

Queensland

Climate Change and Renewable Energy Bill 2017*

Current DRAFT as at 24 November 2017

*Material in this draft Bill has been excerpted from the *Climate Change Act 2017* (Vic) and the *Climate Change and Greenhouse Gas Reduction Act 2010* (ACT).

Climate Change and Renewable Energy Bill 2017

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Climate Change and Renewable Energy Bill 2017

Preamble

Climate change is one of the most critical issues facing the world today. Queensland is particularly vulnerable to the dangers of climate change. Our State is already experiencing hotter summers, more frequent natural disasters and impacts on our natural environment, such as coral bleaching on the Great Barrier Reef. These changes pose a threat to our economy, our communities, our environment and our way of life.

As Australia's highest emitting jurisdiction, Queensland needs to take action now to reduce our emissions and ensure that climate change is incorporated into decisions of all sectors of the economy. Delaying action risks more severe climate impacts. Queensland must play its part in limiting global warming to well below 2 degrees Celsius.

With federal government action proving inadequate to date to meet our international commitments and to do our share to reduce greenhouse gas emissions, Australia's states and territories have an important leadership role to play in addressing climate change and transitioning to renewable energy.

Queensland must do its fair share to help reduce greenhouse gas emissions and move to clean energy through strong, enforceable targets. We must ensure that all sectors of government are dedicated to reaching these targets. This Act provides those targets and the requirements on decision makers to ensure that all decisions take account of whether that decision will further or hinder our ability to reach those targets.

We must also recognise that even with strong action now to reduce our emissions and curb the most dangerous levels of climate change, climate change impacts are already being felt and are likely to continue. Queensland needs a strong plan to protect all Queenslanders with smart, effective techniques to prepare for and adapt to current and future impacts of a changing climate, to reduce risk and increase resilience.

Part 1: Preliminary matters

Provides for preliminary matters, namely the purposes, commencement of the Bill, and definitions, and to clarify that the Act applies to all persons.

Part 2: Greenhouse gas emissions reduction targets

Provides for legislated greenhouse gas emissions reduction targets, including long-term and interim targets, and places a duty on the Premier and minister to ensure it is met. Embedding a target in legislation is a clear action statement to the community and all sectors of the economy regarding the need for consistent and significant action. Interim targets, to help guide us to reach the overall target of net zero emissions, are also enshrined in the bill.

Part 3: Climate change considerations in decision making and enforcement

Provides for climate change considerations in decision-making under the Act specified in Schedule 1. When making any of these decisions or actions the decision-makers must take climate change into account – both the impacts of climate change and how the decision will contribute to Queensland’s greenhouse gas emissions.

Part 4 Offences, review and enforcement

Provides for an offence where a decision maker makes a decision under a schedule 1 that is not made in accordance with the requirements placed on a decision maker by this Act. It also clarifies extended standing for seeking judicial review of decisions made under the Act and for any person to obtain enforcement orders against a decision maker that does not comply with the requirements placed on them under this Act.

Part 5: Policy objectives and cardinal principles

provides for policy objectives and cardinal principles to assist decision-makers. A principles-based approach is introduced in the Bill with a set of commonly agreed policy objectives and guiding principles to guide policymaking across the full range of government decisions and operations. The requirements are to influence integration of climate change across all areas of government operations and decision-making and to formulate a consistent and coherent approach.

Part 6: Preparing for climate change

Provides for climate change planning, including preparation of a climate change strategy, adaptation action plans, and whole-of-government and sector specific emissions reduction pledges to meet the interim and long-term targets.

Part 7: Reporting requirements

Provides for reporting requirements, including reporting on climate science and emissions data, and the preparation of further information to ensure accountability and transparency reporting requirements. There are also requirements to provide updated information to the public on climate science and the impacts of climate change to Queensland.

Part 8 Renewable energy targets and capacity determinations

Provides the renewable energy targets for Queensland to reach and annual reporting requirements to demonstrate and assess whether we are on the path to reaching these targets.

Part 9 General

Provides for general matters, including the power to make regulations.

Part 10 Regulating emissions under the Environment Protection Act 1994

Amends the Environment Protection Act 1994 to provide for the express requirement that the Act regulates the emission or discharge of greenhouses gas substance.

Part 1 Preliminary

1 Short title

This Act may be cited as the *Climate Change and Renewable Energy Act 2017* (Qld).

2 Purpose

The purpose of this Act is to -

- (a) to set a long-term greenhouse gas emissions reduction target;
- (b) to provide for the setting of 5-yearly interim greenhouse gas emissions reduction targets in order to reach the long-term greenhouse gas emissions reduction target; and
- (c) to ensure that specified areas of decision-making processes of the Government of Queensland take into account climate change issues; and
- (d) to set policy objectives and cardinal principles to inform decision-making under this Act and the development of government policy in the State; and
- (e) to provide for a strategic response to climate change through a climate change strategy, adaptation action plans and emissions reduction pledges; and
- (f) to provide for greater clarity and accountability through information collection and reporting; and
- (g) to provide for and empower the just transition of all communities currently dependent on greenhouse gas emissions related industries;
- (h) to ensure that decision making under this Act incorporates consideration of social equity, to prevent and address potential disadvantage that may arise in actions taken to reduce greenhouse gas emissions or to implement renewable energy;

- (i) to set a renewable energy target;
- (j) to increase the proportion of Queensland's electricity generated by means of large-scale facilities that utilise renewable energy sources or convert renewable energy sources into electricity;
- (k) to contribute to achieving the renewable energy targets;
- (l) to support the development of projects and initiatives to encourage investment, employment and technology development in Queensland in relation to renewable electricity generation;
- (m) to contribute to the security of electricity supply in Queensland;
- (n) to support schemes to achieve targets under this Act and to encourage investment and employment in Queensland; and
- (o) to make a consequential amendment to the Environmental Protection Act 1994 .

3 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
- (2) If a provision of this Act does not come into operation before [insert date], it comes into operation on that day.

