



12 June 2024,

Submission to the Inquiry into Nature Positive (Environment Information Australia) Bill 2024 [Provisions] and related Bills

Farmers for Climate Action (FCA) appreciates the opportunity to provide a submission to the Senate Committee on Environment and Communications in relation to the *Nature Positive Law Reforms*.

Key Points

- FCA refers the committee to our initial consultation on the *New Nature Positive Law*, available on our website at this [link](#).
- FCA is concerned that the *Bills* do not take adequate steps to address high polluting projects because a climate trigger is not incorporated into the assessment process of EPA under the *Act*.
- Clarity around the definition of 'nature positive' is required, and the baseline it is being measured against should be incorporated into the *Nature Positive Act*.
- Clarity around what constitutes a 'nationally protected matter' is necessary to ensure an understanding of how this determination could come about.
- FCA welcomes the clarification around the function of the Environment Protection Australia CEO and the scope of ministerial influence. Ensuring the independence of the new EPA is of particular importance to ensure consistency in approaches to environmental matters.

About Farmers for Climate Action

Farmers for Climate Action represents over 8,300 farmer members and is backed by 45,000 community supporters nationwide. FCA recognises the importance of safeguarding the ability of farmers to produce food and fibre for the nation and export, while seeking the deep emissions reductions we need to protect our farming families and our food supply. FCA's member base comprises farmers, agricultural leaders and rural Australians who collectively work to influence Australia to adopt strong climate policies by growing the number of farmers, rural communities and elected representatives championing ambitious action.



Climate Trigger

In our initial consultation FCA called for a climate trigger to be implemented into the *Environment Protection Biodiversity Conservation Act*, which would ensure that the EPA considers activities likely to produce over a certain volume of greenhouse gas emissions. This mechanism would ensure that large emission projects, which would further add to climate change, be scrutinised by the newly formed EPA. The lack of such a trigger in the current *Bill* restricts the ability of federal environment legislation to address projects contributing to climate change.

The inclusion of a climate trigger in the *EPBC Act* instead of stand-alone legislation, would mean that high polluting projects would be addressed sooner, with national consistency, and independently. The threshold for the trigger should be determined through analysis of independent and reliable data and evidence.

Definitions Under the Reforms

FCA welcomes the clarification that the minister will be responsible for determining what constitutes a nationally protected matter, however the lack of framework around what would lead to this determination remains concerning. Providing a framework to measure when a matter will be 'nationally protected' is necessary to ensure clarity and understanding for the minister, and the public, around what actions, impacts or hindrances would cause such a determination.

The *Bill* to establish *Environment Information Australia* (EIA) defines a 'Nature Positive Australia' where there is an 'improvement in the diversity, abundance, resilience and integrity of ecosystems from a baseline'. This baseline is to be determined by EIA once established and not set within the *Act*. Such a move risks allowing the baseline to move and change over time. It is important that the baseline be incorporated into the *Act* for nature positive to be measured against, so that the baseline remains rigid and not susceptible to change.

Conclusion

The *EPBC Act* is central to Australia's environmental protection framework. It must have the breadth and capacity to safeguard Australia's environment, especially given the challenges of climate change. FCA urges the committee to consider the content of this submission so that the proposed *Nature Positive Laws* are effective and appropriate.

Please do not hesitate to contact either myself or Paul Stark, Policy and Farmer Engagement Officer on the number below should you wish to further discuss this submission.

Yours sincerely,
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