



Environmental
Defenders Office

**Submission on the Climate Change Authority's 2024
Issues paper: Targets, Pathways and Progress**

14 May 2024

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

www.edo.org.au

Submitted to:

Climate Change Authority
2024 Issues paper: Targets, Pathways and Progress
Via [Consultation Hub](#)

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Acknowledgement of Country

The EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises self-determination as a person's right to freely determine their own political status and freely pursue their economic, social and cultural development. EDO respects all First Nations' right to be self-determined, which extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

A note on language

We acknowledge there is a legacy of writing about First Nations peoples without seeking guidance about terminology. We also acknowledge that where possible, specificity is more respectful. For the purpose of this submission, we have chosen to use the term First Nations. We acknowledge that not all First Nations people will identify with that term and that they may instead identify using other terms or with their immediate community or language group.

First Laws is a term used to describe the laws that exist within First Nations. It is not intended to diminish the importance or status of the customs, traditions, kinship and heritage of First Nations in Australia. The EDO respects all First Laws and values their inherit and immeasurable worth. EDO recognises there are many different terms used throughout First Nations for what is understood in the Western world as First Laws.

Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the Climate Change Authority (**CCA**) Targets, Pathways and Progress issues paper, which sets out considerations in making recommendations to government on 2035 emissions reductions targets that are ‘ambitious and achievable’.

EDO agrees that a science-aligned target for Australia should focus on the 1.5°C degree goal. Setting an ‘ambitious’ target is important, but the focus should be on what is *necessary* to protect Australians, our environment, and the global climate from irreversible and catastrophic harm. Climate change compounds ongoing and past damage to our environment, and threatens every ecosystem across the country. The impacts of climate change will have consequences for almost all areas of Australian society and its economy. It is important we set a target that is commensurate with the scale of the risk.

Under current global temperature increases, devastating impacts are being felt in Australia and around the world. Further temperature rise will plunge the earth into the ‘abyss’ of climate catastrophe.¹ Every degree, and fraction of a degree, in avoided heating counts. Concerningly, current Paris Agreement pledges would send us to at least 2.9C of heating. It is hard to imagine what that would look like for the world’s animals, ecosystems, and civilisations – given the last time the atmosphere had this amount of carbon may have been 14 million years ago.²

EDO commends the CCA for taking an approach that aims to ‘push the boundaries’, and that reflects the importance of setting ambitious goals.³ However, in EDO’s view, the proposed target range of 65%-75% reductions by 2035 on a baseline of 2005 emissions levels is not enough. EDO notes that the CCA considers people will have ‘different views’ on what is considered ambitious or achievable. Regardless of this, the science is clear and irrefutable about the causes, and impacts, of climate change. **To do our fair share to prevent further catastrophic climate change, EDO recommends a target of net zero by 2035, backed in by federal government leadership, and a whole of economy approach to addressing climate change.**

Australia’s 2035 target must reflect what is needed to avoid further dangerous climate change. This stronger target is achievable. Ambitious goals can be backed by ambitious policy, strong regulatory regimes, and effective laws.

Key recommendation: Australia must reduce emissions to 74% below 2005 levels by 2030 and reach net zero by 2035. Emissions can be reduced rapidly and equitably, through whole-of-government action and targeted policy and law reform.

¹ United Nations Secretary General, ‘Secretary-General’s Press Conference to launch the “State of the Global Climate in 2020 Report”’ ([media release](#), 19 April 2021); Damian Carrington, The Guardian, ‘“The stakes could not be higher”: world is on edge of climate abyss, UN warns’ (10 May 2024) https://www.theguardian.com/environment/article/2024/may/09/world-is-on-verge-of-climate-abyss-un-warns?utm_term=663d38ac6c0e20d18930f898ccd438c5&utm_campaign=MorningMailAUS&utm_source=es&utm_medium=Email&CMP=morningmailau_email.

² Kevin Krajik, State of the Planet, ‘A New 66 Million-Year History of Carbon Dioxide Offers Little Comfort for Today’ (7 December 2023) <https://news.climate.columbia.edu/2023/12/07/a-new-66-million-year-history-of-carbon-dioxide-offers-little-comfort-for-today/>.

³ CCA, Targets, Pathways and Progress paper, 10.

Introduction

EDO welcomes the opportunity to comment on the Climate Change Authority's Targets, Pathways and Progress issues paper.

