

## **7<sup>th</sup> Frontiers of environmental law - IUCN Academy of Environmental Law Colloquium**

Thursday, 25 to -Friday 26 February 2021  
UniSA Justice and Society

Final summary notes by Professor Jennifer McKay convenor

<https://people.unisa.edu.au/Jennifer.McKay>

UniSA set up a page for the event see this link. Eventually, these notes will be added to the page. See <https://www.unisa.edu.au/Calendar/7th-frontiers-in-environmental-law-colloquium/>

This was an online forum for academics and practitioners to share and discuss their experiences, research and teaching practices on environmental law.

The forum was designed to be supportive and achieved these aims to:

- Foster a supportive and inclusive network of like-minded individuals;
- Explore innovative environmental law ideas and insights with and beyond our discipline;
- Contribute meaningfully to the future of environmental law in our region;
- Share approaches to teaching and learning in environmental law; and
- Assist environmental law academics and others to actively build their careers.
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### **Acknowledgments**

The conference was financially and emotionally supported by the IUCN Academy of Environmental Law Secretariate, University of Maryland, Francis King Carey School of Law especially William Piermattei and Inga Caldwell. At UniSA several people from the unit Justice and Society and team from Information Technology added their expertise and emotional support to create the wonderful home page for the event, to support the zoom rooms, create the Eventbrite page, provide several spaces and in many other practical ways. In particular, John Walker, Sally Kuzniecowa, Adam Joyce and Carol Brewitt. The IT team were brilliant in setting up the webinar format and dividing us into several rooms. Prof Erika Techera from UWA also provided mailing lists from the 6<sup>th</sup> Frontiers event in Perth in 2020.

Two extremely talented ex-students Jennifer Jones and Michael Alder assisted in the planning of the schedule for the conference and also were main rapporteurs for sessions. Colleagues Dr Ping Xiong, Dr Sarah Moulds, Matthew Atkinson and Hamish Middleton also facilitated and acted as rapporteurs for the event. Their reports are presented below.

### **Format Hybrid due to Covid**

The format was morning plenaries and then divided sessions. Presenters were given generous time and the rapporteurs found discussion was lively.

The first plenary related to the Adelaide International Bird Sanctuary was supported by the Department for Environment and Water. Jason Irving, Manager National Parks and Protected Areas Program made a presentation on the local issues surrounding this relatively new sanctuary for migratory and resident shorebirds. There are some contentious local issues with brine pollution killing mangroves in the Sanctuary and this provided environmental law in action perspective to the event. The CEO from East Asian- Australasian Flyway treaty body <https://www.eaaflyway.net/> based in Korea also presented on the ROKAMBA treaty administration. Hence, we had a span of presentations from local to international. Discussants for

this session included a local Greens member of parliament Mark Parnell and Craig Wilkins from the local Conservation Council of SA. This was a wonderful session bridging the local and state and international aspects of migratory birds and coastal land management.

The second plenary on *Climate conscious lawyering* was presented by Justice Preston Chief Judge of the NSW Land and Environmental Court. This paper was inspiring for all in the room and gave examples of issues that give rise to the responsibility of lawyers to be aware of climate change issues in daily legal practice. For example, **A climate conscious approach** requires an active awareness of the reality of climate change, and how this covers many issues in modern legal practice. Lawyers must first, actively identify the intersections between the issues of the legal problem or dispute and climate change issues and, second, giving advice and litigating or resolving the legal problem or dispute in ways that meaningfully address the climate change issues.

The second plenary also had a presentation from the Environmental Defenders office through Rachel Walmsley, Head of Policy & Law Reform NSW which was a thought provoking paper on the proposed amendments to the *EPBC Act*. The paper called 'Unsustainable trajectory': The EPBC Act Review. The presentation summarized the Samuels review which found the act to be inadequate. She noted the recommendations but noted that progress on these is slow.

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The full outline of the sessions is below. Ten themes were proposed, 8 were adopted and these were divided into 20 sessions. A bio of all presenters is presented at the end of this document. Many other listeners engaged in the meeting drawn from the IUCN Academy members in Oceania. Discussions were lively. Below is a brief report on the presentations in the order of presentation.

