



# AUSTRALIAN CONSERVATION FOUNDATION

29 May 2020

## Submission to the Senate Select Committee on COVID-19, May 2020

### About ACF

ACF is Australia's national environmental organisation. We represent a community of more than 700,000 people who are committed to achieving a healthy environment for all Australians. For more than 50 years ACF has been a strong advocate for Australia's forests, rivers, people and wildlife. ACF is proudly independent, non-partisan and funded by donations from our community.

### Executive Summary

Australia is at a critical juncture as it emerges from the devastating health and economic impacts of the COVID-19 crisis so soon after experiencing unprecedented climate disruption with horrific megafires taking lives and destroying towns, forests and wildlife.

These significant environmental, social and economic shocks provide the Federal Government with a historical opportunity to set the nation on a path to recovery that is climate and nature positive, healthier, more resilient to extreme events and fairer for all Australians.

Major government policy and funding decisions with long-lasting consequences are being made at a time of high levels of community anxiety and foreboding about the nation's economic future. The COVID-19 crisis, bushfire crisis and economic downturn have also occurred in a period of significant national climate change and energy policy uncertainty. This combination of factors at this critical time makes it especially important for the Senate Committee to carefully analyse, question and weigh the Government's actions.

ACF is alarmed that aspects of the Governments' COVID-19 response will exacerbate the climate crisis by providing generous concessions and largesse to fossil fuel industries, already heavily subsidised.<sup>1</sup> There is also growing concern about the threat posed by private sector interests taking advantage of the crisis and consequent political pressure on the

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<sup>1</sup> International Monetary Fund (IMF) data shows Australia provided A\$47 billion p.a for fossil fuels in the form of subsidies. [Global Fossil Fuel Subsidies Remain Large: An Update Based on Country-Level Estimates](#)



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Government to demand a reduction to Australia's already weak environmental protection laws.

The Federal Government's focus on expanding the methane gas extraction, generation and energy-intensive gas-dependent industry to stimulate the economy does not accord with its international climate change commitments given the industry's significant contribution to Australia's rising greenhouse gas emissions. It is also unlikely to deliver urgently needed new jobs in coming months, let alone to those most in need of work—low or unskilled women and young people.

Worse, this policy direction is being actively promoted by representatives of the fossil fuel sector and other highly polluting industries appointed by the Prime Minister to the National COVID-19 Coordination Commission (NCCC). There is a disturbing lack of transparency around the government's selection of commissioners and the commission's operation and decision-making processes. The NCCC as currently constituted challenges fundamental principles on which Australian democracy is founded.

The Australian Energy Market Commission (AEMC's) decision to delay reforms to the notoriously opaque National Electricity Market (NEM) has raised concerns about market manipulation by incumbent fossil fuel generators and retailers using COVID-19 as an excuse to stall critical improvements that would benefit renewable energy generation.

Combined with a delay to the implementation of new Safeguard Mechanism emissions baseline calculations, fossil fuel generators, including aging coal generators, have been given more time to freely pollute under cover of COVID-19.

The delays stymy years of negotiations on agreed and carefully planned reforms that would reduce Australia's emissions and push a more reliable and cheaper electricity system further into the future.

Efforts to tackle the COVID-19 and climate change emergencies can be and must be complementary. Conversely, working to solve an international health crisis by exacerbating the climate emergency and undermining environmental protections will exacerbate, not resolve, threats to Australians' health.

ACF's Economic Recovery Plan,<sup>2</sup> released on 14 May, highlights the abundant opportunities available to create secure, sustainable jobs and industries centred on clean energy, climate resilience, nature conservation and land management, and to protect public health and social

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wellbeing. Choosing this path will ensure the nation is well placed to avoid, respond to and recover swiftly from future threats such as bushfires, drought and pandemics.

### **COVID-19 Responses Exacerbate the Climate Emergency, Threats to Nature and Undermine Public Confidence in Government**

ACF is disturbed that fossil fuel lobbyists appear to be using the opportunity of the COVID-19 crisis to pressure governments to further undermine current emissions reduction mechanisms and reduce their effectiveness, to seek unwarranted financial support, influence the electricity market to stall crucial reforms designed to lower emissions and deliver more reliable and cheaper energy.