The *Climate Change Act 2022* (Cth) sets out responsibilities for the Climate Change Authority, including providing the federal Minister for Climate Change with advice on the greenhouse gas (GHG) emissions reduction targets that the CCA considers should be included in a new or adjusted nationally determined contribution (NDC) to be communicated by Australia in accordance with the Paris Agreement.⁴ The Minister for Climate Change and Energy has formally requested this advice by October 2024.

The requested advice on a 2035 target, and process for setting and updating our NDC, should be informed by our Paris Agreement commitments to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, in light of the principle of common but differentiated responsibilities and respective capabilities.⁵ This means developed countries must take the lead in addressing climate change, including countries such as Australia that are well resourced, have historically benefitted from fossil fuels, and which have used a significant portion of the world's carbon budget.

The issues paper sets out the CCA's considerations in making recommendations to the Minister on the 2035 emissions reductions target that are 'ambitious and achievable'. To this end, EDO agrees that a science-aligned target for Australia should focus on the 1.5°C degree goal. EDO commends the CCA for intending to take an approach that aims to 'push the boundaries', and that reflects the importance of setting ambitious goals.⁶ It is important we set a target that is commensurate with the scale of the risk presented by climate change.

However, the proposed target range of 65%-75% reductions by 2035 from a baseline of 2005 emissions levels does not correspond with this risk. Given the climate impacts already being felt in Australia and around the world, the dwindling carbon budget and Australia's natural resources, much higher ambition is needed. EDO notes that the CCA considers people will have 'different views' on what is considered ambitious or achievable. Regardless of this, the science is clear and irrefutable about the causes, and impacts, of climate change. Australia's 2035 target must reflect the science, and what is necessary to reign in dangerous climate change.

Moreover, this is achievable. Ambitious goals can be backed by ambitious policy, strong regulatory regimes, and effective laws. To do our fair share to prevent further catastrophic climate change, **EDO recommends a target of net zero by 2035, backed by federal government leadership, and a whole of economy approach built on regulatory and policy reform.**

This submission accordingly addresses:

- the need for an ambitious target;
- the policy changes that will ensure it is achievable; and

⁴ *Climate Change Act 2022* (Cth) s 15.

⁵ Conference of the Parties, Adoption of the Paris Agreement, U.N. Doc. FCCC/CP/2015/L.9/Rev/1 (Dec. 12, 2015) art 2.

⁶ CCA, Targets, Pathways and Progress paper, 10.

- transition planning is needed ensure social licence for the energy transition.

A stronger target is necessary to prevent further dangerous climate change.

Under current global temperature increases, catastrophic impacts are being felt in Australia and around the world.⁷ Australia is already experiencing the impacts of climate change, which include the warming and acidification of oceans, sea level rise, increased and more intense rainfall in the north of the country, and long-term increases in extreme fire weather. Extreme heat days, longer dry spells, and harsher fire weather will become increasingly common, although the severity of impacts experienced will be less if emissions can be reduced.⁸

Concerningly, current Paris Agreement pledges would send us to at least 2.9°C of heating. It is hard to imagine what that would look like for the world’s animals, ecosystems, and civilisations – given the last time the atmosphere had this amount of carbon may have been 14 million years ago.⁹

The impacts of climate change are not just environmental: there are, and will be further, significant implications across all sectors, including health, the economy and national security.¹⁰ Damages to the world economy already outweigh the mitigation costs required to limit global warming to 2 °C by sixfold in the near-term, and thereafter diverge strongly dependent on emission reduction choices.¹¹

As noted by the CCA, even if the 1.5°C threshold is breached, reducing emissions as much as possible, as fast as possible, will be just as important as it is now.¹² Our national targets must reflect this reality. Further temperature rise will plunge the earth into the ‘abyss’ of climate catastrophe.¹³ Every degree, and fraction of a degree, in avoided heating counts.

It is difficult to characterise in a single phrase the devastation that the plausible evidence presented in this proceeding forecasts for the Children. As Australian adults know their country, Australia will be lost and the World as we know it gone as well. The physical environment will be harsher, far more extreme and devastatingly brutal when angry. As for the human experience – quality of life, opportunities to partake in nature’s treasures, the capacity to grow and prosper –

⁷ E.g. CNN News, ‘Like wildfires underwater’: Worst summer on record for Great Barrier Reef as coral die-off sweeps planet’ (4 May 2024) <https://edition.cnn.com/2024/05/04/australia/australia-great-barrier-reef-wildfires-climate-intl-hnk-dst/index.html>; Jorge C Carrasco, The Guardian, ‘Brazil is reeling from catastrophic floods. What went wrong – and what does the future hold?’ (10 May 2024) <https://www.theguardian.com/global-development/article/2024/may/10/brazil-is-reeling-from-catastrophic-floods-what-went-wrong-and-what-does-the-future-hold>.

