



New South Wales

Climate Futures Bill 2007

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to prohibit the expansion of the coal industry,
- (b) to prohibit the development of new coal-fired power stations or the expansion of existing coal-fired power stations,
- (c) to fast track the development of a renewable energy industry,
- (d) to increase renewable energy targets,
- (e) to ensure that workers and communities affected by a declining coal industry will have access to retraining, employment and financial assistance.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 sets out the objects (as described in the Overview above) of the proposed Act.

Clause 4 defines certain words and expressions used in the proposed Act and contains other interpretative provisions for the purposes of the proposed Act.

Clause 5 expressly prohibits the carrying out of certain development in connection with the coal industry. Development that will be prohibited under the proposed section includes establishing new coal mines, expanding existing coal mines, establishing new coal-fired power stations, expanding the capacity of (or extending the operational life of) existing coal-fired power stations and expanding coal export terminals. Planning approval (including approval under Part 3A of the *Environmental Planning and Assessment Act 1979* or development consent under Part 4 of that Act) cannot be given for any development that is prohibited under the proposed section.

Clause 6 revokes the planning approval given for 3 specific forms of development, namely the expansion of the Kooragang Coal Terminal, the construction of the Newcastle Coal Infrastructure Group Coal Export Terminal, Kooragang Island and the establishment of the Anvil Hill coal mine.

Clause 7 requires the Government of NSW to implement measures to achieve a target of 20% renewable electricity consumption by 2012 and 50% renewable electricity consumption by 2020. **Renewable electricity** is defined in the proposed Act as electricity that is generated from renewable energy sources.

Clause 8 states that it is Parliament's intention that the Government of NSW will provide appropriate financial assistance to workers and communities that will be adversely affected by a declining coal industry.



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New South Wales

Climate Futures Bill 2007

No. , 2007

A Bill for

An Act to prohibit the expansion of the coal industry by making illegal the development of new coal mines, the expansion of existing coal mines, the expansion of coal export terminals and the construction of coal-fired power plants; to fast track the development of a renewable energy industry; to raise New South Wales' mandatory renewable energy targets; to ensure that all communities that are affected by a declining coal industry will have access to retraining and transitional financial assistance; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Climate Futures Act 2007</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5
3 Objects of Act	6
The objects of this Act are as follows:	7
(a) to prohibit the expansion of the coal industry,	8
(b) to prohibit the development of new coal-fired power stations or the expansion of existing coal-fired power stations,	9 10
(c) to fast track the development of a renewable energy industry,	11
(d) to increase renewable energy targets,	12
(e) to ensure that workers and communities affected by a declining coal industry will have access to retraining, employment and financial assistance.	13 14 15
4 Definitions	16
(1) In this Act:	17
<i>development</i> has the same meaning as in the EPA Act.	18
<i>EPA Act</i> means the <i>Environmental Planning and Assessment Act 1979</i> .	19
<i>planning approval</i> means any of the following:	20
(a) development consent under Part 4 of the EPA Act,	21
(b) approval under Part 3A of the EPA Act for a concept plan for a project or approval under that Part to carry out a project,	22 23
(c) the modification of any such development consent or approval.	24
<i>project</i> has the same meaning as in section 75A of the EPA Act.	25
<i>renewable electricity</i> means electricity generated from renewable energy sources.	26 27
(2) Without affecting the operation of subsection (1), words and expressions used in this Act that are defined in the EPA Act have the same meanings as in that Act.	28 29 30
(3) A reference in this Act to an existing coal mine or an existing power station is a reference to a coal mine or power station operating as at the commencement of this Act.	31 32 33

5 Prohibited development	1
(1) Despite any other Act or environmental planning instrument, the following development is prohibited:	2
(a) establishing a coal mine,	3
(b) any development that expands or increases the level of operations of an existing coal mine,	4
(c) any development that increases the capacity of any coal export terminal or other form of transport infrastructure that is specifically designed and used for the purposes of handling coal,	5
(d) establishing a coal-fired power station,	6
(e) any development that increases the capacity of an existing coal-fired power station to generate electrical power,	7
(f) any development that extends the operational life of an existing coal-fired power station by changing the technology used at the power station.	8
(2) Planning approval cannot be given or granted for any development that is prohibited by this section.	9
(3) Any planning approval that is given or granted for any development that is prohibited by this section is revoked.	10
6 Revocation of specific planning approvals	11
Without limiting section 5 (3), the following planning approvals are revoked:	12
(a) planning approval for the expansion of the Kooragang Coal Terminal (being the approval granted to Port Waratah Coal Services Limited on 13 April 2007),	13
(b) planning approval for the construction of the coal export transport terminal on Kooragang Island, Newcastle (being the approval granted to the Newcastle Coal Infrastructure Group on 13 April 2007),	14
(c) planning approval for the establishment of the Anvil Hill coal mine (being the approval granted to Centennial Hunter Pty Limited on 7 June 2007).	15
7 Renewable energy targets	16
(1) The Government of New South Wales is required to implement measures to increase the proportion of renewable electricity consumed in the State so that it comprises at least:	17
(a) 20% of all electricity consumed in the State by the end of 2012, and	18
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(b)	50% of all electricity consumed in the State by the end of 2020.	1
(2)	Subsection (1) applies only in relation to measures that the Government of New South Wales has the legal capacity to implement.	2 3
8	Provision of financial assistance to affected workers and communities	4
(1)	It is the intention of Parliament that the Government of New South Wales provides or makes available financial assistance to or in respect of the following:	5 6 7
(a)	coal miners and other coal industry workers whose jobs are adversely affected by the closure of a coal mine or a coal-fired power station or because of other reasons associated with a declining coal industry,	8 9 10 11
(b)	local government areas in which the employment of more than 5% of the adult resident population has been adversely affected by the matters referred to in paragraph (a),	12 13 14
(c)	small and locally owned and operated businesses that are adversely affected by the matters referred to in paragraph (a).	15 16
(2)	Any such financial assistance is to be provided out of money that is legally available to the Government of New South Wales.	17 18
(3)	Without limiting the manner in which financial assistance is to be applied, such assistance may be directed towards:	19 20
(a)	providing new business and employment opportunities arising from the renewable energy targets referred to in section 7, and	21 22
(b)	retraining and reskilling programs.	23