

2022

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Climate Change Bill 2022

No. , 2022

(Climate Change, Energy, the Environment and Water)

A Bill for an Act to set out Australia's greenhouse gas emissions reduction targets, to provide for annual climate change statements, to confer advisory functions on the Climate Change Authority, and for related purposes

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1 **A Bill for an Act to set out Australia’s greenhouse**
2 **gas emissions reduction targets, to provide for**
3 **annual climate change statements, to confer**
4 **advisory functions on the Climate Change**
5 **Authority, and for related purposes**

6 The Parliament of Australia enacts:

7 **Part 1—Preliminary**
8

9 **1 Short title**

10 This Act is the *Climate Change Act 2022*.

Section 2

1 **2 Commencement**

2 (1) Each provision of this Act specified in column 1 of the table
3 commences, or is taken to have commenced, in accordance with
4 column 2 of the table. Any other statement in column 2 has effect
5 according to its terms.

6

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

7 Note: This table relates only to the provisions of this Act as originally
8 enacted. It will not be amended to deal with any later amendments of
9 this Act.

10 (2) Any information in column 3 of the table is not part of this Act.
11 Information may be inserted in this column, or information in it
12 may be edited, in any published version of this Act.

13 **3 Objects**

14 The objects of this Act are:

- 15 (a) to set out Australia's greenhouse gas emissions reduction
16 targets which contribute to the global goals of:
- 17 (i) holding the increase in the global average temperature
18 to well below 2°C above pre-industrial levels; and
 - 19 (ii) pursuing efforts to limit the temperature increase to
20 1.5°C above pre-industrial levels; and
- 21 (b) to promote accountability by requiring the Minister to:
- 22 (i) prepare annual climate change statements; and
 - 23 (ii) cause copies of those statements to be tabled in each
24 House of the Parliament; and
- 25 (c) to ensure that independent advice from the Climate Change
26 Authority informs:
- 27 (i) the preparation of annual climate change statements;
28 and

- 1 (ii) the greenhouse gas emissions reduction targets to be
2 included in a new or adjusted nationally determined
3 contribution.

4 **4 Simplified outline of this Act**

- 5 • This Act sets out Australia's greenhouse gas emissions
6 reduction targets.
- 7 • The Minister must prepare an annual climate change
8 statement.
- 9 • The Climate Change Authority is to give the Minister advice
10 that relates to the preparation of an annual climate change
11 statement.
- 12 • The Climate Change Authority is to advise the Minister on
13 greenhouse gas emissions reduction targets to be included in a
14 new or adjusted nationally determined contribution.
- 15 • There are to be periodic reviews of the operation of this Act.

16 **5 Definitions**

17 In this Act:

18 *annual climate change statement* means a statement under
19 subsection 12(1).

20 *Australia's greenhouse gas emissions reduction targets* has the
21 meaning given by section 10.

22 *Australia's nationally determined contribution* means:

- 23 (a) Australia's current nationally determined contribution
24 communicated in accordance with Article 4 of the Paris
25 Agreement; or
26 (b) if that nationally determined contribution has been adjusted
27 in accordance with paragraph 11 of Article 4 of the Paris

Section 6

1 Agreement—that nationally determined contribution, as
2 adjusted and in force from time to time.

3 **Paris Agreement** means the Paris Agreement, done at Paris on
4 12 December 2015, as amended and in force for Australia from
5 time to time.

6 Note: The Agreement is in Australian Treaty Series 2016 No. 24 ([2016]
7 ATS 24) and could in 2022 be viewed in the Australian Treaties
8 Library on the AustLII website (<http://www.austlii.edu.au>).

9 **6 Act binds the Crown**

10 This Act binds the Crown in right of the Commonwealth.
11 However, it does not bind the Crown in right of a State, of the
12 Australian Capital Territory or of the Northern Territory.

13 **7 Extension to external Territories**

14 This Act extends to every external Territory.

15 **8 Extension to exclusive economic zone and continental shelf**

16 This Act extends to a matter relating to the exercise of Australia’s
17 sovereign rights in the exclusive economic zone or the continental
18 shelf.

1 **Part 2—Australia's greenhouse gas emissions**
2 **reduction targets**
3

4 **9 Simplified outline of this Part**

- 5 • This Part sets out Australia's greenhouse gas emissions
6 reduction targets.