⁸ The Bureau of Meteorology and CSIRO, State of the Climate 2020 (2020).

⁹ Kevin Krajik, above n 2.

¹⁰ Intergovernmental Panel on Climate Change, Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty (2018).

¹¹ Kotz, M., Levermann, A. & Wenz, L. The economic commitment of climate change. Nature 628, 551–557 (2024). <https://doi.org/10.1038/s41586-024-07219-0>

¹² CCA, Targets, Pathways and Progress paper, 11.

¹³ Damian Carrington, above n 1.

*all will be greatly diminished. Lives will be cut short. Trauma will be far more common and good health harder to hold and maintain. None of this will be the fault of nature itself. **It will largely be inflicted by the inaction of this generation of adults, in what might fairly be described as the greatest inter-generational injustice ever inflicted by one generation of humans upon the next.***

Sharma v Minister for the Environment [2021] FCA 560, [293].

Beyond the direct consideration of impacts on Australia, and globally, there are significant policy and ethical reasons why Australia needs a stronger target than the proposed target range of 65-75% by 2035. Research by Climate Resources shows an equal allocation of emissions to each person on Earth would imply that Australia has *already* spent its full emissions budget – and our higher capacity and higher historical emissions similarly limits our share of the remaining global carbon budget.¹⁴ In addition, Australia has the benefit of huge renewable energy potential.¹⁵

Accordingly, and in line with the Paris Agreement, our target setting must be informed by principles of equity, and the concept of common but differentiated responsibilities and respective capabilities. We have the capacity and the resources to drive much faster emissions reductions domestically, and to support our region to do the same.

The CCA should also take a precautionary approach. The precautionary principle is a well-accepted principle in environmental law, both nationally and internationally, which stipulates that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.¹⁶ For example, reporting failures and inaccuracies in our emissions contribution may mean our reduction rate should be much higher. The International Energy Agency (IEA) methane tracking report found 2.23m tonnes of methane was released from energy production in Australia last year, 63% more than the federal climate change department estimate of 1.37m tonnes.¹⁷ Coal mine methane specifically was found to be twice that reported by Federal Government.¹⁸

¹⁴ Climate Resource, Updated assessment of Australia’s emission reduction targets and 1.5C pathways (2023) [https://assets.wwf.org.au/image/upload/f_pdf/Climate-Resource-Updated assessment of Australia s emission reduction targets and 1.5C pathways.](https://assets.wwf.org.au/image/upload/f_pdf/Climate-Resource-Updated%20assessment%20of%20Australia%20s%20emission%20reduction%20targets%20and%201.5C%20pathways.pdf)

¹⁵ Climate Council, Aim High, Go Fast: Why emissions need to plummet this decade (2021) [https://www.climatecouncil.org.au/wp-content/uploads/2021/04/aim-high-go-fast-why-emissions-must-plummet-climate-council-report.pdf.](https://www.climatecouncil.org.au/wp-content/uploads/2021/04/aim-high-go-fast-why-emissions-must-plummet-climate-council-report.pdf)

¹⁶ *Environment Protection and Biodiversity Conservation Act 1999* (Cth) s 3A; Convention on Biological Diversity, June 5, 1992 1760 U.N.T.S. 79.

¹⁷ Adam Morton, The Guardian, ‘Methane from Australian coal and gas could be 60% higher than estimated’ (24 Feb 2023) available at: <https://www.theguardian.com/environment/2023/feb/23/methane-from-australian-coal-and-gas-could-be-60-higher-than-estimated>, IEA Global Methane Tracker 2023 <<https://www.iea.org/reports/global-methane-tracker-2023#:~:text=About%20this%20report,warming%20and%20improving%20air%20quality>>

¹⁸ See Ember, ‘Tackling Australia’s Coal Mine Methane Problem’ June 2022, available at [https://ember-climate.org/insights/research/tackling-australias-coal-mine-methane-problem/.](https://ember-climate.org/insights/research/tackling-australias-coal-mine-methane-problem/)

Additionally, risks associated with carbon cycle feedback loops, for which the ultimate impact remains unclear, must be factored in as further incentive to avoid worst-case scenarios.¹⁹ For example, this includes processes within the carbon cycle that may increase emissions, such as forest dieback or melting of permafrost, which releases even more carbon into the atmosphere. The precautionary principle must inform the CCA's work, such that these unknowns must be factored into decision-making on Australia's target. Targets must be set on the basis of the precautionary principle, to ensure greater catch-up won't be needed as monitoring, accounting, and understanding of feedback cycles, improve.