4 Definitions

In this Act—

Act includes any provision of an Act and any provision of any subordinate legislation under an Act.

adaptation means any process of adjusting to actual or expected climate and its effects that—

- (a) in human systems, seeks to moderate or avoid harm or exploit beneficial opportunities; and
- (b) in natural systems, may be facilitated by human

intervention;

adaptation action plan means an adaptation action plan prepared under Division 2 of Part 5;

annual greenhouse gas emissions report means a report prepared under section 52;

built environment means the places and structures built or developed for human occupation, use and enjoyment;

Examples

Cities, buildings, urban spaces, housing and infrastructure.

built environment system means—

- (a) the built environment; and
- (b) how people use and interact with the built environment;

carbon dioxide equivalent means the standard unit of measurement used in greenhouse gas accounting, representing an amount of a greenhouse gas multiplied by the global warming potential of that gas;

climate change means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods;

climate change strategy means a climate change strategy prepared under Division 1 of Part 5;

climate science report means a report prepared under section 51;

Department means the Department of Environment and Heritage Protection;

education and training system means the services and assets primarily engaged in the planning, development, provision and support of education and training, including future workplace skills and needs;

eligible offset has the meaning given in section 9;

emissions reduction pledge means—
(a) a whole-of-government pledge; or
(b) a sector pledge; or
(c) a local government pledge;

greenhouse gas emissions means emissions, in the prescribed unit specified by the Greenhouse Gas Protocol, of—

- (a) carbon dioxide, methane, nitrous oxide or Sulphur hexafluoride; or
- (b) a hydrofluorocarbon or a perfluorocarbon that is specified in regulations made under the *National Greenhouse and Energy Reporting Act 2007* of the Commonwealth;

cardinal principles means the principles set out in Division 3 of Part 4;

health and human services system means—

- (a) the services and assets primarily engaged in protecting human health from disease resulting from or associated with communicable disease, food, water or the environment; and
- (b) the services and assets which provide human physical and mental health care, social support and assistance;

interim emissions reduction target means a greenhouse gas emissions reduction target determined under Division 2 of Part 2;

interim target period means the period in respect of which an interim emissions reduction target has been determined under Division 2 of Part 2;

large-scale facility means a generation facility that has a generation capacity of more than 100 kilowatts;

Local Government has the same meaning as in the Local Government Act 2009;

local government pledge means a statement made under section 46 in respect of reductions of greenhouse gas emissions caused or otherwise influenced by a local government;

long-term emissions reduction target has the meaning given in section 6;

natural environment system means the State's natural environment including—

- (a) land, water over that land and the soils and biodiversity associated with that land; and
- (b) the coastal waters of the State (within the meaning of the Coastal Waters (State Powers) Act 1980 of the Commonwealth in relation to Queensland), the land under those waters and the biodiversity associated with those waters and that land; and
- (c) the ecological processes and systems associated with the things set out in paragraphs (a) and (b);

nominated Minister means—

- (a) in Division 2 of Part 5—a Minister in respect of which a determination is made for the purposes of an adaptation action plan; or
- (b) in Division 3 of Part 5—a Minister in respect of which

a determination is made for the purposes of a sector pledge;

owner, in relation to land, includes any person entitled to be registered as the registered proprietor of that land;

policy objectives means the objectives set out in section 22;

primary production system means—

(a) the growing and cultivation of horticultural and other crops, including plantation forestry and farm forestry;
and

(b) the controlled breeding, raising or farming of animals;
and

(c) the infrastructure, workforce and communities supporting the activities set out in paragraphs (a) and (b);

public land manager, in relation to Crown land, means—

(a) in relation to reserved Crown land that is managed by a committee of management—the committee of management; or

(b) in relation to any other Crown land—the Minister, public authority or municipal local government responsible for the care or management of the land;

Register has the same meaning as in the Land Act 1994;

Registrar has the same meaning as in the Land Act 1994;

renewable energy source means any of the following energy sources—

(a) solar;

(b) wind;

(c) an energy source declared by the Minister under a regulation;

renewable energy target means a renewable energy target set out in section 60;

sector pledge means a statement made under section 43 in respect of reductions of greenhouse gas emissions from a prescribed category of emissions and removals;

transport system means all of the components for the movement of persons and goods, including—

- (a) physical components, including transport networks, facilities and vehicles; and
- (b) services components, including passenger, freight and other transport services to move persons and goods;

vegetation means any part of a plant, whether alive or dead;

water cycle system means—

- (a) the collection, storage, treatment, delivery and supply of water, including recycled water; and
- (b) sewerage services, including the collection, treatment and disposal of wastewater through sewerage systems and wastewater treatment plants; and
- (c) drainage services, including the operation of drainage systems; and
- (d) flood management services, including the operation and maintenance of infrastructure to mitigate floods;

whole-of-government pledge means a statement made under section 41 in respect of reductions of greenhouse gas emissions caused by government operations and activities.

5 Application to the Crown

This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.

6 Application of Act

This Act applies despite any Act specified in schedule 1 to the contrary. Furthermore, a restriction or requirement under this Act applies as well as any restriction or requirement under an Act stated in schedule 1.

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Part 2 Greenhouse gas emissions reduction targets

Division 1 Long-term emissions reduction target and eligible offsets

7 Long-term emissions reduction target

- (1) For the purposes of this Act, the long-term emissions reduction target for the State is an amount of net zero greenhouse gas emissions by the year 2050.
- (2) In this section—
net zero greenhouse gas emissions means zero greenhouse gas emissions determined with reference to the amount of total greenhouse gas emissions attributable to the State, including any removals of greenhouse gas emissions from the atmosphere due to activities undertaken within the State to the extent of total allowable eligible offsets under this Act.

8 Determination for net zero greenhouse gas emissions

For the purposes of section 7, the Premier and the Minister must determine the amount of total greenhouse gas emissions attributable to the State in accordance with this Act.

9 Achieving the long-term emissions reduction target

- (1) The Premier and the Minister must ensure that the State achieves the long-term emissions reduction target.
- (2) No more than 20 percent of any greenhouse gas emissions reductions target may come from eligible offsets.

10 Eligible offsets

An eligible offset is a prescribed unit of greenhouse gas emissions issued under a prescribed regulatory, accreditation or certification scheme.

