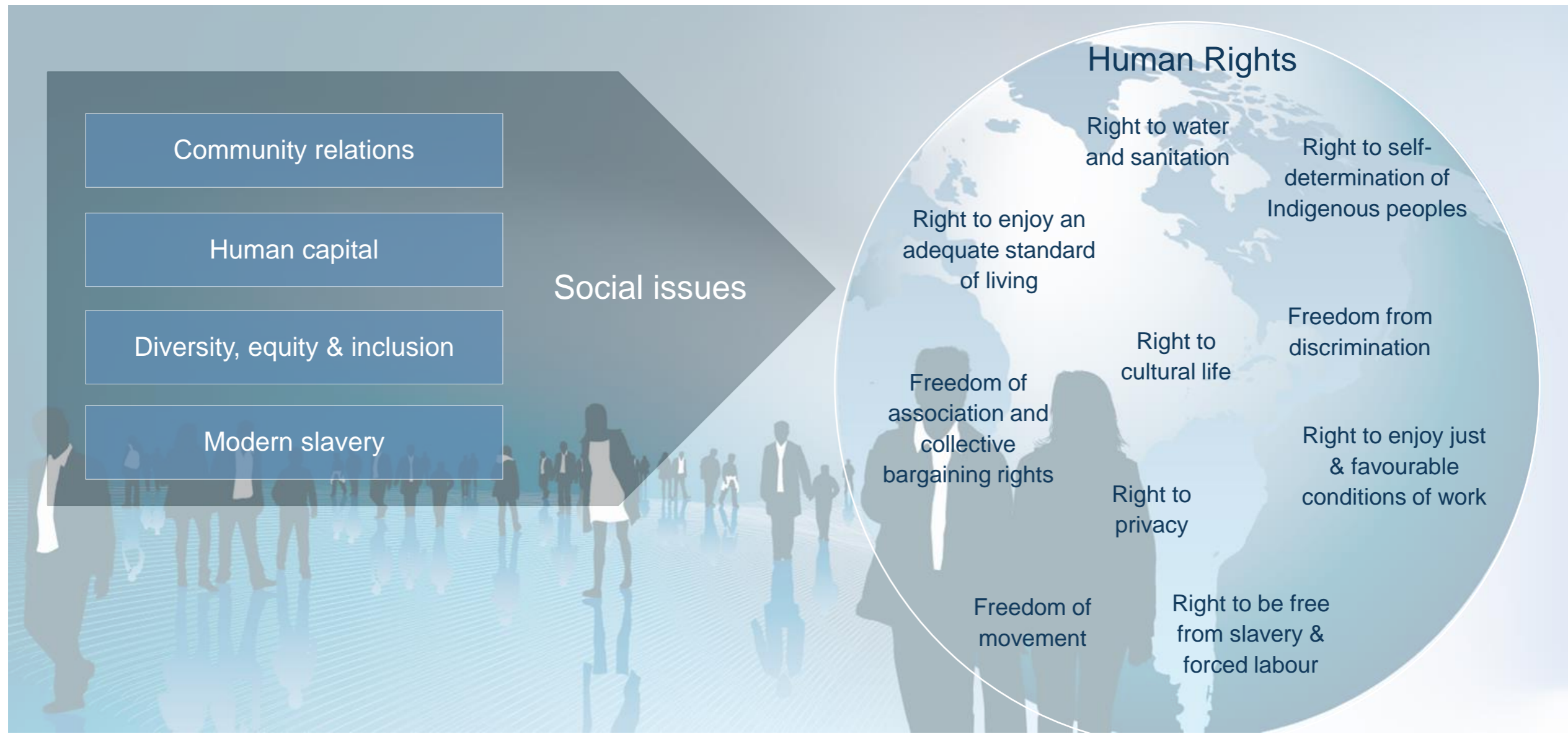

The global ESG regulatory landscape: the S in ESG in Australia

1 September 2023

Kate Gill-Herdman
Special Counsel, Responsible Business & ESG

'S' in ESG issues and human rights



S issues in the energy transition

First Nations groups gaining bigger voice in new energy deals in Austr

The only way to secure the additional benefits along the supply chain is to have First Nations groups as shareholders. With equity ownership comes respect and being taken seriously.