ACF is also deeply concerned that proposals to fast track development projects, including fossil fuel projects, run the risk of poor decision making with consequential disastrous effects on the natural environment.

A recently published study<sup>3</sup> demonstrated how government changes to environmental, health and safety standards to benefit industry can occur when industry profits are suffering. Australian National University researchers found evidence of industry manipulation in response to the decline in demand for oil, gas and coal due to the COVID-19 crisis and associated economic downturn. They concluded that the behavioural phenomena known as loss aversion could provide incentives for industry to invest more in lobbying governments during periods of profit downturn.<sup>4</sup>

The extent and persistence of campaigning by the major oil, gas and mining lobbying groups during the COVID-19 crisis to reflects this phenomenon.<sup>5</sup> The following recent Government energy and environment related policy moves reflect its success.

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<sup>3</sup> <https://onlinelibrary.wiley.com/doi/full/10.1111/rego.12306>

<sup>4</sup> According to the Office of the Chief Economist, Resources and Energy Quarterly March 2020, the value of Australian LNG exports is expected to decline and a global LNG supply glut will likely persist in the short-term.  
<https://publications.industry.gov.au/publications/resourcesandenergyquarterlymarch2020/documents/Resources-and-Energy-Quarterly-March-2020.pdf>

<sup>5</sup> <https://minerals.org.au/news/reform-priorities-support-faster-recovery>;  
<https://minerals.org.au/news/fixing-epbc-act-better-business-and-environmental-outcomes>;  
<https://minerals.org.au/news/mining-will-be-ground-zero-recovery>;  
<https://minerals.org.au/news/mining-supports-australian-exports-and-economy-through-covid-19-pandemic>



### The National Covid-19 Coordination Commission

The ACF is deeply concerned by the overall lack of transparency around the National COVID-19 Coordination Commission (NCCC), comprised overwhelmingly of private sector representatives, and the crucial role that it appears to be playing in the nation's response to the COVID-19 crisis and its social and economic recovery.

We are especially concerned by the well documented and significant ties to oil and gas interests of several members of the NCCC and the taskforces reporting to it.

The NCCC was announced on 25 March 2020 and its associated Manufacturing Working Group (also called Manufacturing Taskforce) on 3 April 2020. The NCCC was tasked with coordinating "advice to the Australian Government on actions to anticipate and mitigate the economic and social impacts of the global COVID-19 pandemic."

ACF recognises the critical role the NCCC played in the early stages of the COVID-19 crisis in helping to ameliorate the immediate social and economic effects of the pandemic. Yet, based on testimony provided to the Committee on 13 May 2020 it is apparent that the NCCC will have an ongoing recovery role in a "second phase" of the crisis response focused on "the design of public policy as it might apply to a post-COVID environment." Commissioner Jane Halton on 18 May was quoted as saying the NCCC would "turn our focus to what is actually going to get our economy kickstarted".<sup>6</sup>

A draft report by the NCCC's Manufacturing Taskforce, led by "special adviser" Andrew Liveris, who is a former Dow Chemicals CEO, director of Saudi Arabian oil company Saudi Aramco and oil and gas consultancy Worley.<sup>7</sup> The leaked report advises the Government to to expand and shore up both supply and demand for gas in Australia's future economy. It focuses solely on the potential for methane gas extraction, processing and generation to energise new advanced manufacturing and makes repeated references to 'cutting green tape'.

Gas companies consulted for the report are among Australia's top polluters<sup>8</sup>. ACF calculates that total carbon emissions from gas projects and facilities using gas in their industrial processes in 2018/19 was about 81 million tonnes of carbon equivalent (CO<sub>2</sub>-e).<sup>9</sup>

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<sup>6</sup>[Coalition eyes Australian 'economic sovereignty' with boost to manufacturing](#)

<sup>7</sup> <https://www.crikey.com.au/2020/05/26/andrew-liveris-trump-supporter-on-covid-19-commission/>

<sup>8</sup> For example, in 2018/19 INPEX's Ichthys project in the NT emitted 6.23 million tonnes CO<sub>2</sub>-e. [Safeguard facility reported emissions 2018-19](#). The Japanese company was listed as one of those consulted in the draft Manufacturing Working Group's interim report.

