http://www.edo.org.au/policy/080730nrets.pdf>

## 5. Greenhouse trigger

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) is the primary piece of environmental legislation at the federal level in Australia. It regulates potential impacts on Matters of National Environmental Significance (MNES) and lists threatened species and key threatening processes. However, climate change is not listed as a matter of national environmental significance and therefore new power plants and coal mines are not directly regulated by the Act. The EDO has long called for the Act to be extended in scope through the introduction of a climate change trigger. This will ensure that any proposed new mines or power plants require an approval under the Act.

If a greenhouse trigger is introduced then it provides an opportunity to ensure that only those projects that incorporate strong mitigation measures and that use best practice technology are given approval to proceed.

The EDO's submission to the recent 10 year review of the *EPBC Act* can be found here:

<http://www.edo.org.au/policy/090219epbc.pdf>

## Summary

The 5 mechanisms discussed above are likely to play a crucial part in any Australian response to climate change. However, they are just part of a bigger picture of reform. Other reforms needed include introducing strong public transport policies, amending planning laws, addressing household emissions, removing perverse government subsidies for industry, strengthening native vegetation protections, introducing national energy efficiency standards, facilitating adaptation to sea level rise, regulating the voluntary offsets market, introducing strict requirements around the use of biofuels and addressing climate justice issues such as assisting vulnerable communities, low income earners and Indigenous Australians with adjusting to the impacts of climate change.

In short, a holistic response to climate change is needed to ensure that all sectors and sources of emissions are addressed to assist Australia's transition to a low-carbon future.

By Robert Ghanem

## National Update

### CPRS legislation introduced into Parliament



Legislation to implement the Carbon Pollution Reduction Scheme (CPRS) was introduced into Parliament last week. The legislative package is intended by the Government to be passed this year, despite delays in commencement announced by Prime Minister Kevin Rudd.

For more information on the legislative package and how it differs from the exposure draft legislation (see below), visit the Federal Department of Climate Change website at

<http://www.climatechange.gov.au/emissionstrading/legislation/index.html>

The EDO, in partnership with the Edmund Rice Centre's Pacific Calling program, will be presenting a seminar on 2 June providing a basic overview of the CPRS. For more information on this seminar, please contact the EDO on (02) 9262 6989 or email [education@edo.org.au](mailto:education@edo.org.au)

### National budget climate change implications

Climate change shows some influence in the Federal Government's planned expenditure, following the release of the national budget for the coming financial year. The climate-related budget items included:

- a solar flagship program, involving a \$1.5 billion investment in solar energy over a 6 year period, and a commitment to generate 1000 Megawatts of energy;
- the renewable Australia fund, involving \$450 million to go towards any renewable technology at any stage of the production line;
- a carbon capture and storage flagship program, involving an investment of \$2 billion over a 9 year period to develop and facilitate a carbon capture and storage program;

- an investment of \$4 million over a 9 year period in clean coal technology.

### **Federal Government announces changes to the CPRS**

In a recent announcement, the Federal Government has made significant changes to its Carbon Pollution Reduction Scheme (CPRS). Changes to the proposed Scheme include:

- A delay in the introduction of the Scheme until July 2011, 12 months later than scheduled;
- An increase in the upper carbon reduction limit to 25% below 2000 levels by 2020 if the world reaches agreement on a global deal to stabilise levels of CO2 equivalent at 450 parts per million or lower by mid century;
- The introduction of a one year fixed price period – permits will cost \$10 per tonne of carbon in 2011-12, with the transition to full market trading from 1 July, 2012;
- A new global recession buffer to be provided as part of the Government's assistance package for emissions-intensive trade-exposed industries.

For more information on the changes to the Scheme, visit

[http://www.pm.gov.au/media/Release/2009/media\\_release\\_0967.cfm](http://www.pm.gov.au/media/Release/2009/media_release_0967.cfm)

The Australian Government has formally submitted its revised target of a 25 percent reduction in greenhouse gas emissions by 2020 to the United Nations, in its bid to build momentum towards a global agreement.

