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2 September 2016

Hon Dr Steven Miles MP
Minister for Environment and Heritage Protection and the Great Barrier Reef
via Office of Climate Change
Department of Environment and Heritage Protection
Sent via email only: climatechange@ehp.qld.gov.au

Dear Minister Miles

Submission on discussion paper: Advancing Climate Action in Queensland

The Environmental Defender's Office (Qld) Inc (**EDO Qld**) is an independent public interest environmental and planning law community legal centre. Each year we provide legal assistance to hundreds of members of the community, both individuals and members of established groups, on environmental and planning issues, including climate change related matters. As part of our law reform and educational program, in August 2016 we ran a successful seminar, attended by nearly 100 people, with leading renewables experts on how Queensland can better support the renewable energy industry and to assist attendees in preparing submissions on this discussion paper.

We welcome the opportunity to provide submissions on the discussion paper produced by your department, '*Advancing Climate Action in Queensland'*. The discussion paper is an important step for Queensland towards taking action to mitigate and adapt to climate change.

Our response in summary is that 4 key actions are needed, being that Queensland:

1. strengthen climate change action through regulatory frameworks;
2. reduce emissions generating industries to move to a clean economy;
3. improve support for renewable energy industry; and
4. improve energy efficiency through planning and investment.

We provide our 18 recommendations in **Annexure 1** and in detail in **Annexure 2**. We have footnoted those recommendations to refer to your online survey questions.

Climate change adaptation and mitigation policy must be implemented across government

We strongly urge that the policy outcomes of this consultation process do not only feed into the Department of Environment and Heritage's activities, but are committed to being achieved by all Queensland Government ministers and feed through all government portfolios. The impacts of climate change are far reaching and action must be taken in all sections of government to

adequately act to reduce and respond to these impacts. We will be providing our submission to all Ministers with responsibility for portfolios relevant to our submission. We hope that you will also be sharing the outcomes of submissions with all relevant Ministers.

We look forward to Queensland once again having a formal climate change policy which provides for meaningful and urgent action for Queensland to do its part in staying under a safe level of climate change.

We would be happy to discuss this submission with you as convenient to you.

Yours faithfully

Environmental Defenders Office (Qld) Inc

Revel Pointon
Solicitor
Environmental Defenders Office (Qld) Inc

ANNEXURE 1 – SUMMARY OF RECOMMENDATIONS

1. Strengthen climate change action through regulatory frameworks

Recommendation 1: *Enact a new Climate Change Act providing strict and increasing emissions targets*[1]

Recommendation 2: *Ensure other legislative frameworks support emissions targets e.g. through planning and environment laws* [2]

Recommendation 3: *Provide for mechanisms to enable transparent and accountable monitoring and reporting of emissions across sectors to track our progress to emissions targets*[3]

Recommendation 4: *Stop broadscale vegetation clearing in Qld through legislative and non-legislative means*[4]

Recommendation 5: *Implement strong coastal planning laws which protect our coastal areas for both mitigation and adaptation to climate change*[5]

Recommendation 6: *Sign the Under 2 MOU to demonstrate commitment to climate change action*[6]

2. Reducing emissions generating industries to move to a clean economy

Recommendation 7: *Undertake modelling of renewable energy options for Queensland to guide the transition to an effective clean energy mix*

Recommendation 8: *Remove government support for the fossil fuel industry, including both coal and gas industries*[7]

Recommendation 9: *Stop supporting fossil fuels, including through subsidies, and do not approve any further coal or CSG activities*[8]

Recommendation 10: *Make a plan for 'just transitions' for communities who will be affected by the move away from emissions intensive industries*[9]

Recommendation 11: *Reduce emissions from transportation by smart transport planning and working to reduce vehicle emissions*[10]

Recommendation 12: *Reduce emissions from waste through innovative waste emission reduction initiatives*[11]

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[1] Survey Qs: 3, 4, 5, 10, 11, 20.
[2] Survey Qs: 3, 4, 5, 10, 11, 20.
[3] Survey Qs: 3, 4, 5, 6, 9, 10, 12, 20, 23.
[4] Survey Qs: 3, 5, 20, 21.
[5] Survey Q: 20.
[6] Survey Q: 7.
[7] Survey Qs: 3, 4, 5, 6, 9, 10, 23.
[8] Survey Qs: 3, 4, 5, 6, 10, 20, 23.
[9] Survey Qs: 3, 4, 5, 6, 10, 12, 21.
[10] Survey Qs: 3, 4, 5, 6, 12, 13, 14, 15, 17, 18.
[11] Survey Q: 19.

