



Results in Brief: Public Seminar on Energy, Resources and Environmental Law



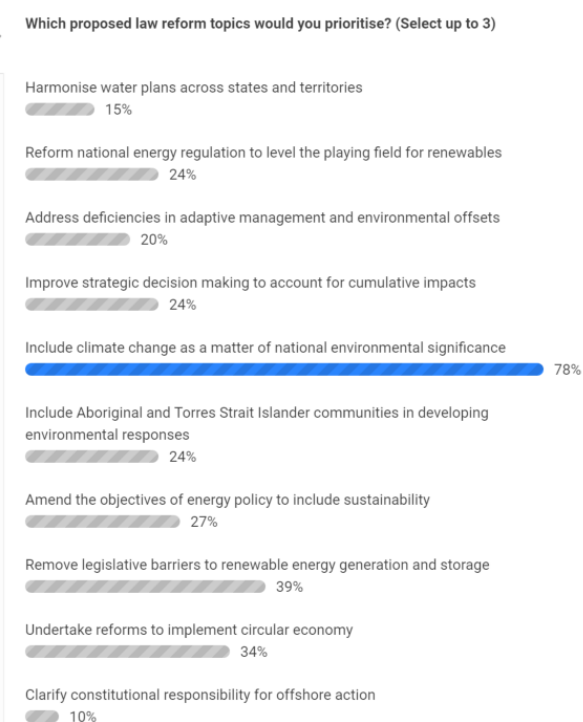
On 20 June 2019, the Australian Law Reform Commission hosted a conversation at the Federal Court in Brisbane on the future of law reform in Australia. This was the third seminar in a series asking about areas of Australian law that may benefit from reform. An expert panel spoke and answered questions on the focus topic of Energy, Resources and Environmental Law.

Professor Jonathan Fulcher suggested harmonisation of water planning should be a priority, particularly because several water sources span multiple jurisdictions. He discussed issues including the Free, Prior and Informed Consent of affected communities, making the national energy grid a more level playing field for renewable energy, and addressing inefficiencies which may be exacerbated by competition laws.

Dr Justine Bell-James argued that the Environmental Protection and Biodiversity Conservation Act is no longer fit for purpose; it could be significantly amended or a new Act could be drafted to replace it. Decisions are increasingly being made administratively, without public scrutiny, and before all relevant scientific information is known. She suggested laws could be amended to: include climate change as a ‘matter of national environmental significance’; consider the cumulative impact of multiple projects; establish an independent body to advise government; and provide for merits review of decisions.



Dr Russell Reichelt discussed the involvement of Aboriginal and Torres Strait Islander groups in environmental decision making, basing regulatory reforms around eco-system functions, the importance of planning and integrated management, and harmonisation of federal, state and territory laws.



Professor Karen Hussey advocated for the inclusion of ‘sustainability’ as an overarching objective of energy legislation. She noted that barriers to environmental initiatives may arise across many areas of law, and suggested a review to ensure consistency across eg planning, corporate and environmental laws. She observed that applying the principles of a ‘circular economy’ may require wide-ranging legal review, such as amending the definition of ‘waste’.

Attendees contributed other ideas and ultimately voted for their priority law reform topics: including climate change as a matter of national environmental significance, removing barriers to renewable energy generation and storage, and implementing circular economy principles.

The ALRC is running an online survey until 30 June 2019 to capture your ideas. More details are available at: www.alrc.gov.au/inquiries/where-next-law-reform.