



Wide Bay Burnett Environment Council  
PO Box 97, Maryborough, Queensland, 4650  
13 October 2022

## **Senate Environment and Communications Committee Inquiry: Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022**

Dear Committee Secretariat,

On behalf of the Wide Bay Burnett Environment Council Inc (WBPEC), thank you for the opportunity to make a submission to the Inquiry into Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022 (the Bill).

WBPEC is an apolitical not-for-profit member-based environmental advocacy organisation in the Wide Bay Burnett region of Queensland. Further information about WBPEC and its activities can be found at <https://wbpec.wordpress.com/>.

Our submission is as follows.

### **Summary**

1. WBPEC supports the intent of the Bill to require the minister to consider Australia's national carbon budget and greenhouse gas emissions reduction targets when considering approval for actions.
2. WBPEC supports the requirement that the Climate Change Authority develop a national carbon budget to 2050, and to annually assess that carbon budget.
3. WBPEC also supports the establishment of a threshold above which an action that emits Scope 1 greenhouse gases is considered a matter of national environmental significance, and hence must be considered under Part 9 of the EPBC Act; the Bill defines that threshold as 25,000 tonnes of Scope 1 carbon dioxide equivalent (CO<sub>2</sub>-e) emissions per annum. WBPEC recommends that this threshold be adjusted every year in accordance with the Climate Change Authority's carbon budget; obviously, when the remaining carbon budget equals zero then permission for the action must be withdrawn, implying obligatory cessation of the action.
4. Whereas at present the Bill would require the Minister to reject an action if its annual Scope 1 emissions were to exceed 100,000 tonnes of CO<sub>2</sub>-e, WBPEC



proposes that the Bill be amended to require the minister to reject an action irrespective of its annual Scope 1 emissions if the action would result in Australia exceeding its Scope 1 emissions for any year.

## Recommendations

WBPEC recommends that the Bill be passed, with the provisos that

1. The threshold annual emissions at which an action becomes a matter of national environmental significance (initially set at 25,000 tonnes of CO<sub>2</sub>-e emission per annum) is revised whenever the Climate Change Authority revises its estimate of Australia's remaining carbon budget.
2. The limit above which the minister is required to reject an action (initially set at 100,000 tonnes of CO<sub>2</sub>-e emission per annum) is revised whenever the Climate Change Authority revises its estimate of Australia's remaining carbon budget.
3. The approval of all already-approved actions be reviewed each year so that Australia remains within its remaining carbon budget as annually updated by the Climate Change Authority.

## Submission in Detail

WBPEC understands that the Environment Protection and Biodiversity Conservation Amendment (Climate Trigger) Bill 2022 (the Bill) seeks to amend the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to introduce a "climate trigger" to contribute to Australia fulfilling its obligations under the Climate Change Conventions through thorough environmental assessment of emissions-intensive activities.

The Bill does so by amending the EPBC Act to:

1. require actions that would emit between 25,000 to 100,000 tonnes of carbon dioxide equivalent (CO<sub>2</sub>-e) scope 1 emissions in any one year to be assessed for approval under Part 9 of the Act;
2. require the minister, when approving any such action or when considering whether to enter into a conservation agreement, to consider Australia's national carbon budget and greenhouse gas emissions reduction targets;
3. require the minister to reject the approval of actions that would emit over 100,000 tonnes of carbon dioxide equivalent scope 1 emissions;
4. require the Climate Change Authority to develop a national carbon budget to 2050 and to annually assess the budget;
5. prohibit the minister, subject to certain exceptions, from using alternative approval processes for certain emissions-intensive actions; and introduce penalties for undertaking certain emissions intensive actions without approval if the action has, will have or is likely to have a significant impact on the environment.



In the main, WBBEC supports the intent of the Bill to require the minister to consider Australia's national carbon budget and greenhouse gas emissions reduction targets when considering approval for actions.

WBBEC supports the requirement that the Climate Change Authority develop a national carbon budget to 2050, and to annually assess that carbon budget.

WBBEC also supports the establishment of a threshold above which an action that emits Scope 1 greenhouse gases is considered a matter of national environmental significance, and hence must be considered under Part 9 of the EPBC Act; the Bill defines that threshold as 25,000 tonnes of Scope 1 CO<sub>2</sub>e emissions per annum.

However, WBBEC recommends that this threshold be adjusted every year in accordance with the Climate Change Authority's carbon budget.

WBBEC also recommends that the limit above which the minister is obliged to reject the approval of actions (at present in the Bill this limit is 100,000 tonnes of carbon dioxide equivalent scope 1 emissions) also be adjusted every year in accordance with the Climate Change Authority's carbon budget.

For example; Australia's carbon budget has been estimated<sup>1</sup> at 6,161 million tonnes CO<sub>2</sub>e to keep global average temperature rise by 2050 below 2°, and at 3,521 million tonnes CO<sub>2</sub>e to keep global average temperature rise by 2050 below 1.5°C (the "Paris goals").

That is, in terms of Australia meeting its international obligations it is the aggregate emissions of all activity in Australia that matter; approval of an individual action should be contingent on other actions either ceasing operation, or not proceeding in the first place.

In 2021, Australia's National Greenhouse Gas Scope 1 emissions were 488 million tonnes of CO<sub>2</sub>-e<sup>2</sup>; if Australia's Scope 1 emissions are to not exceed cumulative emissions of 6,161 million tonnes of CO<sub>2</sub>-e then Australia needs to decrease its annual Scope 1 emissions every year by 20.33 million tonnes CO<sub>2</sub>-e, achieving 0 emissions in 2045.

If, on the other hand, Australia's Scope 1 emissions are to not exceed cumulative emissions of 3,521 million tonnes of CO<sub>2</sub>-e consistent with the goal of avoiding 1.5°C

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<sup>1</sup> To keep global average temperature rise by 2050 below 1.5°C, Australia's budget is 3521 Mt CO<sub>2</sub>e; to keep global average temperature rise by 2050 below 2°C, Australia's budget is 6161 Mt CO<sub>2</sub>e ("Australia on track to bust carbon 'budget' by 2038: report", Australian Financial Review 28 January 2021 <https://www.afr.com/policy/energy-and-climate/australia-on-track-to-bust-carbon-budget-by-2038-20210127-p56x8j>, downloaded 12 October 2022.

<sup>2</sup> <https://www.dcceew.gov.au/climate-change/publications/national-greenhouse-gas-inventory-quarterly-update-december-2021>, downloaded 12 October 2022.



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by 2050 then Australia needs to decrease its annual Scope 1 emissions every year by 37.5 million tonnes CO<sub>2</sub>-e, achieving 0 emissions in 2034.

For comparison, the article referenced in Note 1 refers to the deadline for Australia achieving 0 emissions as 2038; this is because its calculations were based on Australia's already-lowered emissions in 2020 due to the COVID slowdown, rather than the increased emissions of 2021.

Therefore WBBEC also recommends that the Bill be amended to require the minister to reject an action irrespective of its annual Scope 1 emissions if the action would result in Australia exceeding its Scope 1 emissions for any year, and that no action be approved if its emissions will exceed 0 tonnes of CO<sub>2</sub>-e in any year after 2034. This would replace the present requirement in the Bill that an action be rejected if its annual Scope 1 emissions exceed 100,000 tonnes of CO<sub>2</sub>-e per annum.

Yours sincerely

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