Consistent with our 2023 submission on the CCA's paper on setting, tracking and achieving Australia's emissions reduction targets, EDO **recommends** Australia adopt a target to **reduce greenhouse gas emissions by 74% of 2005 levels by 2030 and achieve net zero by 2035**.²⁰ This was based on analysis of our current ambition and Paris Agreement targets, in light of Australia's fair share of the carbon budget, and bearing in mind reporting failures and inaccuracies in our emissions contribution to date. These targets also reflect research done by the Climate Council,²¹ the Climate Targets Panel,²² and Climate Resources.²³

A rapid and equitable reduction in emissions is possible, supported by regulatory and policy reform.

The Issues Paper states that achieving an ambitious target in this range of 65%-75% could be possible if additional action is taken by governments, business, investors and households.²⁴ EDO is of the view that further ambitious action – including through targeted policy interventions by governments at all levels, and changes to laws which enable climate polluting activities – is necessary. The time for being circumspect is clearly over, as recognised by the CCA.²⁵ As such, we believe that by harnessing the resources, capacity and power of governments at all levels, communities, and business and industry, net zero by 2035 is not only achievable – but essential.

Target setting is not just about setting numbers or goals, but must be backed in by action. The Federal Government must lead the way in setting policy, as well as investing resources, in

¹⁹ Climate Council, Mission Zero: How today's Climate Choices will reshape Australia (2023) https://www.climatecouncil.org.au/wp-content/uploads/2023/09/Mission-Zero_Updated-190923_IL_2.pdf.

²⁰ EDO, Submission to the Climate Change Authority on setting, tracking and achieving Australia's emissions reduction targets (30 June 2023).

²¹ Climate Council, Mission Zero: How today's Climate Choices will reshape Australia (2023) https://www.climatecouncil.org.au/wp-content/uploads/2023/09/Mission-Zero_Updated-190923_IL_2.pdf; Climate Council, Aim High, Go Fast: Why emissions need to plummet this decade (2021) <https://www.climatecouncil.org.au/wp-content/uploads/2021/04/aim-high-go-fast-why-emissions-must-plummet-climate-council-report.pdf>.

²² Climate Targets Panel, Australia's Paris Agreement Pathways: Updating the Climate Change Authority's 2014 Emissions Reduction Targets (2021) <https://www.climatecollege.unimelb.edu.au/files/site1/docs/%5Bmi7%3Aami7uid%5D/ClimateTargetsPanelReport.pdf>

²³ Climate Resource, Comparison between Australia's 2030 and 2050 emission reduction targets and 1.5°C pathways (2022) https://www.climate-resource.com/reports/wwf/WWF_March2022_a.pdf.

²⁴ CCA, Targets, Pathways and Progress paper, 15.

²⁵ See, CCA, Targets, Pathways and Progress paper, 11.

achieving these goals. The Federal Government should be setting the standard for states, territories and even local governments, as well as enabling action at every level. It must use all policy levers possible to facilitate and promote private sector action in line with these targets, while supporting communities to do the same.

To do so, climate change must inform decision-making across the economy, and cannot be siloed to one discrete policy area. Addressing climate change will require a whole of government approach, likely requiring whole of government reform of both policy and legislation. Climate change considerations and analysis need to be fully built-in to mainstream policy making and decision-making across all relevant agencies and all levels of government.

EDO agrees that progress will need to be made by reducing emissions across all the sectors of the economy, recognising that the scale and pace of emissions reductions will vary.²⁶ With that in mind however, there are clear sectors where emissions reductions must be prioritised. Most clearly, EDO **recommends** new fossil fuel exploration and production must cease, and existing fossil fuel projects be phased out.²⁷

According to the IPCC synthesis report, about 80% of coal, 50% of gas, and 30% of oil reserves cannot be burned and emitted if warming is limited to 2°C. Significantly more reserves are expected to remain unburned if warming is limited to 1.5°C. Developed fossil fuel reserves substantially exceed the 1.5°C carbon budget.²⁸ Governments must not only cease to license and develop new fields and mines, but also to promptly decommission a significant portion of those already developed. Concerningly, the recently released national Future Gas Strategy is directly opposed to this trajectory, and contemplates a role for fossil gas in Australia even beyond 2050.²⁹ EDO reiterates comments made in relation to the Strategy, and **recommends** the CCA take a strong stance in relation to the harms to the climate, and human health, from continued gas expansion and use.³⁰

