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ARTICLES

The Intersection between Climate Change and National Security Law – Opportunity for Increased Critical Infrastructure Resilience in Australia? – *Alina Rizvi*

Climate change's escalating impacts in Australia are evident in the increasing frequency and severity of natural disasters, exposing vulnerabilities in critical infrastructure. This article explores the intersection between climate change law and national security law, highlighting the opportunity for improved strategic thinking when approaching climate change resilience. This article highlights Australia's response to natural disasters over recent years, illustrating the fragility of critical infrastructure systems and reliance on the Australian Defence Force to assist. It then examines how the United States has responded to similar challenges, where the securitisation of climate change has allowed a greater strategic focus on the security challenges posed by climate change. Finally, this article considers how Australia can engage national security agencies in building climate change resilience and clearly defines the role of the ADF in responding to natural disasters. 463

The Limitations of Greenwashing Regulation under Australian Law – *Madeline Parker*

With growing public concern about environmental issues increasingly driving consumers to favour “environmentally friendly” companies and products, sustainability has become a business opportunity – one that some companies seek to exploit by making false or misleading claims about their environmental performance. This practice is known as greenwashing, and it has become widespread. There is no legislation in Australia which specifically regulates greenwashing. Instead, it falls under two provisions in the Australian Consumer Law which prohibit misleading or deceptive conduct. However, these provisions have proven inadequate to successfully prevent greenwashing; strategically couched environmental claims can still be made. Australia requires legislation written specifically to manage false environmental claims, and international examples provide a framework for how this can be done. If Australia is to stamp out greenwashing, however, it must first reconsider the scheme through which the Federal Government sanctions greenwashing by some of Australia's biggest polluters. 480

Domestic Litigation as a Form of Enforcing Paris Agreement Commitments: A Comparative Perspective – *Ned Hirst*

The Paris Agreement, the international community's latest and most ambitious effort to reduce greenhouse gas emissions, is predicated on a “bottom up” approach, whereby Parties to the Agreement set their own reduction goals and the methods they will choose to achieve them. Consequently, the Agreement does not envisage a role for international courts in enforcing reductions to greenhouse gas emissions. This article explores the possible role of domestic litigation in enforcing Paris Agreement commitments by comparing American and Australian jurisprudence on the topic. While there have been some notable successes by environmental groups in each country, whether litigation has created any meaningful

reduction in emissions remains unclear. However, this article argues that there will continue to be a role for litigation in the United States and Australia if they are to reach their Paris Agreement commitments.	492
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Legal Liability Arising from Managed Aquifer Recharge Projects in Western Australia – Clare Ward-Noonan

Managed aquifer recharge (MAR) projects can have many social, economic and environmental benefits, including improving water security and supporting groundwater dependant ecosystems. However, MAR projects also have the potential to cause harm or damage, including to groundwater within the aquifer; the surrounding environment; property; human health; and the social, economic and cultural interests of third parties. This article examines some of the laws that impose liability where a MAR project causes damage and demonstrates some of the deficiencies with those laws. It argues that legislative reform is required to better balance the need to facilitate socially, economically and environmentally beneficial MAR projects with the need to ensure that any harm or damage caused by such projects is rehabilitated or redressed.	512
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Characterising Climate Change Litigation in Australia – Mark Hamilton

Given the dire nature of climate change and its potential impacts on the Earth, it is not surprising that litigation has been called in aid to try and arrest climate change. In Australia, such litigation has said to have followed three waves; from litigation directed to compliance with environmental and planning legislation, through action alleging an infringement of constitutional or human rights, to the employment of corporation law to hold key players to account for the failure to mitigate, adapt to, or disclose the transactional risks of climate change. Wave analysis of climate change litigation in Australia from 1994 to 2022 demonstrates the evolution of such litigation and provides vital data for a future exploration of the role of restorative justice in that context.	539
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