

## 2025 consultation

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### Disclaimer

This document is a submission to the Net Zero Commission's 2025 consultation. As part of the consultation process, the commission has committed to publishing the submissions it receives. Submissions do not represent the views of the commission.

## **Submission to NSW Net Zero Commission 2025 Consultation**

### **NELA's objects and its interest in this consultation**

The National Environmental Law Association (**NELA**) welcomes the opportunity to contribute to shaping the New South Wales Net Zero Commission's (**Commission**) 2025 work plan, policy approach and key outputs. NELA has consistently engaged with the Commission including through a submission on its 2024 Annual Report dated 14 February 2025 (**Annual Report Submission**). NELA welcomes this further opportunity to support the Commission's policy approach and ensure that the Commission's work achieves effective climate mitigation and adaptation outcomes.

NELA is the national peak body for advancing Australian environmental law and policy. It is an independent, multidisciplinary, member-based association focused on environmental law and sustainability. NELA is managed by a national board that includes Directors with expertise in international and domestic legal frameworks for biodiversity conservation, climate change and natural disasters, environmental regulation and regulatory theory and natural resource management.

One of NELA's core objectives is to provide a forum for, and to otherwise assist in, the discussion, consideration, and advancement of environmental law across the legal profession and the wider community. When considering environmental legislative reforms, NELA considers several factors including whether the reform advances environment protection and restoration, the environment protection principles integral to environmental law, and the integrity and transparency of the reform. NELA is also a member of the leadership committee of the Professional Bodies Climate Action Charter Australia and New Zealand Forum, which represents professional members in Australia across a wide range of sectors including finance, insurance, science, engineering, law, health, construction, and the built environment.

NELA established a Climate Change Working Group in 2023 (**Working Group**). Its scope and focus are directed to establishing and disseminating research and information to NELA's members and partners about climate change and law in Australia, which aligns with NELA's broader purpose of advancing knowledge and expertise of Australian environmental law.

### **Executive Summary**

This document sets out NELA's general comments as to the appropriate focus of the Commission's work, and responses to certain questions posed in the Consultation Paper. Part 1 includes responses to general questions, and Part 2 includes responses to sector-specific questions.

As a general comment, NELA highlights the importance of urgency and ambition in the Commission's approach to its workplan and the implementation of its broader functions, in light of findings in its 2024 Annual Report that without faster and more significant progress, NSW's decarbonisation targets will not be met.

NELA observes that the Commission has broad functions under the *Climate Change (Net Zero Future) Act 2023* (NSW) (**Net Zero Future Act**) to provide advice and recommendations to the NSW Government on climate action.<sup>1</sup> Outside of the Commission's annual progress reports, NELA recommends that the Commission prioritises advising the NSW Government on the development of key legislative, regulatory, and policy reforms that will set the course for the ability of NSW to create deep reductions in emissions from the state, and meet its legislated emissions reductions targets and the adaptation objective in coming years. Those reforms include but are not limited to:

- the new NSW Net Zero Plan, as indicated in the NSW Government's Response to the Commission's 2024 Annual Report,<sup>2</sup>
- regulations made under the Net Zero Future Act which, importantly, must make provision about interim targets, as well as regulations on adaptation, and
- key policies being developed by the NSW Environment Protection Authority (EPA) under its Climate Change Policy and Action Plan, including development of sector-specific mitigation guidance.

As is clear from the above, the Commission has the opportunity to provide independent, expert advice to the NSW Government at a time when the NSW Government is contemplating wide-ranging policy change in relation to climate change.

NELA stands ready to support the Commission in this critical work. Below is a summary of the key points made in this submission.

### **Community engagement**

NELA encourages the Commission to:

- Undertake educational and science-based communication, to improve public understanding of climate change and its community impacts.
- Promote the right to a healthy, clean and sustainable environment (**RTHE**) as a positive obligation for actions to address climate change, while actively monitoring international law developments to ensure its consistent interpretation.
- Adopt best practice in its engagement efforts and consider the development of a dedicated community engagement strategy, following the approach of the Commonwealth Climate Change Authority (**CCA**) or the ACT's Climate Change Council.
- Implement engagement guidance and frameworks based on published national guidance and develop relevant metrics and measures addressing the impact on community.

### **Tracking progress, monitoring and accountability**

NELA supports the establishment of emissions budgets through regulations under the Climate Change (Net Zero Future) Act 2023 and recommends that the Commission:

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<sup>1</sup> Section 15 of the Act.