<sup>9</sup> Based on ACF analysis of safeguard mechanism data: 81,284,492 tonnes



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No representatives of the renewable energy sector appear in the list of energy and resources companies consulted, and the report makes no reference to the current or potential contribution of renewable energy and storage technologies, such as pumped hydro, battery storage, wind or solar energy, to Australia's energy system or its capacity to supply advanced manufacturing.

Nor does the report make any reference to or model the increased greenhouse gas emissions that would flow from its proposals or on Australia's ability to meet its international climate change commitments. The Liveras report also avoids any discussion of the profound impacts on the natural environment of the report's proposal to lift all impediments to fracking for methane gas or extension of conventional extraction and processing, or to criss-cross the nation with methane gas pipelines.

The NCCC has been allocated support by five taskforces<sup>10</sup> within the Department Industry, Science, Energy and Resources: the Advanced Manufacturing; COVID Energy Recovery; COVID Energy Preparedness and Response; Corporate Co-ord Response; and Keystone Industries taskforce. The role, funding or membership of these taskforces is unknown and their reports to the NCCC and Government have not been published.

ACF recognises that business has an important role to play in Australia's crisis response and its recovery from COVID-19. Undoubtedly, its contribution helped save lives. However, the commissioners appear to be seeking special treatment for fossil fuel industries that they are closely aligned with, and whose development will further increase the costs for Australians of reducing carbon pollution to meet our international commitments and increase the risks of extreme weather events driven by climate change.

The decisions being made now will affect generations of Australians. As such, they should be subject to open democratic processes, debate and deliberation based on the public interest, including the public right to environmental amenity, not just the interests of business or a very narrow view of the economy.

The NCCC, if it continues, must be based on best practice governance practices. The role and contribution of NCCC Commissioners must be transparent and they must be prepared to be held publicly accountable.

**Recommendation:** We urge the committee to continue its scrutiny of the National COVID-19 Coordination Commission to ensure that proper transparency and accountability measures are established, including by calling on the Government to:

- develop a set of publicly available operational guidelines for the NCCC, taskforces and advisers based on best practice governance principles with a requirement to

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<sup>10</sup> <https://www.industry.gov.au/about-us/our-structure/organisational-chart>



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report the impact of all recommendations on Australia's ability to meet its commitments under the UNFCCC Paris Agreement;

- increase transparency by requiring the NCCC to publicly explain how and why project proposals are solicited, prioritised and recommended to the Government;
- require the NCCC to table regular reports in the Federal Parliament on its activities, advice and recommendations;
- instigate a proper public registrar of Commissioners and other appointed advisers' conflict of interests, including the Manufacturing Taskforce and all other taskforces.

### Threatened Changes to National Environment Laws

On 23 April the Federal Government indicated<sup>11</sup> it may move to amend the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ahead of an independent statutory review<sup>12</sup> (Samuels Review) of the Act to "fast-track" development proposals. The review is due to provide a draft report in June and its final report is due to be delivered to the Minister in October 2020. The Samuels Review has received over 15,000 submissions and acting ahead of its final findings would be a breach of trust with the Australian communities and businesses who have engaged with the review.

ACF is concerned at the Government's lack of clarity around its intentions. In the current climate, the risks associated with rushed, poorly drafted legislation are heightened. Attempts to push amendments to the EPBC Act through parliament has the potential to undermine the independent review process.

Fast tracked development project approvals heighten the risk of flawed assessments, and consequent legal challenges for contentious projects with potentially significant impacts on matters of national environmental significance.

**Recommendation:** That the Committee call on the Government to make no changes to the EPBC Act ahead of the release of the EPBC Act Statutory review due in October 2020.

### Changing and delaying climate change laws and reforms

While not all of the events documented below may be directly linked to the COVID-19 crisis, ACF is concerned that they have occurred while the populace and the Parliament is otherwise distracted by the health emergency. In effect, it reinforces our belief that the fossil

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<sup>11</sup>[Congestion busting assessments protecting our environment and our economy](#)

<sup>12</sup>[Independent review of the Environment Protection and Biodiversity Conservation Act 1999 | Department of Agriculture, Water and the Environment](#)





On 24 April the Finance Minister revealed<sup>19</sup> \$94 million of a \$40 billion COVID-19 emergency response fund had been allocated to purchasing crude oil from the US for an Australian strategic petroleum reserve based in the US saying: “Global oil prices have hit new lows due mainly to a significant drop in demand caused by the COVID-19 pandemic.” Negotiations on creating a domestic petroleum reserve had been ongoing over the past two years, and the Government took advantage of low oil and gas prices, but the link to the COVID-19 crisis is opaque.