Division 2 Interim emissions reduction targets

11 Interim emissions reduction targets

- (1) The Premier and the Minister must determine a greenhouse gas emissions reduction target for the State in respect of each of the following periods—
 - (a) 1 January 2021 to 31 December 2025;
 - (b) 1 January 2026 to 31 December 2030;
 - (c) 1 January 2031 to 31 December 2035;
 - (d) 1 January 2036 to 31 December 2040;
 - (e) 1 January 2041 to 31 December 2045;
 - (f) 1 January 2046 to 31 December 2050.
- (2) The interim emissions reduction target under subsection (1)(a) and (b) must be determined on or before 31 March 2020.
- (3) The interim emissions reduction target under subsection (1)(f) must be determined on or before 31 March 2038.

12 Form of interim emissions reduction targets

- (1) An interim emissions reduction target must be expressed as the extent to which the amount of the State's greenhouse gas emissions is to be reduced in relation to the amount of the State's greenhouse gas emissions for the year 2005.
- (2) For the purposes of this section, the Minister must determine a figure that represents the amount of the State's greenhouse gas emissions for the year 2005 in accordance with the prescribed method detailed under this Act.

13 Independent expert panel advice in relation to interim emissions reduction targets

- (1) Before determining an interim emissions reduction target, the Minister must obtain advice from a panel of 5 appropriately qualified independent experts nominated by the Minister as the *expert panel*.
- (2) Membership of the expert panel is to be determined by regulation which provides for -
 - (a) the appointment of the members of a district group; and
 - (b) the qualifications and experience required for a person to be a member of a district group.
- (3) The advice obtained under subsection (1) must include the following—
 - (a) one or more recommended interim targets for reducing greenhouse gas emissions during the interim target period;
 - (b) indicative trajectories for the State to achieve the long term emissions reduction target based on each option identified in paragraph (a);
 - (c) potential opportunities across the Queensland economy as a whole for reducing greenhouse gas emissions in

the most efficient and cost effective manner in the interim target period;

- (d) any other matters on which the Minister, in consultation with the Premier, considers appropriate.
- (4) In forming the advice, an independent expert must consider the following—
- (a) the long-term emissions reduction target;
 - (b) relevant up-to-date climate science, including any climate science report;
 - (c) any technology relevant to climate change;
 - (d) social circumstances, in particular the likely impact of the target on the health and wellbeing of the people of Queensland;
 - (e) economic circumstances, in particular the likely impact of the target on the economy and the competitiveness of particular sectors of the economy;
 - (f) environmental circumstances, in particular the benefits to the environment of emissions reduction;
 - (g) existing national and global action on climate change, including any undertakings relating to the reduction of greenhouse gas emissions that Australia has given under international climate change agreements;
 - (h) any progress towards the reduction of greenhouse gas emissions, including any annual greenhouse gas emissions report;
 - (i) the matters required to be considered by the Premier and the Minister under section 14(1)(c), (d) and (2).
- (3) The Minister may obtain one piece of independent expert advice in respect of both interim emissions reduction targets required under section 10(2).

14 Publication of independent expert panel advice

- (1) The Minister must ensure that a copy of the independent expert panel advice obtained under section 13 in respect of an interim emissions reduction target is laid before the Queensland Legislative Assembly within 10 sitting days of that House after obtaining the advice.
- (2) The Minister must publish an independent expert panel advice obtained under section 13 on the Internet site of the Department as soon as practicable after the advice is laid before the Queensland Legislative Assembly under subsection (1).

15 Matters for consideration in determining interim emissions reduction targets

- (1) In determining an interim emissions reduction target, the Premier and the Minister must have regard to—
 - (a) the long-term emissions reduction target; and
 - (b) the independent expert advice obtained under section 13; and
 - (c) the policy objectives; and
 - (d) the cardinal principles; and
 - (e) any annual greenhouse gas emissions reports considered relevant.
- (2) In addition to subsection (1), the Premier and the Minister must ensure that each interim emissions reduction target constitutes a greater reduction in greenhouse gas emissions than any previous interim emissions reduction target.

16 Publication of interim emissions reduction targets

- (1) The Minister must cause an interim emissions reduction target to be laid before the Queensland Legislative Assembly within 10 sitting days of that House after the determination of the target.
- (2) The Minister must publish an interim emissions reduction target on the Internet site of the Department as soon as practicable after the target is laid before the Queensland Legislative Assembly under subsection (1).

Part 3 Climate change considerations

Division 1

17 Decision makers must have regard to climate change

- (1) This section applies to any decision made or action taken, or a function or power that is conferred on an entity by any such Act that is authorised by—
 - (a) the provision of an Act specified in Schedule 1; or
 - (b) any provision of a subordinate instrument made under an Act specified in Schedule 1.
- (2) A person making a decision or taking an action referred to in subsection (1) must take account of—
 - (a) the potential impacts of climate change relevant to the decision or action; and
 - (b) the potential contribution to the State's greenhouse gas emissions and interim targets of the decision or action; and
 - (c) any guidelines issued by the Minister under section 18.
- (3) In taking into account the potential impacts of climate change,

the relevant considerations for a person making a decision or taking an action are—

- (a) potential biophysical impacts; and
 - (b) potential long and short term economic, environmental, health and other social impacts; and
 - (c) potential beneficial and detrimental impacts; and
 - (d) potential direct and indirect impacts; and
 - (e) potential cumulative impacts.
- (4) In taking into account the potential contribution to the State's greenhouse gas emissions, the relevant considerations for a person making a decision or taking an action are—
- (a) potential short-term and long-term greenhouse gas emissions; and
 - (b) potential direct and indirect greenhouse gas emissions; and
 - (c) potential increases and decreases in greenhouse gas emissions; and
 - (d) potential cumulative impacts of greenhouse gas emissions.
- (5) If the effect of making a decision or taking an action in section (1) will be to reduce Queensland's ability to meet a greenhouse gas emissions reduction target, the subject of the decision must be modified until it does not reduce Queensland's ability to achieve the target.
- (6) For the purposes of meeting subsection (5) any action to modify a decision to meet the requirements of section (1) must not provide for an exceedance of the total percentage of eligible offsets defined in section 9(2).
- (7) The requirements of this Part apply in addition to and without limiting the power or duty of a person making a decision or taking an action referred to in subsection (1) to consider any other matter.