OPINION
Latrobe Valley deserves assurances on its future beyond coal

Unions join call for Australian anti-slavery law to prevent profiting from forced labour, including in Xinjiang

Juukan Gorge traditional owners back new mining model

Juukan Gorge traditional owners say money can't replace site's value one year on from blast

Companies risk litigation over modern slavery ignorance

Evidence grows of forced labour and slavery in production of solar panels, wind turbines

A 'certificate of origin' scheme could counter concerns about renewables supply chains, says Clean Energy Council

Gas giant Santos loses appeal against Tiwi Islands traditional owners

Workers at the coal face left in the dark

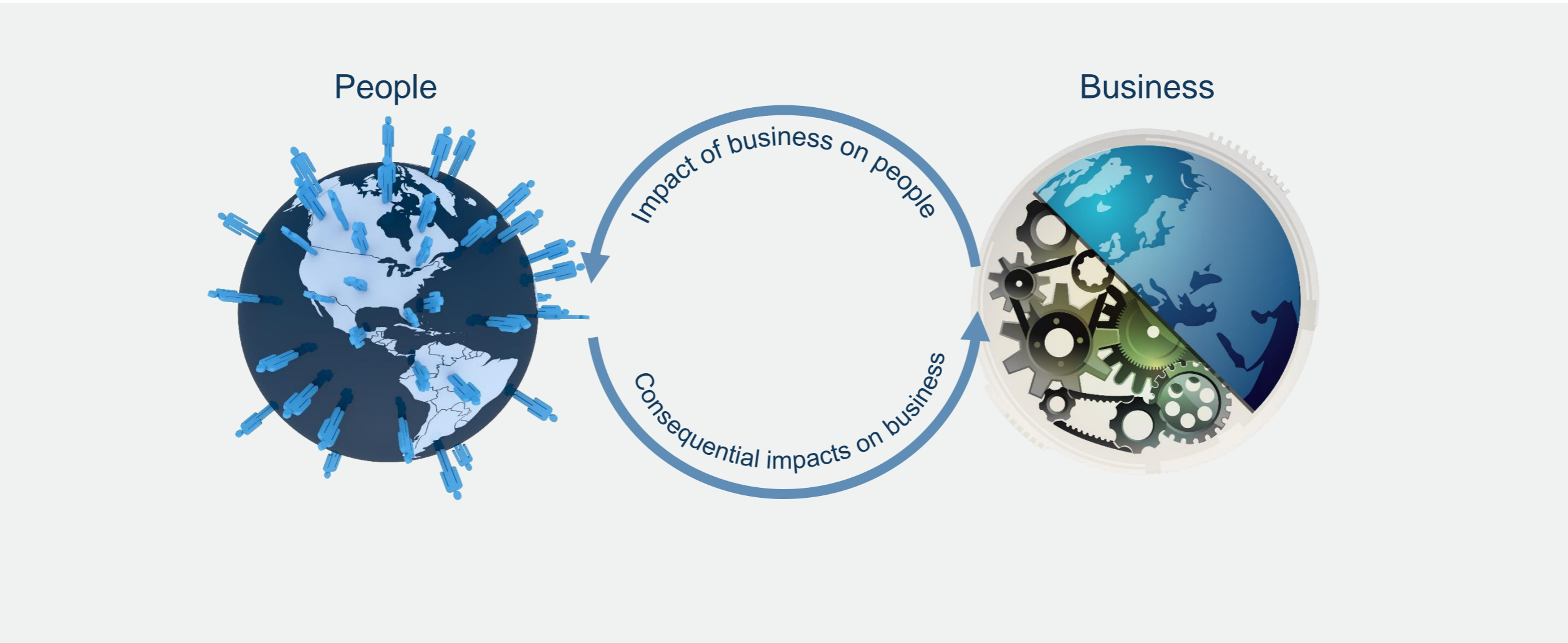
\$14 trillion investor coalition puts Australia's miners on notice over Indigenous rights

The tragedy inside your smartphone

Net-zero body to manage 'wrenching' demise of fossil fuel era

'Just transition' critical in achieving net-zero

Business impacts on people are S risks for business



UN Guiding Principles on Business and Human Rights

Principle 15



A policy commitment to meet their responsibility to respect human rights



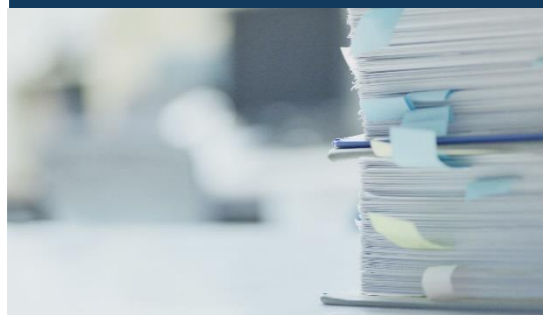
A human rights due diligence process to identify, prevent, mitigate, account and report how businesses address their impacts on human rights



Processes to enable the remediation of any adverse human rights' impacts businesses cause or contribute to

