

A Just Transition to Sustainable Energy Bill 2023

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A Just Transition to Sustainable Energy Bill 2023

Act no. , 2023

A Bill for

An Act to transition to sustainable energy: promoting equity and environmental responsibility; and
for other purposes.

Explanatory notes

Aims

The proposed Bill seeks to address the urgent challenges posed by climate change and our existing unsustainable energy practices by implementing effective strategies for a transition to renewable energy. However, it is also crucial to ensure that this is a just transition that promotes equity for all current workers in the fossil fuel sector. With over 20,000 workers in the coal industry in NSW and being home to the largest coal port in the world, it is vital to implement sustainable and realistic measures now, to prevent leaving people behind. By acknowledging and recognising the existing skills of NSW residents working in the fossil fuel industry, the state has the capacity to lead the way for upskilling programs, building upon the skills these workers have already attained, while ensuring they have job security into the future. Starting these programs sooner rather than later gives residents peace of mind for their own economic future and ensures a smooth economic, social, and sustainable transition throughout the state. In addition, the advice and approval of First Nations communities is a key part of this bill to ensure that the strong connection to their country that the First Nations Peoples of this state have to this state is sustained whilst seeking advice on traditional farming and agricultural practices to ensure the ecological stability of our state is maintained. Furthermore, accessibility of renewable energy sources and power reliability is a key feature to ensuring that this is a transition that is just for all. This will be achieved through the reduction in size of Renewable Energy Zones that will be a cost effective way to transmit energy across the state. This will be done by having smaller zones on the outskirts of cities to prevent extremely long transmission lines, and many regional areas where fossil fuel mines are already present will have access to a reliable source of energy whilst not having to destroy native flora and fauna due to their smaller scale.

Evidence

Human-induced climate change has been consistently linked to an increase in the frequency and intensity of extreme weather events such as cyclones, droughts, heatwaves and bushfires. These events can disrupt daily routines, damage infrastructure, pose risks to personal safety and well-being, and impose additional economic burdens on families and individuals in low-socioeconomic communities. The changing temperature patterns can cause individuals to experience more frequent and prolonged heat waves, leading to an increase in heat-related illnesses, especially in vulnerable communities. Additionally, changes in temperature and rainfall patterns can increase the spread of vector-borne diseases. Exposure to air pollutants caused by climate change, such as fine particulate matter, can exacerbate respiratory conditions. The impact on water availability and quality has caused some areas to experience catastrophic changes in rainfall patterns, leading to water scarcity or increased frequency of both droughts and floods. This is directly linked to a severe impact on agriculture, water supplies, and an increase in food prices and cost of living. Businesses dependent on specific climate conditions, such as tourism and agriculture, face increasing challenges due to the changing climatic patterns.

Current Progress

NSW has made progress towards a sustainable future by prioritising renewable energy and environmental protection. Approximately 53 per cent of the state's total generation capacity comes from renewable sources, which have emerged as the most cost-effective form of new power generation in Australia. The NSW government has established the Environmental Protection Authority (EPA) to ensure the protection of the environment and human health the authority collaborates with businesses, the government, and the community to reduce pollution, waste and prevent environmental degradation. Under the NSW Climate Change Policy Framework 2016, the government has committed to achieving

net-zero emissions by 2050 as well as enhancing NSW's resilience in the face of a changing climate. Serving as the foundation for these objectives, the Net Zero Plan Stage 1: 2020–2030 outlines the NSW government's strategic initiatives to reduce emissions and achieve net-zero emissions by 2050. These initiatives encompass a range of sectors, including the NSW Electricity Infrastructure Roadmap, NSW Net Zero Industry and Innovation Program, NSW Electric Vehicle Strategy, NSW Hydrogen Strategy, NSW Waste and Sustainable Materials Strategy, and NSW Primary Industries Productivity and Abatement Program. Together, they aim to reduce emissions, promote sustainable land management, enhance productivity, and accelerate the adoption of clean technologies. Through these concerted efforts, NSW is on track to halve emissions by 2030 compared to 2005 levels while simultaneously fostering economic growth.