- (8) Nothing in this Part limits the power of a person making a decision or taking an action not referred to in subsection (1) to take account of any potential impacts of climate change or potential contributions to the State's greenhouse gas emissions in making any other decision or taking any other action under any other Act or subordinate instrument.

18 Ministerial guidelines for actions and decisions

- (1) The Minister may issue guidelines for a person making a decision or taking an action referred to in section 17(1) as to the scope and application of the factors that the person is required to take into account section 17(2) when making that decision or taking that action.
- (2) The Minister must consult with the Minister administering an Act or a subordinate instrument referred to in section 17(1) before making a guideline that relates to a decision or an action under that Act or subordinate instrument.
- (3) The Minister must publish the guidelines in the Government Gazette.

19 Minister must have regard to cardinal principles

The Minister must incorporate the cardinal principles in making or issuing Ministerial guidelines under section 18 if the Minister considers the principle is relevant in the circumstances.

Part 4 Offences, review and enforcement

20 Offence

It is an offence for a person to make a decision or take an action under a function or power conferred by an Act specified in Schedule 1, or a subordinate instrument made under an Act in Schedule 1, to do so in contravention of the requirements of

section 17.

21 Extended standing for judicial review

Any person may seek judicial review under the Judicial Review Act 1991 (Qld) of a decision that this Act applies, including a decision made under a function or power conferred by an Act specified in Schedule 1, or a subordinate instrument made under an Act in Schedule 1, to if:

- (a) the person is an Australian citizen or resident of Australia; or
- (b) the person is an organization which was incorporated or established in Australia; and
- (c) at any time in the 2 years immediately before the decision the person has engaged in activities or research in Queensland which relate to the reduction of carbon emissions or adaptation to climate change.

22 Enforcement orders

- (1) Any person may start proceedings in the Planning and Environment Court of Queensland for an enforcement order.
- (2) An enforcement order is an order that requires a person to do either or both of the following—
 - a. refrain from making a decision or undertaking an action under an Act in Schedule 1 which may contravene the requirements on the decision maker in section 17; or
 - b. remedy the effect of a decision or action under an Act in Schedule 1 which contravened the requirements on the decision maker as provided in section 17.
- (3) The Planning and Environment Court may make an enforcement order if the court considers the contravention —
 - (a) has been committed; or
 - (b) will be committed unless the order is made.

- (4) The Planning and Environment Court may make an enforcement order (an interim enforcement order) pending a decision in proceedings for the enforcement order.
- (5) An enforcement order or interim enforcement order may direct the respondent—
 - (a) to stop an activity that constitutes an offence; or
 - (b) not to start an activity that constitutes an offence; or
 - (c) to do anything required to stop committing an offence; or
 - (d) to do anything to comply with this Act.
- (6) An enforcement order or interim enforcement order may be in terms the Planning and Environment Court considers appropriate to secure compliance with this Act.
- (7) An enforcement order or interim enforcement order must state the period within which the respondent must comply with the order.
- (8) A person must not contravene an enforcement order or interim enforcement order.

23 General declaratory jurisdiction

- (1) Any person may start a P&E Court proceeding seeking a declaration (a declaratory proceeding) about—
 - (a) a matter done, to be done or that should have been done for this Act; or
 - (b) the interpretation of this Act.
- (2) The P&E Court may also make any order about any declaration it makes.

Part 5 Policy objectives and cardinal principles

Division 1 Government regard to policy objectives and cardinal principles

24 Decision and policy making

The Government of Queensland must use its best endeavours to ensure that any decision made by the Government and any policy, program or process developed or implemented by the Government appropriately takes account of climate change if it is relevant by having regard to the policy objectives and the cardinal principles.

25 Ministerial guidelines for the general application of the objectives and principles

- (1) The Minister must issue guidelines about how the Government of Queensland is to take account of the policy objectives and the cardinal principles when making a decision or developing or implementing a policy, program or process.
- (2) Without limiting subsection (1), guidelines issued under that subsection may—
 - (a) provide practical guidance on the application of the policy objectives and the cardinal principles; or
 - (b) provide guidance on when the policy objectives and cardinal principles may be taken into account; or
 - (c) provide guidance on how an obligation to consider policy objectives and cardinal principles under this Act may be discharged.
- (3) Guidelines issued under subsection (1) may—
 - (a) apply to all decisions, policies, programs or processes; or
 - (b) apply to a specified class of decision, policy, program or process.

Division 2 Policy objectives

26 Policy objectives

The policy objectives of this Act are—

- (a) to reduce the State's greenhouse gas emissions in line with the long-term emissions reduction target and interim emissions reduction targets; and
- (b) to build the resilience of the State's infrastructure, built environment and communities through effective adaptation and disaster preparedness action; and
- (c) to manage the State's natural resources, ecosystems and biodiversity to promote their resilience; and
- (d) to promote and support the State's regions, industries and communities to adjust to the changes involved in the transition to a net zero greenhouse gas emissions economy, including capturing new opportunities and addressing any impacts arising from the need to reduce greenhouse gas emissions across the economy; and
- (e) to support vulnerable communities and promote social justice and intergenerational equity.

Division 3 Cardinal principles

27 Principle of informed decision making

It is a cardinal principle of this Act that a decision, policy, program or process—

- (a) should be based on a comprehensive analysis of the best practicably available information about the potential impacts of climate change that is relevant to the decision, policy, program or process under consideration; and
- (b) should take into account the potential contribution to the State's greenhouse gas emissions.

28 Principle of integrated decision making

It is a cardinal principle of this Act that a decision, policy, program or process should integrate the competing long-term, medium-term and short term environmental, economic, health and other social considerations relating to climate change to ensure that—

- (c) all relevant issues relating to climate change associated with the decision, policy, program or process are taken into consideration during the decision making process; and
- (d) there is a proper examination of all the issues which are relevant to climate change; and
- (e) any measures adopted as a result of the decision, policy, program or process are cost effective and in proportion to the problems relating to climate change that are relevant to the decision, policy, program or process.