**THURSDAY 25<sup>th</sup> FEBRUARY (all times are Australian Central Summer Time)**

Time	Session A	Rapp	Session B	Rap
9.15am	<a href="#">Acknowledgement of Country - Professor Jennifer McKay</a>			
9.30-10.45am	<b>Plenary: Migratory Birds</b> <i>Jennifer McKay, Jason Irvine, Singapore and Korean speakers, Craig Wilkins Mark Parnell, and others</i>			JM
10.45-11am	<b>SHORT BREAK</b>			
11-11.45am	<b>Looking west: Legal governance and post-COVID blue economy goals in the Indian Ocean</b> <i>Professor Erika Techera</i>	PX	<b>Everywhere &amp; Nowhere: Locating Environmental Law</b> <i>Professor Natasha Affolder</i>	JJ
11.45-12noon	<b>SHORT BREAK</b>			
12.00-12.45pm	<b>Australia's Role in Ending Global Deforestation – Moving beyond illegal logging legislation</b> <i>Dr Hannah Harris</i> <b>Legal Personality and Antarctica</b> <i>Dr Trevor Daya-Winterbottom</i>	MAld	<b>The Problem of Space Debris: A Comparative Study of Sustainability Requirements in National Space Licencing Laws</b> <i>Dr Cassandra Steer</i> <i>Mr Henry Strong</i>	JJ
12.45-1.45pm	<b>LUNCH BREAK</b>			
1.45-2.30pm	<b>Biodiversity – the neglected lens for reimagining property, responsibility and law for the Anthropocene</b> <i>Mr Paul Govind</i> <i>Dr Michelle Lim</i>	JJ	<b>Intergenerational justice and international human rights law: an analysis of the petition by sixteen children to the UNCRC, and Torres Strait Islanders to the UNHRC, to demand climate justice</b> <i>Ms Nicky van Dijk</i>	MA
2.30-2.45pm	<b>SHORT BREAK</b>			
2.45-3.30pm	<b>Regulatory and Practical Barriers to bioenergy development in the agricultural sector in Australia</b> <i>Dr James Prest</i> <i>Dr Tony Hamilton</i>	JJ	<b>Youth Climate Courts and Intergenerational Climate Justice. An Australian Case Study.</b> <i>Dr Judith Preston</i> <i>Professor Donna Craig</i> <i>Dr Tom Kerns</i>	MA
3.30-3.45pm	<b>SHORT BREAK</b>			
3.45-4.30pm	<b>A Comparative Analysis of COVID-19 Lessons for the Implementation of the Paris Agreement: The Cases of the UK and Germany</b> <i>Dr Zen Makuch</i>	MAld	<b>Climate change disclosure requirements in the banking industry: the link between climate change risk and climate change mitigation.</b> <i>Assistant Professor Maria Nicolae</i>	JM
4.30pm	<a href="#">Book reviews &amp; Rapporteur reports in MAIN ROOM</a>			

**DAY 1 - Sessions A and B**

**Professor Erika Techera**

Title Paper: *Looking West: Legal governance and Post-Covid Blue Economy Goals in the Indian Ocean*

The author presented the features of the Indian Ocean and compared the various approaches adopted by Australia to deal with its neighbouring regions in relation to governance of the regions. The author also summarised the current legal framework for the governance in the Indian Ocean and is of the view that a hard law approach of regional agreement is feasible to govern the post-Covid blue economy in the Indian Ocean.

**Professor Natasha Affolder**

Title Paper: *Everywhere and Nowhere: Locating Environmental Law*

This session considered the use of International customary law in innovative ways to protect environment and considered a change in the response of business to plaintiff's potentially resulting in better outcomes. Natasha took us through these recent cases and the sometimes surprising outcomes, notably changes in courts recognition that climate change knows no borders, and that an action in one place may have consequences in another place, resulting in legal responsibility falling on business in ways that may not have occurred in the past.

e.g. *Okpabi v Shell* [2021] UKSC 3 in which it was affirmed that Shell parent company would be considered responsible for the actions of subsidiaries overseas. The issue of Bio tracking and potential use in relation to the NDRIP was also discussed.

### **Dr Hannah Harris**

Title Paper: *Australia's Role in Ending Global Deforestation – Moving beyond illegal logging legislation*

Dr Harris presented on illegal logging legislation which Dr Harris asserted is an important component of efforts to stem deforestation and protect the biological and cultural diversity of existing forests. Dr Harris argued that current laws in destination countries including Australia suffer from detection and enforcement challenges, reliance on foreign laws for definitions of legality, and a failure to acknowledge the interconnections between deforestation and economic activities unrelated to the forestry industry. Dr Harris suggested that these limitations could be overcome through efforts to adapt the law to address deforestation more broadly, recognising the interconnection of forests, economies and societies globally.

Dr Harris' discussed her article which began by demonstrating the importance of forests to our social, economic and environmental wellbeing. This was followed by a summary of the existing law in Australia and the challenges and limitations of the current framework for preventing illegal logging. Dr Harris in her article went on to present an alternative model for forest regulation in Australia, drawing on transnational law theory and the lens of telecoupling, which Dr Harris said requires us to think globally while acting locally to overcome challenges that transcend traditional spatial boundaries. In concluding Dr Harris said we need a vision for a new approach to forestry governance in Australia, that starts with illegal logging but extends much further, to meaningfully address deforestation and biodiversity loss globally.

### **Dr Trevor Daya-Winterbottom**

Title Paper: *Legal Personality and Antarctica*

Dr Daya-Winterbottom presented his paper which critically explored New Zealand's global trusteeship approach to Antarctica, and the development of guardianship approaches to protecting lakes, harbours, mountains, rivers, and territorial waters. In Dr Daya-Winterbottom's presentation he discussed the growing influence of indigenous claims (including the Ngai Tahu claim to Antarctica) and novel techniques of conferring legal personality on mountains and rivers. Dr Daya-Winterbottom's said in his paper he interrogated these themes through the lens of the Eyal Benvenisti and John Salmond and their writings and provided conclusions for a new approach to Antarctic protection.

### **Dr Cassandra Steer and Mr Henry Strong**

Title Paper: *The Problem of Space Debris: A Comparative Study of Sustainability Requirements in National Space Licencing Laws*

Dr Steer and Mr Strong began by explaining that there are currently approximately 3500 pieces of space debris floating in "graveyard" orbits. It is anticipated that in another decade that number will be 100,000 pieces. Regulation varies from nation to nation and there is not yet a cohesive legislative framework.

However, commercial imperatives may mean that business will consider uniform practise in order to safeguard commercial interests. In addition, there is significant technology that enables the retrieval of space junk and new frameworks may provide a method of agreement to retrieval processes prior to registration of newly launching satellites etc. Interagency conversations as well as academic co-operation efforts are encouraging.

