



**WWF-Australia**  
Level 1, 1 Smail St  
Ultimo NSW 2007  
GPO Box 528  
Sydney NSW 2001

Tel: +1800 032 551  
[enquiries@wwf.org.au](mailto:enquiries@wwf.org.au)  
[wwf.org.au](http://wwf.org.au)  
ABN 57 001 594 074

Committee Secretary  
Senate Standing Committees on Environment and Communications  
Parliament House Canberra ACT 2600  
[ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

13 October 2022

**Submission to the Senate Standing Committee on Environment and Communications  
(Legislation) inquiry into the *Environment Protection and Biodiversity Conservation Amendment  
(Climate Trigger) Bill 2022***

The World Wide Fund for Nature-Australia (WWF-Australia) welcomes the opportunity to make a submission to the Senate Standing Committee on Environment and Communications (Legislation) inquiry into the *Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022*.

WWF-Australia is part of the WWF International Network, the world's largest independent conservation organisation. WWF's global mission is to 'stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature'. WWF-Australia has approximately 2.4 million financial and non-financial supporters.

WWF-Australia was deeply engaged in the development of the *Environment Protection and Biodiversity Conservation Act 1999* (the Act), and we contributed constructively to both 10-year independent statutory reviews of the Act (the Hawke and the Samuel Reviews). We contributed constructively to the Samuel Review, both in our own right and as a member of the Places You Love Alliance. We do so in the interests of advancing the restoration and protection of Australia's unique environment, heritage and biodiversity.

If you require further information, please contact Quinton Clements, Head of Policy and Horizon Scanning, WWF-Australia on [REDACTED] or [REDACTED].

## 1. Recommendations

WWF-Australia submits:

- That the Committee recommend the adoption of the *Environmental Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022*
- That the Committee recognise that the climate trigger is one of only a number of changes required to the *Environmental Protection and Biodiversity Conservation Act (1999)* (EPBC Act) that will be required to deliver effective protections for Australia's environment and biodiversity.

## 2. Context

Australia's national environment law, the EPBC Act, was introduced more than two decades ago to protect our unique species, places, and ecosystems. However, the Independent Review of the Act by Professor Graeme Samuel, released in January 2021, found the Act is insufficient to meet current or future challenges like climate change or extinction and *"requires fundamental reform."* In his Final Report Professor Samuel recommends that: *National Environmental Standards recommended by this Review should require development proposals to:*

- a) explicitly consider the likely effectiveness of avoidance or mitigation measures on nationally protected matters under specified climate change scenarios*
- b) transparently disclose the full emissions of the development*

Since the Act took effect two decades ago, the list of threatened species and ecosystems has continued to grow. Australia has the highest mammal extinction rate globally and one of the highest species extinction rates overall. Iconic species, including the Koala, are under threat. Scientists have identified 19 ecosystems across Australia that are collapsing, including the rivers of the Murray-Darling Basin and the rainforests of the Wet Tropics. The World Heritage-listed Great Barrier Reef has suffered four mass bleaching events since 2016, and bleaching has recently been detected in the Ningaloo Coast World Heritage Area, as well as in other reefs off Western Australia.

The five-yearly State of the Environment report, released in June 2022, revealed further declines in the health of plants, animals, and ecosystems across Australia due to escalating threats including habitat destruction, invasive species and climate change.

WWF-Australia has long advocated for the EPBC Act to be reformed. Given the devastating impacts of climate change that Australia has experienced – including floods, fires, droughts, erosion and the significant loss of biodiversity and critical habitat – it is imperative that our national legislation and policies are complementary and aligned to consider all related issues.

We therefore welcome and urge the Committee to recommend the adoption of the *Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022*. The Bill would bring our federal environmental law in line with the Government's stronger commitment to action on climate change and clarify and strengthen the requirement to account for climate resilience and climate change impacts in the EPBC decision making process.

Current requirements to consider climate impacts are implicit in the Act rather than express obligations, and the lack of a "climate trigger" means that the climate impacts of proposals only arise incidentally under other controlling provisions. The reforms to the EPBC Act proposed in the Bill will improve the effectiveness of the Act in protecting matters of national environmental significance in a climate change context.

This includes changes that incorporate consideration for the impacts on matters of national environmental significance under different climate change scenarios in all decision making under the EPBC Act or any assessment or approval processes accredited under the Act by:

- Making this a specific requirement of the proposed National Environmental Standards (Recommendation 2 of the Samuel Review).
- Ensuring that this requirement applies at all stages of the assessment and approval process under the EPBC Act, as well as in any decisions in relation to the accreditation of assessment and approval processes.
- Require disclosure of the full emissions of the project (including scope 3 emissions) in accordance with Recommendation 2 of the Samuel Review.
- Require projects over a certain emissions threshold (100,000 tonnes of CO<sub>2</sub> equivalent, including Scope 3 emissions) and designated developments to be referred for assessment and approval under the EPBC Act, regardless of whether the project is also likely to have a significant impact on matters of national environmental significance.
- Ensure that the climate impacts of the proposal (including the contribution of the project to cumulative impacts of climate change) are central and mandatory, in the decision as to whether the project should be considered for approval.

We note that some of the requirements in the *Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022* include more stringent requirements than those above, particularly in relation to emissions threshold. We consider higher protections for the environment and climate to be generally positive inclusions in any proposed legislation or regulation and believe the same to be true in this case.

We are satisfied that the Bill meets these requirements. WWF-Australia supports the adoption of this Bill as it relates to the integration of climate impacts into the EPBC Act. However WWF-Australia also notes that the proposed amendments fail to meet the full suite of recommendations listed in the Samuel Review, and moreover do not fully take into account the shortcomings of the EPBC Act that have been made clear by:

- The recently released State of the Environment Report, which confirms the urgent need for action to address environmental decline.
- The March 2022 Australian National Audit Office performance audit of the Management of Threatened Species and Ecological Communities under the Environment Protection and Biodiversity Conservation Act 1999 (ANAO Report), which found many significant problems with the management of threatened species and ecological communities.
- The ambitious commitments being negotiated through the Post-2020 Global Biodiversity Framework including protecting ecosystems and halting extinctions.
- The strong support demonstrated by the Australian community for climate action and increased integrity in public administration in the recent federal election.

WWF-Australia urges the Committee to recommend Parliament examine the EPBC Act in its entirety and incorporate these factors into future amendments. We also call for this work to be commenced rapidly, recognising the extreme pressure the Australian environment is currently under.

### 3. Conclusion

Australia must reduce its emissions consistent with a fair carbon budget based on our international commitments to keep global warming under 2 degrees and pursue a limit of 1.5

degrees as per our obligations under the Paris Agreement. In this context, at a minimum, high emission projects should be prohibited or unable to be approved where they are in exceedance of a fair carbon budget for Australia.

Climate change, and carbon emissions are a cross cutting issue that require a whole of Government approach and significant investment in regulatory and policy overhaul. WWF-Australia welcomes the continued progress being made by Government at all levels and urges the Committee to adopt the bill in its current form. The *Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022* is an ambitious climate focused Bill that will make significant steps to deliver Australia's commitment to keeping climate impacts within the threshold required by our obligations under the Paris Agreement. As we approach the 27<sup>th</sup> Conference of the Parties of the UN Framework Convention on Climate Change in November 2022, the adoption of this Bill would send a clear signal of renewed Australian leadership in the climate sphere.

However we also stress that the EPBC Act falls short of needed environmental protections across a broad range of its mandate. We call on Parliament to address this fully and with the urgency that the current climate, environmental and biodiversity crises require.