Conclusion

In conclusion, the proposed bill to promote a transition to renewable energy is a necessary step in addressing the challenges posed by climate change and our unsustainable energy practices. It is crucial to ensure that this transition is equitable, especially for individuals currently employed in the fossil fuel industry. NSW is making progress towards a sustainable future by prioritising renewable energy and environmental protection, but further actions are required. Implementing policies and initiatives aimed at reducing emissions and promoting clean technologies is essential in achieving these goals. Through the careful implementation of this Bill, with net zero by 2040, NSW will be able to take into account a large scale of the population by ensuring that this transition listens to the concerns of the people, increases accessibility of reliable power, rejuvenates farmland to stabilise our state's landscape and invests in new methods of power like biofuels to further expand consumer's options.

The Youth Legislature of New South Wales enacts –

Part 1 Preliminary

1 Name of Act

This Act is the *A Just Transition to Sustainable Energy Act 2023*.

2 Commencement

The Act commences on the date that is 1 January 2025.

3 Relationship with other Acts and laws

This Act prevails to the extent of an inconsistency with another Act or law.

4 Objects

The objects of this Act are to establish—

- (1) a just transition for New South Wales to more sustainable practices,
- (2) increasing climate change education in educational settings by continuous training of teachers in this topic,
- (3) the production of user-friendly platforms and apps with constantly reviewed scientific information in a manner that is easy to grasp for the general public,
- (4) mandating 10% of the state's petrol sales to be from bioethanol sources, with a review two years to assess its effectiveness,
- (5) funding to research in the companies of the Australian Renewable Energy Agency (ARENA), Cooperative Research Centres, and the Australian Research Council on biofuels to further understand this new technology's capabilities,
- (6) the creation of free courses by the NSW Climate and Energy Action for Fossil Fuel Workers to build off existing skills and learn renewable energy specific skills,
- (7) employment incentives to renewable energy companies to employ previous fossil fuel workers to their company,
- (8) the decrease in size of Renewable Energy Zones to allow greater geographical distribution, accessibility and sustainable development,
- (9) community consultation before the construction of Renewable Energy Zones,
- (10) the implementation of financial incentives and guidance to farmers on utilising their unused farmland to plant native flora and fauna,
- (11) the funding of ecofriendly native tree plantations whilst banning any plans for native forest logging in NSW,
- (12) Increase funding in the regeneration of native forests and sustainable plantations to open more jobs for those in the logging industry,
- (13) Mandate state protected forest areas from 65 million hectares to 20 million hectares,

- (14) a net zero goal for 2040, the first individual state goal outside of the federal goal of 2050, this goal includes shutting down the five coal plants in the state,
- (15) a 20% interval for a decrease in carbon emissions every 3 years,
- (16) no new coal, oil or gas projects will be able to be approved for development in NSW,
- (17) renewable energy companies will be mandated to check into current First Nations Native Title holders or claimant's rights claimed or enjoyed, and
- (18) the establishment of the NSW First Nations Environmental and Energy Production Council as a permanent body to provide advice and perspectives for the transition towards renewable energy, traditional agricultural and farming practices that can be employed.

5 Definitions

For the purposes of this Act—

flex fuel vehicle means their ability to utilise fuel blends from E10 to E85.

employment incentives refer to money provided to Renewable Energy companies to encourage them to employ previous fossil fuel workers but only when the relevant documentation is verified.

greenwashing refers to misleading conduction in line with the Australian Consumer Law which restricts fully formed consumer decisions and or beliefs.

inconsistent means but is not limited to an activity that would interfere, degrade or otherwise restrict the enjoyment of Native title rights either existing or claimed.

consented means an agreement by First Nations People for said Renewable Energy Project to be built on their land, irrespective of current Native Title claims.

consideration means opinions expressed by that First nations community should be taken into account but are not the primary source of consent.

Renewable Energy Zones (REZs) are geographical areas that are rich in renewable energy capacity but require the correct infrastructure and transmission capacity to be able to send the energy to places that need it.

Note— The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation of this Bill.

Part 2 Education regarding the effects of climate change and possible solutions

6 Climate change taught in schools

- (1) The Department of Education shall be directed to equip teachers with the necessary knowledge and teaching skills regarding climate education.
- (2) This will be achieved through the provision of professional development and training programs tailored to enhance their expertise in the field of climate change.
- (3) Resources will be specifically designed to educate students about climate change and must be accessible, up-to-date and tailored to different age groups and learning abilities.