<sup>2</sup> NSW Government Response to Net Zero Commission 2024 Annual Report and the Parliamentary inquiry report by the Joint Standing Committee on Net Zero Future (June 2025) available at: <https://www.energy.nsw.gov.au/nsw-plans-and-progress/government-strategies-and-frameworks/net-zero-commission>

- Prioritise identifying additional and timely data sources on NSW sectoral emissions in consultation with regulatory bodies such as the EPA.
- Incorporate data on health of biodiversity and natural ecosystems; water; air quality in assessing progress to ensure consistency with the RTHE.
- Track NSW policy implementation in partnership with the government through a public database.
- Adopt or tailor leading indicators as defined by the Commonwealth CCA across various sectors in NSW's context.
- Undertake regular public reporting on NSW's performance against its interim and long-term targets.
- Include the development of sectoral emissions targets in the Commission's workplan and, recommend to the NSW government to formalise the process for developing and implementing sector-specific plans and budgets within the forthcoming Climate Change (Net Zero) Regulations.
- Collaborate with the EPA in the development of its sector-specific targets while also ensuring cohesion with federal level plans under development.
- Design policy signals to implement agreed industry sector plans and establish relevant metrics and measures to monitor industry sector specific progress.

## **Sector-specific recommendations**

### *Energy*

Monitor delay in infrastructure and transmission projects and streamlined assessment and approval processes as priority measures, while ensuring a shift away from fossil-fuel based generation, acceleration of infrastructure expansion for renewable energy sources and ensuring a just transition that delivers community and social benefits in addition to decarbonisation objectives.

### *Agriculture*

Address barriers to reducing enteric methane emissions such as industry opposition to the reduction of livestock. NELA also recommends improving carbon market participation to incentivise on-farm mitigation measures, reducing high costs and risks of carbon project establishment which currently disadvantage small/medium farms and horticultural properties and encouraging carbon credit uptake and standardised carbon accounting practice to reduce costs for these stakeholders.

### *Land-use*

Track and monitor emissions as a separate unit of analysis due to the unique opportunities for carbon abatement and sequestration, with land-use and forest cover relating to the agriculture industry presenting its own impacts, which, if conflated with agriculture could distract from measuring progress in reduction of agricultural production related climate impacts.

### *Resources*

Work with the NSW Government to embed climate impact considerations into decision-making on resource projects, advise on revisions to the Strategic Statement on Coal, collaborate with the EPA to ensure emissions measures in the sector are objective and enforceable, and advise on consideration of scope 3 emissions.

## **PART 1: Responses to general questions**

- A) Question 2: What actions can the commission take to engage across the community to help drive the shifts needed for the net zero transition and for effective climate change mitigation and adaptation?**

## Education and communication

NELA highlights the critical role of education and science-based communication by the Commission on what mitigation and adaptation mean in the NSW context, and to ensure that all members of the NSW community understand:

- how climate change is impacting them, and will impact them and their families in future – in relation to their personal wellbeing, health, financial security, and jobs
- NSW's approach to climate mitigation and adaptation – and how these fit into the broader national and international context. In relation to adaptation, education should include the impacts of climate change on natural disaster risk; the role of the NSW Reconstruction Authority in supporting adaptation actions; and key elements of the State Disaster Mitigation Plan (SDMP) and Disaster Adaptation Plans (DAPs), as well as the contents of adaptation plans once developed in accordance with forthcoming adaptation regulations.
- the opportunities that mitigating and adapting to climate change offers to members of the community, including with respect to jobs.
- what the right to a clean, healthy and sustainable environment means for NSW communities in the context of climate change (see our further comments below).

The Commission's concerted efforts to directly engage local communities are particularly important at a time of rising misinformation and declining trust in public institutions.<sup>3</sup> There is a strong need to ensure that climate change is not viewed as a political issue but a scientific reality with ramifications for legal rights and obligations and distributive justice.

NELA commends the Commission's commitment to meaningfully empowering and enhancing First Nations people's involvement in climate mitigation, adaptation and environmental stewardship as part of its engagement approach.

## Ensuring climate actions are consistent with the right to a healthy environment

One of the guiding principles of the Net Zero Future Act is that action to address climate change should be consistent with the right to a clean, healthy and sustainable environment (**RTHE**).<sup>4</sup> The Commission should analyse what this right means in the NSW context, and in doing so, should interpret 'consistency' as a positive obligation for actions to address climate change to promote the RTHE (as opposed to simply a negative obligation requiring that actions do not infringe the RTHE).

NELA notes that the RTHE has procedural and substantive elements, which are interconnected in nature, and the Special Rapporteur on the human right to a clean, healthy and sustainable environment (**Special Rapporteur**) has therefore called for a holistic approach to implementation of programmes, policies and projects that implement the RTHE. The Special Rapporteur has highlighted the following elements, acknowledging that some of these are still developing at an international law level:<sup>5</sup>

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<sup>3</sup> At a time of rising misinformation and declining trust in public institutions, direct engagement with local communities is often key to successfully implementing clean energy transitions: <https://www.eci.ox.ac.uk/news/why-community-engagement-key-addressing-climate-change> (find a better source)

<sup>4</sup> Section 8 of the Act.