As well as phasing out fossil fuels, to achieve Australia's targets and ratchet up ambition to ensure we are in line with our fair share of the global emissions budget, **EDO recommends the following legislative and policy reform actions** including:

- Legislating a clear duty to require that decision makers must act consistently with legislated emissions budgets and targets designed to achieve real net zero emissions, in line with a carbon budget that limits global temperature rise to 1.5°C (see also: *Climate Change Amendment (Duty of Care and Intergenerational Climate Equity) Bill 2023*).
- Ensuring our national environmental laws are fit for purpose. The Federal Government is currently in the process of reforming the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**), Australia's federal environmental law framework.

²⁶ CCA, Targets, Pathways and Progress paper, 15.

²⁷ CSIRO, Australia's contribution to global greenhouse gas emissions (2024).

<https://www.csiro.au/en/research/environmental-impacts/climate-change/climate-change-qa/sources-of-co2#:~:text=Energy%20production%20is%20the%20largest,cent%20of%20the%20total%20emissions>

²⁸ Trout et al. 2022. Existing fossil fuel extraction would warm the world beyond 1.5°C. *Environ. Res. Lett.* 17.

²⁹ Department of Industry, Science and Resources, Future Gas Strategy (9 May 2024)

<https://www.industry.gov.au/publications/future-gas-strategy>.

³⁰ [EDO submission regarding the Future Gas Strategy consultation paper \(13 November 2023\)](#).

The EPBC Act urgently needs to be updated to ensure the national environmental impact assessment and approvals regime incorporates climate considerations, that there is better protection for climate impacted, and climate protecting, species and ecosystems, and that the new Environment Protection Australia is climate-ready. See: [Climate reforms needed in our national environmental law: Preventing climate harm \(September 2023\)](#).

- Including a justiciable right to a safe climate and a safe, clean, healthy and sustainable environment which is available in relation to mitigation, adaptation and climate change loss and damage. See: [EDO Report: A Healthy Environment is a Human Right](#).
- Redirecting fossil fuel subsidies – discontinue financial support (public funding), subsidies, investments and incentives that encourage fossil fuel or other activities that are contrary to genuine emissions reduction efforts. This includes discontinuing financial support for proposals such as carbon capture and storage, which is a distraction from, and delays, real climate action. Subsidies should be redirected to emissions reduction, environment protection, economic transition and community development.
- Reviewing and reforming related legislation to include climate considerations and establishing national standards to embed climate considerations and requirements in decision making, including in relation to:
 - o National Energy Market rule amendments;
 - o Carbon offsetting;
 - o Environment and biodiversity provisions to address impacts and adaptation;
 - o Water management;
 - o Directors duties and disclosure and reporting requirements in Corporations law;
 - o Regulation of climate-related claims and ‘greenwashing’ under consumer law;
 - o Transport;
 - o Waste; and
 - o Human rights and environmental justice.

There are many other regulatory and policy options set out in EDO’s 2022 [Roadmap for Climate Reform](#). The key takeaway is that climate integration across Australian laws, related to all aspects of the economy, is possible – and necessary. Greater ambition in our targets and goals will be enabled by having a clear picture of how climate harms have been enabled by our current laws and policy settings, but also how these can be shifted to incentivise a shift towards a climate safe economy and society.

This requires a move away from the mindset that new fossil fuel projects can be approved on the basis of carbon capture and storage, or other means of offsetting. Achieving real net-zero requires a plan that relies on mitigation and abatement measures that are certain to result in a steep and immediate decline in greenhouse gas emissions, rather than overreliance on emergence of new unproven technologies and offsets. The more our plan to reach net zero relies on offsetting rather than real emissions reduction, the more we risk overshoot. EDO **recommends** the Authority should encourage adoption of **real net zero**, such that carbon credits can only be used as a last resort to neutralise residual emissions.

Similarly, accounting methodologies which don’t take into account Australia’s exported emissions obscure our true contribution to climate change. Australia plays a much larger role in climate

change than just our domestic emissions. Most of Australia's fossil fuel production is exported, and Australia exports fossil fuels equal to 1.1 billion tonnes of carbon dioxide per year, which is more than double of the GHG emissions that Australia emits domestically.³¹ In 2020-21, around 81% of Australia's energy production was exported: 90% of black coal, 75% of natural gas, and 83% of crude oil.³²

*This case is about Queensland coal, mined in Queensland, and exported from Queensland to be burnt in power stations to generate electricity. **Wherever the coal is burnt the emissions will contribute to environmental harm, including in Queensland.***

Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6) [2022] QLC 21, [26].