### **GreenPower purchases now recognised under CPRS**



One of the most significant changes announced by the Federal Government in amending the proposed CPRS is that the Scheme will now acknowledge and account for purchases of GreenPower by households and businesses to reduce their greenhouse gas emissions. Prior to the changes, the Scheme failed to recognise GreenPower customers. Previously, the reductions achieved by these voluntary actions merely freed up more permits for big polluters. Under the amended Scheme, the contribution to net emissions reductions made by purchases of GreenPower will be measured and the number of permits adjusted accordingly.

### **Exposure draft of the legislation to implement the Carbon Pollution Reduction Scheme**

The exposure draft legislation for the Australian Government's Carbon Pollution Reduction Scheme (CPRS) was released on 10 March this year. The exposure draft legislation has now been superseded by the legislative package introduced into Parliament last week (see above). The exposure draft legislation set out what was required of participants in the Scheme and the mechanics of the Scheme that would allow Australia to meet its emissions reduction targets. The greenhouse emissions reduction targets set by the exposure draft legislation provided for a 5% to 15% reduction on 2000 levels by the year 2020.

Public comment on the exposure draft legislation was invited and the period for submissions closed on 14 April. Visit <http://www.edo.org.au/edonsw/site/policy.php#1> to access the EDO's submission on the exposure draft legislation.

## **CPRS Fuel Tax Adjustments**

As part of the wider Carbon Pollution Reduction Scheme (CPRS), the Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, Chris Bowen, released exposure draft legislation and explanatory materials for the CPRS – Fuel Tax Adjustment Arrangements. The legislation sets out the way in which the Government will establish an excise reduction to be applied to offset the rising cost of fuels as a result of an emission pricing system. The exposure draft legislation also introduces a new 'CPRS fuel credit' scheme, setting out how the government will provide transitional assistance to the agriculture, fishing and heavy on-road transport industries. Public comment on the legislation was invited and the period for submissions closed on 20 April 2009.

The draft legislation can be viewed at

<http://www.treasury.gov.au/contentitem.asp?NavId=037&ContentID=1516>

## **Renewable Energy Target scheme**



The Council of Australian Governments (COAG) has decided to increase the legislated renewable energy target for the year 2020 from 9,500 gigawatt-hours to 45,000 gigawatt-hours. The Renewable Energy Target (RET) scheme expands on the existing Mandatory Renewable Energy Target (MRET) and absorbs existing and proposed State and Territory renewable energy schemes into a single national scheme. The Carbon Pollution Reduction Scheme (CPRS) will over time bring renewable energy technologies into the market. The expanded RET scheme will prepare the electricity sector to contribute to the significant emissions reductions that will be needed to address climate change.

For more information on the RET scheme, visit

<http://www.climatechange.gov.au/renewabletarget/index.html>

## **National Greenhouse and Energy Reporting System Calculator**

An on-line calculator has been provided by the Federal Department of Climate Change to assist corporations in a self-assessment of whether or not their corporate group or any of their facilities are meeting reporting thresholds under the *National Greenhouse and Energy Reporting Act 2007*. The Act establishes a national system for reporting greenhouse gas emissions, energy consumption and production by corporations from 1 July 2008. A Solid Waste Emissions Calculator which estimates Solid Waste emissions according to Division 5.2.2 (Method 1) of the *National Greenhouse and Energy Reporting (Measurement) Determination 2008* is also available.

Both calculator mechanisms can be found at

<http://www.climatechange.gov.au/reporting/calculator/index.html>

## **National Carbon Accounting Toolbox**

The National Carbon Accounting Toolbox provides the tools for tracking greenhouse gas emissions and carbon stock changes from land use and management. The Toolbox aims to assist decision-making around agriculture in preparation for the commencement of the

Carbon Pollution Reduction Scheme (CPRS). Users can identify changes in emissions resulting from soil cultivation, fire management, fertiliser application, climate variability and reliability.

