

Independent Expert Panel on Interim Targets
Department of Environment, Land, Water and Planning
8 Nicholson Street
Melbourne VIC 3000

By email: climate.change@delwp.vic.gov.au

Dear Panel Members

Independent Expert Panel: Interim Emissions Reduction Targets for Victoria (2021-2030)

The Law Institute of Victoria (LIV) welcomes the opportunity to provide feedback to the Independent Expert Panel on Interim Targets (the Panel) on its review of Victoria's interim greenhouse gas emissions targets for the years 2021-25 and 2026-30.

The LIV notes that by introducing the *Climate Change Act 2017* (Vic) (the Act), Victoria became the first Australian state to introduce a climate change policy. In addition to the Act's long-term target of reducing Victoria's net greenhouse gas emissions to zero by the year 2050, the LIV notes the Government's commitment to complementary renewable energy generation targets set at 25% renewable energy by 2020 and 40% by 2025. The LIV commends the leadership shown by the state of Victoria to date in addressing climate change.

As the peak representative body for the legal profession in Victoria, the LIV has limited its comments to the Panel to matters relating to law and legal policy in line with the set of principles adopted by the Panel in guiding its decision making in providing advice on interim targets, particularly in relation to the principles of equity and policy cohesion, as detailed below.

Standing Requirements

The LIV suggests that, when having regard to the principle of equity in providing its advice, the Panel consider whether the functioning of Victoria's emissions reduction targets may be improved by working in conjunction with widening the standing requirements to allow public interest litigation to be brought by people directly affected by intergenerational inequity, and facilitate improved equality between current and future generations of Victorians.

Minimum Standards

The LIV suggests that, when having regard to the principle of policy cohesion in providing its advice, the Panel consider whether the functioning of Victoria's emissions reduction targets may be improved by working in conjunction with the introduction of legal rules and policy in setting minimum standards for baseline data (such as ground and surface water, and background air quality) used in the assessment of development projects and emissions-intensive infrastructure.

Federal Climate Change Policy

Federally, Australia has committed to reduce its emissions by 26-28% below 2005 levels by 2030, with a renewable energy generation target of approximately 23.5% by 2020. The LIV, while encouraged by Victoria's leadership in this area, notes the risk that state emissions reduction targets may be undermined by a lack of Commonwealth leadership in climate change law and policy.

The LIV reiterates its established position that the Commonwealth Government, in cooperation with the states, should take the lead on climate change by undertaking wholesale reform of environmental legislation, regulatory frameworks and policy to respond to and mitigate the impacts of climate change.

The LIV looks forward to the Panel presenting its final report to the Minister for Energy, Environment and Climate Change, and the continued leadership of Victoria in the development of climate change policy.

If you would like to discuss any of the matters raised in this submission, please do not hesitate to contact me, or Jacquie Goodwin (JGoodwin@liv.asn.au) and Patrick Fong (PFong.liv.asn.au) of the LIV's Property and Environmental Law Section.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Belinda Wilson', with a long horizontal flourish extending to the right.

Belinda Wilson
President
Law Institute of Victoria