Recommendation 13: *Support local governments in their moves to reduce emissions*[12]

3. Improve support for renewable energy industry

Recommendation 14: *Legislative reforms needed to better support renewables through reducing unnecessary obstacles to renewable energy uptake*[13]

Recommendation 15: *Prioritise facilitation of commercial scale renewable energy to aid more rapid uptake of renewable energy*

Recommendation 16: *Consider removing subsidies for both the fossil fuel industry, and also from renewable energy industry* [14]

Recommendation 17: *Advocate to the federal government to support renewable energy through market reform, strengthening the Renewable Energy Target and funding peak renewable energy bodies*[15]

4. Improve energy efficiency through planning and investment

Recommendation 18: *Provide planning and investment in energy efficiency across residential, commercial and industrial building, appliance and transport activities, priorities assistance to low-income, disadvantaged households* [16]

[12] Survey Qs: 3, 4, 5, 10, 11, 20.
[13] Survey Qs: 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 17, 18, 21, 22, 23.
[14] Survey Qs: 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 17, 18, 21, 22, 23.
[15] Survey Qs: 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 20, 21, 23.
[16] Survey Qs: 3, 4, 5, 6, 10, 11.

ANNEXURE 2 – DETAILED RECOMMENDATIONS

International context for climate change action – Australia and Queensland's role

Australia has agreed, in the historic 2015 Paris Agreement on climate change,[17] to act towards an unambiguous goal to hold global warming to 'well below 2°C' and to pursue efforts to limit the temperature increase to 1.5°C above preindustrial levels. This requires countries to peak and then reduce emissions 'as soon as possible' to put us on a trajectory to have net-zero emissions by 2050.

This commitment requires sufficiently strong action at all levels of government through comprehensive, meaningful policies which are capable of ensuring we reach the goal of net-zero emissions by 2015. Implications of this commitment require immediate action across all levels of government, including to:

- decarbonise the energy sector, and in particular the electricity sector;
- reduce carbon pollution from all end use energy consumption including the electricity generation, industrial, commercial and residential sectors; and
- improve and secure our carbon sinks.

Australia has been, since 1850, the 14th largest contributor to global greenhouse gas emissions,[18] and is still producing high emissions per person when compared to other nations. [19] Queensland has the embarrassing status of producing the highest emissions of any state in Australia.[20] Given our wealth and ability to transition to a low emission economy, we have an additional onus upon us to take urgent, strong action to reduce our emissions quickly for global equity. Further, morally it makes no sense to export coal to be burnt, adding to global emissions levels, while stating that we are taking strong action to address the damaging climate change this will cause.

While there is no doubt that it will be challenging to meet the objectives of the Paris Agreement, there is also no doubt that a global transition to a low carbon future is unavoidable. Commercial sectors are already changing focus to the low carbon economy, including a fundamental transformation occurring in the energy and transport sectors.

Among the challenges we face in adequately mitigating and adapting to climate change impacts, there are also significant opportunities for Queensland to further enhance our state's economic growth. This is no better seen than in the opportunities available to us through better supporting our burgeoning renewable energy sector. Across all sectors, the jurisdictions that best plan and cater for the transition to a clean economy will be the greatest beneficiaries of the increased and shifting economic activity that will result.

We recognise the Queensland Government's efforts since taking power in trying to take action to help Queensland mitigate and adapt to climate change. We recognise that these efforts have been frequently hampered, including through the blocking of the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016*. However, the government has taken various actions already which are setting us on a pathway to climate action, including the

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[17] 'Paris Agreement' agreed to at the United Nations Framework on Climate Change's 2015 Conference of the Parties (Paris COP21).
[18] WRI, 2016, CAIT Climate Data Explorer: Historical Emissions Data, World Resources Institute, Washington, D.C., available here: http://cait.wri.org/
[19] WRI, 2016, CAIT Climate Data Explorer, World Resources Institute, Washington, D.C., available here: http://cait.wri.org/
[20] Commonwealth of Australia, Department of Environment, *State and Territory Greenhouse Gas Inventories 2014: Australia's National Greenhouse Accounts*, 2016.

investment in the Queensland Climate Adaptation Strategy, and the instigation of the Renewable Energy Expert Panel. We urge the Queensland Government to continue to push hard for urgent changes in the management of our State, to ensure that we stand a chance at meeting the ambitious targets Australia has agreed to in Paris.