<sup>5</sup> <https://www.ohchr.org/en/documents/thematic-reports/a79270-report-special-rapporteur-human-right-clean-healthy-and-sustainable-environment> A/79/270: Report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment - Overview of the implementation of the human right to a clean, healthy and sustainable environment

- **Procedural elements:** Adequate, effective and reliable access to information; ability to effectively and meaningfully participate in government and public affairs; and access to justice (including effective remedy), are recognised as essential elements of the right to a clean, healthy and sustainable environment. The Commission's work should be consistent with and uphold these procedural elements. In NELA's view, this requires promoting effective participation in environmental decision-making of all members of the community, including First Nations people.
- **Substantive elements:** The Special Rapporteur has highlighted clean air; safe and sufficient water; healthy and sustainable food; non-toxic environments to live, work, study and play in; and healthy ecosystems and biodiversity as substantive elements of the RTHE. As to climate change, the Special Rapporteur has highlighted that the *'urgency to implement actions aligned with the best available science, respecting the human right to a healthy environment and other human rights, is undeniable'* and that *'some climate actions, including maladaptation, greenwashing and geoengineering, are worsening the situation, threatening climate safety and thus a healthy environment'*. Recognising the interconnected nature of these elements, in NELA's view, the Commission should ensure that its approach to its work plan is also consistent with promoting (for example) healthy ecosystems and biodiversity. Such an approach would help align with other guiding principles set out in section 8 of the Net Zero Future Act such as the need to reduce the risk climate change poses to the survival of all species; community consultation; the need to reduce the risk climate change poses to human health; and need to take account of equity and social justice impacts on socially disadvantaged groups and economically vulnerable regions.

The Special Rapporteur has also noted that intersecting forms of discrimination based on race, gender, sexual orientation, age and socioeconomic status, among others, generate differentiated impacts on the RTHE, and therefore, *'taking an intersectional approach, based on effective practical implementation of the human right to substantive equality and non-discrimination, is vital in fulfilling a healthy environment and advancing transformational changes'*. For reference, we enclose at **Appendix 1** the Resolution adopted by the General Assembly on 28 July 2022 on the human right to a clean, healthy and sustainable environment.

Noting that elements of the RTHE are still developing, NELA emphasises the importance of monitoring ongoing development of these elements, including international and domestic litigation and Advisory Opinions,<sup>6</sup> so that the Commission can ensure that its approach is consistent with upholding the RTHE on a continuing basis.

In this regard, NELA notes that the Inter-American Court of Human Rights' recent Advisory Opinion on the Climate Emergency and Human Rights dated 29 May 2025 observed that the RTHE has both individual and collective dimensions, and also protects the components of the environment, such as forests, rivers and seas, as legal interests in themselves. The Court recognised a right to a healthy climate as part of the RTHE, under which, states must protect the global climate system and prevent human rights violations resulting from its disruption. It held that from this right derives specific obligations on states to set binding mitigation targets which are as ambitious as possible and take into account the best

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<sup>6</sup> Including but not limited to the Advisory Opinion 32 of 2025 (adopted 29 May 2025 and notified 3 July 2025) of the Inter-American Court of Human Rights on the obligations of States in responding to the climate emergency: <https://corteidh.or.cr/tablas/OC-32-2025/index-eng.html>

available science; and to define human rights-based strategies for achieving those targets, among other things.<sup>7</sup>

### **Learning from similar bodies: community engagement strategies**

NELA highlights the potential utility of developing a specific community engagement strategy, as has been the approach of other commissions, in particular:

- The Commonwealth Climate Change Authority (**CCA**) has developed an engagement strategy for the years 23-25 outlining the principles and processes that will underpin its consultation initiatives. The engagement strategy is designed to reflect best practice, and follows the Australian Public Service Framework for Engagement and Participation. The Engagement strategy enables the Authority to collect up-to-date evidence of climate change related issues impacting communities and build a dynamic and contemporary understanding of these issues.
- Similarly, the ACT's Climate Change Council has a Community Engagement Strategy 2023-2026 setting out CCC's approach to engaging with business and community, so their views can be reflected in the advice provided to the Minister.

In NELA's view, developing a strategy for community engagement or ensuring that the Commission's approach to community engagement reflects best practice may help to improve the transparency and efficiency of consultation initiatives and also ensure that the Commission is reaching the relevant target communities in an inclusive, equitable and focused manner.

### **B) QUESTION 5: What additional information and evidence should the commission consider when assessing progress towards NSW's targets for reducing net greenhouse gas emissions?**

NELA is concerned to ensure that the Commission prioritises work to identify and establish further data sources on NSW sectoral emissions, noting the significant delay in obtaining annual data through the State and Territory Greenhouse Inventory. NELA encourages the Commission to consult with the EPA and other regulatory bodies to gather current information on greenhouse gas emissions, including sector-specific data.

