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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Climate Emergency Declaration Bill 2020

No. , 2020

(Mr Bandt)

**A Bill for an Act to recognise and declare a climate
change emergency, and for related purposes**

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A Bill for an Act to recognise and declare a climate change emergency, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Climate Emergency Declaration Act 2020*.

2 Commencement

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

Section 3

| 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. | |

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Definitions

In this Act:

agent includes a contractor.

annual report, in relation to a public service care agency, means an annual report relating to the activities of the agency that is required by a provision of the *Public Service Act 1999*, or by a provision of another Act that establishes the agency.

Climate Emergency Declaration: see section 5.

public service agency means an Agency within the meaning of the *Public Service Act 1999*.

reporting period, in relation to a public service agency, means a period of 12 months to which an annual report of the agency relates.

rules means rules made under section 9.

4 The Climate Emergency Declaration

- (1) This Act declares an environment and climate emergency.
- (2) This Act recognises that:

- (a) the recent report of the Inter-governmental Panel on Climate Change (*IPCC*), Special Report: Global Warming of 1.5°C, indicates that we are facing a climate emergency, and as a result, meaningful action on climate change is urgent, at home and internationally; and
- (b) this IPCC report has found that the world is not on track to limit global warming to less than 1.5°C; and
- (c) local and federal governments across the world have declared a climate emergency; and
- (d) extreme weather events have devastated and will continue to devastate large parts of Australia and radically impact food production, water availability, public health, infrastructure, the community and the financial system; and
- (e) urgent action consistent with the internationally accepted science is required to address climate change.

5 Obligations of all public service agencies

- (1) Each public service agency is to take all practicable measures to ensure that its employees and agents have an awareness and understanding of the Climate Emergency Declaration.
- (2) Each public service agency's policies, so far as they may significantly affect climate change, are to be developed having due regard to the Climate Emergency Declaration.
- (3) Each public service agency is to take all practicable measures to ensure that it, and its employees and agents, take action to reflect the principles of the Climate Emergency Declaration in developing, implementing, providing or evaluating policies relating to climate change or that may have climate change impacts.
- (4) Each public service agency is to consult the community and relevant bodies when developing or evaluating policies relating to climate change or policies that may have climate change impacts.
- (5) Each public service agency must prepare a report on its compliance with this section in each reporting period. The report must be included in the agency's annual report for the reporting period.

- (6) Subsection (5) applies, in relation to a particular public service agency, to:
 - (a) the first full reporting period of the agency that starts on or after the commencement of this Act; and
 - (b) all subsequent reporting periods of the agency.

6 Multi-Party Climate Emergency Committee

- (1) The Multi-Party Climate Emergency Committee is established.
- (2) The Committee consists of the following members:
 - (a) the Prime Minister;
 - (b) the Leader of the Opposition in the House of Representatives;
 - (c) the leader of the recognised political party known as the Australian Greens;
 - (d) each Minister responsible for any of the following:
 - (i) environment policy;
 - (ii) climate change policy;
 - (iii) agriculture policy;
 - (iv) water resources policy;
 - (v) fisheries policy;
 - (vi) forestry policy;
 - (e) up to 5 members of either House of the Parliament who do not form part of the Government or the Opposition, to be appointed by the Prime Minister.
- (3) The Committee's functions include consulting, negotiating, leading and reporting to Cabinet on the implementation of the Climate Emergency Declaration and a whole of society response to the climate change challenge.
- (4) A member of the Committee ceases to hold office:
 - (a) when the House of Representatives expires by effluxion of time or is dissolved; or
 - (b) if the member ceases to be a member of the House of the Parliament by which the member was appointed.

- (5) The Committee may determine the procedures to be followed at or in relation to meetings of the Committee, including matters relating to:
- (a) the convening of meetings of the Committee;
 - (b) the number of members of the Committee who are to constitute a quorum;
 - (c) the selection of a member of the Committee to preside at meetings of the Committee ; and
 - (d) the manner in which questions arising at a meeting of the Committee are to be decided.

7 Concurrent operation of other laws

This Act is not intended to apply to the exclusion of any law of a State or Territory that is capable of operating concurrently with this Act.

8 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
- (a) required or permitted by this Act to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.