

The Australian Greens Additional Comments

The Australian Greens support the intent of the Bill, namely to establish a national streamlined greenhouse gas and energy reporting regime which clearly establishes the obligations of corporations.

Clause 5 and the limits of Commonwealth power

The Australian Greens support the deletion of Clause 5 consistent with the preferred position of Professor George Williams, whose submission to the inquiry stated that:

Section 5 should be removed from the Bill. Section 109 of the Constitution deals regulates where a federal law cannot operate consistently with a state law. It provides a sufficient mechanism for dealing with such conflicts without needing a Commonwealth Bill to cover the field so widely as to undermine any related state laws.

However, the Greens welcome the Committee's consideration of the submissions from the State governments and the recommendation, " *that clause 5 be re-drafted along the lines proposed by Professor Williams and others, to have the effect that the minister may by regulation exclude the operation of a state or territory law that duplicates reporting under the national reporting scheme*" as an improvement to what was originally proposed. We remain concerned that the proposed change is not specific enough and needs to be further amended to read, "to have the effect that the minister may by regulation exclude the operation of *those parts* of a state or territory law that duplicates reporting under the national reporting scheme." Without the qualification of "those parts", the whole of the Victorian EPA Act for example might be overridden when only the part that refers to emissions data is relevant.

The Greens support the proposed changes to Clause 27 as the replacement of "may" with "must" will provide a greater level of assurance to the states about access to data that they require. However, Clause 56 should also be amended to allow for an appeal by a state or territory to the Administrative Appeals Tribunal if under Clause 5 there is a dispute about whether all or any part of a state or territory law does or does not duplicate reporting.

Thresholds

The Australian Greens concur with the Environmental Defenders Office assertion that the community's 'right to know' principle requires accurate information at a facility level and that the Bill must not allow aggregated totals of corporate groups to subvert this principle.

Specifically the Australian Greens support the position of the Investor Group on Climate Change whose submission stated that:

To ensure any mandatory reporting legislation provides relevant and complete climate change information for investors (so as to remove the need for investors to make their own information request and thereby streamlining reporting for companies) the IGCC make the following recommendations:

- *The introduction to reporting should be accelerated such that all facilities are reporting in the second financial year*
- *The information publicly available should be significantly expanded to include:*
 - a) Separate detailing of total Scope 1 and Scope 2 emissions;*
 - b) Scope 1 emissions disaggregated into category, e.g. combustion, industrial process, fugitive, etc; and type, e.g. N₂O, CH₄, etc. of emission;*
 - c) List of facilities covered by the emissions inventory;*
 - d) Scope 1 and Scope 2 emissions for all facilities above the facility threshold of 25 kilotonnes CO₂-e, along with the details outlined in point (b) above; and*
- *Further clarification of the definition of operational control.*

Senator Christine Milne
Australian Greens