A key structural barrier to Queensland taking sufficient action to ensure the planet does not exceed 1.5 degrees Celsius above pre-industrial levels is the government's continued, and vocal, commitment to fossil fuels. Further, while some action has been recently taken, there has been a lack of sufficient support for the renewable energy industry to assist our State's transition to become a leader in clean energy, domestically and through export of technology. The largest contributor to climate change remains the burning of coal, oil and gas,[21] with carbon dioxide emissions in Australia from fossil fuels amounting to 65 percent of national emissions.[22] We cannot meet our emissions targets if we maintain our current level of commitment to the domestic and export fossil fuel industry; this must be made explicit.

1. Strengthen climate change action through regulatory frameworks

We need to implement stronger laws integrated across government to uphold the emissions reduction targets which are sought to be implemented in Queensland. A Climate Change Act will assist in providing the necessary framework for our climate change policies. Also, amendments are needed in our legislative frameworks around planning, environmental assessment, development approval and licensing to ensure that each framework provides for strategic climate risk assessment, linked to an adequate emissions reduction target.

Recommendation 1: ***Enact a new Climate Change Act providing strict and increasing emissions targets***[23]

Queensland is in need of enactment of a Queensland Climate Change Act to provide a clear framework for committing to emissions targets and providing mechanisms to help reach them. Legislative instruments on climate change have been implemented in South Australia as long ago as 2007,[24] and Victoria in 2010.[25] Both of these states have proven to be leaders in the climate change space, having committed to reaching net zero greenhouse gas emissions by 2050 at a state level; it's time for Queensland to stand with these states in taking strong climate action.

The Climate Change Act should provide:

(a) both short and long-term scientifically based emissions targets, including the 50% renewable energy target by 2030, and moving us quickly to net zero emissions by 2050;[26]

(b) objectives and decision making criteria, which are applicable across state government portfolios, including energy, agriculture, transport and waste management, to ensure enforceability and complementary, consistent whole-of-government action throughout decision making;

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[21] IPCC, 2013, Summary for Policymakers, in: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [T.F. Stocker, D. Qin, G.-K. Plattner, et al. (eds.)] Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

[22] Department of Environment and Energy, 2016, Australian Greenhouse Emissions Information System, Government of Australia, Canberra.

[23] Survey Qs: 3, 4, 5, 10, 11, 20.

[24] *Climate Change and Greenhouse Emissions Reduction Act 2007* (SA).

[25] *Climate Change Act 2010* (Vic).

[26] The Climate Institute, *Beyond the limits: Australia in a 1.5-2OC world,* August 2016, available here: http://www.climateinstitute.org.au/verve/_resources/TCI_Beyond_the_Limits_FINAL23082016.pdf.

(c) require application of a 'climate test' to government decision making – in which all decision makers consider proposals that might have outcomes which create greenhouse gas emissions must assess whether the proposal might assist or jeopardise the state's emissions targets and approve, condition, or refuse the proposal accordingly;

(d) a framework for the development of climate change strategies which incorporate both mitigation and adaptation actions, with clear roles for state and local governments and action plans for the most climate exposed sectors of the state;

(e) a requirement on the government to work with business and the community to support, develop and implement strategies to reduce greenhouse emissions and adapt to climate change, including entering into climate change sector agreements as provided in the South Australian Act; and

(f) enforcement mechanisms able to be accessed by the community where key requirements under the Act are not undertaken sufficiently.

Recommendation 2: ***Ensure other legislative frameworks support emissions targets e.g. through planning and environment laws*** [27]

Planning laws direct decisions on transport planning, energy usage, building standards, city planning and, to some extent, vegetation clearing. These are key areas directing how effective Queensland will be in reducing our emissions. Quality planning laws which are focused on smart design can provide highly effective short and long term solutions to reduce our emissions. Also, our environment laws can be utilised to assist in the monitoring and regulation of greenhouse gas emissions.

We recommend that Queensland strengthens decision-making requirements for development approvals and conditions in the *Sustainable Planning Act 2009* (Qld) and new *Planning Act 2016* (Qld) and the *Environmental Protection Act 1994* (Qld), with the aim of achieving emissions reduction targets. In particular, we recommend that through these Acts you establish new duties to**:**

(a) have regard to state and national emissions trajectories and act in accordance with short and long term reduction targets;

(b) consider the level of greenhouse gas emissions, including scope three emissions, proposed by a project as grounds for refusal (or a duty to refuse unacceptable impacts);

(c) impose specific conditions on development consents and environmental authorities to minimise emissions, and to effectively offset emissions that cannot be minimised or avoided;

(d) undertake strategic planning across the state to support the renewable energy industry to access appropriate land to maximise efficiencies;

(e) add all greenhouse gases as pollutants in pollution control laws, to recognise their contribution to environmental degradation and encourage behavioural change;

(f) provide the ability to amend development permits and environmental authorities to provide for continuously improved standards, without proponent consent being needed; and

[27] Survey Qs: 3, 4, 5, 10, 11, 20.