### **Mr Paul Govind and Dr Michelle Lim**

Title Paper: *Biodiversity – the neglected lens for reimagining property, responsibility and law for the Anthropocene*

Mr Govind and Dr Lim argued that biodiversity provides a significant alternate lens through which to conceptualise law in the context of global planetary change and unlock this ethical change. Mr Govind and Dr Lim stated that the planetary boundaries framework recognises that the climate and biosphere integrity boundaries are the two most important of the nine planetary boundaries. Mr Govind and Dr Lim argued that the transgressions across the biosphere integrity (i.e. biodiversity) boundary are far greater than that of climate. At the same time Mr Govind and Dr Lim argued that the more place-based characteristics of biodiversity provides an important, yet, to date underexplored lens, to challenge the abstraction of rights and understand responsibility in the Anthropocene. Mr Govind and Dr Lim therefore presented that the fertile grounding from which to challenge conceptualisations of the Anthropocene which frame all humans as similarly impacted and equally responsible for unprecedented changes in the Earth System.

Mr Govind and Dr Lim argued for a rejection of the rights-based ethic that through property has seen nature/biodiversity as instrumental. Mr Govind and Dr Lim called instead for a place-based relationship with the planet and the more-than-human which embraces human responsibility and the paradox of entanglement and uniqueness.

### **Ms Nicky van Dijk**

Title Paper: *Intergenerational justice and international human rights law: an analysis of the petition by sixteen children to the UNCRC, and Torres Strait Islanders to the UNHRC, to demand climate justice*

Ms van Dijk covered in detail the recent cases in which a collaborative of young people have used, or attempted to use the legal system to seek change and/or compensation.

Nicky addressed the issue of access to justice for young people as well as the empowerment, or lack of empowerment resulting from these experiences.

The takeaway from the presentation was that a great deal needs to be done in order to support the access of young people to justice, ensuring that the experience is empowering rather than disempowering.

### **James Prest and Tony Hamilton**

The uptake of bioenergy projects on Australian farms is slow compared to other countries, primarily because of a lack of financial incentives. Without a carbon tax or emissions trading scheme, at current oil prices, there is little financial incentive to convert from fossil fuel use to bioenergy.

Biogas is used to generate electricity or produce biomethane which can be exported to the electricity or gas grid but there are regulatory and cost impediments.

Case Studies provide an insight into barriers experienced when converting to bioenergy.

Proposed law reform policies to overcome these barriers include:

1. legislation to reinstate a carbon tax
2. mandating feed in tariffs (FITs) for electricity and gas produced from biomass
3. updating regulations about connecting to the grid, including more equitable cost sharing of network tests and connection fees
4. changes to guidelines issued by the EPA for the use of digestate, spreading fly ash and specifying the types of material that may be used for heating.

These changes, if implemented, will encourage more on-farm production of bioenergy.

### **Judith Preston**

Title Paper: *Youth Climate Courts*

Youth climate courts {YCC} are a powerful mechanism for young people to investigate the climate change crisis. The premise is that young people organise themselves to conduct a hearing to express their concerns about how climate change impacts them and the environment and to hold national, subnational and local governments to account for their inaction or insufficient action to address the climate crisis.

The YCC are conducted by the young people themselves, including organising a youth judge, advocates, witnesses and a jury if appropriate. The objective is to examine how adequately the government agencies are addressing the climate crisis. If there are failings, the YCC make recommendations or orders to address these failings.

Precedents for recommendations or orders can be found in various climate change decisions of courts. A powerful precedent is the order of the High Court of Lahore in *Leghari v Federation of Pakistan* that established a Climate Commission to investigate and report to the Court on the failings of the Pakistan government and recommend what action could be taken to address the failings to implement the government's national climate change policies. The Court made orders implementing the recommended actions.

YCC are a legal tool to give voice and agency to youth on climate change issues. The forum represents many of the strengths and benefits of court-based hearings, so that its deliberations are taken seriously to create impact and recommend reform of climate law and policy. The YCC are based on human rights law principles, both at international and domestic levels, to pressure government agencies to comply with and implement climate policy and climate related laws. Another advantage of YCC is that YCC are grassroots fora and can be conducted by senior primary, secondary and tertiary students with the support of experienced legal practitioners and academics.

The YCC have the potential to be a powerful, assessable (or elective) task for academic courses, particularly at tertiary level. A YCC held at one institution can include law and non-law students and teachers, and can be shared with other institutions to encourage the conduct of other YCC hearings.

One YCC has been held in Australia, organised by law students and graduates in the Land and Environment Court of NSW, presided over by the Chief Judge. Other YCC are due to be heard in Oregon, USA and Canada. Dr Tom Kerns, the creator of the YCC idea, is finalising a handbook

on YCC, which will provide invaluable guidance to those considering using this tool. All YCC that have been held recently and in the near future will be videoed and posted on the YCC website for the benefit of future users.

### **Dr Zen Mukuch**

Title Paper: *A Comparative Analysis of COVID-19 Lessons for the Implementation of the Paris Agreement: The Cases of the UK and Germany*

Dr Makuch's research Focal Point was 'What can the German and UK governments responses to COVID-19 teach us about better implementation of the Paris Climate Agreement?'. According to Dr Makuch's research, five lessons were learned from the COVID-19 experience that are relevant to climate regulation and policy. Subsequently, solutions relevant to these lessons are proposed. The solutions have been identified and elaborated in Dr Makuch's presentation with respect to implementation strategy.