For more information on the Toolbox, visit

<http://www.climatechange.gov.au/ncas/ncat/index.html>

### **Senate Select Committee on Climate Policy**

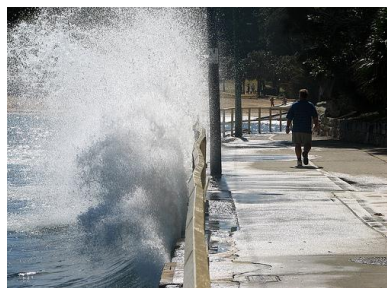
In March this year, the Senate established a Select Committee on Climate Policy to 'inquire into policies relating to climate change', with particular reference to issues such as the choice of emissions trading as the central policy to reduce Australia's carbon pollution; the environmental effectiveness of the Government's Carbon Pollution Reduction Scheme (CPRS); an appropriate mechanism for determining a fair and equitable contribution to the global emission reduction effort, and whether the proposed scheme will encourage investment in green jobs, research and development and various industries.

Public comment was invited and the period for submissions closed on 8 April 2009. The Climate Action Network Australia (of which the EDO is a member), has made a submission to the inquiry. If you would like to view this submission, contact Nina Hall, at [nina@cana.net.au](mailto:nina@cana.net.au)

For more information on the Select Committee on Climate Policy, visit

[http://www.aph.gov.au/Senate/committee/climate\\_ctte/info.htm](http://www.aph.gov.au/Senate/committee/climate_ctte/info.htm)

### **Draft Sea Level Rise Policy Statement (NSW)**



Following scientific evidence of a projected sea level rise of up to 40 cm by 2050, the NSW Government has adopted a plan for sea level rise adaptation. This is contained in the Government's Draft Sea Level Rise Policy Statement, which sets out the planned approach to sea level rise, the risks to property owners from coastal processes and the assistance that the Government is seeking to provide to councils to reduce the risks of coastal hazards.

Public comment on the draft policy statement was invited, with the period for submissions closing on 3 April 2009. The EDO made a submission on the Statement, expressing serious concerns with the position adopted by the Draft Policy Statement, particularly the lack of a holistic approach and the lack of leadership and action by the State government in comprehensively addressing climate impacts. The submission can be accessed on the EDO website at <http://www.edo.org.au/edonsw/site/policy.php#1>

For more information on the NSW Draft Sea Level Rise Policy Statement, visit

<http://www.environment.nsw.gov.au/climateChange/sealevel.htm>

### **Parliamentary Committee final report: Impacts of Emissions Trading Schemes on Natural Resource Management (NSW)**

The Natural Resource Management (Climate Change) Committee inquiry into Emissions Trading Schemes has released its final report on the impacts of ETS on natural resource management. To access the report, [click here](#).



## **Senate Inquiry into the Effects of Climate Change on Training and Employment Needs**

The Senate has referred to its Standing Committee on Education, Employment and Workplace Relations an inquiry into the capacity of universities and other research and training institutions to meet current and future demand for climate change professionals. The inquiry also considers possible measures to assist understanding of climate change in the Asia-Pacific region, including provision of training and skills assistance.

Public submissions to the inquiry have been invited and are due on 26 June 2009. For more information on the inquiry, visit

[http://www.aph.gov.au/Senate/committee/eet\\_ctte/employ\\_climate/info.htm](http://www.aph.gov.au/Senate/committee/eet_ctte/employ_climate/info.htm)

## **Global Carbon Capture and Storage Institute**

The Global Carbon Capture and Storage Institute has been launched by the Federal Government to accelerate the development of carbon capture and storage (CCS) technology across the globe and to encourage the sharing of information regarding such technology. CCS involves capturing carbon dioxide from large stationary sources such as coal-fired power plants, compressing it for transport to an injection site and then storing it permanently deep underground.