Noting concerns that have been raised with respect to accuracy of data on methane emissions (and work of the Expert panel on Atmospheric Measurement of Fugitive Methane Emissions in Australia),<sup>8</sup> NELA urges the Commission to prioritise best available science<sup>9</sup> in its approach to monitoring greenhouse gas emissions data.

Noting NELA's observations above that approaches to achieving decarbonisation should be consistent with the RTHE in accordance with the Net Zero Future Act, NELA encourages the Commission to consider data on health of biodiversity and natural ecosystems; water; air quality (among other things) in assessing progress (i.e. not only overall / sector-specific greenhouse gas emissions).

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<sup>7</sup> Advisory Opinion 32 of 2025 (adopted 29 May 2025 and notified 3 July 2025) of the Inter-American Court of Human Rights on the obligations of States in responding to the climate emergency: <https://corteidh.or.cr/tablas/OC-32-2025/index-eng.html>. Please note that this analysis relies on an unofficial English translation of the Advisory Opinion.

<sup>8</sup> <https://www.superpowerinstitute.com.au/news/new-groundbreaking-satellite-monitoring-tool-shows-significant-underestimation-of-methane>; <https://www.dcccew.gov.au/climate-change/emissions-reporting/national-greenhouse-energy-reporting-scheme/expert-panel-atmospheric-measurement-fugitive-methane-emissions-au>

<sup>9</sup> Section 8(1)(b) of the Act.

The Queensland Clean Economy Expert Panel has highlighted the need to identify ‘cross-cutting themes’ which arise in the context of pursuing decarbonisation goals. The Panel has identified six broad cross-cutting themes for Queensland, drawing from a broader pool of 14 issues identified by the Australian government for its sector planning initiatives. The themes recommended by the panel for Queensland to focus on include community, planning and environment, regional economies, markets and finance, risk and security, first nations and equality and jobs, research and innovation. The NSW Commission may also choose to identify cross-cutting themes applicable to NSW’s context from the broader categories identified by the Australian government. While these issues fall outside the direct scope of emissions reductions actions, they can support the transition to net zero and other objectives that are relevant to implementing the decarbonisation agenda. Consideration of these issues in sector-based emissions reduction plans can ensure greater policy coordination and integration.

See also our response to question 22 below.

**C) QUESTION 22: What should be included in a monitoring framework for NSW in the context of the transition to net zero, including any specific metrics and indicators?**

**Emissions budget**

As noted in NELA’s Annual Report Submission, establishing a comprehensive emissions budget for NSW would ensure that the State maintains a clear and consistent trajectory toward its net zero target (and interim targets). Such a Statewide emissions budget would facilitate transparency and tracking of progress, and would inform development of sectoral policies. Under section 15(2)(e) of the Net Zero Future Act, the Commission has the power to provide advice and make recommendations to the Minister about emissions budgets for NSW, having regard to Commonwealth emissions budgets and nationally determined contributions. NSW would not be a first mover in this regard. It is notable that the Climate Change Act 2022 (Cth) already sets up a Commonwealth emissions budget in respect of the period 2021-2030. Emissions budgets are also established in overseas jurisdictions, including the United Kingdom and New Zealand.

In our view, a binding NSW emissions budget established by regulations to be made under the Net Zero Future Act—aligned with the best available climate science and achieving NSW’s current emissions reduction targets—would serve as an effective accountability framework for public and private stakeholders, particularly in circumstances where NSW is not on track to meet its 2030, 2035 or 2050 emissions reduction targets. Although the NSW Government’s commitment to make regulations under the Act to address adaptation is commendable,<sup>10</sup> the government’s actions to address climate change will necessarily be incomplete without regulations concerning mitigation. A binding emissions budget established in the forthcoming Climate Change (Net Zero Future) Regulations would be the most effective means to achieve NSW’s emissions reduction targets.

**Policy implementation**

The Commission should monitor NSW climate policy implementation, working in partnership with the NSW Government’s interdepartmental Climate Change Action Network as a whole-

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<sup>10</sup> NSW Government Response to Report by Joint Standing Committee on Net Zero Future, p. 30, <https://www.energy.nsw.gov.au/sites/default/files/2025-06/NSW-DCCEEW-response-to-Net-Zero-Commission.pdf>.



of-government priority. A database of NSW climate policies that is frequently updated with information including implementation status and how the policy is contributing to NSW's targets and sectoral decarbonisation plans, could provide valuable transparency and insights into each policy's effectiveness in real time. This approach would be consistent with and could inform the NSW elements of the CCA Climate Policy tracker database (which tracks climate policies at the Commonwealth and state and territory levels at a high level and is updated on an annual basis).<sup>11</sup>

The Commission could also define criteria and track indicators to monitor progress against sectoral emissions reduction targets. For example, the CCA has defined 'leading indicators' across the energy, transport, industry, resources, built environment, agriculture and land sectors. For example, in the transport sector, indicators included electric vehicle sales, electric vehicle charging stations and imports of electric vehicles. In the industry sector, progress indicators defined include use of flexible compliance options by facilities covered under the Safeguard Mechanism, ACCU holdings by Safeguard and Safeguard related entities, and electricity use as a proportion of final energy use. Similar indicators and trends in their progress have been mapped across time for each sector, providing a snapshot of emissions performance and policy effectiveness for that sector.