Lesson 1: Prevention is better than a cure

Lesson 2: Prevention is more economically efficient

Lesson 3: Systemic behaviour change requires government leadership

Lesson 4: Protection of the most vulnerable in society is a necessity

Lesson 5: Economic transitions require government support

Solutions:

- i) Invest in green public infrastructure projects (Dr Makuch indicated which ones make the most sense, detailed in his paper).
- ii) Support workforce transitions through fiscal schemes

### **Assistant Professor Maria Nicolae**

Title Paper: *Climate change disclosure requirements in the banking industry: the link between climate change risk and climate change mitigation.*

Assistant Professor Maria Nicolae gave a detailed comparison of the reporting mechanics by the "big four" banks in relation to the effects of, and risks associated with climate change.

Whilst she reported that all of the big four banks have increased the level of reporting, and are including more details in their reports, it is unclear as to whether there is still "greenwashing", utilising a more user friendly design element for reports. Maria indicated that ongoing monitoring will provide further answers to that question.

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Time	Session A	Rapp	Session B	Rap
9.15am	<a href="#">Acknowledgement of Country - Jennifer McKay</a>			
9.30-10am	<b>Plenary: Climate Conscious Lawyering</b> <i>Justice Brian Preston - discussant Rachel Walmsley EDO NSW and others</i>			JM
10-10.45am	<b>EPBC Act and national law reform</b> <i>Ms Rachel Walmsley</i>			JM
10.45-11am	<a href="#">SHORT BREAK</a>			
11-11.45am	<b>Paris at the subnational scale? - an analysis of the early implementation and potential impact of climate change legislation in Victoria, Australia.</b> <i>Dr Anita Foerster, Dr Anne Kallies, Ms Alice Bleby</i>	SM	<b>Cultural water for cultural economies</b> <i>Dr Erin O'Donnell</i>	PX
11.45-12.00	<a href="#">SHORT BREAK</a>			
12.00-12.45pm	<b>Rolles case and defences for environmental activists in Australia.</b> <i>Professor Jennifer McKay</i>	JM	<b>Cumulative environmental problems: a global EIA perspective and a new norm?</b> <i>Associate Professor Rebecca Nelson</i>	SM
12.45-1.30pm	<a href="#">LUNCH BREAK</a>			
1.30-2.30pm	<b>Re-imagining the laws of nature – the Samuel Review of the EPBC Act and futures-focused biodiversity law</b> <i>Dr Michelle Lim</i> <b>The Samuels Recommendations: necessary but far from sufficient environmental governance reform</b> <i>Professor Paul Martin</i>	MAld	<b>Integrating climate change adaptation into sustainable forest management – lessons from NSW</b> <i>Ms Caterina Guidi</i> <b>Exploring community perceptions of legal roles and responsibilities of local governments for CC adaptation</b> <i>Dr Tayanah O'Donnell</i>	JJ
2.30-2.45pm	<a href="#">SHORT BREAK</a>			
2.45-3.30pm	<b>Mapping Indigenous Rights to the Environment via the International Human Rights System</b> <i>Dr Jonathan Liljeblad</i>	MAld	<b>Pandemic prevention; wildlife; law; environment</b> <i>Dr Katie Woolaston</i> <b>Animals' status under law as a source of their disaster vulnerability</b> <i>Ms Ashleigh Best</i>	JJ
3.30-3.45pm	<a href="#">SHORT BREAK</a>			
3.45-4.30pm	<b>Community engagement in environmental criminal law enforcement: a socio-legal review of anti-poaching initiatives in selected African States</b> <i>Dr Ricardo Pereira</i>	MAld	<b>Re-examining the Role of Enforceable Undertakings as an Enforcement Mechanism in Environmental Law</b> <i>Dr Sarah Wright</i>	HM
4.30pm	<a href="#">WRAP-UP in MAIN ROOM</a>			

**DAY 2 Session A and B**

**Professor Erika Techera**

Title Paper: *Looking West: Legal governance and Post-Covid Blue Economy Goals in the Indian Ocean*

The author presented the features of the Indian Ocean and compared the various approaches adopted by Australia to deal with its neighbouring regions in relation to governance of the regions. The author also summarised the current legal framework for the governance in the Indian Ocean and is of the view that a hard law approach of regional agreement is feasible to govern the post-Covid blue economy in the Indian Ocean.

**Professor Natasha Affolder**

Title Paper: *Everywhere and Nowhere: Locating Environmental Law*

This session considered the use of International customary law in innovative ways to protect environment and considered a change in the response of business to plaintiff's potentially resulting in better outcomes. Professor Affolder took us through recent cases and the sometimes surprising outcomes, notably changes in courts recognition that climate change knows no borders, and that an action in one place may have consequences in another place, resulting in legal responsibility falling on business in ways that may not have occurred in the past. e.g. *Okpabi v Shell* [2021] UKSC 3 in which it was affirmed that Shell parent company would be considered responsible for the actions of subsidiaries overseas. The issue of Bio tracking and potential use in relation to the NDRIP was also discussed.



**Dr. Erin O'Donnell**

Title Paper: *Cultural Water for Culture Economies*

Dr O'Donnell presented the ongoing exclusion of the aboriginals from water and reported the author and her team's work on a project on access to water for a tribe. The project stated with the identification of the opportunities and a roadmap to water for economic development, and discovered the importance of water justice in order to achieve water rights. More key principles were discussed for achieving the goal the pathways to water access as well as the barriers to water access were also discussed. The project demonstrated that there is cultural aspect in the water rights of the indigenous people and showcased the recent legal and social development in Victoria relating to water access by indigenous people.