7 Climate education for general public

- (1) The state government will allocate resources and invest in comprehensive programs aimed at educating and informing the public about the pressing and wide-ranging effects of climate change.
- (2) The Government shall play an active role in translating complex scientific findings into accessible language.
- (3) The development of user-friendly and accessible online platforms and resources must offer a range of educational materials, interactive tools and resources.

8 Climate education campaign

- (1) The Government shall launch a public awareness campaign on climate change.
- (2) These campaigns will utilise mediums including, but not limited to—
 - (a) Mobile apps,
 - (b) Online portals with reliable and up-to-date information on climate change.
- (3) Features of the campaign will include—
 - (a) Focusing on explaining the causes and impacts on climate change,
 - (b) the impacts of climate change, emphasising the urgency of taking action, and
 - (c) providing practical tips and guidance for individuals to reduce their carbon footprints.

Part 3 Biofuels

Division 1 Petrol Station Mandates

9 Bioethanol

- (1) Bioethanol will be required to constitute 10% of the total volume of petrol sales by 1 January 2025 when in a petrol-ethanol blend.
- (2) There shall be a review by relevant authority in 2027 to assess the mandate's effectiveness.
- (3) Bioethanol will be required to constitute 15% of petrol sales by 1 January 2028.

10 Biodiesel

- (1) 4% of the total volume of diesel sold will be biodiesel by 1 January 2025.
- (2) There shall be a review by the relevant authority in 2027 to ensure that the mandate is effective.

11 Classification of biofuels

Only ethanol or biodiesel that complies with the sustainability standards prescribed in the Biofuels Regulation 2022 can be counted towards the percentage of ethanol or biodiesel sold.

Division 2 Miscellaneous

12 Biofuel awareness campaign

An awareness campaign shall be created and enacted with a target audience of ages 16-75 or people who own or drive cars.

13 Biofuel education in the curriculum

The advantages and limitations of biofuels shall be included in the Preliminary and HSC Earth & Environmental Science curriculum.

14 Vehicle Manufacturing and Sales

(1) The Government shall create incentives for vehicle manufacturers to put flex-fuel vehicles into the market to encourage the manufacture of cars with the capability for higher biofuel blends in the future.

(2) E85-compatible vehicles must be on the market to create opportunities for growing the ethanol market beyond E10/E15 levels.

15 Research

(1) There shall be research into higher biofuel blends via research and industry collaboration, along with further funding for ARENA, Cooperative Research Centres, and the Australian Research Council.

(2) This will be facilitated in partnership with industry growth centres.

Part 4 Fossil Fuel Worker Transition

16 Government intervention on fossil fuel work

The Government shall intervene to build on existing skills and introduce new skills for fossil fuel workers.

17 Upskilling program for fossil fuel workers

(1) There shall be a free upskilling program will be made available for employees working in coal, oil, or gas-related industries.

(2) This program aims to provide these individuals with opportunities to acquire new skills and knowledge that can facilitate their transition into alternative sectors or industries.

(3) This includes the following jobs but is not limited to—

(a) managing machines that extract the fuels,

(b) managing export ports,

(c) power plant operators, and

(d) mechanical engineers.

18 Training Methods

(1) Workers will be able to apply for upskilling programs that build on their existing skills, through a renewable energy focus via the *NSW Climate and Energy Action* website.

(2) Elements of these programs will include—

- (a) a range of specific technical skills to effectively plan, develop, operate, and maintain renewable energy projects; and
- (b) methods for workers to transfer their previous skills from the fossil fuel industry, such as soft skills like communication.

19 Employment incentives

(1) Monetary incentives will be provided to Renewable energy companies to encourage employment of previous fossil fuel workers. This will be accessed through the *NSW Climate and Energy Action Website*.

(2) To be eligible for an incentive, companies must prove—

- (a) a strong desire to assist in a just transition to renewable energy through the employment of previous fossil fuel workers to ensure industry stability; and
- (b) resumes, emails and relevant documentation to support that previous fossil fuel workers are interested in employment in their business; and
- (c) relevant forms of identification for the business such as Australian Business Number.

20 Review of employment incentives

(1) An investigation will follow two months after by relevant department officials to verify that the company has fulfilled its requirements for employing a minimum of one worker to their company.

(2) If not fulfilled the following action may be taken, including, but not limited to—

- (a) a warning, or
- (b) a fine.

21 Advertising Regulations

Retraining of workers may not be utilised for advertising purposes.