The Minister also said the Government would lower fuel standards for refineries to help them manage the changes in demand and oil prices as a result of COVID-19<sup>20</sup>. The Government provided no explanation on why lowering refinery fuel standards, with the associated pollution and health risks, was needed. ACF understands it may be to allow refineries to purchase surplus airline jet fuel but how it would be used is unknown. This looks very much like a taxpayer funded bailout for fossil fuels during a temporary period of unfavourable market conditions.

On 6 May the Government made amendments to the<sup>21</sup> the National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015 which stalled a planned change to the Safeguard Mechanism rules for calculating greenhouse gas emissions baselines at covered facilities. It means the status quo is maintained for emissions limits at facilities that were due to provide an updated baseline limit to the regulator, thereby setting more accurate, up to date emissions limits. Stalling the new calculated baseline limits will allow some facilities to continue to pollute at higher levels than they would have under the new baselines, increasing Australia’s overall emissions without any penalty.

On 14 May, during a three day sitting, the Parliament passed Governments amendments to the Offshore Petroleum and Greenhouse Gas Storage Act 2006 to facilitate the CarbonNet carbon capture and storage project off the Victoria coast. The Minister cited the COVID-19 pandemic as the reason the amendments were “even more crucial”.<sup>22</sup> CarbonNet project would store emissions captured from the proposed Hydrogen Energy Supply Chain Project which would be fuelled by highly polluting Latrobe Valley brown coal.

While not directly COVID-19 related, the decision to push through these non-urgent amendments during a short parliamentary sitting, and while public attention was still firmly

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<sup>19</sup><https://www.financeminister.gov.au/media-release/2020/04/24/advances-finance-minister-week-ending-friday-24-april-2020>

<sup>20</sup><https://www.minister.industry.gov.au/ministers/taylor/media-releases/australia-boost-fuel-security-and-establish-national-oil-reserve>

<sup>21</sup> <https://www.legislation.gov.au/Details/F2020L00566/Download>

<sup>22</sup><https://www.minister.industry.gov.au/ministers/pitt/media-releases/new-legislation-helps-pave-way-australias-hydrogen-industry>



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on the pandemic suggests the Government was keen to provide this assistance to a major fossil fuel project under cover of COVID-19.

On 19 May the Government released a review of its \$2.55 billion Emissions Reduction Fund<sup>23</sup> (ERF aka Climate Solutions Fund) led by Grant King, a former gas executive and BCA Chair, along with its response to its recommendations.

King's review proposed that the Government amend the legislated objectives of two independent statutory authorities created to speed the development of low and zero emissions technologies to include support for the maintenance of fossil fuel extraction, production and generation. Amending the Australian Renewable Energy Agency Act (ARENA Act) and the Clean Energy Finance Corporation Act (CEFC Act) to support fossil fuel projects, including projects to capture and store the pollution generated by methane gas-fired hydrogen production.

The King review also proposed the Government create a new type of carbon credits under the Safeguard Mechanism to reward Australia's biggest polluters for staying below its weak, legally required pollution limits. This would be akin to giving cash to drivers for staying under the speed limit. According to the Australian Industry Group, "initial costs per tonne of carbon abated will naturally be high compared to today's lowest-cost opportunities".

On 20 May the Minister said<sup>24</sup> his department was preparing regulatory amendments to authorise the \$2.55 billion ERF to invest in projects not currently eligible for funding, such as carbon capture and storage projects attached to fossil fuel developments, and considering how to implement Kings recommendations to change the CEFC and ARENA's objectives to open the door to fossil fuel projects accessing this public finance.

The Government conducting the King review at the same time the Climate Change Authority is conducting its own ERF review<sup>25</sup> undermines the authority of the independent advisory body.

**Recommendation:** That the Committee urge the Government to:

- Align all Budget spending with Australia's commitment under the UNFCCC Paris Agreement to keep global temperature rise below 1.5 degrees Celsius. This requires an assessment of the climate change impact of all budget decisions.

