

Submission to the Senate Standing Committees on Environment and Communications

*Re: Nature Positive (Environment Protection Australia) Bill 2024
[Provisions] and related bills*

Executive Summary

Community Power Agency thanks the Senate Standing Committees on Environment and Communications for the opportunity to provide a submission on the *Nature Positive (Environment Protection Australia) Bill 2024 [Provisions] and related bills*.

We recommend that the *Nature Positive (Environment Protection Australia) Bill 2024 [Provisions] and related bills* go further in amending the *Environment Protection and Biodiversity Conservation Act 1999* ('EPBC Act'; 'the Act'), to ensure that:

1. Decision-makers give mandatory consideration to the *negative* impacts of a project on Australia's ability to meet its emissions-reduction targets. Furthermore, climate change should be included as a new 'matter of national environmental significance' (MENS) under the Act.
2. Decision-makers are permitted to consider the *positive* impacts of a project on nature and climate outcomes. This should include the ability to consider a project's expected contribution toward *reducing* aggregate greenhouse gas emissions, and positive impacts on Australia's ability to meet its emissions-reduction targets.
3. Decision-makers are accountable to communities, with community rights to seek merits review of decisions made under the Act.

These recommendations are expanded on in the subsequent sections of this submission.

Capability Statement

At Community Power Agency, we work with communities, government and industry to help deliver beneficial outcomes for Australian communities as we navigate the transition to renewable energy. We have been working within the renewables sector for over a decade to build capacity and improve practice around community engagement, benefit sharing,

co-investment and co-ownership models, and biodiversity outcomes for renewable energy projects.

Notably, we recently developed a [biodiversity guide](#) for nature-positive solar farming in regional Australia.¹

This breadth of experience has provided us with the knowledge and expertise to make the following recommendations for improving the *Nature Positive (Environment Protection Australia) Bill 2024 [Provisions] and related bills*.

1. Consideration must be given to negative impacts on climate and nature

Given the inextricable link between the protection of nature and a safe climate, the *Nature Positive (Environment Protection Australia) Bill 2024 and related bills* should amend the EPBC Act to directly address the urgent threat of climate change.

We recommend the inclusion of climate change as a new ‘matter of national environmental significance’ (MENS). This ‘climate trigger’ would ensure that all projects which would have a significant impact on climate change are assessed under the EPBC Act.

Climate change should form a mandatory consideration for all relevant decisions made under the EPBC Act, and include all expected emissions, including downstream emissions, based on the assumption of what would occur if the project went ahead.

We also recommend that the EPBC Act is meaningfully linked with Australia’s emissions-reduction targets under the *Climate Change Act 2022*, as well as the emissions limits set out in the Safeguard Mechanism, to ensure that projects, which would prevent Australia’s ability to meet its emissions targets, are rejected under the EPBC Act.

¹ McElnea, H & Carr, D (2024) *Building Better Biodiversity on Solar Farms – A Regenerative Guide to Nature Positive Solar Farming*, Community Power Agency and Stringbark Ecological, Armidale. Available at: https://cpagency.org.au/wp-content/uploads/2024/05/Better_Biodiversity_on_Solar_Farm_Guide_May_2024-high-res.pdf.

2. Consideration may be given to positive impacts on climate and nature

The *Nature Positive (Environment Protection Australia) Bill 2024* and related bills should adequately integrate the benefits of projects on climate and nature in the EPBC assessment process.

We recommend that the EPBC Act be amended to include a project's expected contribution toward *reducing* aggregate greenhouse gas emissions, as an express consideration that the decision-maker may take into account. This would expressly permit the decision-maker to consider the positive impact that a project would have on Australia's ability to meet its emissions targets under *Climate Change Act 2022* (and to stay within the emissions limits set out in the Safeguard Mechanism).

In addition, we suggest that nature-positive elements, that are incorporated into a project's site planning, are expressly permitted to be considered by decision-makers. This may include where proponents commit to repairing degraded landscapes, riparian/creek zone restoration, and building wildlife corridor connectivity as part of their overall project site planning.

3. Decision-making accountability and community rights to review

While the proposed establishment of the Environment Protection Australia (EPA) is a positive step toward protecting nature and climate, more robust accountability mechanisms are necessary to ensure that the decisions made by the EPA are independent and transparent, and that communities have adequate opportunity to seek merits review of a decision.

We suggest that an independent, qualified board is given oversight of executive position-holders and decisions made by the new EPA, in line with a clear statutory purpose and duties to guide decision-making.

We also recommend that the EPBC Act be amended to provide communities with the right to seek independent review of the merits of a decision, and to include a mechanism for communities to formally request that a project be assessed under the Act.

15/07/2024



Conclusion

We thank you for the opportunity to provide this submission on the *Nature Positive (Environment Protection Australia) Bill 2024 [Provisions] and related bills*. We would welcome the opportunity to follow up and provide additional detail on any of the points made herein, if desired. We look forward to reading a revised version of the *Nature Positive (Environment Protection Australia) Bill 2024 [Provisions] and related bills*.

Regards,

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