

"A Year for Change"

'This year will be a year for change.'

On the domestic front, we are currently sitting front row in the reignited debate over an aggregate climate change mitigation policy, following yet another attempt from the Government to reintroduce a carbon emissions pricing mechanism. If anything, it shows at least dedication and commitment to the cause, and signifies to some that aspects of our lives - economic, social and environmental - will change forever; possibly even before the next batch of pine trees are ditched into the landfill. Provided our politicians are good, it may not be a lump of coal, but rather some certainty and progress we get this Christmas, which has been sorely needed for various reasons for years.

Agricultural and rural communities have been particularly disadvantaged: first with the threat of severely reduced competitiveness and then exclusion from any opportunities such a policy may have presented last year. However, the scope for change is now evident here, as Government works towards implementing the Carbon Farming Initiative ("CFI") in late 2011. We now see that the CFI will provide specific and targeted opportunities for foresters, farmers and other landholders to contribute to our emissions reduction targets while restoring and improving the productivity of their land, all the while enabling the sustainability of our food bowls and economic progression.

For other industries and organisations, the thresholds for reporting, and penalties for non-compliance, in relation to emissions and energy efficiency have yet again been reduced over the past twelve months. What this means is a change in operations for some by way of mandatory monitoring, reporting and in some cases publicising, and for others by having to effect physical and lasting changes to their practices, either through direct regulation or pressure from the strengthening groups promoting corporate social responsibility.

Again, the sources of our energy continue to evolve, with the transitional measures of the expanded Mandatory Renewable Energy Target requiring even greater proportions of renewable energy this year. The split of that policy, into the Large Scale Renewable Energy Target and the Small Scale Renewable Energy Scheme, has ensured a change not only for our electricity retailers, but also for households and smaller organisations, by changing the rules surrounding, and profitability of, installing solar photovoltaic panels for example.

Perhaps not surprisingly, Australia is not the only nation bearing witness to changes to our carbon constrained economies. In fact, feed-in tariffs for renewable energy, much like those of New South Wales and other Australian States, are being implemented now in the remaining areas of Eastern Europe and South East Asia, to name a few. Additionally, second generation policies for Reducing Emissions from Deforestation and Degradation are being enacted by market leaders in the developing world*, where previously the debate over and stalling of universal policies centred around arguments of fairness and contribution. With further Kyoto negotiations to continue as early as April*, hopefully picking up from where Copenhagen left off, who knows the speed or magnitude of the next significant change?

What we do know is, although Australia is at the forefront of our minds, we in fact as a nation and an economy have been among the least susceptible to change, with other (even developing) nations surpassing us with flying colours. Will 2011 be the year this starts to change? We hope so, and are certain that it will, at least partially. Yet it is not all doom and gloom for business, which is why we could think of no better time for change at our own firm, with the recent addition of our new division, "Operating in the Carbon Constrained Economy".

For the past month since joining Jackson Lalic, Dominic Green, along with Peter Jackson, have worked tirelessly to achieve one key goal: helping our clients change with as much benefit as possible. We have managed to now successfully establish a global network of experts and collaborative partners in all fields, in order to provide a more holistic approach to doing this, which we believe will ensure the highest benefits attainable. The division is now well underway, with investigations on, and assistance with, clients' projects, ranging from carbon sinks to clean technology commercialisation, throughout Europe, Asia, South East Asia, the USA and at home. As our new venture was specifically designed to nurture a whole project from start to finish, we as a firm have been front row for most changes at the international level, and we are excited about our future in continuing to maximise our clients' opportunities and minimise the losses of others.

The design is simple: we started with three broad yet targeted industry or focus groups, in order to remain available to the widest range of needs our clients may have. These are encapsulated in our first three subgroups of service offerings. The first, "Renewable Energy & Alternative Resources", is focussed on everything from the extraction of natural resources through to their utilisation for electricity generation and further through to distribution, for example. While our primary market is renewable energy and alternatives such as uranium and nuclear power, we also cater to existing fossil fuel activities, particularly where there is a benefit to be gained through efficiencies and reduced emissions. The second group, "Carbon Abatement & Mitigation", focuses on anything that either removes, minimises or avoids emissions, ranging from carbon sinks or farming through to clean and efficient technologies, and the third, "Land Use & Conservation", upholds the protection and responsible utilisation of flora, fauna, land and water, particularly where this will improve biodiversity.

The next three subgroups are essentially umbrellas, whereby different and often separate aspects of law and practice have been pooled together to provide further services to the three groups above. Through our "Marketing & Interest Advancement" activities, we provide everything needed for our client to progress either before or after the implementation phase, be it advice on the opportunities and dangers associated with "green marketing", claims verification, creating and utilising intellectual property for marketing and business purposes, or fulfilling agency roles to ensure favourable outcomes, for example through liaising, lobbying, debating, submitting or advocating for their interests with Government or the private sector, domestically or abroad. By also offering "Commercialisation & Strategic Advice" services, we can optimise and deliver everything from intellectual property, organisational structure, general strategy, taxation, finance, documentation & modelling and risk management & allocation. Finally, when it comes to "Reporting & Compliance", we take care of what can be a complex annoyance, freeing time for clients to concentrate on the more important, innovative and beneficial aspects of their lives.

As should now be evident, the model is specifically designed to provide clients with either the full suite of project lifecycle services, or simply individual input components as and when required. After our first month, we are pleased to announce that it has been tested and proven, so no matter how large or small your project, or what your specific interest is, we look forward to helping you manage your change for the best.

For more information contact Dominic Green at Jackson Lalic Lawyers on (02) 9262 1770 or by email dgreen@jacksonlalic.com.au

* See for example the unveiling of Fiji's REDD+ policy on 10 March 2011.

* The UN Climate Change Conference will be held in Bangkok for the Ad Hoc Working Group on Further Commitments for Annex I parties to the Kyoto Protocol to continue negotiation efforts for the year.'