7 **10 Australia's greenhouse gas emissions reduction targets**

8 (1) Australia's greenhouse gas emissions reduction targets are as
9 follows:

10 (a) reducing Australia's net greenhouse gas emissions to 43%
11 below 2005 levels by 2030:

12 (i) implemented as a point target; and

13 (ii) implemented as an emissions budget covering the
14 period 2021-2030;

15 (b) reducing Australia's net greenhouse gas emissions to zero by
16 2050.

17 Note: The achievement of a target involves reducing Australia's net
18 greenhouse gas emissions to a level that is at or below the target.

19 (2) Subsection (1) is to be interpreted in a manner consistent with:

20 (a) the Paris Agreement; and

21 (b) Australia's nationally determined contribution.

22 *Concurrent operation of State and Territory laws*

23 (3) Subsection (1) is not intended to exclude or limit the operation of a
24 law of a State or Territory that is capable of operating concurrently
25 with this Act.

26 *Executive power of the Commonwealth*

27 (4) Subsection (1) does not prevent or limit the exercise of the
28 executive power of the Commonwealth to:

Section 10

- 1 (a) prepare and communicate a new nationally determined
2 contribution in accordance with Article 4 of the Paris
3 Agreement; or
4 (b) adjust Australia's nationally determined contribution in
5 accordance with paragraph 11 of Article 4 of the Paris
6 Agreement.
- 7 (5) If the Commonwealth prepares and communicates a new nationally
8 determined contribution in accordance with Article 4 of the Paris
9 Agreement, the new nationally determined contribution must
10 represent a progression beyond:
11 (a) Australia's then current nationally determined contribution
12 communicated in accordance with Article 4 of the Paris
13 Agreement; or
14 (b) if that nationally determined contribution has been adjusted
15 in accordance with paragraph 11 of Article 4 of the Paris
16 Agreement—that nationally determined contribution, as
17 adjusted and in force from time to time.
- 18 (6) If the Commonwealth adjusts Australia's nationally determined
19 contribution in accordance with paragraph 11 of Article 4 of the
20 Paris Agreement, the adjusted nationally determined contribution
21 must represent an enhancement of Australia's level of ambition.

Part 3—Annual climate change statement

11 Simplified outline of this Part

- The Minister must prepare an annual climate change statement.
- A copy of an annual climate change statement is to be tabled in each House of the Parliament.

12 Annual climate change statement

- (1) Within 6 months after the end of each financial year, the Minister must prepare a statement that relates to:
 - (a) the progress made during the year towards achieving Australia's greenhouse gas emissions reduction targets; and
 - (b) international developments during the year that are relevant to addressing climate change; and
 - (c) climate change policy; and
 - (d) the effectiveness of the Commonwealth's climate change policies in contributing to the achievement of Australia's greenhouse gas emissions reduction targets.
- (2) A statement under subsection (1) is to be known as an ***annual climate change statement***.
- (3) The Minister must cause a copy of an annual climate change statement to be tabled in each House of the Parliament within 5 sitting days of that House after the completion of the preparation of the statement.

Section 13

1 **Part 4—Advisory functions of the Climate Change**
2 **Authority**
3

4 **13 Simplified outline of this Part**

- | | |
|----|--|
| 5 | • The Climate Change Authority is to give the Minister advice |
| 6 | that relates to the preparation of an annual climate change |
| 7 | statement. |
| 8 | • The Climate Change Authority is to advise the Minister on |
| 9 | greenhouse gas emissions reduction targets to be included in a |
| 10 | new or adjusted nationally determined contribution. |

11 **14 Climate Change Authority to give the Minister advice that relates**
12 **to the preparation of an annual climate change statement**

- 13 (1) The Climate Change Authority must give the Minister advice that
14 relates to the preparation of an annual climate change statement.
- 15 (2) If a period is:
16 (a) specified in an agreement between the Minister and the
17 Climate Change Authority; and
18 (b) designated by the agreement as the advice period for a
19 particular annual climate change statement;
20 advice under subsection (1) that relates to the preparation of the
21 annual climate change statement must be given within the advice
22 period designated by the agreement.
- 23 (3) In considering advice to be given to the Minister under
24 subsection (1), the Climate Change Authority may make provision
25 for public consultation.
- 26 (4) If the Climate Change Authority gives the Minister advice under
27 subsection (1) that relates to the preparation of a particular annual
28 climate change statement, the Minister must have regard to that
29 advice in preparing that statement.