**Professor Jennifer McKay**

Title Paper: *Sentencing climate change activists in Australia – issues and lessons from the early jurisprudence in Queensland.*

Climate change has been contested in political discourse for many and the social discord has been manifested in protests at mining and forestry sites especially around the times of releases of Intergovernmental Panel on Climate Change (ICCP) reports notably in the last 5 years. The recent climate change activism in Australia has seen blockades of major cities and/or roads leading to mining or forestry sites. There are many homegrown and international groups with climate change activism as a core value.

The common law recognizes a right of peaceful assembly and Human rights instruments in Victoria, ACT and Queensland all have exactly the same wording and recognize a right of peaceful assembly. However, this is limited as the Federal Court of Australia said in the Melbourne Occupy case of *Muldoon v Melbourne City Council*, the right of freedom of assembly provided for by s 16(1) of the Charter of Human Rights and Responsibilities Act 2006 (Vic) is, under s 7(2), “subject to such reasonable limits as can be demonstrably justified in a free and democratic society”

Queensland has had the most cases on climate change activism and these follow the pattern of first hearing in a Magistrates Court then an appeal on the severity of the sentence to a higher court.

*Rolles v Commissioner of Police* [2020] QDC 331

The appellant Rolles, is a recidivist protestor, who attached himself to a tripod suspended over a rail line to protest against the impact of climate change and the lack of action being taken to address it. He pleaded the emergency defence under the *Criminal Code* 1899 (Qld) section 25 “Extraordinary emergencies” but this was rejected by the Magistrate and the appeal judge. Section 25 restates the common law and says, A person is not criminally responsible for an act or omission done or made under such circumstances of sudden or extraordinary emergency that an ordinary person possessing ordinary powers of self-control could not reasonably be expected to act otherwise. Rolles argued that climate change is an emergency and the Magistrate found he held this as a genuine belief as to the state of emergency. The Magistrate also held that section 25 did not apply because climate change is not an emergency that requires require immediate action.

The appeal court convicted but reduced the fine of the Acting Magistrate from \$7000 to \$3000. Rolles pleaded not guilty but was found to be guilty of 3 offences:- Trespass on a railway – 1 November 2018; Unauthorized Interfere with a railway – 22 November 2018 and the associated rectification penalty and Contravention of a police direction – 21 November 2018. The sentence

of the Acting Magistrate consisted of total fines of \$7,000 and compensation in the sum of \$2,233.40. The Appeal court reduced these to approximately \$3000 was appropriate with \$2,361.60 and Aurizon compensation in the sum of \$638.40. The sentencing remarks were that the genuine belief in climate emergency was the motive for the offence and is relevant to the moral culpability of the offender, and the weight to be given to personal deterrence and it may affect the weight to be given to general deterrence.

### **Associate Professor Rebecca Nelson**

Title Paper: *Cumulative environmental problems: a global EIA perspective and a new norm?*

Cumulative environmental problems are the prevailing environmental reality of the modern world, characterising the most important environmental problems with which human societies struggle, from climate change to biodiversity loss. One important legal context for considering cumulative environmental problems is environmental impact assessment (EIA) law, which facilitates dealing with complex interactions between larger projects. Understanding the degree to which cumulative effects considerations appear in national and international EIA contexts raises important questions about the implications of this under-recognised norm, including for trans-jurisdictional cooperation and broader law and policy contexts, including corporate social responsibility. Using large-scale systematic analysis of publicly available environmental laws around the globe, this research shows that cumulative effects considerations appear in an overwhelming number of national EIA laws around the world. Cumulative effect considerations also appear in significant numbers of multilateral environmental agreements and multilateral development bank policies. Taking these legal ‘exposures’ in the aggregate, cumulative effect considerations are recognised in some form by around 185 nations. This paper discusses the potential normative implications of this high prevalence and explores practical opportunities for improving efforts to implement these laws by reference to standardised global indices of environmental performance and the rule of law.

### **Dr Michelle Lim**

Title Paper: *Re-imagining the laws of nature – the Samuel Review of the EPBC Act and futures-focused biodiversity law*

Dr Lim stated that Australia's biodiversity laws need to anticipate the unprecedented changes of the Anthropocene. Dr Lim spoke about the Interim Report of the 10-year review of the EPBC Act (‘The Samuel Review’) finds the Act unfit “to manage current or future environmental challenges.” Dr Lim stated that the Interim Report emphasises that development proposals under the Act should consider multiple climate futures. Dr Lim stated that if implemented this would be a critical advance on existing law. Dr Lim summarised that more is needed, however, beyond technocratic modelling focused on parts per million of carbon.

Dr Lim described the power of imagination, as it is fundamental to sustainable futures in the Anthropocene. Implementing the Samuel Review offers an opportunity to address the drivers of Australia’s biodiversity loss while planning for the futures we want. Dr Lim challenged us to imagine possible tomorrows to allow us to respond to current threats while anticipating intersecting future ones.