These are used not only to track progress but also identify gaps. The Commission may consider adopting these indicators or tailoring them to NSW's context to monitor progress in these sectors.

### **Transparent reporting on progress**

NELA emphasises the importance of regular public reporting on NSW's performance against its interim and long-term targets to enhance transparency and accountability.

While the Commission's focus will be on monitoring progress against NSW's own targets, in NELA's view, where resources allow, the Commission should also consider how NSW's targets and progress toward them compare with targets and progress in other Australian jurisdictions at the federal, state and territory levels: doing so could support ambition and consistency across sectors, and inform future target setting.

### **Sector-specific plans and budgets**

NELA supports the Commission's approach to addressing key sectors in its work plan, consistent with its powers under section 15(2)(g) of the Net Zero Future Act. The work plan does not, however, appear to provide for development of sector-specific targets, although the NSW Government has recently announced that it will develop sectoral pathways as part of a new Net Zero Plan.<sup>12</sup> We encourage the Commission to include in its work plan development of such targets, aligned with the best available science, and to work closely with the NSW Government on developing the new Net Zero Plan. We also encourage the Commission to consider recommending to the NSW Government that the process for developing and implementing sector-specific plans and budgets be formalised in forthcoming Climate Change (Net Zero Future) Regulations, as these regulations will be incomplete without measures to mitigate emissions. We note that the EPA is already committed to developing sector targets for its licensed industries in its Climate Change Action Plan 2023-

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<sup>11</sup> See CCA, 'Climate Policy Tracker' (last updated 28 November 2024) available at:

<https://www.climatechangeauthority.gov.au/climate-policy-tracker>

<sup>12</sup> NSW Government Response to Report by Joint Standing Committee on Net Zero Future, p. 9,

<https://www.energy.nsw.gov.au/sites/default/files/2025-06/NSW-DCCEEW-response-to-Net-Zero-Commission.pdf>.

26, and NELA encourages the Commission to collaborate with the EPA in this regard. Further, federal-level sector plans are under development (albeit these are not expected to include sector-specific emission reduction targets<sup>13</sup>), and we encourage the Commission to ensure that its own targets and sector plans are cohesive with those federal-level plans.

Sector-specific targets and implementation plans should be aligned and harmonised with national data and budgets, for example the recent review of sector pathways by the CCA and the pathway modelling report by CSIRO.

The CCA Sector Pathways Review<sup>14</sup> aimed to determine industry specific emission reduction pathways based on three core assumptions, including 1) available and prospective technologies, 2) operational and behavioural choices of business models, and 3) relevant barriers, opportunities and enablers for each sector. The core assumptions for each industry sector, including key sector strategies, technologies, and other sector insights, were applied within climate emission pathway modelling by Australia's national science agency CSIRO,<sup>15</sup> which offers a relevant benchmark for the Commission's work in terms of target setting, pathway definition and monitoring.

NELA recommends that the Commission design suitable policy mixes and policy signals to support the implementation of agreed industry sector plans and establish a comprehensive set of metrics and measures, derived from independent and impartial data sources, to monitor the progress of each sector towards their targets. This could include:

- i) continuous modelling and tracking rather than on-demand periodic assessment reports,
- ii) establishing a diverse network of institutions that participate in ongoing emission tracking, including CSIRO, leading universities and government agencies; and
- iii) measures and indicators matched to sectoral pathway purposes and objectives, such as community wellbeing, engagement and social license.

## **PART 2: Responses to sector-specific questions**

### **A) Question 6: The speed of deployment of electricity generation and infrastructure is a key risk to emissions reduction targets. What more could be done to fast-track deployment?**

NELA affirms the Commission's recommendation that risks to the future delivery of decarbonisation require close monitoring of delay in infrastructure and transmission projects and streamlined assessment and approval processes to overcome barriers to implementation, including those associated with social licence and community benefit in rural, regional and remote communities.

Electrification is critical in shifting demand to renewable energy sources and, as the Report notes, can be achieved at multiple levels of the NSW economy, including in the uptake of EVs and the shift to low emissions transport and consumer energy resources at household, commercial and industrial levels. The energy sector is of critical importance because it is not

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<sup>13</sup> <https://www.dcceew.gov.au/climate-change/emissions-reduction/net-zero>

<sup>14</sup> Climate Change Authority, Sector Pathways Review (2024)

<sup>15</sup> CSIRO, Modelling Sectoral Pathways to Net Zero Emissions (2024)

only expected to deliver the largest emission reductions as a sector, but, as energy cuts across all sectors, it also contributes to emission reductions in all other sectors.