- 1 (5) Subsection (4) does not prevent the Minister from having regard to
2 other advice.
- 3 (6) If the Climate Change Authority gives the Minister written advice
4 under subsection (1), the Climate Change Authority must publish a
5 copy of that advice on its website.
- 6 (7) If:
7 (a) the Climate Change Authority gives the Minister written
8 advice under subsection (1) that relates to the preparation of a
9 particular annual climate change statement; and
10 (b) the Minister decides not to accept one or more material
11 aspects of that advice;
12 then:
13 (c) the Minister must prepare a written statement of reasons for
14 the decision not to accept those aspects of that advice; and
15 (d) the Minister must cause a copy of the statement of reasons to
16 be tabled in each House of the Parliament within 5 sitting
17 days of that House after the completion of the preparation of
18 the annual climate change statement.

19 **15 Climate Change Authority to advise the Minister on greenhouse**
20 **gas emissions reduction targets to be included in a new or**
21 **adjusted nationally determined contribution**

- 22 (1) The Climate Change Authority must, if requested to do so by the
23 Minister, advise the Minister on either or both of the following
24 matters:
25 (a) the greenhouse gas emissions reduction targets that the
26 Climate Change Authority considers should be included in a
27 new nationally determined contribution to be communicated
28 by Australia in accordance with Article 4 of the Paris
29 Agreement;
30 (b) the greenhouse gas emissions reduction targets that the
31 Climate Change Authority considers should be included in
32 Australia's nationally determined contribution as the result of
33 an adjustment to be made in accordance with paragraph 11 of
34 Article 4 of the Paris Agreement.

Section 15

- 1 (2) The Minister must request advice under subsection (1) on the
2 matter mentioned in paragraph (1)(a) at least once every 5 years.
- 3 (3) In considering advice to be given to the Minister under
4 subsection (1), the Climate Change Authority must make provision
5 for public consultation.
- 6 (4) In considering:
7 (a) the greenhouse gas emissions reduction targets that should be
8 included in a new nationally determined contribution to be
9 communicated by Australia in accordance with Article 4 of
10 the Paris Agreement; or
11 (b) the greenhouse gas emissions reduction targets that should be
12 included in Australia's nationally determined contribution as
13 the result of an adjustment to be made in accordance with
14 paragraph 11 of Article 4 of the Paris Agreement;
15 the Minister must have regard to any relevant advice given by the
16 Climate Change Authority under subsection (1).
- 17 (5) Subsection (4) does not prevent the Minister from having regard to
18 other advice.
- 19 (6) If the Climate Change Authority gives the Minister written advice
20 under subsection (1), the Climate Change Authority must publish a
21 copy of that advice on its website.
- 22 (7) If the Climate Change Authority gives the Minister written advice
23 under subsection (1):
24 (a) the Minister must, within 6 months after that advice was
25 given, prepare a written statement setting out:
26 (i) the Minister's response to that advice; and
27 (ii) if the Minister has decided not to accept that advice—
28 the reasons for the decision not to accept that advice;
29 and
30 (b) the Minister must cause a copy of the statement to be tabled
31 in each House of the Parliament within 15 sitting days of that
32 House after the preparation of the statement.

1 **Part 5—Periodic reviews of the operation of this**
 2 **Act**
 3

4 **16 Simplified outline of this Part**

- 5

• There are to be periodic reviews of the operation of this Act.
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6 **17 Periodic reviews of the operation of this Act**

- 7 (1) The Minister must cause independent reviews to be conducted of
 8 the operation of this Act.

9 *Public consultation*

- 10 (2) A review under subsection (1) must make provision for public
 11 consultation.

12 *Report*

- 13 (3) The person or persons who conduct the review must give the
 14 Minister a written report of the review.
 15 (4) The Minister must cause copies of a report under subsection (3) to
 16 be tabled in each House of the Parliament within 15 sitting days of
 17 that House after the review is completed.

18 *First review*

- 19 (5) The first review under subsection (1) must be completed within 5
 20 years after the commencement of this section.

21 *Subsequent reviews*

- 22 (6) Each subsequent review under subsection (1) must be completed
 23 within 10 years after the completion of the previous review.

Section 17

1

When review is completed

2

(7) For the purposes of subsections (4), (5) and (6), a review is completed when the report of the review is given to the Minister under subsection (3).

3

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