29 Principle of risk management

- (1) It is a cardinal principle of this Act that a decision, policy, program or process should be based on—
 - (a) careful evaluation of the best practicably available information about the potential impacts of climate change to avoid, wherever practicable, serious or irreversible damage resulting from climate change; and
 - (b) an assessment of the consequences of each of the options in making a decision having regard to the risks of each of those options; and
 - (c) managing and allocating the risks associated with the potential impacts of climate change in a manner that is easily seen and understood and endeavouring to achieve best practice.
- (2) It is a cardinal principle of this Act that a decision, policy, program or process should not rely on a lack of full scientific certainty as a reason to postpone appropriate measures to prevent serious or irreversible loss or damage as a result of climate change.

30 Principle of equity

It is a cardinal principle of this Act that a decision, policy, program or process should have regard to the following—

- (a) opportunities should be created by the present generation to increase the capacities within that generation and future generations to adapt to climate change;
- (b) in particular, the present generation should consider the opportunities to increase the capacities to adapt to climate change of those people most vulnerable to the potential impacts of climate change;
- (c) the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations and that any adverse impacts of climate change are minimised for future generations;
- (d) the present generation should consider the long-term, medium-term and short-term consequences of decisions, policies, programs and processes that may impact on climate change.

31 Principle of community engagement

It is a cardinal principle of this Act that community involvement in decisions, policies, programs or processes relating to climate change that may affect members of the community or members of the community in future generations, especially members of vulnerable or marginalised communities, should be facilitated and this includes—

- (a) providing appropriate information to the community; and
- (b) providing meaningful opportunities for the community to be involved in the decision, policy, program or process; and
- (c) providing for appropriate and adequate public consultation with the community.

32 Principle of compatibility

It is a cardinal principle of this Act that a decision, policy, program or process to address issues relating to climate change should—

- (d) seek to promote a coherent policy framework within the State; and
- (e) seek to achieve cohesion the policies, programs, initiatives, standards or commitments relating to climate change of—
 - (i) other States or Territories; and
 - (ii) the government of the Commonwealth; and
 - (iii) governments of other countries; and
 - (iv) international bodies and organisations.

Part 6 Planning for climate change

Division 1 Climate change strategy

33 Preparation of climate change strategy

- (1) The Minister must prepare a climate change strategy on or before 31 October 2020.
- (2) The Minister must prepare further climate change strategies on or before 31 October in every fifth year after 31 October 2020 up to and including 31 October 2045.
- (3) A climate change strategy must relate to the period of 5 years starting on 1 January in the year following its preparation.

34 Content of climate change strategy

- (1) A climate change strategy must include—
 - (a) a statement of priorities; and
 - (b) an adaptation component; and
 - (c) an emissions reduction component.

- (2) The statement of priorities of a climate change strategy must include a description of the Government of Queensland's priorities in relation to—
 - (a) adaptation; and
 - (b) the reduction of greenhouse gas emissions; and
 - (c) planning for the State's transition to meet the challenges of climate change and to capitalize on the opportunities created by climate change.
- (3) The adaptation component of a climate change strategy must include the following—
 - (a) a summary of the most recent climate science report, including the implications of climate change for the State and any regions of the State;
 - (b) the medium-term and long-term objectives of the State in respect of adaptation, including any regions of the State;
 - (c) actions which may be taken by the Government of Queensland to ensure that the effects of climate change are considered during the carrying out of its operations and activities.
- (4) The emissions reduction component of a climate change strategy must include the following information in respect of the period to which the strategy relates—
 - (a) the interim emissions reduction target;
 - (b) the whole-of-government pledge;
 - (c) the sector pledges;
 - (d) any Local government pledges;
 - (e) an assessment of the estimated total level of greenhouse gas emissions reductions resulting from the implementation of emissions reduction pledges;
 - (e) information about any other proposals from the business sector or wider community attempting to reduce greenhouse gas emissions that the Minister considers appropriate.

- (5) The Minister must ensure that a climate change strategy includes a report on the implementation and effectiveness, as at the time the strategy is prepared, of any preceding climate change strategy.
- (6) In respect of the climate change strategy prepared under section 29(1), the strategy must include a report on the implementation and effectiveness, as at the time the strategy is prepared.

35 Matters for consideration when preparing climate change strategy

In preparing a climate change strategy, the Minister must take into account —

- (f) the policy objectives; and
- (g) the cardinal principles ; and
- (h) any independent expert advice obtained under section 13; and
- (i) any climate science reports; and
- (j) any annual greenhouse gas emissions reports; and
- (k) any written submissions in relation to the strategy under section 36.

36 Consultation requirements for climate change strategy

Before finalising a climate change strategy, the Minister must publish on the Internet site of the Department—

- (a) a draft of the climate change strategy; and
- (b) a statement that any person may make a written submission to the Minister in relation to the draft strategy; and
- (c) details of how a person may make a written submission; and
- (d) the date by which written submissions must be received by the Minister, being at least 28 days after the draft is published

37 Publication of climate change strategy

- (1) The Minister must cause a climate change strategy to be laid before the Queensland Legislative Assembly within 10 sitting days of that Assembly after the strategy is prepared.
- (2) The Minister must publish a climate change strategy on the Internet site of the Department as soon as practicable after the strategy is laid before the Queensland Legislative Assembly under subsection (1).

Division 2 Adaptation action plans

38 Preparation of adaptation action plans

- (1) An adaptation action plan must be prepared by the relevant nominated Minister on or before 31 October 2021.
- (2) The nominated Minister must prepare further adaptation actions plans on or before 31 October in every fifth year after 31 October 2021 up to and including 31 October 2046.
- (3) An adaptation action plan must relate to the period of 5 years starting on 1 January in the year following its preparation.
- (4) An adaptation action plan must be prepared in respect of the following systems—
 - (l) the built environment system;
 - (m) the education and training system;
 - (n) the health and human services system;
 - (o) the natural environment system;
 - (p) the primary production system;
 - (q) the transport system;
 - (r) the water cycle system;
 - (s) any other system prescribed by regulation.