The core challenges<sup>16</sup> for the energy and electricity sector are 1) the shift away from fossil-fuel based generation, including coal, gas, and oil; 2) the acceleration of infrastructure expansion for renewable generation and storage; 3) ensuring a transition that does not only deliver de-carbonisation, sustainability and social license, but also end-user and community benefits in terms of energy stability, accessibility, and cost.

**B) Question 7: Are the measures now in place sufficient to ensure community engagement and benefit sharing from the build out of infrastructure for the energy transition?**

Recent reports have highlighted the importance of community engagement and social license, which have become predominant barriers in the implementation of the energy sector net zero pathway. Providing an assessment of the state of community engagement, the Community Engagement Review (2023)<sup>17</sup> surveyed that 92% of community members feel poorly engaged and 82% feel their concerns are not addressed. The report highlighted the importance of inclusive planning and compensation based on transparent standards, and as such was welcomed by advocacy organisations such as Farmers for Climate Action<sup>18</sup>. A separate report established National Guidelines for Community Engagement and Benefits for Electricity Transmission Projects (2024)<sup>19</sup>, which offers guidance on how to engage with community affected by energy infrastructure projects.

While these reports are a positive step, the Commission's work should ensure that the outcomes of these reports are translated into consistent, persistent, and continuous implementation of engagement guidance and frameworks.

NELA emphasises the importance of transparency and open communication of progress in community engagement and encourages the Commission to establish a set of relevant metrics and measures to support tracking and monitoring, including measures on community benefits, social license, community compensation and shared ownership, and engagement cost.

**C) Question 10: What specific actions or policies could increase uptake of emissions reduction strategies in agriculture, both in the short and long term?**

Agriculture as a sector is defined by a very high contribution from enteric methane originating from livestock, which represents about 64% of total sector emissions<sup>20</sup>. Enteric methane emission reduction requires technological solutions, such as feed additives or vaccination, which are only expected to be deployed at scale after mid 2030's.<sup>21</sup> As enteric methane emissions are directly related to livestock numbers, another solution is the reduction of beef production, for which there is strong industry opposition. This 'methane conundrum' accounts for the prediction of flat emissions in the livestock industry well into the 2030's.

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<sup>16</sup> CSIRO, Modelling Sectoral Pathways to Net Zero Emissions (2024), page 12.

<sup>17</sup> DCCEE, Community Engagement Review, (2023)

<sup>18</sup> Farmers for Climate Action, 2024: <https://farmersforclimateaction.org.au/blog/2024/02/02/farmers-welcome-community-engagement-review/>

<sup>19</sup> DCCEE, National Guidelines for Community Engagement and Benefits for Electricity Transmission Projects (2024)

<sup>20</sup> Climate Change Authority, Sector Pathways Review (2024). Page 92

<sup>21</sup> Ibid., Page 92

NELA acknowledges that, in the agriculture and land sectors, legislative initiatives related to vegetation management have played an important role in achieving emission reductions in the combined agriculture and land sectors. In-terms of on-farm mitigation measures, which are defined as measures to avoid emissions from production and increase the availability of carbon sinks<sup>22</sup>, carbon credits are the primary (or perhaps only) way to obtain financial support. NELA highlights the importance to develop a high integrity credit sector to ensure ongoing investment into agricultural mitigation measures. A high integrity carbon credit sector would:

- i) Award soil carbon credits based on scientific standards and boundaries,
- ii) Follow longer periods of assessment greater than 5 years, and
- iii) Ensure full transparency of reference data used to issue credits.<sup>23</sup>

Carbon project establishment can be very expensive, for example in terms of the carbon baselining and measurement cost, and there is a significant uncertainty of successful realisation due to confounding factors of weather and seasonal variability (e.g. rainfall, drought). Moreover, returns on investment may be long-term rather than short term. NELA encourages the Commission to consider the high cost and risk of carbon projects and devise policies to diversify the risks between producer, government and credit compliance buyer. As carbon projects are prohibitively expensive for small/medium size properties or horticultural properties, Commission may wish to consider policies that encourage uptake of carbon credits by smaller farms and establish standard practices of carbon emission accounting on farms.

In this context, NELA encourages the Commission to tackle the challenge of land-use priority in relation to food production, renewables production, resource sector and mining, and land set aside for the purpose of carbon and nature projects, including cooperatively with the Agricultural Commissioner.