### **Professor Paul Martin**

Title Paper: *The Samuels Recommendations: necessary but far from sufficient environmental governance reform*

The recent Samuels review of the EPBC Act provides an objective and powerful critique of the failings of our national environment protection regime. It also sets forward necessary recommendations. However, even if these were fully implemented there would still be fundamental defects in Australia's natural resource governance. This paper considers the evidence of institutional and doctrinal problems that include but go beyond those identified in his review. It suggests that unless these institutional matters are also addressed, the Matthews reforms will not achieve the significant improvement which is needed. The paper also expresses a concern that a political focus on debating the Matthews reforms could have the counter-productive effect of diverting attention away from many other reforms that are also needed. Finally, the paper suggests that environmental law academics with a concern for actual effectiveness of the law should deepen their engagement with institutional issues, which will impede the effectiveness of any regulatory arrangements in Australia.

### **Ms Caterina Guidi**

Title Paper: *Integrating climate change adaptation into sustainable forest management – lessons from NSW*

Caterina called in from Italy at 4am local winter-time, and all her attendees expressed their gratitude! Caterina's session compared responses to climate adaptation in NSW with Tasmania, and noted that regulatory practise is quite different in each location, resulting in different approaches and attitudes to the task at hand. The takeaway from this session was the differing governance approaches from state to state can have a profound effect on intended outcomes. Even in regions, different policy application may result in profoundly different outcomes.

### **Dr Tayanah O'Donnell**

Title Paper: *Exploring community perceptions of legal roles and responsibilities of local governments for CC adaptation*

Dr O'Donnell took us through the experience of undertaking significant community consultation in different local government regions. She noted that some areas showed greater resistance to change than others, for differing reasons and sometimes for reasons that were unclear. The processes undertaken for the consultation seemed to be clear and well documented and it was noted that this may hopefully provide the basis for future work in the area and potentially for continuing academic and localised hands-on collaborations

### **Dr Jonathan Liljeblad**

Title Paper: *Mapping Indigenous Rights to the Environment via the International Human Rights System*

International scholarship has advanced the linkage of human rights and environment, with prominent work exemplified by the UN Special Rapporteur on Human Rights & the Environment. Parallel to such work has been the growth of an international indigenous rights movement, with increasing global activism and international human rights as a vehicle to identify indigenous rights to the environment. The analysis maps the types of indigenous rights to the environment offered by international human rights law. The analysis also identifies

the utility of an international human rights approach for indigenous concerns regarding the environment. The present analysis seeks to bridge these two discourses, using international environmental law approach. The analysis finishes with a discussion of potential ways to exercise such approaches in practice.

### **Dr Katie Woolaston**

Title Paper: *Pandemic prevention; wildlife; law; environment*

Dr Woolaston took us through the evidential links between loss of habitat, to changing animal behaviours and locations, to the evolution of pandemics. The links presented were clear and cohesive, providing a profound insight into the current COVID19 pandemic and the potential development of future pandemics as a result of habitat loss for wild animals. It was a profoundly disturbing presentation that was both excellent and disturbing.

### **Ms Ashleigh Best**

Title Paper: *Animals' status under law as a source of their disaster vulnerability*

Ms Best reported that the 2019-2020 Australian bushfires had a devastating impact on animals. A report sponsored by the WWF estimates that some three billion wild native vertebrate animals were in the paths of the fires, and the disaster has driven several affected species considerably closer to extinction. Tens of thousands of domesticated farm animals also perished, either directly by the fires or as a result of being euthanised with fire-related injuries. In addition, there was concern about the adequacy of arrangements for the evacuation and care of companion animals during the fires. In these diverse ways, the catastrophe reiterated animals' profound and multidimensional vulnerability to disaster events.

Using case studies, this paper examines the role law plays in contributing to this vulnerability. It investigates how animals' status as 'property' under law enables them to be held, treated and managed in a manner that increases their exposure to hazards. It also considers how this status affects the priority animals are afforded in disaster planning and response. Further, the paper scrutinises the extent to which statutory welfare and environmental protections are capable of optimising wellbeing and survival outcomes for animals in the peculiar context of a disaster.

Ms Best then considered similar matter from the perspective animal's rights as individual entities, rather than as human property. It was particularly helpful to consider Ashleigh' presentation in the context of the material just presented by Dr Katie Woolaston as the benefit of linking the two ideas and potential solutions was immediately apparent. Ashleigh's presentation was given with particular reference to the catastrophic fire seasons of the past two years, and the relationship of those fire seasons with climate change.

### **Dr Ricardo Pereira**

Title Paper: *Community engagement in environmental criminal law enforcement: a socio-legal of anti-pouching initiatives in selected African States*

Community-based enforcement of environmental criminal law has been proposed as a complementary mechanism to policing carried out by traditional enforcement bodies. This paper assesses the effectiveness and socio-legal implications of anti-poaching and anti-trafficking initiatives in Tanzania, Mali, Namibia and South Africa which have given local communities formal or informal powers to enforce environmental criminal law. It will be argued that despite

some of the risks facing community engagement in environmental criminal law enforcement - most prominently concerns over community safety, duplicity of action and collateral environmental impacts - well coordinated action between the public enforcement bodies and local communities have demonstrable benefits that could outweigh those risks. In particular, the heavy reliance on traditional policing has not proven to be effective and many species have been brought to the brink of extinction, most recently the northern white rhino. This state of affairs calls for imaginative solutions that place local communities as partners in anti-poaching and anti-trafficking initiatives.

### **Dr Sarah Wright**

Title Paper: *Re-examining the Role of Enforceable Undertakings as an Enforcement Mechanism in Environmental Law*

Dr Wright examined the use of Enforceable Undertakings (EUs) as a flexible tool for Environmental Regulators to use in enforcement. She focused in particular on their use by the NSW EPA/Office of Environment and Heritage.