39 Content of adaptation action plan

- (1) An adaptation action plan must include—

- (a) a statement of the roles and responsibilities of the Government of Queensland and other governments, persons and bodies in relation to the relevant system; and
 - (b) an assessment, in relation to the relevant system, of the extent to which existing policies of the Government of Queensland address the statement of priorities of a climate change strategy; and
 - (c) if identified under the assessment referred to in paragraph (b), a list of further actions over the next 5 years that could address the statement of priorities of a climate change strategy.
- (2) In addition to subsection (1), an adaptation action plan may include—
- (a) a summary of any other climate change implications for the relevant system, including risks or vulnerabilities not included in the statement of priorities, and any possible actions to address those implications; or
 - (b) information about any other proposals from any person or body, including the business sector or wider community, that relate to adaptation of the relevant system that the nominated Minister considers relevant; or
 - (c) any other data relied on in the development of the plan that the nominated Minister considers relevant; or
 - (d) any other information the nominated Minister considers necessary.
- (3) The nominated Minister must ensure that an adaptation action plan includes a report on the implementation and effectiveness, as at the time the plan is prepared, of any previous adaptation action plan prepared by that Minister.

40 Matters for consideration when preparing adaptation action plan

In preparing an adaptation action plan, a nominated Minister must take into account—

- (a) the policy objectives; and
- (b) the cardinal principles ; and
- (c) any climate science reports; and
- (d) any written submissions in relation to the plan under section 37.

41 Consultation requirements for adaptation action plan

Before finalising an adaptation action plan, the nominated Minister must publish on the Internet site of the relevant Department—

- (a) a draft of the proposed adaptation action plan; and
- (b) a statement that any person may make a written submission to the nominated Minister in relation to the draft plan; and
- (c) details of how a person may make a written submission; and
- (d) the date by which written submissions must be received by the nominated Minister, being at least 28 days after the draft plan is published.

42 Responsibility for adaptation action plans

- (1) The Minister may determine in writing any other Minister to be the nominated Minister for the purposes of preparing an adaptation action plan in respect of a system referred to in section 38(4).
- (2) The Minister must consult with the Premier before making a determination under subsection (1).
- (3) A determination may specify more than one Minister in respect of a system, or be made in respect of part of a system.

- (4) If the Minister does not make a determination in respect of a system, the Minister is taken to be the nominated Minister for that system.

43 Ministerial directions in relation to adaptation action plans

- (1) The Minister may issue directions for or with respect to the preparation of adaptation action plans.
- (2) Without limiting subsection (1) the directions may specify the methodology to be applied to the identification of actions in the preparation of an adaptation action plan and recommend type of information to be used for that plan.
- (3) A nominated Minister must take account of any directions in preparing an adaptation action plan.

44 Publication of adaptation action plan

- (1) The nominated Minister must cause an adaptation action plan to
- (2) be laid before the Queensland Legislative Assembly within 10 sitting days of that Assembly after the plan is prepared.
- (3) The nominated Minister must publish an adaptation action plan
- (4) on the Internet site of the relevant Department as soon as practicable after the plan is laid before the Queensland Legislative Assembly under subsection (1).

Division 3 Emissions reduction pledges

45 Preparation of whole-of-government pledge

- (2) The Minister must make a statement in respect of whole-of-government greenhouse gas emissions reductions on or before 1 August 2020.
- (3) The Minister must make further statements in respect of whole-of-government greenhouse gas emissions reductions on or before 1 August in every fifth year after 1 August 2020 up to and including 1 August 2045.
- (4) A whole-of-government pledge must relate to the period of 5 years starting on 1 January in the year following its preparation.

46 Content of whole-of-government pledge

- (1) A whole-of-government pledge must include—
 - (a) a description of actions to be undertaken by an applicable government body over the next 5 years that are reasonably expected to contribute to the reduction of greenhouse gas emissions caused by government operations and activities; and
 - (b) a reasonable estimate of the total level of greenhouse gas emissions reductions expected to result from the implementation of those actions.
- (2) In preparing a whole-of-government pledge, the Minister must take account of—
 - (a) the policy objectives; and
 - (b) the cardinal principles; and
 - (c) any independent expert advice obtained under section 12.
- (3) In addition to subsection (2), the Minister may consider any annual greenhouse gas emissions report in preparing a whole-of-government pledge.
- (5) In this section—

applicable government body means—

 - (a) a Department within the meaning of the Public Service Act 2008; and
 - (b) any prescribed entity established by or under a law of the State; and
 - (c) any other entity that has provided the Minister with any action to be included in a whole-of-government pledge.

47 Preparation of sector pledges

- (1) The relevant nominated Minister must make a statement in respect of greenhouse gas emissions reductions for a prescribed category of emissions and removals on or before 1 August 2020.
- (2) The nominated Minister must make further statements in respect of greenhouse gas emissions reductions for a prescribed category of emissions and removals on or before 1 August in every fifth year after 1 August 2020 up to and including 1 August 2045.
- (3) A sector pledge must relate to the period of 5 years starting on 1 January in the year following its preparation.

48 Content of sector pledges

- (1) A sector pledge must include—
 - (a) a description of actions to be undertaken by the Government of Queensland over the next 5 years that are reasonably expected to contribute to the reduction of greenhouse gas emissions from a prescribed category of emissions and removals; and
 - (b) a reasonable estimate of the total level of greenhouse gas emissions reductions expected to result from the implementation of those actions.
- (2) In preparing a sector pledge, the nominated Minister must take into account—
 - (a) the policy objectives; and
 - (b) the cardinal principles; and
 - (c) any independent expert advice obtained under section 12.
- (3) In addition to subsection (2), the nominated Minister may consider any annual greenhouse gas emissions report in preparing a sector pledge.

49 Responsibility for sector pledges

- (1) The Minister may determine in writing any other Minister to be the nominated Minister for the purposes of preparing a sector pledge in respect of a prescribed category of emissions and removals.
- (2) The Minister must consult with the Premier before making a determination under subsection (1).
- (3) A determination may specify more than one Minister in respect of a prescribed category of emissions or removals, or be made in respect of part of a category of emissions or removals.
- (4) If the Minister does not make a determination in respect of a prescribed category of emissions and removals, the Minister is taken to be the nominated Minister for that category.

