



Submission to the Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022

October 2022

Doctors for the Environment Australia (DEA) is an independent, self-funded, non-government organisation of medical doctors in all Australian states and territories.

DEA's work is based on the premise that humans need a future with clean air and water, healthy soils capable of producing nutritious food, a stable climate, and a complex, diverse and interconnected humanity whose needs are met in a sustainable way. We are therefore interested in environmental protection and restoration to promote human health and social stability.

DEA's work is supported by a distinguished Advisory Committee of scientific experts whose knowledge of medical and public health issues is fully contemporary. Our members work across all specialties in community, hospital and private practices.

DEA welcomes the opportunity to make this submission to the the EPBC Act Amendment (Climate Trigger) Bill 2022 [Environment Protection and Biodiversity Conservation Amendment \(Climate Trigger\) Bill 2022 \[No. 2\] – Parliament of Australia \(aph.gov.au\)](#)

The EPBC Act

The objectives of the EPBC Act include:

- provide protection of the environment
- conserve Australian biodiversity
- provide ecologically sustainable development.

It is clear from the State of the Environment Report 2022 that these objectives have not been met and that the Act is failing to prevent further

deterioration. It is acknowledged in the report that climate change is a present and ongoing threat to the natural environment.^{1, 2}

As it is, the Act does not require the federal Minister of the Environment to consider climate change in approving or disallowing proposed projects. There are nine “designated matters of environmental significance” which include threatened species, world heritage sites, the Great Barrier Reef, migratory species, Commonwealth marine areas, but climate change is not deemed to be a matter of environmental significance and as such, it cannot “trigger” an environmental assessment.

Failure to include climate change as a designated matter of environmental significance, and therefore as a trigger, indicates that the EPBC Act is no longer fit for purpose. There is overwhelming agreement amongst Australia’s scientific community that climate change is a key factor in Australia’s extinction crisis.

Greenhouse Gas Emissions and the Climate Trigger

The only metric by which to judge a project’s impact on climate, and hence whether a climate trigger should be applied to that project, is its contribution to the total CO₂e emissions.

Australia now has enshrined in law an emissions reduction target of 43% by 2030 on 2005 levels. Implicit in that target is a carbon budget. Australia will take the 43% target to the United Nations Conference of the Parties in Egypt later this year. Climate scientists have stated that a target of 75% reduction would be required to fulfill Australia’s fair share in limiting climate change.³

While Australia’s emission reduction target of 43% is inadequate, even that target will not be met on current projections. Data from the Department of Industry, Science, Energy and Resources for 2021 reveals increased emissions in all sectors except electricity⁴ and land use. Part of the increase is explained by economic recovery from Covid 19. In an open letter to the Minister for the Environment in August, eminent Australian

¹ <https://www.csiro.au/en/news/news-releases/2022/state-of-the-environment-2021-report-released>

² <https://www.dcceew.gov.au/science-research/soe#climate>

³ <https://www.climatecouncil.org.au/resources/climate-policies-sensible-government/>

⁴ <https://www.dcceew.gov.au/climate-change/publications/national-greenhouse-gas-inventory-quarterlyupdate-december-2021>

scientists called on the government to “*accept our shared climate reality, heed the science, and ensure all environmental assessments of new gas and coal projects are responsible and evidence based, and include scope 3 emissions from all projects*”.⁵

Australia’s domestic greenhouse gas emissions amount to 1.4% of the global burden. If all coal and gas projects now under way or planned proceed, their emissions will amount to 13% of the total by 2030.⁶

Climate, Biodiversity, and Human Health

Doctors for the Environment Australia respectfully wish to draw the attention of the parliament to the human health aspects of climate change and the extinction crisis revealed in the State of the Environment Report.

Our health is intrinsically linked to the state of the environment, made manifest by a succession of extreme weather events in recent years including drought, bushfires, and floods often described as “unprecedented” but predicted by the science. The human impacts of these events depicted on our screens are well understood. Less recognised are dangerous heat, poor air quality, including from fire smoke, water-borne and vector-borne diseases, and mental health effects related to personal loss and to ecocide, the destruction of nature.^{7 8 9 10}

Limitations of the EPBC Act and climate trigger

The State of the Environment Report¹¹ released this year has revealed the environment is deteriorating. The EPBC Act has failed to prevent this widespread degradation. The Independent Review of the EPBC Act,¹² also known as the Samuel Review, while not recommending a climate trigger, made the following observations:

⁵ <https://www.climatecouncil.org.au/open-letter-minister-environment-share/>

⁶ <https://climateanalytics.org/publications/2019/evaluating-the-significance-of-australias-global-fossil-fuelcarbon-footprint/>

⁷ <https://www.sbs.com.au/news/article/heatwaves-are-a-silent-killer-and-climate-change-is-making-themmore-common-could-naming-them-help/f1n5qt2wr>

⁸ <https://dea.org.au/dr-cybele-dey-mental-health-is-the-unseen-casualty-of-climate-change/>

⁹ [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(22\)001711/fulltext?dgcid=raven_jbs_etoc_email](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(22)001711/fulltext?dgcid=raven_jbs_etoc_email)

¹⁰ <https://dea.org.au/dr-brooke-ah-shay-why-biodiversity-matters-to-every-one-of-us/>

¹¹ <https://soe.dcccew.gov.au/climate/introduction>

¹² <https://epbcactreview.environment.gov.au/resources/final-report/executive-summary>

- The EPBC Act is ineffective...and not fit to address current or future environmental challenges
- New environmental standards should be the centrepiece of fundamental reform of national environmental law
- National environmental standards should be applied to multiple scales of decision making
- Environmental management is inadequate without incorporating indigenous knowledge and management practices
- The Act needs a complete overhaul
- A new independent statutory position of Environmental Assurance Commissioner should be created.

Regional Forest Agreements and offshore petroleum projects are not covered by the Act despite the significant potential of these activities to impact both climate and biodiversity.

Proposed amendment to the Act

The proposed amendment would address the specific limitation of the Act which does not include monitoring and restriction of greenhouse gas emissions in accordance with the carbon budget and does not include penalties for excessive emissions which are likely to have an environmental impact. To not include strict emissions allowances in an Act which is designed to protect the environment is a fundamental failure of duty of environmental care. One limitation of the proposed “climate trigger” in the EPBC Act is that only new projects would be covered, leaving many existing large emitters to continue business as usual. Any reworking of the Act must require actions to submit accurate, verifiable emissions data, recorded and published regularly, and all emissions intensive projects must be subject to intense scrutiny for breaches of allowances.

These amendments though are just one component of a crucial environmental Act which needs a substantial overhaul.

Conclusion

Doctors for the Environment support the concept of a climate trigger in the EPBC Act as a second-best option to a thorough reworking of Australia’s environment laws. Environmental law must take climate change into account, and the urgency to lower greenhouse emissions must be the basis of the legislation required.

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