For more information on the Institute, visit

<http://www.alp.org.au/media/0409/mspmrese160.php>

## **Climate Action Summit Policy Process**



The Climate Action Summit took place from 31 January to 3 February in Canberra this year and brought together community climate action groups from across Australia with the aim of making the community climate movement more effective and more coherent, and to help set the agenda for the Rudd Government in its approach to climate change. The Summit achieved various outcomes, including an approved policy position amongst all participants. The final policy paper, which seeks to express a best-practice climate policy position, is still being compiled by Summit members. For more information on the policy positions adopted by the Summit, visit

<http://www.climatesummit.org.au/policyprocesssummit>

## **International Update**

### **Proposed US climate legislation announces strong emissions reductions targets**

Draft legislation released by the US House of Representatives Energy and Commerce Committee proposes a cap-and-trade scheme leading to greenhouse gas emissions cuts equivalent to 30 percent below 2005 levels by 2020. Emissions trading experts have stated that this translates to a cut of up to 31 percent below 2000 levels. The Australian Government has committed to 5 to 25 percent below 2000 levels, depending on an international agreement to tackle climate change being reached.

The US bill also gives the US President the power to impose carbon tariffs on goods imported from countries that do not take steps to address climate change.

For more information on the proposed legislation, visit

<http://www.theage.com.au/environment/global-warming/us-to-go-further-than-rudd-over-emissions-20090401-9js0.html>

### **US EPA finds CO2 a health risk**

The US Environmental Protection Agency (EPA) is proposing to regulate the six main greenhouse gases on the basis that they are a danger to public health. Following a decision by the US Supreme Court in 2007 that carbon dioxide (CO<sub>2</sub>) was a pollutant under the *Clean Air Act*, the EPA was ordered by the Court to determine whether CO<sub>2</sub> endangered public health and welfare. The EPA's finding of endangerment now paves the way for these six gases to be regulated under the Act, and allows US States to establish global warming emissions limits for vehicles.

For more information on the finding, visit

<http://www.greenpeace.org/usa/press-center/releases2/better-late-than-never-epa-f>

### **US finance agencies to address CO2 emissions in energy investments**



Following a legal challenge under the *National Environmental Policy Act* (NEP Act), two US finance agencies have agreed to consider the impacts on climate change in financing overseas oil and gas projects. In 2002, Export-Import Bank and Overseas Private Investment Corporation (OPIC) were sued under the NEP Act when the agencies failed to assess the level of greenhouse emissions expected to flow from fossil fuel projects that had received more than a \$32 billion investment from the agencies. In addition

to accounting for emissions from projects, the agencies agreed to develop organisation-wide carbon policies, and set goals to reduce major projects' emissions by 20 percent. Both agencies were required to commit to increase funding of renewable energy projects.

For more information on the settlement, visit <http://www.greenpeace.org/usa/press-center/releases2/landmark-global-warming-lawsui>

### **Southern Environmental Law Centre files suit to block permit for coal plant**

Plans for a \$2.5 million coal plant on the Great Pee Dee River in South Carolina (US) have been stalled, following a legal challenge to the issue of the plant's State Air Pollution Permit. The coal plant was expected to emit over ten million tonnes of carbon dioxide and thousands of tonnes of toxic pollution, making South Carolina environmental agency, DEHC's authorisation of the permit illegal under the federal *Clean Air Act*.

For more information on the legal challenge, [click here](#).

### **US EPA to withdraw permit for New Mexico power plant**

The US Environmental Protection Agency (EPA) has requested its Environmental Appeals

Board voluntarily reject its issuance of a permit approving the 1,500 megawatt Desert Rock coal-fired power plant in northwest New Mexico. The permit was issued by the Bush administration in July last year. In January, the EPA withdrew the carbon dioxide portion of the final permit and it has now requested that the rest of the permit be remanded, providing an opportunity for the agency to address concerns involving local contamination from greenhouse gas emissions, soot emissions, possible effects on endangered species and concerns about pollution-control technologies.