**D) Question 11: Given the uncertainties in land-sector net emissions, how should NSW incorporate this sector into the state's climate policy and emissions profile?**

The land sector is of unique importance in the national net zero industry sector pathways planning for several reasons, including:

- i) Land use, land use change, forestry (LULUCF) and land-based sequestration are a major contributor to the national net zero targets, and, as a sector, they also represent the only negative emission contribution in the sector pathway planning.
- ii) Land use represents both a source of carbon emissions and a carbon sink. With recent regulatory changes, such as the reform of the Safeguard Mechanism, demand for land-based carbon credits is expected to increase significantly.<sup>24</sup> Moreover, clear accounting for emissions explicitly related to specific activities

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<sup>22</sup> Deane et al., Carbon farming and nature repair markets: Benefits, opportunities and risks for Queensland. (2024), p.2

<sup>23</sup> Mitchell et al., 2024

<sup>24</sup> Deane et al., Carbon farming and nature repair markets: Benefits, opportunities and risks for Queensland. (2024), page 1/7

such as agricultural production and land-use will become relevant within the mandatory climate-related financial disclosures.<sup>25</sup>

While agriculture and land have been conflated in the recent national CCA sector pathway review, NELA recommends tracking and monitoring emissions from land-use as a separate unit of analysis. Land-based sequestration offers opportunities e.g. for agriculture to accelerate emission reduction through various methods of carbon abatement and sequestration. This however may distract from a clear view on progress in reducing climate impacts relating to agricultural production, which need to be addressed and monitored separately. Recent research in this regard, has emphasised the importance to focus on *'changes in land-use and forest cover explicitly related to the agriculture industry'*, as a subset of broader land use changes on private land and forests, and called for a more granular disaggregation of industry sector impacts.<sup>26</sup>

**E) Question 18: What measures should be considered beyond the Safeguard Mechanism to reduce emissions of the resources sector, particularly methane emissions, to meet NSW's emissions reduction targets?**

NELA recommends that the Commission work closely with the NSW Government to embed the consideration of impacts on the achievement of NSW's emissions reduction targets in government decision-making in respect of resources projects such as coal mines. NELA also recommends that the Commission provide advice to the government on revisions to the Strategic Statement on Coal, which the NSW Government has indicated will be reviewed in the NSW Government Response to the Commission's 2024 Annual Report. NELA also recommends that the Commission work with the EPA, as the chief regulator of greenhouse gas emissions in NSW, to ensure that measures to firstly avoid, and then mitigate, emissions in respect of the resources sector are objective and enforceable by the EPA.

Acknowledging that NSW's emissions targets cover only scope 1 and 2 emissions, NELA recommends that the Commission provide advice on how the NSW ought to address scope 3 emissions from the NSW coal sector. This is due to the scale of downstream emissions from both historical coal projects and future projects currently proposed, which are significantly greater than NSW's total annual emissions from all sectors combined, and their implications for climate change noting the remaining global carbon budget to stay on track to limit warming to 1.5C. In this respect, the UK Government has on 19 June 2025 published new guidance on the consideration of scope 3 emissions that we commend to the Commission to inform future government policy and to guide consent authority decision-making in this sector.<sup>27</sup>

**NELA Climate Change Working Group**

**On behalf of the NELA Board**

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<sup>25</sup> Ernst & Young, Stepping up to mandatory scope 3 emissions reporting: practical considerations for a smooth transition, (2024)

<sup>26</sup> Bowen Butchart et al., Advancing quantification of Australia's beef cattle and sheep emissions accounts (2025).

<sup>27</sup> UK Government, Department for Energy Security & Net Zero, [Environmental Impact Assessment \(EIA\) – Assessing effects of downstream scope 3 emissions on climate: New guidance issued for environmental impact assessments - GOV.UK](#) (Media release).



## General Assembly

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### Seventy-sixth session

Agenda item 74 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

### **Resolution adopted by the General Assembly on 28 July 2022**

[without reference to a Main Committee ([A/76/L.75](#) and [A/76/L.75/Add.1](#))]

#### **76/300. The human right to a clean, healthy and sustainable environment**

*The General Assembly,*

*Guided by the purposes and principles of the Charter of the United Nations,*

*Reaffirming the Universal Declaration of Human Rights<sup>1</sup> and the Vienna Declaration and Programme of Action,<sup>2</sup> recalling the Declaration on the Right to Development,<sup>3</sup> the Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration),<sup>4</sup> the Rio Declaration on Environment and Development,<sup>5</sup> and relevant international human rights treaties, and noting other relevant regional human rights instruments,*

*Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,*

*Reaffirming further its resolution [70/1](#) of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030 ensuring that*

<sup>1</sup> Resolution [217 A \(III\)](#).

<sup>2</sup> [A/CONF.157/24 \(Part I\)](#), chap. III.

<sup>3</sup> Resolution [41/128](#), annex.

<sup>4</sup> *Report of the United Nations Conference on the Human Environment, Stockholm, 5–16 June 1972 (A/CONF.48/14/Rev.1)*, part one, chap. I.