Drivers for regularising a standard of business conduct

Disclosures & reporting



Modern Slavery Act (Cth)
EU Corporate Sustainability Reporting Directive
TNFD (forthcoming)

Strategic litigation and activism



Santos v Tipakalippa [2022] FCAFC 193
Grievance complaints against banks and superfunds
Warratah Coal Pty Ltd v Youth Verdict & Ors (No 6) [2022] QLC 21
Abrahams v CBA Federal Court of Australia NSD864/2021

Soft law to hard law



Modern Slavery Act (Cth) (proposed reforms)
EU Corporate Sustainability Due Diligence Directive (forthcoming)

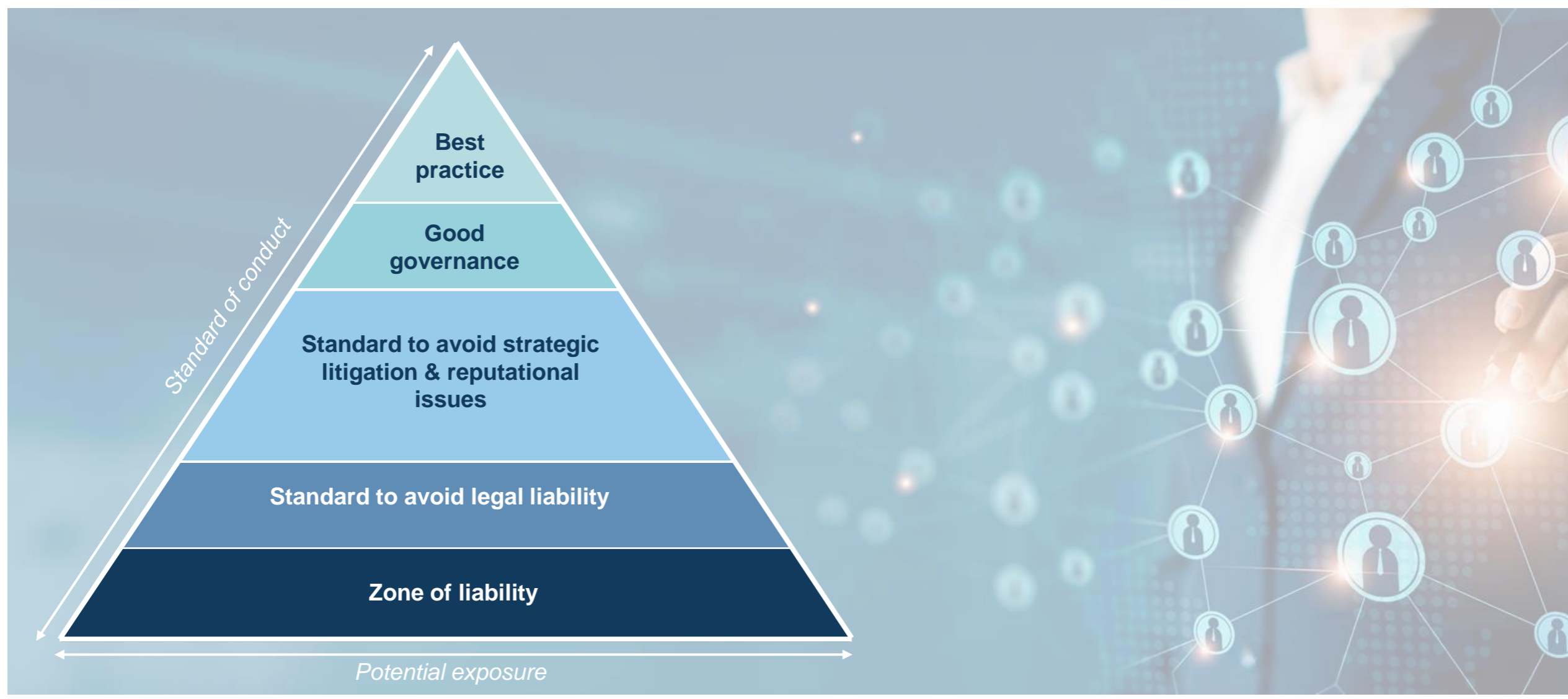
Enforcement



ASIC's recent greenwashing interventions, Report 763 May 2023 included concerns about use of vague terminology including 'social diversity'

Human rights due diligence as a standard of business conduct

Standard of conduct to mitigate impacts on people and business



Sydney

Melbourne

Brisbane

Perth

Port Moresby

This publication is introductory in nature. Its content is current at the date of publication. It does not constitute legal advice and should not be relied upon as such. You should always obtain legal advice based on your specific circumstances before taking any action relating to matters covered by this publication. Some information may have been obtained from external sources, and we cannot guarantee the accuracy or currency of any such information.