For more information on the EPA's request to review the permits, visit <http://www.biologicaldiversity.org/news/center/articles/2009/desert-rock-04-27-2009.html>

### **US administration sticks with polar bear rule**



The Barack Obama administration in the US has upheld the regulation limiting the protection of the polar bear from global warming. The Interior secretary stated that the rule would not be rescinded, despite him possessing authority to do so, and that a US law protecting endangered species should not be used to address the much broader issue of climate change.

The polar bear was declared a threatened species due to the severe decline of Antarctic sea ice. Under this declaration, the Bush administration established a 'special rule' that said that no action outside the polar bear's Arctic habitat, such as carbon dioxide emissions from power plants, could be considered detrimental or a threat to the bear's survival.

For more information on the rule and the US administration's approach, visit <http://news.smh.com.au/breaking-news-world/us-sticks-with-bushera-polar-bear-rule-20090509-ay8m.html>

### **UK emissions reductions leave Australia far behind**

The UK Government has announced a commitment to a 34% reduction in carbon emissions below 1990 levels by 2020. This equates to a 24% reduction on 2000 levels. Unlike Australia's reduction strategy, the UK aims to achieve this reduction without using foreign-sourced permits or offsets purchased on Third World forests.

Australia's target for emissions reductions are 5-25 percent below 2000 levels by 2020 and 60 percent below 2000 levels by 2050. The US, by comparison has announced emissions reductions of 15 percent of current levels by 2020 and 80 percent of current levels by 2050.

For more information on the UK position, visit <http://www.theage.com.au/environment/uk-emissions-shame-australia-say-greens-20090423-agtc.html>



### **UNFCCC meeting in Bonn**

The next UNFCCC meeting in the lead up to Copenhagen (where a binding international agreement is supposedly to be reached) will take place over the first two weeks of June. If an agreement is to be reached at Copenhagen in December, dramatic action

is required at Bonn. Many countries have now submitted proposed 2020 and 2050 targets. These submissions can be accessed at [http://unfccc.int/meetings/ad\\_hoc\\_working\\_groups/lca/items/4578.php](http://unfccc.int/meetings/ad_hoc_working_groups/lca/items/4578.php) Countries will be engaging in negotiations around the draft text of an international agreement.

## Media, reports and other news

### Australia's first carbon deal

Australia's carbon market has seen the first trade between two Australian counterparts. The deal, for 100,000 certified emissions reduction (CER) certificates, took place between Arcadia Energy Trading and Loy Yang Power. The deal demonstrates the beginning of an intra-Australian carbon market, as companies prepare for the introduction of the Government's Carbon Pollution Reduction Scheme (CPRS). Under the proposed CPRS legislation, companies with a carbon liability will be able to source credits from certified international sources that were created under the Kyoto Protocol.

### Torres Strait Islanders potentially the first to test a climate change suit



Some 7,000 residents of the Torres Strait Islands, low-lying islands to the north of Australia who are expected to lose their homelands due to the projected impacts of rising sea levels, may be the first peoples to have the basis for a landmark legal case against large scale greenhouse gas emitters. The Australian Human Rights Commission's (AHRC) annual report expressed concerns regarding the loss of land and threats to life, health, food, water and culture. The report claims the islanders may be the 'litmus-test' for a suit against some of the nation's largest polluters when the peoples are forced to relocate to the mainland. A community guide to the AHRC report, titled 'Climate change, water and Indigenous knowledge: A Community Guide to the Native Title Report 2008', is [available here](#).

Federal climate change Minister Penny Wong has ordered a study into how climate change will affect indigenous communities in northern Australia. The report is due for release in the coming weeks. More information on the study is available at <http://www.environment.gov.au/minister/wong/2008/mr20080908a.html>

Dr Donna Green and the EDO's Principal Solicitor Kirsty Ruddock have authored an article, titled 'Could Litigation Help Torres Strait Islanders Deal with Climate Impacts?' and appearing in the Winter 2009 edition of *Sustainable Development Law and Policy* journal. The article looks at the legal remedies that may be available to Torres Strait Islanders when the predicted impacts of climate change impinge upon their rights to their lands and their use and enjoyment of their environment. The authors consider legal actions in human rights law, environmental protection law, and tort law. For more information on the article, please contact the EDO office on **(02) 9262 6989**.