(g) require consistent and independent climate impact report to assess the likely greenhouse gas emissions from all major projects, including assessment requiring explicit consideration of the following:

- how the project proposal contributes to relevant goals and targets to reduce greenhouse gas emissions;
- specific measures to avoid, minimise and offset emissions from the project;
- the measures in place to ensure downstream emissions are avoided, minimised and offset;
- the full cost of the project's emissions; and
- full and proper consideration of alternative options.

(h) require consultants undertaking climate impact reports to be accredited to sufficient standards and ensure accredited environmental consultations are placed in relevant government departments to assist in validation and assessment of emissions reports.

Recommendation 3: ***Provide for mechanisms to enable transparent and accountable monitoring and reporting of emissions across sectors to track our progress to emissions targets***[28]

The establishment of a single site for tracking our emissions across sectors, in which all relevant areas of government and industry can feed into, is essential to ensure we meet our targets. This framework can also be provided for through the Climate Change Act and administered through the unit of government set up to facilitate it, such as the Office of Climate Change. The following steps should form part of transparent and accountable emissions tracking:

(a) establish a comprehensive greenhouse gas monitoring and auditing register to track Queensland's progress across all sectors in meeting emissions targets, with monitoring and reporting requirements across sectors, to provide a single, consistent method of measuring and accounting for emissions;

(b) require the relevant Minister to publish regular progress reports and reviews as to how the state is going in meeting the emissions reductions targets;

(c) require emission reporting for all government and private sector major projects and development, and include carbon emission impact reporting in major tenders.

(d) implement improved ambient air quality monitoring, particularly to measure fugitive emissions, as well as groundwater monitoring to properly assess the impacts from coal seam gas and coal mining.

Recommendation 4: ***Stop broadscale vegetation clearing in Qld through legislative and non-legislative means***[29]

The Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 contained urgent and necessary amendments needed to strengthen vegetation clearing regulation to reduce our carbon emissions in Qld and must be pursued by the government, as committed to in the Reef 2050 Long-Term Sustainability Plan (**Reef 2050 Plan**). This Bill must be pursued, including

[28] Survey Qs: 3, 4, 5, 6, 9, 10, 12, 20, 23.
[29] Survey Qs: 3, 5, 20, 21.

the amendments to the *Environmental Offsets Act 2014* (Qld) to reduce the test for offsets to all residual impacts, rather than only 'significant residual impacts'. Further and in the meantime the following actions should be taken:

(a) administrative methods of strengthening vegetation clearing regulation must be pursued, including strengthening the self-assessable codes more than currently proposed through the existing review, since these currently allow significant broadscale clearing, and are likely to continue to do so if these codes aren't greatly strengthened, or abolished;

(b) work with the farming industry to help them get on board with the need to reduce the clearing rates in Queensland, through education, support and advocacy work to dispel the myths around the regulation of vegetation clearing; and

(c) consider implementing a carbon offset policy to benefit landholders who are committed to protecting our vegetation and to assist us in achieving a no net increase in Qld emissions.

Recommendation 5: ***Implement strong coastal planning laws which protect our coastal areas for both mitigation and adaptation to climate change***[30]

The Queensland Government has committed in the Reef 2050 Plan to 'reinstate world-class coastal planning laws', said to be laws that are 'based on the best available science, make allowances for expected sea level rise and protect ecologically important areas like wetlands, and will prohibit new development in high-hazard greenfield sites'. While we congratulate the government for implementing coastal hazard mapping which recognises sea-level rise, far stronger and more urgent action needs to be taken to better protect our coastal areas from development and to reach this commitment. For example, further action must be taken to improve protection of our coastal ecosystems to protect 'blue carbon' opportunities, and to ensure adequate space is left for coastal ecosystems between development and expected higher sea levels.

Recommendation 6: ***Sign the Under 2 MOU to demonstrate commitment to climate change action***[31]

While we ask that Queensland works towards meeting the 1.5 degree Celsius limit above pre-industrial levels, we recommend that the government signs the Under 2 Memorandum of Understanding on Subnational Global Climate Leadership, to demonstrate Queensland's commitment at an international level to taking action on climate change. This may also lead to benefits through the sharing resources and creating beneficial networks and partnerships to assist Queensland in its transition to a clean economy.

[30] Survey Q: 20.
[31] Survey Q: 7.

