Law Council
OF AUSTRALIA

*Office of the President*

**22 December 2022**

Hon Steve Georganas MP
Chair
Joint Standing Committee on Trade and Investment Growth
PO Box 6021
Parliament House
CANBERRA ACT 2600

By email: jsctig@aph.gov.au

Dear Mr Georganas

**Inquiry into Australia's transition to a green energy superpower**

The Law Council of Australia welcomes the opportunity to provide a submission to the Joint Standing Committee on Trade and Investment Growth (**Joint Committee**) for the purposes of its inquiry into how trade and investment can support Australia's transition to a green energy superpower (**Inquiry**).

The Law Council's submission to the Inquiry is **attached**. The Law Council thanks the Australian Environment and Planning Law Group of the Legal Practice Section of the Law Council, and the Law Council's Climate Change Working Group for their input to this submission.

**Executive summary**

The focus of the Inquiry is to identify challenges and opportunities for Australia—through trade and investment—to capitalise on its natural resources to create new industries and jobs, and become a renewable energy superpower.[1]

The scale of the transition being contemplated to address the effects of climate change, including through the increased reliance on renewable energy production and use, is significant and will have direct and indirect ramifications across many areas of law and society. In this submission, the Law Council has set out the key principles, informed by its Climate Change Policy,[2] that it considers should guide Australia's policy and legislative approach to climate change, applied specifically to trade and investment in renewable energy.

[1] Inquiry Terms of Reference and Media Release, <https://www.aph.gov.au/About_Parliament/House_of_Representatives/About_the_House_News/Media_Releases/Australias_transition_to_a_green_energy_superpower>.
[2] Law Council of Australia, 'Climate Change Policy' (27 November 2021) <https://www.lawcouncil.asn.au/publicassets/4cc8f2e4-375d-ec11-9445-005056be13b5/2021%2011%2027%20-%20P%20-%20Climate%20Change%20Policy.pdf>.

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The first key principle of that Policy is that Australia's international law obligations with respect to climate change should be fully implemented domestically.[3] The acceleration of renewable energy as the dominant contributor to the electricity generation is a key mitigation measure to reduce greenhouse gas emissions, consistent with Australia's obligations under the Paris Agreement.

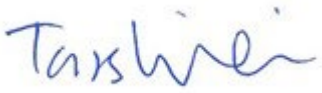
The second key principle under that Policy is that Australia's response to climate change should give effect to rule of law principles by promoting informed decision making, transparency and accountability under legal frameworks.[4] In the context of the development of new trade and investment in renewable energy, where both State and Territory and Commonwealth regulatory frameworks play a role, a whole-of-government approach is required, as emphasised in the attached submission.

The third principle of the Policy is that Australia's response to climate change should be fair and equitable and promote public confidence.[5] Applying that principle for present purposes, the Law Council considers that it is important to balance the opportunities that new industry brings with the potential impacts on the natural environment and the communities that live in and rely on that environment. Some key considerations in this regard are set out in the attached submission.

**Contact**

If you would like to discuss this matter further, please contact Mr Matthew Wood, Principal Policy Lawyer, on 02 6246 3755 or at matthew.wood@lawcouncil.asn.au.

Yours sincerely



**Mr Tass Liveris**
**President**

[3] Ibid [46]-[47].
[4] Ibid [48]-[50].
[5] Ibid [51]-[52].