



21 May 2020

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretariat

Re: NFF submission to Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2020

The National Farmers' Federation (NFF) welcomes the opportunity to respond to Senate Environment and Communications Legislation Committee inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2020*.

The NFF notes that it has considered the proposal in its submission to the statutory review of the EPBC Act and reiterates that it does not support additional triggers being incorporated into the *Environment Protection and Biodiversity Conservation 1999* (EPBC Act), including a climate trigger.

The Bill proposes to insert a new Subdivision FC—Emissions-intensive actions into the EPBC Act that would introduce civil penalties for an individual or body corporate that will likely have a 'significant impact on the environment'. There is a distinct lack of clarity about what may constitute a 'significant impact on the environment' and would only exacerbate existing problems with the EPBC Act as already outlined in this submission. The Bill defines an *emissions-intensive action* as an action that:

- Involves mining operations; or
- Involves drilling exploration; or
- Involves land clearing; or
- is specified in the regulations for the purposes of this paragraph.

It is highly likely that the activities that would be captured under this Bill are already captured under the current EPBC Act for what may constitute 'significant impacts' and would simply add to regulatory overlap.

The use of regulation to include an *interim* 'greenhouse gas trigger' was a recommendation of the 2009 Hawke review with the intent to ensure that emissions-intensive developments properly considered and implemented low cost abatement solutions in their construction and operation. The trigger was proposed

to focus on domestic emissions outside those covered by the then *Carbon Pollution Reduction Scheme* (CPRS) and was only intended to be an interim measure.

Since 2009, there has been significant domestic and international progress in financial and regulatory institutions to account for climate-related risk and implicitly, carbon emissions. While there is no explicit carbon price in Australia, there is significant work underway to reduce emissions, including the Carbon Solutions Fund (CSF), contributing to the emissions reduction targets committed under the Paris Agreement. The NFF believes a climate trigger would not materially influence the emissions associated with decisions taken on projects and therefore the benefits (or lack thereof) that would be created with the introduction of this proposal would not outweigh the additional regulatory burden that would be imposed.

States and territories have also already committed to emissions reduction targets and pursuing activities that align with their emissions reduction goals. This does not appear to intersect with any state-based endangered species law. Some sectors of agriculture are already substantially investing in carbon neutral programs, for example, the red meat sector has aspirations to be carbon neutral by 2030.

If support for an amendment of this nature were contemplated by the committee then there should be a comprehensive Regulatory impact Statement process undertaken prior to consideration by legislators.

Additional regulation through the EPBC Act would create further complexity, uncertainty and duplication for states and landholders. It is, simply, a crude and unnecessary instrument. If the intent is to reduce emissions, there is no explanation for what additional benefits a climate trigger would create that would not otherwise be captured under existing frameworks, or other emissions reduction programmes. The NFF suggests that emissions reduction should continue to be considered separately to the EPBC Act and therefore opposes any climate trigger proposal.

Yours sincerely

TONY MAHAR
Chief Executive Officer