2. Reducing emissions generating industries to move to a clean economy

If Queensland is to reach required emissions limits, we must decarbonise our electricity sector quickly, both through production and consumption.[32] It has been demonstrated now that 100 percent renewable energy Australia-wide and across each state and territory is technically feasible and economically necessary. Modelling undertaken by the University of Technology Sydney found that by 2050, the whole energy system of Australia can be decarbonized, including the phasing out of all coal-fired power plants, and that operating with 100 percent renewable electricity would result in electricity that is more reliable than it is today.[33] Our renewable energy sector must be given the regulatory support and sufficient freedom to develop quickly and sustainably, with a mix of technologies to ensure the industry is reliable, resilient and cost effective.

Recommendation 7: ***Undertake modelling of renewable energy options for Queensland to guide the transition to an effective clean energy mix***

Quality modelling should be undertaken to ensure the optimum mix of renewable energy providers and an efficient energy system for Queensland, such as provided by Beyond Zero Emissions,[34] the University of New South Wales,[35] and the University of Technology Sydney (**UTS**) Institute of Sustainable Future.[36] As recommended by Trevor Berrill of Sustainable Queensland, hourly simulation modelling of the operation of the Queensland electricity system with 100 percent renewable energy electricity system would assist in informing policy with regard to the optimum mix of renewable energy technologies that, in combination, can provide a reliable and affordable electricity generation system.

Recommendation 8: ***Remove government support for the fossil fuel industry, including both coal and gas industries***[37]

The extent of action that is needed to ensure we meet our emissions goals of net zero emissions by 2050 means we need strong, courageous leadership from our government. The government must lead the way in creating public confidence in the need for a transition to a clean energy economy, and that this can be done in an efficient, effective way with limited disruption. This takes a government who is willing to take strong action to stop supporting the fossil fuel industry.

EDO Qld has represented clients in numerous Land Court objection hearings for mines over recent years in which the figures as to jobs and royalties proposed by mining proponents are demonstrated

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[32] [32] The Climate Institute, *Beyond the limits: Australia in a 1.5-2OC world*, August 2016, 1, available here: http://www.climateinstitute.org.au/verve/_resources/TCI_Beyond_the_Limits_FINAL23082016.pdf.

[33] GetUp and Solar Citizens, The Homegrown Power Plan, pg 4.

[34] Wright, M and Hearps, P, *Australian Sustainable Energy Zero Carbon Australia Stationary Energy Plan*, The University of Melbourne Energy Research Institute and Beyond Zero Emissions, 2nd edition, August 2011, available online: http://media.bze.org.au/ZCA2020_Stationary_Energy_Report_v1.pdf.

[35] Elliston, B., MacGill, I. and Diesendorf, M. (2014). *Comparing least cost scenarios for 100% renewable electricity with low emission fossil fuel scenarios in the Australian National Electricity Marke*t, Renewable Energy 66:196-204; Elliston, B. et al (2013). *Least cost 100 percent renewable electricity in the Australian National Electricity Market*, UNSW – Institute of Environmental Studies, available online here: http://www.ies.unsw.edu.au/aboutus/news-activities/2013/04/least-cost-100-renewable-electricity.

[36] Teske, S. et al, (2016) '100% Renewable Energy For Australia: Decarbonising Australia's Energy Sector Within One Generation', Institute for Sustainable Futures, UTS; see also GetUp and Solar Citizens, The Homegrown Power Plan, available online here: https://d3n8a8pro7vhmx.cloudfront.net/solarcitizens/pages/1202/attachments/original/1461023115/Homegrown_Power_Plan_Full_Report.pdf?1461023115.

[37] Survey Qs: 3, 4, 5, 6, 9, 10, 23.

to be significantly exaggerated.[38] Every time our political leaders make public statements proclaiming Queensland's need for the fossil fuel industry for our economy and jobs, the transition to clean energy is made that much slower and harder. We recommend that you:

(a) reconsider Queensland Government support for the fossil fuel industry – as leaders of our state it is your job to demonstrate that you believe that the fossil fuel industry is not the way forward for Queensland, and to act accordingly; and

(b) assist in growing strong and sustained public confidence in the need and ability for Queensland to move to clean energy quickly to reduce the impacts of climate change.