It has been recognised in the courts that there is sufficient certainty in the science to understand the relationship between emissions and temperature, and that there is an almost linear relationship between increases in the atmospheric concentration of GHG and increases in temperature.³³ Substitution arguments fail to stand up to scrutiny, and demand for fossil fuels drop is inevitably dropping.³⁴ Essentially, Australia's current and future planned expansion in the exploitation of fossil fuel resources goes against global efforts to combat climate change – regardless of whether we then export those fossil fuels for use elsewhere. EDO **recommends** Australia phase out fossil fuel exports.

Tackling both supply and demand for fossil fuels is a key measure the Federal Government can lead on to ensure our emissions come down, and rapidly. EDO **recommends** the CCA consider climate action across the whole of government responsibilities, and not only siloed to just the 'environmental' policy sphere. Taking such an approach will enable Australia to reduce emissions quickly, equitably, and therefore aim for the higher GHG emissions targets that are necessary.

Good transition planning will ensure the energy transition has social licence.

EDO notes the urgent need to ensure renewable energy projects and transmission capacity are operational as soon as possible. This energy transition must deliver on the necessary systems change to limit dangerous climate change; and deliver on the obligation to provide (clean) energy security for all. The social licence for this rapid energy transition is critical, and governments at all levels must ensure that environmental approval processes which deal with new renewable projects are robust, transparent, and that communities can have confidence that decisions will be made in the public interest. The expansion of renewable energy infrastructure will

³¹ Tom Swann, *High Carbon from a Land Down Under: Quantifying CO2 from Australia's fossil fuel mining and exports* (Australia Institute 2018) 22-23.

³² Department of Climate Change, Energy, the Environment and Water, *Australian Energy Update 2022*, online at <<https://www.energy.gov.au/publications/australian-energy-update-2022>>.

³³ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6) [2022] QLC 21* at [28]-[29].

³⁴ International Energy Agency, *The Oil and Gas Industry in Net Zero Transitions* (2023) <https://www.iea.org/reports/the-oil-and-gas-industry-in-net-zero-transitions/executive-summary>

undoubtedly have impacts for communities and for nature, but with best practice laws and policy, this can be mitigated and social licence upheld.

Crucially, this means not only that community engagement and participation requirements for renewable energy transition projects are clear and enshrined in law, but that environmental protections in approval processes engender community confidence. Governments need to invest resources in ensuring these processes are done properly. For more information, EDO directs the CCA to our [12 Principles for renewable energy transition projects](#). In our view, social licence will only be secured by ensuring these principles – including community consultation, and human rights and environmental justice – are upheld as the necessary transition gathers pace.

The energy transition will also undoubtedly have impacts for First Nations communities, including relating to cultural heritage, land, and Sea Country. At all levels and in all jurisdictions, it is crucial that transition planning therefore engages with First Nations cultural heritage protection, consultation and benefit sharing in a different way than has been the historical experience in respect to the fossil fuel industry and other mining developments.

EDO notes the CCA's comments regarding the need to prioritise resourcing necessary for more communities to generate economic, social and environmental benefits for their communities, and ensuring 'First Nations people are positioned to drive emissions reduction and determine their futures'.³⁵ In response to the CCA's query regarding how First Nations people are empowered to play a leading role in the development and implementation of climate change policies and actions, we refer the CCA to EDO's [submission on the First Nations Clean Energy Strategy Consultation Paper](#).

Conclusion

In line with CCA's intentions, EDO is of the view that net zero by 2035 is both ambitious and achievable. With coordinated, nationally led policy and regulatory reform, backed in by transition planning that upholds community rights and removes barriers to First Nation's participation, a rapid and equitable transition is possible. More importantly, it is necessary – to protect against future and ongoing climate impacts, and a world facing catastrophic and irreversible climate change. EDO urges the CCA to adopt the necessary target, and to provide advice to the Minister that reflects the scale of the crisis Australia, and the world, is facing.

Key recommendation:

Australia must reduce emissions to 74% below 2005 levels by 2030 and reach net zero by 2035. Emissions can be reduced rapidly and equitably, through whole-of-government action and targeted policy and law reform.

*Thank you for the opportunity to make this submission.
Please do not hesitate to contact our office should you have further enquiries.*

³⁵ CCA, Targets, Pathways and Progress paper 31.