



Environmental
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Office

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Greenhouse and Energy Reporting Taskforce
Australian Greenhouse Office
Department of Environment and Water Resources
By email: reporting@environment.gov.au

To the Greenhouse and Energy Reporting Taskforce,

National Greenhouse and Energy Reporting (NGER) System regulations

Thank you for the opportunity to comment on the proposed NGER regulations. The Environmental Defender's Office (WA) is a non-profit community legal centre specialising in public interest environmental law.

Following is a brief submission that discusses some of the issues that are within our area of expertise/interest.

Question 12 – public disclosure of information

The information that is available to the public through the Register about participating companies should be as comprehensive as possible. The EDO supports the proposal to have all of the company information that is listed in the Register available to the public as noted in part 3.2 of the discussion paper. If any exemptions are allowed for commercial in confidence reasons they should be strictly limited to genuine commercial disadvantage, weighed against the public benefit in disclosing the information.

In particular, it is crucial that information about a company's compliance with the Act is made public as an added deterrent for non-compliance, and to assist the public in making decisions about a company.

One of the objects of the Act is to inform the Australian public about companies' greenhouse emissions, energy use and energy consumption. The community should have access to information about Australia's greenhouse emissions, including the source of those emissions. This allows the community to be informed about Australia's role in climate change and the contribution of different sectors and companies.

It will also produce more understanding and public confidence in the permit allocation decisions for an Australian Emissions Trading Scheme (AETS) as the community will be able to independently access the information underpinning these decisions. In addition, the community is increasingly concerned about the emissions and energy use profile of companies when making investment decisions and should have access to reliable information that can assist their decision making.

Question 20 – public disclosure of corporate level data

The EDO strongly supports the publication of data at the corporation level. As noted in the discussion paper, data that is aggregated to the controlling corporation level will not provide adequate access to and understanding of emissions data for the public. Disclosure at a company level will also encourage each corporation to consider and take responsibility for their emissions rather than sheltering behind the identity of the controlling corporation.

Question 21 – public disclosure of scope 1 & 2 data

The EDO supports the publication of scope 1 and scope 2 emissions as separate figures. The NGER scheme should comply with international best practice which requires these figures to be disclosed separately. A separation of figures allows the public to better understand the source of emissions. This method will benefit corporations, as it will clearly identify the emissions over which the corporation has less control, and avoids the confusion which may result from the public double counting emissions.

Other issues – reporting where only facility threshold is met


Where only a facility threshold is met, the corporation with operational control over the facility should be required to report on all facilities under its operational control (option 2 of part 4.3.2 of the discussion paper). This will ensure more consistent and comprehensive data is collected about companies who are in control of facilities that meet the threshold. It will be important to obtain corporation level emissions data from all reporters so that data can be compared and analysed properly. If a company is required to report facility data it will already have processes in place for gathering and reporting that data and therefore the additional burden of reporting the remainder of the companies' data will be minimal in many cases.

Increased reporting over time

In determining the preferred position for each issue outlined in the discussion paper, the Government may initially decide to take options that lessen the reporting burden on companies for various aspects of the regulations. If this is the case, a phase-in approach should be considered that will require companies to report more information each year as companies become more familiar with reporting requirements and as systems and accuracy improve.

Please contact EDO WA (Inc) if you would like to discuss the contents of this submission.

Yours sincerely,



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