<sup>5</sup> *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.93.I.8 and corrigendum), resolution 1, annex I.



no one is left behind, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and its commitment to achieving sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner,

*Recalling* States' obligations and commitments under multilateral environmental instruments and agreements, including on climate change, and the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document entitled "The future we want",<sup>6</sup> which reaffirmed the principles of the Rio Declaration on Environment and Development,

*Recalling also* Human Rights Council resolution 48/13 of 8 October 2021, entitled "The human right to a clean, healthy and sustainable environment",<sup>7</sup>

*Recalling further* all Human Rights Council resolutions on human rights and the environment, including resolutions 44/7 of 16 July 2020,<sup>8</sup> 45/17 of 6 October 2020,<sup>9</sup> 45/30 of 7 October 2020<sup>10</sup> and 46/7 of 23 March 2021,<sup>11</sup> and relevant resolutions of the General Assembly,

*Recognizing* that sustainable development, in its three dimensions (social, economic and environmental), and the protection of the environment, including ecosystems, contribute to and promote human well-being and the full enjoyment of all human rights, for present and future generations,

*Recognizing also* that, conversely, the impact of climate change, the unsustainable management and use of natural resources, the pollution of air, land and water, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems interfere with the enjoyment of a clean, healthy and sustainable environment and that environmental damage has negative implications, both direct and indirect, for the effective enjoyment of all human rights,

*Reaffirming* that international cooperation has an essential role in assisting developing countries, including highly indebted poor countries, least developed countries, landlocked developing countries, small island developing States, as well as the specific challenges faced by middle-income countries, in strengthening their human, institutional and technological capacity,

*Recognizing* that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by women and girls and those segments of the population that are already in vulnerable situations, including indigenous peoples, children, older persons and persons with disabilities,

*Recognizing also* the importance of gender equality, gender-responsive action to address climate change and environmental degradation, the empowerment, leadership, decision-making and full, equal and meaningful participation of women and girls, and the role that women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment,

*Recognizing further* that environmental degradation, climate change, biodiversity loss, desertification and unsustainable development constitute some of

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<sup>6</sup> Resolution 66/288, annex.

<sup>7</sup> *Official Records of the General Assembly, Seventy-sixth Session, Supplement No. 53A (A/76/53/Add.1)*, chap. II.

<sup>8</sup> *Ibid.*, *Seventy-fifth Session, Supplement No. 53 (A/75/53)*, chap. V, sect. A.

<sup>9</sup> *Ibid.*, *Supplement No. 53A (A/75/53/Add.1)*, chap. III.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*, *Seventy-sixth Session, Supplement No. 53 (A/76/53)*, chap. V, sect. A.



the most pressing and serious threats to the ability of present and future generations to effectively enjoy all human rights,

*Recognizing* that the exercise of human rights, including the rights to seek, receive and impart information, to participate effectively in the conduct of government and public affairs and to an effective remedy, is vital to the protection of a clean, healthy and sustainable environment,

*Reaffirming* that States have the obligation to respect, protect and promote human rights, including in all actions undertaken to address environmental challenges, and to take measures to protect the human rights of all, as recognized in different international instruments, and that additional measures should be taken for those who are particularly vulnerable to environmental degradation, noting the framework principles on human rights and the environment,<sup>12</sup>

*Recalling* the Guiding Principles on Business and Human Rights,<sup>13</sup> which underscore the responsibility of all business enterprises to respect human rights,

*Affirming* the importance of a clean, healthy and sustainable environment for the enjoyment of all human rights,

*Taking note* of all the reports of the Special Rapporteur (formerly the Independent Expert) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment,<sup>14</sup>

*Noting* “The highest aspiration: a call to action for human rights”, which the Secretary-General presented to the Human Rights Council on 24 February 2020,

*Noting also* that a vast majority of States have recognized some form of the right to a clean, healthy and sustainable environment through international agreements, their national constitutions, legislation, laws or policies,

1. *Recognizes* the right to a clean, healthy and sustainable environment as a human right;
2. *Notes* that the right to a clean, healthy and sustainable environment is related to other rights and existing international law;
3. *Affirms* that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law;
4. *Calls upon* States, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all.

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28 July 2022

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<sup>12</sup> [A/HRC/37/59](#), annex.

<sup>13</sup> [A/HRC/17/31](#), annex.

<sup>14</sup> [A/73/188](#), [A/74/161](#), [A/75/161](#), [A/76/179](#), [A/HRC/22/43](#), [A/HRC/25/53](#), [A/HRC/28/61](#), [A/HRC/31/52](#), [A/HRC/31/53](#), [A/HRC/34/49](#), [A/HRC/37/58](#), [A/HRC/37/59](#), [A/HRC/40/55](#), [A/HRC/43/53](#), [A/HRC/43/54](#), [A/HRC/46/28](#) and [A/HRC/49/53](#).