EUs are entered voluntarily by offenders to deliver an outcome that usually includes acknowledgement of the breach, remediation of the breach, a separate reparation project to atone for the breach, education about the breach and a financial penalty. There are benefits to both offender and regulator in quicker remedy, and costs saved by avoiding legal action. In NSW EU's have been used to respond to Tier 2 (strict liability) breaches of environmental regulation.

Despite consistently achieving overall penalties that are equal to or greater than penalties that would have been achieved through traditional prosecutions, EU's have been subject to considerable criticism by commentators. A Case Study examined a breach by AGL that resulted in an EU with a total \$1.2million penalty and remediation – at the very upper end of penalties achieved by NSW Environment Regulators. This case was described in media as ‘AGL got off lightly’

Dr Wright argued that a weakness in the current EU system is a lack of transparency around the details of the breach and the reasons supported the EU responses. She argues that this undermines public confidence in EU's. She also argues that the lack of transparency misses a key aspect of enforcement response as it does not provide sufficient detail of the nature of the breach or the extent of the harm caused. This would provide more confidence in the proportionality of remediation, reparation and penalty as well as support the important educative function of enforcement to remind others to meet their obligations to protect the environment while conducting their activities Dr Wright also argues that cumulative effect concepts do and should play a role in EIAs and have the potential to deliver theoretical benefits, legal framework benefits, and would also permit improved forms of assessment. Such approaches also improve integration between national and international law. Rebecca also sees benefits in encouraging multilateral development banks to adopt a cumulative effectiveness approach.

During the presentation, participants discussed the question of how to create future baselines to ensure that the cumulative effects approach can reach their full potential. The group also discussed the need to look beyond EIA law when considering the potential benefits of the cumulative effects approach.

## **Brief Biographical information about each presenter at 7<sup>th</sup> Frontiers of Environmental law event at UniSA Feb 2021**

### **Affolder, Natasha**

is a Professor and a former Associate Dean Research and International at the Allard School of Law, University of British Columbia. She is a leading scholar in transnational environmental law whose research explores some of the most challenging and complex issues of our time. A sought-after and frequent panelist, keynote speaker, and commentator, Professor Affolder has put her scholarly expertise to work as an advisor to indigenous communities, environment and development NGO's, and governments on multiple continents. She was a lawyer in private practice in Boston, Massachusetts. She also held a research associate position at Harvard Business School and consulted for Oxfam International, working to integrate gender and development law perspectives in the negotiations leading to the *Rome Statute of the International Criminal Court*. Prior to beginning her professional career in legal practice and academia, Dr. Affolder completed a Bachelor of Civil Law (First Class) and a doctorate in law at Oxford University as a Rhodes Scholar.

### **Bleby, Alice**

is a Scientia PhD candidate at the University of New South Wales (UNSW), researching the rights of nature as a legal instrument for protecting the Earth in the Anthropocene. Alice holds a BA/LLB(Hons) from the University of Melbourne and a Masters of International and European Environmental Law from Aix-Marseille University in France. Prior to commencing her PhD, Alice led the Climate Change Adaptation Policy team in the Victorian Government Department of Environment, Land, Water and Planning (DELWP). She was the lead author of Victoria's Climate Change Adaptation Plan 2017-2020, a whole-of-government blueprint for adaptation action. Alice built her skills in policy and advocacy working with environment NGOs and youth-led organisations. Prior to joining the Victorian Government Alice was Senior Adviser to Ellen Sandell MLA, State MP for Melbourne.

### **Best, Ashleigh**

Ashleigh is a PhD Candidate and Teaching Fellow at Melbourne Law School, and is supervised by Professor Christine Parker and Professor Lee Godden. Her research examines the legal status of animals in disasters, marrying her long-standing interests in animal law, environmental law and legal theory. Ashleigh is a keen writer, having published for academic and mainstream audiences in peer-reviewed journals and *The Conversation*; she is also a regular contributor of submissions to policy consultations. Prior to commencing doctoral research, Ashleigh was a lawyer in the commercial litigation and environment and planning teams at Allens, and later worked as a legal officer for the NSW Environment Protection Authority. She has also taught constitutional law, international law and comparative law, and delivers guest lectures on her doctoral research. In 2020, Ashleigh was awarded the RSPCA Australia Sybil Emslie Animal Law Scholarship for her contribution to the development of animal law in Australia. She is a member of the committee of the Australasian Animal Law Teachers' and Researchers' Association, and is also part of the organising committee for the inaugural Environmental Law Doctoral Researchers' Workshop, jointly hosted by the Centre for Resources, Energy and Environmental Law at Melbourne Law School and UNSW Sydney's Faculty of Law & Justice.

**Craig, Donna**

Professor Donna Craig is a specialist in international, comparative and national environmental law and policy at Western Sydney University. She was one of the earliest academics to specialise in environmental law (from 1976) and has researched and taught across a wide range of environmental law areas and jurisdictions. She has also made significant research and teaching contributions in aspects of Biodiversity Law participatory approaches to environmental decision-making, environmental impact assessment and social impact assessment.

**Daya-Winterbottom, Trevor**

Dr Daya-Winterbottom FRGS is an Associate Professor and Deputy Dean in Te Piringa - Faculty of Law at the University of Waikato, New Zealand, where he researches and teaches environmental law and public law. Internationally, he is the New Zealand Member of the ILA Committee on Sustainable Resource Management, and is the Deputy Chair of the IUCN Academy of Environmental Law.

