

Summary: Proposal for a Victorian Climate Charter

BACKGROUND

The Climate Charter proposed by the EDO sets up a legal framework to ensure Victoria is proactively addressing climate change. The framework will ensure Victoria will significantly reduce its emissions, and make its best effort to adapt to the unavoidable climate impacts we are already starting to feel.

The aim of the Charter is to direct government, business and community thinking to focus on the long term effects of our current actions in relation to climate change. It will focus the whole of Victoria on the actions that must be taken to ensure we are moving to a low carbon future and have the best chance of adapting to unavoidable climate impacts.

The concept for the Climate Charter is based on the Victorian Human Rights Charter. The Climate Charter is overarching legislation that requires all other Victorian legislation to be interpreted and implemented in a way that is consistent with the Charter. It implements a structure for decision-making that properly factors in climate mitigation and adaptation. It also requires the Government to proactively develop solutions that will lead Victoria to a low carbon future.

KEY ELEMENTS OF THE CHARTER

There are seven key elements to the Charter:

1. Charter principles which set out how climate change is to be addressed in Victoria.
2. Binding emission reduction targets of 50% by 2020 and 80% by 2050.
3. A requirement that all Victorian legislation and policy must be interpreted in a manner that is consistent with the principles of the Climate Charter where possible.
4. A 'climate test' which must be implemented by all public authorities in major government financial decisions and administrative decision-making. This is explained further below.
5. A requirement for the Environment Minister to develop a climate strategy which sets out how Victoria will meet its targets, and a requirement to report to Parliament each year on whether the strategy was implemented.
6. The establishment of the Climate Authority to advise, oversee and report on climate action.
7. Compliance and enforcement mechanisms to ensure the Act is implemented and applied.

THE CLIMATE TEST (ELEMENT 4)

The Climate Charter requires government decision-makers to act in a way which will reduce Victoria's emissions and will prepare Victoria for the likely impacts of climate change. This requirement is called the climate test. The climate test applies to all government financial decisions over \$150,000 (meaning government contracts, government grants, and government procurement decisions) and all government administrative decisions.

The climate test has two parts – climate mitigation and climate adaptation. The climate mitigation test requires the Government to do everything within its power to reduce emissions that will result from the decision. Significant projects that

cause an increase in emissions can therefore still go ahead if there are no lower emission alternatives. However the Government will have to factor these increases into its overall emission reduction strategy to ensure that the Victorian targets can still be met by 2020 and 2050.

The aim of the adaptation test is to ensure that decisions made now will not impede our ability to adapt to the most likely effects of climate change in Victoria. The ability of Victoria to adapt to climate change must be assessed against three key sectors - the ability of the State of Victoria as a whole to adapt (e.g. the economy, the government, government infrastructure), the ability of the people of Victoria to adapt (e.g. in relation to rising energy costs, health impacts, ability to source food) and the ability of Victoria's environment to adapt (e.g. threatened species, ecosystems).

PROPOSED CLIMATE TESTS

Climate mitigation test

In making an administrative decision or financial decision, a public authority must assess whether that decision will enhance or reduce Victoria's ability to achieve the 2020 and 2050 emission targets.

If the effect of making the decision will be to reduce Victoria's ability to meet the targets, the decision-maker must do everything within its power to reduce the emissions that will result from the decision, or if appropriate, must require the person requesting the decision to do everything within its power to reduce the emissions that will result from the decision.

Climate adaptation test

In making an administrative decision or procurement decision, a public authority must assess whether the action which is the subject of the decision will increase or reduce the ability of the State, the Victorian people or Victoria's environment, to adapt to the 2020 and 2050 climate change impacts that are relevant to that action.

If the action will reduce Victoria's ability to adapt to the most likely climate change impacts in 2020 and 2050 that are relevant to that decision, the public authority must refuse to approve that activity or action.

WE WANT YOUR VIEWS

This is just a snapshot of our proposal for a Climate Charter. You can view our full submission to the Government on our website www.envirolaw.org.au/opinion/climate_charter.

Do you support Victoria adopting a Charter like the one proposed? Do you have suggestions or comments? We would like your feedback so that we can continue to develop the Charter. If you support the concept of the Charter please let us know so that we can continue to advance the Charter with the Victorian Government.

For further information, comments, suggestions or to support this proposal, please contact:

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ABOUT THE ENVIRONMENT DEFENDERS OFFICE (VICTORIA) LTD

The Environment Defenders Office (Victoria) Ltd ('EDO') is a community legal centre specialising in public interest environmental law. Our mission is to support, empower and advocate for individuals and groups in Victoria who want to use the law and legal system to protect the environment. In addition to Victorian-based activities, the EDO is a member of a national network of EDOs working to protect Australia's environment through environmental law.