50 Preparation of local government pledges

- (1) A local government must make a statement in respect of greenhouse gas emissions reductions resulting from the performance of the local government's powers and duties under the Local Government Act 2009 or Planning Act 2017 on or before 1 August 2020.
- (2) A local government may make a statement in respect of greenhouse gas emissions reductions on or before 1 August in every fifth year after 1 August 2020 up to and including 1 August 2045.
- (3) A local government pledge must relate to the period of 5 years starting on 1 January in the year following its preparation.

51 Content of local government pledges

- (1) A local government pledge must include—
 - (a) a description of actions to be undertaken by the local government over the next 5 years that are reasonably expected to contribute to the reduction of greenhouse gas emissions caused or otherwise influenced by the local

government; and

- (b) a reasonable estimate of the total level of greenhouse gas emissions reductions expected to result from the implementation of those actions.
- (2) In preparing a local government pledge, a local government must consider—
- (a) the policy objectives; and
 - (b) the cardinal principles.

52 Notification of local government pledge

A local government that prepares a local government pledge must give a copy of the pledge to the Minister and publish the pledge on its website as soon as practicable after its preparation.

53 Ministerial directions in relation to emissions reduction pledges

- (1) The Minister may issue directions for or with respect to the preparation of emissions reduction pledges.
- (2) Without limiting subsection (1) the directions may—
 - (c) specify the methodology to be used in determining the estimated reduction in greenhouse gas emissions set out in the emissions reduction pledge; or
 - (d) specify the appropriate consultation to be undertaken by a nominated Minister or local government.
- (3) A nominated Minister or a local government must have regard to any directions in preparing an emissions reduction pledge.

54 Variation of emissions reduction pledges

- (1) The Minister, at any time, may vary a whole-of-government pledge that is in force at the time of the variation.
- (2) A nominated Minister, at any time, may vary a sector pledge that is in force at the time of the variation.

- (3) If the Minister or a nominated Minister varies an emissions reduction pledge after the publication of the climate change strategy in respect of the same period, the relevant Minister must—
 - (a) publish notice of the variation in the Government Gazette; and
 - (b) publish an up-to-date consolidated version of the pledge on the Internet site of the relevant Department.

Part 6 Further information and reports

55 Climate science report

- (1) The Minister must prepare a report on the science and data relevant to climate change in the State.
- (2) The Minister must ensure that a report under subsection (1) sets out—
 - (a) a synthesis of the best practicably available climate change science and its implications for the State and any regions of the State; and
 - (b) data on observed changes in climate in the State; and
 - (c) any other information about the science and data relevant to climate change in the State, including any regions of the State, that the Minister considers appropriate.
- (3) The Minister must ensure that a report under subsection (1) is prepared on or before 31 October 2019 and on or before 31 October in every fifth year after that date up to and including 31 October 2044.
- (4) The Minister must cause a copy of a report under subsection (1) to be laid before the Queensland Legislative Assembly within 10 sitting days of the Assembly after the completion of the report.

- (5) The Minister must publish the report on the Internet site of the Department as soon as practicable after the report is laid before the Queensland Legislative Assembly under subsection (4).

56 Annual greenhouse gas emissions report

- (1) The Minister must prepare an annual report on the State's greenhouse gas emissions that—
 - (a) sets out an overview and collation of the best practicably available information about the State's greenhouse gas emissions; and
 - (b) sets out the extent to which the amount of the State's greenhouse gas emissions has been reduced in relation to the amount of the State's greenhouse gas emissions for the year 2005 determined under section 11(2); and
 - (c) includes any other information about the State's greenhouse gas emissions that the Minister considers appropriate.
- (2) For the purposes of subsection (1)(b), the method for calculating any reduction in the amount of the State's greenhouse gas emissions is the method set out in section 53.
- (3) The Minister must prepare a report under subsection (1) on or before 31 October 2018 and on or before 31 October every following year.
- (4) The Minister must cause a copy of a report under subsection (1) to be laid before the Queensland Legislative Assembly within 10 sitting days of that Assembly after the completion of the report.
- (5) The Minister must publish a report under subsection (1) on the Internet site of the Department as soon as practicable after the report is laid before the Queensland Legislative Assembly under subsection (4).

57 Calculation of reduction of greenhouse gas emissions

A reduction in the amount of the State's greenhouse gas emissions is calculated in accordance with the formula—where—

- A** is the carbon dioxide equivalent of the total amount of the State's greenhouse gas emissions for the year 2005 determined under section 11(2);
- B** is the carbon dioxide equivalent of the total amount of the State's greenhouse gas emissions, determined in accordance with the regulations, for the most recent year for which the State's greenhouse gas emissions data is practicably available.

58 End of interim target period report

- (1) The Minister must prepare a report that includes the information specified in section 56 for each interim target period.
- (2) The Minister must ensure that a report under subsection (1) is prepared within 2 years after the end of the interim target period for which the report is prepared.
- (3) The Minister must cause a copy of a report under subsection (1) to be laid before each Assembly of the Parliament within 10 sitting days of that Assembly after the completion of the report.
- (4) The Minister must publish a report under subsection (1) on the Internet site of the Department as soon as practicable after the completion of the report.

59 Information to be included in the end of interim target period report

The Minister must ensure that a report under section 56—

- (a) sets out the total amount of the State's greenhouse gas emissions during the interim target period; and

- (b) states whether the interim emissions reduction target determined for the interim target period has been achieved; and
- (c) if the interim emissions reduction target has not been achieved—
 - (i) sets out the reasons why that target was not achieved; and
 - (ii) contains a statement of any implications of the failure to achieve the interim emissions reduction target for the achievement of subsequent interim emissions reduction targets; and
 - (iii) sets out the steps to be taken to achieve the target and the timeframe within which the steps will be taken.
- (d) contains an assessment of the cumulative progress towards achieving the long-term emissions reduction target; and
- (e) in the case of the report prepared for the interim target period ending on 31 December 2050, states whether the long-term emissions reduction target has been achieved; and
- (f) assesses the implementation and effectiveness, including the cost effectiveness, of the emissions reduction pledges included in any climate change strategy that was in force during the interim target period; and
- (g) any other information relevant to the interim target period that the Minister considers appropriate.