### Oxfam report: 'The Right to Survive'

International aid agency Oxfam has just released its latest report, 'The Right to Survive,' revealing that there will be a 54% increase in the number of people who are to be affected by climate disasters by 2015. This projected rise has been attributed to both an increase in the

number of natural disasters around the world and an increase in the number of people becoming more vulnerable to these disasters due to their poverty and location. Oxfam's figures were obtained from the world's most comprehensive emergency database. The report also demonstrates that the risk from disaster is being compounded by a political failure to address climate change and a humanitarian aid system which is overstretched and in need of reform.



A full version of the report can be accessed at [http://www.oxfam.org.au/media/files/right\\_to\\_survive\\_report\\_full\\_Eng.pdf](http://www.oxfam.org.au/media/files/right_to_survive_report_full_Eng.pdf), or a summary can be found at [http://www.oxfam.org.au/media/files/right\\_to\\_survive\\_summary\\_pics\\_Eng.pdf](http://www.oxfam.org.au/media/files/right_to_survive_summary_pics_Eng.pdf)

### **CSIRO report: 'Climate Change: Science, Impacts and Solutions'**

Former CSIRO climate scientist, Barrie Pittock, has updated and released his book, 'Climate Change: Science, Impacts and Solutions' from CSIRO Publishing. The book covers much of the background science to climate change in lay language and aims to enable people to take action against climate impacts.

A free viewing of the first chapter of the book is available at <http://www.publish.csiro.au/pid/6010.htm>

### **Greenpeace report: 'Final Warning'**

Greenpeace Australia Pacific has released a report on the IPCC's updated climate science. The report claims that the fourth IPCC report's data is now out-dated and more urgent action than what was initially envisaged is required to address climate change. The report has been compiled by some of Australia's leading scientists and several commentators and politicians.

The report can be accessed at <http://www.greenpeace.org/australia/resources/reports/climate-change/finalwarning240309>

### **Asia Pacific Journal of Environmental Law article, 'Climate Crime'**

EDO Northern Rivers Education Officer, Dr Mark Byrne has authored this article, looking at liability issues expected to arise surrounding climate impacts. As the world drifts towards dangerous climate change, there have been allegations that the acts or behaviour of governments, corporations and even individuals constitute 'climate crimes.' In the near future, nations that see themselves as victims of climate change may also use the allegation of 'climate crime' to seek redress from those they hold responsible. The paper considers whether, in the foreseeable future, states or individuals might be held criminally responsible in international law for climate change damage.

For more information on the article, please contact Dr Mark Byrne at the EDO Northern Rivers on (02) 6622 8470.

### **NSW Sustainable Development Conference paper: 'Factoring climate change and sea level rise into planning and infrastructure decisions?'**

The NSW Sustainable Development Conference 2009 took place in Sydney on May 12-13 and

examined a range of topics regarding sustainable development, including sustainability policy and progress, greenhouse and energy efficiency, and sustainability in planning. The EDO's Principal Solicitor, Kirsty Ruddock presented a paper at the Conference, titled 'Factoring climate change and sea level rise into planning and infrastructure decisions?' The paper considers and summarises a number of cases that have taken place surrounding climate change impacts and the liability issues arising for councils attempting to address these impacts.

The paper has been made available on the EDO website, and can be accessed at <http://www.edo.org.au/edonsw/site/papers.php>

### **Invitation to join the EDO's Scientific Expert Register**

The Environmental Defender's Office (EDO) 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 the EDO 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.

The EDO 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 the EDO, and have expertise in climate science or a relevant environmental field, please contact the EDO on **(02) 9262 6989**.