Recommendation 9: ***Stop supporting fossil fuels, including through subsidies, and do not approve any further coal or CSG activities***[39]

While Queensland does not have the dirtiest power stations in Australia, the majority of electricity generation in Queensland is sourced from coal-fired power stations in central and south east Queensland. We do not have the carbon budget on our planet to allow this industry to continue, nor to allow new sources of emissions. Fugitive emissions of methane are also predicted to be an increasingly large proportion of greenhouse gas emissions from both coal and coal seam gas. In order to take sufficient action to meet our emissions targets, we need to plan and start acting towards coal closure along with the transition to renewable energy. We recommend that you:

(a) stop releasing areas for exploration for fossil fuel production;

(b) do not approve any new or expanded coal mines or coal seam gas activities;

(c) remove the numerous subsidies being provided to the fossil fuel industry and related infrastructure, which presently help it continue when the market is signalling the industry's structural decline;

(d) plan for phased and orderly, but urgent, closure of Queensland coal-fired power stations to assist in emission reduction;

(e) work to better reflect the life-cycle cost of fossil fuel production, including by ensuring that realistic decommissioning and rehabilitation costs are calculated and assessed at the time of application. This will help to ensure that fossil fuel operators are not effectively trading insolvent through misrepresenting the true cost of their operational obligations; and

(f) as stated above, take responsibility for the emissions that will be created through the fossil fuels we export and profit from by ensuring that scope 3 emissions are assessed in project assessment with sufficient weight equal to the damage those emissions will do to our climate and the Queensland environment. Just because another country may be willing to continue to profit from dirty fossil fuels does not mean we should continue to do so.

Recommendation 10: ***Make a plan for 'just transitions' for communities who will be affected by the move away from emissions intensive industries***[40]

In order to facilitate a smooth transition to clean energy, it is essential that the government plans with communities for the just transition of those communities which are currently dependent on the fossil fuel industry or emissions intensive activities. There are communities which will be more

[38] *Adani Mining Pty Ltd v Land Services of Coast and Country Inc & Ors* [2015] QLC 48; *Hancock Coal Pty Ltd v Kelly & Ors and Department of Environment and Heritage Protection (No. 4)* [2014] QLC 12; *Hancock Galilee Pty Ltd v Bruce Bede Currie and others* [MRA713-13 & EPA714-13] (awaiting judgment).
[39] Survey Qs: 3, 4, 5, 6, 10, 20, 23.
[40] Survey Qs: 3, 4, 5, 6, 10, 12, 21.

impacted by the transition than others; good planning can ensure that those communities remain sustainable through the transition to clean energy.

Community action has already commenced in many areas of Queensland to undertake grassroots just transition work. The government could take action to better support these communities, and therefore also spread confidence and understanding as to how fossil fuel dependent communities can maintain a future and flourish in the clean energy economy.

Recommendation 11: ***Reduce emissions from transportation by smart transport planning and working to reduce vehicle emissions***[41]

There is significant room for improvement in reducing our emissions through better transport planning and less emissions intensive vehicles. Some actions are possible without federal intervention, and some actions require advocacy to the federal government to seek their support for stronger action to reduce transport related emissions. The following steps are suggested:

(a) create an overall framework and plan to set emissions targets through transport planning;

(b) prioritise the facilitation of public and active transport opportunities in planning decision making, including through the suite of state planning instruments being reviewed at present, including the State Planning Policy and South East Queensland Regional Plan;

(c) advocate for national vehicle fuel efficiency standards and introduce incentives or reduction targets for major Qld fleets, including for the uptake of electric vehicles; and

(d) acknowledging the work the government has commenced in passing the *Liquid Fuel Supply (Ethanol and Other Biofuels Mandate) Amendment Act 2015* and the targets this Act provides for the sale of bio-based petrol, continue to support the biofuel industry, as a positive use of waste product and to reduce our dependence on fossil fuels, while requiring net environmentally beneficial results. Given that biofuels still produce emissions, though at various levels depending on the fuel source, biofuels initiatives must be implemented with strategies to reduce emissions otherwise they risk not assisting in meeting our emissions targets.

Recommendation 12: ***Reduce emissions from waste through innovative waste emission reduction initiatives***[42]

The Advancing Climate Action in Queensland recognises the role of better waste management in reducing our emissions. Queensland has room for significant improvements in waste management, so we are glad to see the government has demonstrated an interest in taking action in this area. Some areas where action could be taken to improve reductions in emissions in Queensland include:

(a) Implement methane capture on landfills across Queensland; and

(b) Implement organic resource recovery through households and businesses, generating quality compost for public parks or commercial sale. Consider also options for food waste energy generation from the commercial and industrial sectors, as being considered in Victoria.

[41] Survey Qs: 3, 4, 5, 6, 12, 13, 14, 15, 17, 18.
[42] Survey Q: 19.

Recommendation 13: ***Support local governments in their moves to reduce emissions***[43]

Support the Qld local governments to work together and make available funding for community and council initiatives. Set no net increase in emissions requirement for each council, but allow an emission trading or other innovative mechanism to assist in the transition.