Part 5 Renewable Energy Zones

22 Reduced Size of REZs in Energy Production and Size

- (1) The size of energy production capacity and demand on individual REZs shall be reduced.
- (2) There must be the establishment of consistently smaller size of REZs.

23 Location of REZs

- (1) Renewable Energy Zones will be placed both on the outskirts of cities and regional areas.
- (2) Areas that may be struggling with accessible energy will be prioritised through solar panel subsidies.

- (3) The Office of Environment and Heritage shall make Investigations into creating zones closer to that city's location.
- (4) Residents will be able to lodge concerns through the *NSW Climate and Energy Action Website*.

24 Community Consultation Before Development

- (1) Adequate community consultation and extensive discussions should be conducted well in advance of the development of new REZs or the expansion of existing zones.
- (2) In particular, for REZs involving wind energy, it is essential to prioritise community communication and address potential concerns.
- (3) Communities more willing to have REZ development, can come at the forefront of development proposed areas, allowing for employment and sustainable maintenance in the areas more achievable.
- (4) Efforts should be made to proactively dismantle the stigma surrounding the development of REZs through actively informing and equipping individuals with relevant information regarding the purpose, benefits, and progress of REZs.

25 Education of REZs

There shall be proper education and information available to the community as to what developments are occurring in the local area.

Part 6 Rejuvenation of unused farmland

26 Unused farmland program

There shall be a program aimed at assisting farmers in utilising their unused farmland for native tree planting.

27 Collaboration with farmers

- (1) The Minister must collaborate with farmers to facilitate the regeneration of native flora and fauna.
- (2) This will be achieved through the implementation of a program that offers financial incentives and guidance to farmers.
- (3) The program shall place significant importance on seeking guidance and input from First Nations people and communities.

Part 7 Native Forest logging

28 Native Forest Logging ban

There shall be a statewide ban on native forest logging.

29 Halt on plans for native forest logging

All plans for native forest logging around NSW shall be immediately halted.

30 Expansion of state protected forest areas

State protected forest areas shall be expanded from 6.5 million hectares to 20 million hectares.

31 Funding for native forest regeneration

The Government must increase funding in the regeneration of native forests, as well as sustainable plantations.

32 Transition to ecofriendly plantations

The government must fund a transition for workers to viable, ecofriendly plantations.

Part 8 Zero emissions by 2040

33 Commitment to zero emissions by 2040

(1) There shall be a target set of state zero emissions by 2040.

(2) This will also include interval goals of a 20% decrease every 3 years.

34 Ban on new coal, oil or gas projects

No new coal, oil or gas projects will be approved for development in NSW.

35 Regulating the fossil fuel industry

Each of the 5 running coal fired plant stations in NSW will be closed by 2030.

36 Advertising bans

Fossil fuel companies are banned from advertising.

Part 9 First Nations Consent and Consideration

37 Renewable energy projects consistent with rights

(1) All future renewable energy projects may not be inconsistent with rights existing or claimed under State Native Title Legislations, unless consented to by such holder or claimant.

(2) Those specific groups consulted include—

(a) the land in which the project will be built; and

(b) any external parts which require the construction of factories for their production.

38 Ensuring all perspectives considered

(1) Other perspectives may be considered in the functions and outcomes of these projects including, but not limited to—

(a) protests,

(b) petitions,

(c) letters/emails,

(d) private consultation with private companies or the NSW Government, or

- (e) media engagement however, this must be followed up with personal correspondence via the relevant parties.

39 Further Consultation

- (1) There shall be the NSW First Nations Environmental and Energy Production Advisory Council.
- (2) The Council has following responsibility to—
 - (a) be a permanent body for communicating the importance of the consideration of Indigenous perspectives in the transition towards renewable energy; and
 - (b) pass down and provide advice on traditional farming and agricultural practices.
- (3) Members of the Council are able to apply through the Aboriginal Affairs Agency website and will be accepted on the criteria of—
 - (a) lived experience,
 - (b) innovative ideas,
 - (c) geographical location to ensure geographical differences are prioritised, and
 - (d) differences in opinions.
- (4) Encouragement for people to join this council will be through—
 - (a) advertising on TV,
 - (b) newspapers,
 - (c) media, and
 - (d) Personal outreach by the Minister for Aboriginal Affairs and other relevant staff and MPs to places in which have expressed concern in the past or have great potential for Renewable Energy Zones.

