



Submission

in response to

Climate change targets 2021-2030 to the Interim Targets Independent Expert Panel

prepared by

Environmental Justice Australia

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About Environmental Justice Australia

Environmental Justice Australia (formerly the Environment Defenders Office, Victoria) is a not-for-profit public interest legal practice. We are independent of government and corporate funding. Our legal team combines technical expertise and a practical understanding of the legal system to protect our environment.

We act as advisers and legal representatives to community-based environment groups, regional and state environmental organisations, and larger environmental NGOs, representing them in court when needed. We also provide strategic and legal support to their campaigns to address climate change, protect nature and defend the rights of communities to a healthy environment.

We also pursue new and innovative solutions to fill the gaps and fix the failures in our legal system to clear a path for a more just and sustainable world.

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1. Victoria's interim emissions reduction targets should not relate to a national reference point.

In the Second Reading Speech for the *Climate Change Bill 2016*, Senator Dalidakis made clear that 'Australia's emissions targets and policy frameworks are not sufficient to meet the objectives of the Paris agreement. Victoria is not waiting for this to change and is acting now'.¹ Given a strong national emissions target and policy framework remains absent, there is no need for Victoria to wait for strong national leadership on emissions reductions. Rather, the Government should continue to be a national leader in emissions reductions targets and not defer to a national reference point that, in the current political climate, is unlikely to be ambitious enough to fulfil global consensus to achieve pre-industrial emissions levels by mid-century.

2. Deep emissions cuts must be made immediately to achieve the intention of the *Climate Change Act*.

We support Environment Victoria's recommendation that the first emissions reduction target to 2025 should be at least 45-50%, and that emissions are reduced by at least 65-80% by 2030. Victoria needs to reduce its carbon pollution quickly to equitably contribute to achieving the Paris Agreement ambitions to keep global warming to 1.5-2 degrees.

The *Climate Change Act 2017* (the *Act*) requires the Premier and Minister ensure that Victoria achieves its long-term emissions reduction target of net zero greenhouse gas emissions by 2050.² The simplest and most expedient way to ensure this obligation is fulfilled is to make deep emissions cuts immediately rather than leaving deep cuts to be made via later emissions reduction targets. Expediency is foreshadowed in the Preamble to the *Act* which acknowledges the need for decisive and strong actions to be taken by the government in order for Victoria to 'play its part in mitigation efforts and in preparing the community for unavoidable climatic impacts.'

To achieve an initial emissions reduction target of 45-50%, we make the following recommendations:

1. Sector pledges need to target the energy sector

The *Act* outlines the process for which a nominated Minister is to make a statement in respect of greenhouse gas emissions reductions for prescribed sectors.³

¹ Victoria, *Parliamentary Debates*, Legislative Council, 7 February 2017, 23-28 (Philip Dalidakis).

² *Climate Change Act 2017* (Vic) ss. 6, 8.

³ *Climate Change Act 2017* (Vic) ss. 43-45.

According to the most recent State and Territory Greenhouse Gas Emissions Inventory, the overwhelming source of greenhouse gas emissions in Victoria is stationary energy.⁴ In order to ensure that the Premier and Minister's obligations under the Act are fulfilled to reach net zero emissions by 2050,⁵ the Minister for the energy sector should be nominated to prepare and implement a sector pledge. In targeting emissions reductions programs for brown coal-fired power generation in particular, Victoria will continue to build on the energy transition work already undertaken in the Latrobe Valley so that further certainty about the phasing out of coal-fired power generation is provided.

- 2. Victoria needs strong action now rather than wait for sequestration technologies to be proven or available.*

Carbon sequestration is not a proven technology and cannot be relied on to contribute to Victoria's emissions reductions targets. In order to achieve the purpose of the Act strong carbon emissions reduction targets should be made early, not least because there is no guarantee that carbon sequestration will ever become available as an emissions reduction technology despite the Government's commitment to making it so. Moreover, at the rate at which native vegetation is removed in Victoria – the removal of which means that Victoria has significantly reduced the ability to use forests for carbon sequestration – the need to ensure strong emissions reduction targets are implemented at the outset are all the more urgent.

3. Early action to reduce Victoria's emissions to reach net zero by 2050 will ensure the Act is fulfilled and provide industry and community certainty.

By making deep emissions cuts at the outset, the Government sends a strong signal to both industry and communities that it is committed to being a leader in carbon reduction. Early carbon reductions targets means that communities who rely on carbon-intensive industries for employment will have surety as to their future and can prepare for transition. Similarly, those industries that are carbon-intensive can prepare immediately for transitioning their sectors to invest in increasingly less carbon intensive means of production. This in turn will provide certainty to investors who are more likely to assist in the development of such transitions because the government's intention is clear and bold.

⁴ <http://www.environment.gov.au/system/files/resources/a97b89a6-d103-4355-8044-3b1123e8bab6/files/state-territory-inventories-2016.pdf>, p. 6.

⁵ *Climate Change Act 2017* (Vic) s. 8.

4. Victoria should not use international and/or interstate carbon offsets to meet out interim targets.

Carbon offsetting, either national or international, should not be allowed. Offsetting passes the responsibility to reduce emissions to someone else, particularly in the international context. This will produce regional environmental injustice.

If offsets are to be allowed, they should be done so in Victoria only. These are Victorian carbon emissions reduction targets, and as such should be met inside Victoria. Victoria should be a national and international leader in reducing greenhouse gas emissions and setting an example to other states as to how reduction to net zero can be well planned for and implemented.

5. The only way to achieve the purpose of the *Climate Change Act* is to set strong carbon emissions reductions targets early.

The *Climate Change Act 2017* provides a framework for Victoria to achieve its recognition of, and commitment to, mitigating the impact of climate change and contributing to global efforts to achieve emissions reduction efforts to limit temperature increase to 1.5 degrees Celsius above pre-industrial levels. More specifically, the *Act* provides a framework for the Premier and Minister to fulfil their obligation to ensure the 2050 net zero carbon emissions target is met.⁶ In setting the overarching purpose of the *Act* the Preamble makes it clear that Victoria intends to take strong action against the threat of climate change and that as a subnational government the role of Victoria in driving the transition to a carbon-free future is critical.⁷

For the purpose of the *Act* to be achieved, strong carbon emissions reductions targets need to be made early. In order to reduce carbon emissions with the urgency required to achieve global emissions reductions identified in the Preamble, the interim reduction measures must be set at a level that reflects the urgency the *Act* intends to address. In order for the Premier and Minister to satisfy their obligations under the *Act*, the interim targets will need to be significant.

⁶ *Climate Change Act 2017* (Vic) s. 8.

⁷ *Climate Change Act 2017* (Vic) Preamble; Victoria, *Parliamentary Debates*, Legislative Assembly, 23 November 2016, 4548-4553 (Lily D'Ambrosio). Note: This is especially so in the event that ambitious and decisive national emissions reductions targets and policies are never developed and never implemented. The Preamble also foreshadows the lack of national leadership on climate change mitigation, and as such, necessitates decisive action.