3. Improve support for renewable energy industry

We acknowledge the work of the Queensland Government so far to support the renewable energy industry, including through commitments to invest in renewable energy projects, instigating a Renewable Energy Expert Panel, and introducing a wind farm code in the State Development Assessment Provisions. We encourage the government to continue to take increasing steps to support our renewable energy industry in Queensland, and provide the following recommendations to facilitate this industry prospering. While we recognise the government has increased investment in the renewable energy industry, more needs to be done to support innovation in industry and Qld universities for research, design, development and demonstration.

We further encourage the government to provide effective community education to explain to the community the importance of the role of renewable energy in our clean energy future to ensure the community understands clearly the need for and importance of the move to renewable energy. Strong, consistent policy across levels of government is needed to support a diverse and resilient renewable energy industry to prevent the boom and bust cycles which have significantly harmed the industry to date. With strong, broad community support for renewable energy, the policies introduced by government to support the industry are less likely to be subject to political attacks with every change of government.

We support the submissions of Gerald Arends of Pegasus Legal and Trevor Berrill of Sustainable Queensland with respect to the reforms required to better support the renewable energy industry.

Recommendation 14: ***Legislative reforms needed to better support renewables through reducing unnecessary obstacles to renewable energy uptake*** [44]

Examples of simple legislative reform needed to better support renewable energy in Queensland include, as proposed by Gerald Arends of Pegasus Legal and Trevor Berrill of Sustainable Queensland:

(a) amend *Land Title Act 1994* (Qld) section 66 to allow site leases for renewable energy installations to take an interest over mortgages and other interests affecting a property;

(b) provide the ability for renewable energy assets installed on or within premises to not form part of the building or land, to allow renewable energy owners who are not the land or building owners to maintain separate ownership of their assets;

(c) amend the *Body Corporate and Community Management (Small Schemes Module) Regulation 2008* (Qld), regulation 63, to allow body corporates to engage energy service providers for a sufficiently long period to ensure cost effective and sustainable use of renewable energy. Currently this regulation limits a service contract with a body corporate to a maximum term of 1 year which provides an obstacle to renewable energy uptake by body corporates;

[43] Survey Qs: 3, 4, 5, 10, 11, 20.
[44] Survey Qs: 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15, 17, 18, 21, 22, 23.

(d) qualify Queensland's participation in the National Energy Customer Framework and applies the National Energy Retail Law through amending section 88 to remove the administrative and compliance obstacles around power purchase agreements where a seller only has one customer, such as a community group.

(e) regulate fair power purchase agreements and tariffs for the export of renewable energy fed into the electricity network which reflect fully the benefits to society and the network of distributed renewable energy generators;

(f) prevent network service providers from prohibiting the installation of 'behind-the-meter' generation assets within the terms of their standard connection agreements;

(g) provide necessary planning and support through the planning framework, the State Planning Policy and regional plans, including publishing renewable energy and network opportunity maps to plan for the appropriate location for renewable energies and considering the types of tenures needed for different forms of renewable energy;

(h) increase consistency across local governments around regulation of access to solar and wind energy resources for electricity generation, direct heating and cooling applications, for example to prevent solar systems being shaded by new developments;

(i) increase consistency to local government sub-division planning requirements around minimum lot sizes. Smaller lot sizes are preferably for renewable energy projects to allow ownership of land; and

(j) amend the State Development Assessment Provisions wind farm code to:

- increase the noise limits to be in line with noise limits for wind farms in other States and to be consistent with Queensland Environmental Protection (Noise) Policy 2008 requirements for other industries;
- increase the noise measurement distance from buildings/facades to 5 metres as per Australian Standard 4959; and
- decrease the set-back distance to 1000 metres maximum or less, depending on noise level assessments. Hence the distance may vary around different sides of the wind farm, depending of the prevailing wind directions and distance to adjoining sensitive land uses.

Recommendation 15: ***Prioritise facilitation of commercial scale renewable energy to aid more rapid uptake of renewable energy***

As stated by Gerald Arends of Pegasus Legal, to date a significant amount of attention has been given to the residential and utility scale renewable energy sector. It is argued that the commercial sector offers more cost effective and sustainable opportunities for renewables over the long term, without the high transaction costs of residential sector and the limitations on the amount of utility-scale projects which are likely to develop in Queensland.

Recommendation 16: ***Consider removing subsidies for both the fossil fuel industry, and also from renewable energy industry***

Gerald Arends of Pegasus Legal argues that removing subsidies for the renewable energy industry and the fossil fuel industry will create a level playing field and will allow the market to operate

realistically. Trevor Berrill of Sustainable Queensland argues that the subsidies now provided to the fossil fuel industry could be better directed to support the development and deployment of renewable energy and energy efficiency technologies, for instance through facilitating transmission and network access.