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<sup>23</sup> <https://www.industry.gov.au/news-media/expert-panel-identifies-opportunities-to-reduce-emissions>

<sup>24</sup> [Taylor stares down objections to carbon capture schemes](#)

<sup>25</sup> <http://climatechangeauthority.gov.au/review-emissions-reduction-fund>



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- Provide additional funding to ARENA, but not make legislative or regulatory changes to ARENA or CEFC to expand their remit to include support for fossil fuels, either through an expanded 'technology neutral' mandate or indirectly through carbon capture and storage.
- Bring the National Disaster Risk Reduction Framework advice into post COVID-19 economic recovery planning and investment to ensure that economic and social recovery decisions build resilience to unavoidable impacts of climate change.

### Renewable Energy Growth Undermined

ACF is particularly concerned about the delays to crucial reforms to the National Electricity Market (NEM) that will hamper renewable energy growth.

The Reserve Bank of Australia noted<sup>26</sup> on 19 March weaknesses in the electricity network have made it challenging to connect and integrate renewable energy generation to the NEM, leading to significant delays in grid connections.

The COAG Energy Council agreed on a NEM reform timeline to complete a redesign by July 2026 to allow renewable energy and stored clean energy easier and smoother access to the electricity grid. Once implemented, the reforms should deliver consumers reliable, cheaper electricity.

The reforms were progressing ahead of the COVID-19 crisis. However, it appears special pleading by incumbent fossil fuel generators and retailers have persuaded the Australian Energy Market Commission (AEMC) to stall many reforms slated to come into force in the coming year.

On 6 May AEMC Chair revealed<sup>27</sup> the commission was considering a request from the Australian Energy Market Operator (AEMO) to delay a critical NEM reform known as 5-minute settlement rule, "to ease the pressure on industry in responding to the impacts of COVID-19." Announced in 2017 and agreed in August 2019, AEMC had previously said the 5-minute rule "is part of the fundamental redesign of the market taking place as it continues to transform to a low-emissions future". It described adopting the rule<sup>28</sup> as a "non-controversial" but "critical reform" that would help reduce Australia's energy emissions by enabling new technologies that can be deployed quickly, such as pumped-hydro and batteries storing solar or wind energy, smoother and faster access to the NEM.

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<sup>26</sup>[Renewable Energy Investment in Australia | Bulletin – March Quarter 2020](#)

<sup>27</sup>[Preparing the way to recovery](#)

<sup>28</sup>[Five minute settlement and global settlement implementation amendments](#)



On 19 May AEMC revealed<sup>29</sup> it was considering delays to a total of 16 NEM reforms including the Wholesale Demand Response rule. Allowing reform progress to drift means delaying the replacement of the aging and highly polluting coal generation fleet with zero emission, distributed energy.<sup>30</sup> Delaying NEM reform will therefore increase Australia's greenhouse gas emissions and increase electricity grid instability.

Using COVID-19 as an excuse to delay crucial and agreed NEM reform will make it far more difficult for the Government to meet its international climate change commitments and for the ACT and state government NEM members to meet their net-zero emissions by 2050 goals.

It is important to note that AEMC and AEMO meet fortnightly with the NCCC's Energy Coordination Mechanism (formerly the COAG Energy Council) tasked with coordinating a national COVID-19 response on energy supply.

**Recommendation:** That the Committee urge the Government to proceed with planned upgrades, and further rebuilding, of the national electricity grid to incorporate more renewable energy.

### **Build It Back Better – ACF Economic Recovery Agenda**

As Australia faces an escalating economic crisis, with alarming unemployment data pointing to women and young people being most affected, ACF has called on all governments and businesses to abandon divisive rhetoric of the past that pits nature against the economy. It is time to grasp opportunities of a climate and nature positive economic recovery, to create secure, sustainable jobs and protect Australian's health and wellbeing into the future.

ACF's economic recovery agenda, released on 14 May<sup>31</sup> proposes 20 steps the Federal Government can take to create thousands of sustainable, secure climate and nature positive jobs now and into the future.

