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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Climate Emergency Declaration Bill 2020

EXPLANATORY MEMORANDUM

and

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Circulated by authority of

Adam Bandt MP

Climate Emergency Declaration Bill 2020

OUTLINE

This Bill declares a climate emergency.

All public service agencies will be responsible for acting in accordance with the declaration when developing, implementing, providing and evaluating policies and will be required to report on their compliance each reporting period. The Bill will establish a climate emergency war cabinet to guide the country through the rapid society-wide and economy-wide response to the climate change crisis.

FINANCIAL IMPACT

The bill will have no financial impact.

NOTES ON CLAUSES

Clause 1: Short title

This clause provides for the Act to be cited as the Climate Emergency Declaration Bill 2020.

Clause 2: Commencements

This clause states that the Act will commence the day after Royal Assent.

Clause 3: Definitions

This clause defines terms used in the Act;

agent includes a contractor

annual report in relation to a public service 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 of this Act.

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 of this Act.

Clause 4: The Climate Emergency Declaration

This clause declares an environment and climate emergency and recognises the significant scientific evidence and international efforts supporting meaningful and urgent action on climate change.

- (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, indicated 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.

Clause 5: Obligations of all public service agencies

This clause outlines the obligations of all public service agencies to recognise and act in accordance with the Climate Emergency Declaration.

- (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.

Clause 6: Multi-Party Climate Emergency Committee

This clause establishes a Multi-Part Climate Emergency Committee to consult, negotiate, lead and report to Cabinet on the implementation of the Climate Emergency Declaration and the response to the climate change challenge.

(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 the meeting of the Committee are to be decided.

Clause 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.

Clause 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 the Act;
 - (e) directly amend the text of this Act.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Climate Emergency Declaration Bill 2020

This bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the bill

This Bill declares a climate emergency.

All public service agencies will be responsible for acting in accordance with the declaration when developing, implementing, providing and evaluating policies and will be required to report on its compliance each reporting period. The Bill will establish a climate emergency war cabinet to guide the country through the rapid society-wide and economy-wide response to the climate change crisis.

Human rights implications

This bill is compatible with human rights. It advances human rights by acting on the science which demands we take meaningful and urgent action on climate change to protect the health and safety of humans and the environment.

Adam Bandt MP