Subsidies for renewable energy have been subject to political attacks through various governments, creating boom and bust cycle which have damaged growth and confidence in the renewable energy industry. Contrarily, Queensland has been found to consistently provide the most assistance to fossil fuel industries compared with other states in Australia.[45] The Australia Institute have pointed out that in 2013-2014 expenditure to assist the mining industry accounted for almost 60 per cent of what the state is receiving in royalties from Queensland mines.[46] It's time for Queensland to invest in supporting clean energy, rather than fossil fuels.

Recommendation 17: ***Advocate to the federal government to support renewable energy through market reform, strengthening the Renewable Energy Target and funding peak renewable energy bodies***[47]

We make the following suggestions for advocacy needed by the Queensland Government to improve federal government action on climate change:

(a) current energy market rules are centralised and commodity market based and hinder the transition to a clean energy future through the ever increasing network costs and incentivising going off grid. Immediate energy market reform is required to manage transition to a more distributed energy market and avoid "Valley of Death" type scenarios. Advocate to the Australian Government and COAG Energy Council to commit to immediate energy market reform. Work with COAG Energy Council to redefine the National Electricity Market objectives to prioritise moving to 100 percent renewable energy powered, energy efficient communities;

(b) advocate to maintain the Renewable Energy Target (**RET**), and to expand the RET to include a further goal of achieving 100% renewable energy by 2035;

(c) advocate and work towards nationally consistent feed-in tariff rates for domestic and commercial embedded, grid connected renewable energy generators that reflect the full benefits of renewable energy to the network and society;

(d) advocate to continue existing funding allocation to ARENA, including to maintain their critical grant making function which has assisted early stage technologies to commercialise into viable projects, and to continue existing funding to the Clean Energy Finance Corporation; and

(e) advocate to continue to support public disclosure of the National Greenhouse and Energy Reporting Scheme and to commit to national and mandatory emission reduction targets from 2017 and for a carbon price signal to be reinstated.

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[45] The Australia Institute, *Mining the age of entitlement: State government assistance to the minerals and fossil fuel sector*, June 2014, 7, available online here: http://www.tai.org.au/content/mining-age-entitlement.
[46] Ibid, 1, 8.
[47] Survey Qs: 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 20, 21, 23.

4. Improve energy efficiency through planning and investment

As with many actions that can be taken to mitigate climate change, actions to improve energy efficiency have the benefit of increasing efficiencies and cost effectiveness of operations. Large savings in emissions can be made through often simple solutions to improve energy efficiency. NSW have proven to be a leading state in Australia in energy efficiency, through actions such as:

- committing $61.5 million for an energy efficiency program which incorporates assistance for low income households to purchase energy efficient appliances;
- providing assistance to businesses to invest in efficiency; and
- producing an Energy Efficiency Action Plan which is estimated to have provided annual bill savings of $36 million, and a 10 percent reduction in energy use by participating households.

Also, the NSW Building Sustainability Index provides a strong impetus for more sustainable building design. This could be introduced in Queensland and made applicable to residential, commercial and industrial buildings to improve building efficiency across the board. The scheme could be improved further should it be introduced in Queensland by:

(a) providing significantly higher residential standards;

(b) providing for built-in review periods that require standards to continuously improve; and

(c) developing standards for other sustainability measures such as lifecycle emissions and waste levels.

Recommendation 18: ***Provide planning and investment in energy efficiency across residential, commercial and industrial building, appliance and transport activities, priorities assistance to low-income, disadvantaged households*** [48]

Apart from the above mentioned initiatives, further actions that could be considered in Queensland to improve energy efficiency include:

(a) consider introducing a scheme similar to the Victorian Energy Efficiency Target mandatory scheme whereby large energy retailers are incentivised to improve their energy efficiency through a liability on energy use. This could be considered for implementation with or without tradeable certificate. Provide incentives and community education to support the mandatory target;

(b) introduce requirements around building and subdivision to ensure good smart orientation of buildings for solar access and to enable the operation natural thermal systems;

(c) mandate energy efficiency in building and appliance standards in new developments, including introducing greater emphasis and design tools to deliver good solar passive design to reduce reliance on air-conditioning and improve occupant comfort levels;

(d) lead by example – ensure government buildings, transportation and activities meet the highest standards of energy efficiency; and

(e) invest in energy efficiency programs for low-income and disadvantaged households.

[48] Survey Qs: 3, 4, 5, 6, 10, 11.