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ARTICLES

The Problem with Plastic – *Sarah Mellowes*

What do seabirds and the insurance industry have in common? When it comes to plastic, they are the new canaries in the coalmine. Plastic pollution and marine litter pose significant risks to human health and the environment and create increasingly challenging and costly ecological, social and economic risks. With global plastic production increasing exponentially, satisfying our insatiable appetite for plastic while limiting environmental damage has proved incredibly challenging for regulators at both a national and global level. This essay explores the importance of marine biodiversity and highlights the concerning health effects of microplastics for human health, which should act as a wakeup call for decisive action. As scientific consensus builds linking the harmful effects of plastic to human health and legal doctrines develop, corporate liabilities and risks are increasing significantly. To date the regulatory landscape has failed to address the sources and cumulative impacts of plastic pollution. Implementing effective change requires a radical and fundamental transformation of socioeconomic values and how we act, value, and think about the natural world. Appropriate legislative reform requires a holistic approach which reconceptualises the focus of plastic as waste and targets plastics across all stages of its life cycle, from production to disposal. 321

ASIC v Green Lies: The Corporate Watchdog's Greenwashing Crackdown as an Emerging Trend in Climate Litigation – *Yufei Wang*

Greenwashing has been an ongoing enforcement priority for the *Australian Securities and Investments Commission* (ASIC) since 2022. Mobilising the consumer protection regime and its regulatory powers under the *Australian Securities and Investments Commission Act 2001* (Cth), the corporate watchdog seeks to deter entities from making unsubstantiated environmental, social, and governance claims that distort market information and undermine investors' ability to make informed decisions. However, analyses assessing the impact of ASIC's interventions remain limited. This article responds to that gap. It identifies ASIC's greenwashing regulatory actions as a rising trend in climate litigation in Australia and considers the extent to which these actions demonstrate ASIC's strengths and weaknesses in its role as a climate litigant. Focusing on ASIC's greenwashing interventions from 2022 to early 2025, the article unpacks its high-profile proceedings against Mercer Superannuation (Australia) Limited, Vanguard Investments Australia Ltd, and LGSS Pty Ltd, placing them within the broader context of regulatory enforcement and climate change. 338

Greenwashing Accountability in Australian Law and Policy – *Claire Lawler*

Greenwashing refers to the use of false, deceptive, or misleading claims by organisation regarding their environmental practices. In light of its increasing prevalence, an Australian Senate inquiry into Greenwashing was launched, due to report in late 2025. This article examines the mechanisms through which governments, regulatory bodies, and courts are responding to greenwashing, drawing on both local and international examples. It explores the consequences of greenwashing for consumers and public trust, and highlights current gaps in regulatory oversight. The article makes the case for legislative reform to establish clearer, enforceable standards for environmental claims and ensure greater accountability. 360