Part 7 Renewable energy targets and capacity determinations

60 Renewable energy targets

The renewable energy targets are—

- (a) by 2020, for 25% of electricity generated in Queensland to be generated by means of facilities that generate electricity by utilizing renewable energy sources or converting renewable energy sources into electricity; and
- (b) by 2030, for 50% of electricity generated in Queensland to be generated by means of facilities that generate electricity by utilizing renewable energy sources or converting renewable energy sources into electricity.

61 Minister to report to the Parliament annually on progress

- (1) The Minister must report to the Parliament for each financial year on—
 - (a) the progress made towards meeting the renewable energy targets; and
 - (b) the performance of schemes to achieve targets under this Act that promote the generation of electricity by large-scale facilities that utilise renewable energy sources or convert renewable energy sources into electricity; and
 - (c) investment and employment in Queensland in relation to renewable electricity generation.
- (2) The report must be in writing and contain the information determined by the Minister.
- (3) The Minister must cause the report for the financial year to be laid before the Queensland Legislative Assembly on or before 31 October in the subsequent financial year or, if the Assembly is not then sitting, on the first sitting day of the Assembly after 31 October.

62 Capacity determinations

The Minister, by notice published in the Government Gazette, must determine the minimum amounts of renewable energy generation capacity required to meet the target under this Act for the purposes of contributing to the achievement of—

- (a) the renewable energy target for 2020—by 31 December 2017; and
- (b) the renewable energy target for 2025—by 31 December 2019.

Part 8 General

63 Regulations

- (1) The Governor in Council may make regulations for or with respect to—
 - (b) prescribing eligible offsets; and
 - (c) prescribing regulatory, accreditation or certification schemes; and
 - (d) prescribing other systems for the purposes of adaptation action plans; and
 - (e) prescribing entities for the purposes of whole-of-government emissions reduction pledges; and
 - (f) setting out categories of greenhouse gas emissions and removals for the purposes of sector emissions reduction pledges; and
 - (g) prescribing a method to determine a figure that represents the amount of the State's greenhouse gas emissions for the year 2005 for the purposes of section 11(2); and
 - (h) prescribing a method to determine whether an interim emissions reduction target has been achieved; and
 - (i) prescribing how the State's greenhouse gas emissions for a particular year are to be determined; and
 - (j) to facilitate the State's contribution to national and international carbon sequestration efforts; and
 - (k) to provide for the creation of forestry rights, carbon sequestration rights and soil carbon rights; and
 - (l) to provide for Forestry and Carbon Management Agreements in relation to private land and Carbon

Sequestration Agreements in relation to State land;
(m) generally prescribing any matter required or permitted to be prescribed by this Act or necessary to be prescribed to give effect to this Act.

- (2) The regulations—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstance; and
 - (c) may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification, or method, formulated, issued, prescribed or published by any person whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
 - (iii) as formulated, issued, prescribed or published from time to time; and
 - (d) may leave anything for the approval or satisfaction of a specified person.

Part 9 **Regulating emissions under the Environment Protection Act 1994**

64 Minister to regulate emissions

The Minister administering the Environmental Protection Act 1994 must seek to regulate the emission of greenhouse gas substances to contribute to the State's long-term emissions reduction target and interim emissions reduction targets under the Climate Change and Renewable Energy Act 2017.

65 Powers, duties and functions of Authority

After subsection 4(7)(c) of the Environment Protection Act 1994 insert—

“(8) The Act shall also regulate the emission of greenhouse gas substances to contribute to the State's long-term emissions reduction target and interim emissions reduction targets under the Climate Change and Renewable Energy Act 2017.”

Schedule 1 – Acts to which this Act relates

Name of Act (includes all subordinate legislation to Act)

Biodiscovery Act 2004
Biological Control Act 1987
Building Act 1975
Coastal Protection and Management Act 1995
Economic Development Act 2012
Electricity Act 1994
Environmental Protection Act 1994
Fisheries Act 1994
Forestry Act 1959
Gas Supply Act 2003
Gasfields Commission Act 2013
Gene Technology (Queensland) Act 2016
Geothermal Energy Act 2010
Gladstone Power Station Agreement Act 1993
Gold Coast Waterways Authority Act 2012
Greenhouse Gas Storage Act 2009
Housing Act 2003
Integrated Resort Development Act 1987
Land Act 1994
Local Government Act 1993
Marine Parks Act 2004
Maritime Safety Queensland Act 2002
Mineral Resources Act 1989

Name of Act (includes all subordinate legislation to Act)

Mineral and Energy Resources (Common Provisions) Act 2014
Mining and Quarrying Safety and Health Act 1999
Mixed Use Development Act 1993
National Electricity (Queensland) Law
National Energy Retail Law (Queensland)
National Energy Retail Law (Queensland) Act 2014
National Environment Protection Council (Queensland) Act 1994
National Gas (Queensland) Act 2008
National Gas (Queensland) Law
Nature Conservation Act 1992
New South Wales-Queensland Border Rivers Act 1946
North Stradbroke Island Protection and Sustainability Act 2011
Off-shore Facilities Act 1986
Offshore Minerals Act 1998
Pest Management Act 2001
Petroleum Act 1923
Petroleum and Gas (Production and Safety) Act 2004
Petroleum (Submerged Lands) Act 1982
Planning Act 2016
Plumbing and Drainage Act 2002
Public Health Act 2005
Queensland Heritage Act 1992
Queensland Plan Act 2014
Recreational Areas Management Act 2006
Regional Planning Interest Act 2014
River Improvement Trust Act 1940
Rural and Regional Adjustment Act 1994
Soil Conservation Act 1986
State Development and Public Works Organisation Act 1971
Sustainable Ports Development Act 2015
Transport Infrastructure Act 1994
Transport Planning and Coordination Act 1994
Vegetation Management Act 1999
Waste Reduction and Recycling Act 2011

Name of Act (includes all subordinate legislation to Act)

Water Act 2000

Water Supply (Safety and Reliability) Act 2008

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