Our plan calls on elected representatives to ensure Australia's pathway to recover, rebuild and renew is based on three key principles. That economic planning and investment be:

- climate and nature positive, setting a clear pathway for Australia to move to net zero climate pollution and regenerate the natural environments we depend on;

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<sup>29</sup> [Latest detail on COVID-19 power plan | AEMC](#)

<sup>30</sup> [Cynical Delay Tactics from Coal, Gentailers Threaten Energy Market Reforms](#)

<sup>31</sup> [Recover, rebuild, renew: Let's make things right for people and our country cd](#)



- healthier and more resilient, increasing the capacity of people across Australia, of wildlife and nature, of essential services and built and natural infrastructure to respond and recover from future extreme events like bushfires and pandemics; and
- make Australia fairer, strengthening citizens' participation and trust in democracy, increasing equality, reliable jobs and protecting communities most vulnerable to climate change and extreme weather.

ACF's plan calls on the Federal Government to help renew our economy by making Australia a renewable energy superpower – creating new industries, investment and secure jobs by renewing our energy system to make our electricity grid and transmission infrastructure reliable, resilient and fit for the 21st century, and upgrading existing industries to make them energy efficient and renewable.

This will create community-sustaining jobs with a future, encouraging local manufacture of components and employing local tradespeople. It will embed low-cost clean electricity into every household and business, enable clean energy exports and drive a rapid reduction in carbon emissions.

The plan also identifies investment opportunities in conservation and land management to create meaningful jobs and support long-term environmental outcomes. Programs across urban, suburban and regional areas should include:

- Supporting conservation and land management organisations to directly employ staff to implement key restoration and land management activities;
- Providing funding for Indigenous rangers to jobs directly to vulnerable communities using a proven model;
- Supporting coastal and marine tourism operators to undertake key monitoring and management activities; and
- Supporting the heavily impacted university and research sector to supercharge scientific monitoring efforts.

### **Summary of Recommendations:**

1. That the Committee urge the Government to:
  - a. to rebuild and renew Australia's post- COVID-19 economy based on three key principles:
    - Climate and nature positive: setting a clear pathway for Australia to move to net zero climate pollution and regenerate the natural environments we depend on.
    - Healthier and more resilient: increasing the capacity of people across Australia, of wildlife and nature, of essential services and built and



- natural infrastructure to respond and recover from future extreme events like bushfires and pandemics.
- Make Australia fairer: strengthening citizens' participation and trust in democracy, increasing equality, reliable jobs and protecting communities most vulnerable to climate change and extreme weather.
- b. Adopt these principles to be the driving criteria for all government departments' economic recovery plans, specifically Treasury, and to be incorporated into the National COVID-19 Coordination Commission's terms of reference.
  - c. Make no changes to the EPBC Act ahead of the release of the EPBC Act Statutory Review due in October and proper public examination and debate on its recommendations.
  - d. Align all Budget spending with Australia's commitment under the UNFCCC Paris Agreement to keep global temperature rise below 1.5 degrees Celsius. This requires an assessment of the climate change impact of all budget decisions.
  - e. Provide additional funding to ARENA, but not make legislative or regulatory changes to ARENA or CEFC to expand their remit to include support for fossil fuels, either through an expanded 'technology neutral' mandate or indirectly through carbon capture and storage.
  - f. Bring the National Disaster Risk Reduction Framework advice into post COVID-19 economic recovery planning and investment to ensure that economic and social recovery decisions build resilience to unavoidable impacts of climate change.
  - g. Proceed with planned upgrades, and further rebuilding, of the national electricity grid to incorporate more renewable energy.
2. That the Committee continue its scrutiny of the National COVID-19 Coordination Commission to ensure that proper transparency and accountability measures are established, including by calling on the Government to:
- a. Develop a set of publicly available operational guidelines for the NCCC, taskforces and advisers based on best practice governance principles with a requirement to report the impact of all recommendations on Australia's ability to meet its commitments under the UNFCCC Paris Agreement;



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- b. Increase transparency by requiring the NCCC to publicly explain how and why project proposals are solicited, prioritised and recommended to the Government;
- c. Require the NCCC to table regular reports in the Federal Parliament on its activities and recommendations;
- d. Instigate a proper public registrar of Commissioners and other appointed advisers' conflict of interests, including the Manufacturing Taskforce and all other taskforces.

**ATTACHMENT A:**

*ACF's Economic Recovery Agenda 2020 - Recover, rebuild, renew* is attached separately with this document.

**For further information contact:**

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