**Foerster, Anita**

Anita Foerster is a senior lecturer at Monash University, where she researches across different areas of environmental and climate change law and regulation, with a particular current focus on the roles and responsibilities of the private sector in addressing climate change. She has previously worked in research roles at Melbourne University Law School and the University of Tasmania and prior to that in advocacy roles with Australian environmental NGOs.

**Govind, Paul**

Paul Govind is a lecturer in Environmental Law at Macquarie University Law School. He is also an Executive Committee member of the Centre for Environmental Law. His research interests include Environmental Law and value in the context of the Anthropocene and the intersection between climate law and extinction.

**Guidi, Caterina**

Caterina is a Scientia PhD Scholar at School of Law, Society & Criminology, UNSW Law & Justice, Sydney. Her research specializes in Climate Change and International Protection of Biodiversity. Her PhD thesis focuses on legal and policy frameworks for sustainable forest management and climate change adaptation of forests. She holds a Master's degree in International Development Cooperation and Project Design from Sapienza University of Rome, and a Master's degree in Law from University of Bologna. Caterina has completed her Italian Legal Training in the areas of administrative, corporate and private law. Caterina has published articles in both national and international journals. She has previously conducted research for the Food and Agriculture Organization of the United Nations and for the European Biomass Industry Association. She presented papers in both national and international conferences, outlining her research findings to date. She taught Natural Resources Law and International Environmental Law at UNSW Law & Justice, Sydney. Caterina is currently assisting with 'Tropical primary forests and climate change', which is a large-scale collaborative project.

**Hamilton, Tony**

After a long career in agriculture, Tony Hamilton is currently completing a Juris Doctor at the Australian National University (ANU) School of Law. In addition to farming on his family's farm near Forbes in Central West NSW, he has acted as managing director the ASX listed Duxton Broadacre Farms. He holds a PhD in agricultural science and has served two terms on the board of Agrifutures Australia, a Commonwealth Statutory R&D Corporation, as well as an expert advisor to the Grains R&D Corporation. He is keenly interested in the nexus between agriculture, climate change issues and the law.

**Harris, Hannah**

Dr Hannah Harris is a Lecturer at Macquarie Law School and the Deputy Director of the Macquarie University Centre for Environmental Law. She researches in the fields of transnational law, governance, and corporate regulation. Her book, "The Global Anti-Corruption Regime" is published with Routledge and her research on illegal logging and deforestation seeks solutions to the challenges of biodiversity loss, habitat destruction and social and cultural disruption that result from these activities. Hannah's current projects explore a range of related topics: the development and application of robust certification schemes and tools for supply chain governance that address illegal logging, foreign bribery and modern slavery; development and implementation of domestic legislation that is responsive to transnational challenges; the role of international law mechanisms in protecting global resources; legal and policy approaches to supporting the circular economy; and the importance of measuring the effectiveness of law in supporting progress towards a more resilient and vibrant planet for all life.

**Liljeblad, Jonathan**

was born in Myanmar as a member of the Pa'Oh indigenous people of Shan State. He received his PhD and JD from the University of Southern California, and a BS from the California Institute of Technology. He grew up in Sweden and the US, and lives and works in Australia. His research focuses on the issues of promoting international norms in developing countries, with case studies involving human rights, indigeneous rights, and environmental conservation. His field research is focused on Myanmar, where he has served as a consultant for international aid organisations providing capacity-building programs for state and civil society. He is a Senior Lecturer at Australian National University College of Law, and is a member of IUCN and ICOMOS.

**Lim, Michelle**

Dr Michelle Lim's interdisciplinary scholarship occurs at the intersection between biodiversity conservation and sustainable livelihoods. Dr Lim's work focuses on futures-oriented biodiversity law research aimed at advancing equity and sustainability under conditions of unprecedented environmental change. Dr Lim holds a double degree in Science (Ecosystem Management) and Law (First-class Honours) and a PhD on legal and institutional arrangements for transboundary biodiversity conservation at the University of New England, Australia. Dr Lim joined the Macquarie Law School as a Senior Lecturer in 2020. She is part of the executive group of the Centre for Environmental Law. Prior to this she was a Lecturer at the University of Adelaide and Griffith University. Dr Lim's post-doctoral research, based at the UNESCO Centre for Water Law, Policy and Science at the University of Dundee, Scotland, examined governance approaches for addressing ecosystem services and human well-being in the Ganges Brahmaputra Meghna Delta.



**Martin, Paul**

Paul is the director of the Australian Centre for Agriculture and Law ([www.une.edu.au/aglaw](http://www.une.edu.au/aglaw)) at the University of New England, has substantial experience in leading research on natural resource governance (including water) and on Law and policy issues affecting rural people, including Aboriginal people. He has done substantial work on the effectiveness, efficiency and fairness of environmental governance in Australia and internationally. He has a record of external funding for research conducted through his Centre, from domestic and international, government, NGO and industry collaborators. His postgraduate research students have investigated (or are currently investigating) issues such as trans-boundary biodiversity protection in the High Pamirs; forest governance in Thailand; the use of gaming methods to improve corporate risk management; the protection of Aboriginal interests in traditional food and culture; mining benefit-sharing in Papua New Guinea, and many other topics.

**Makuch, Zen**

is recognised by key institutions in Europe as, perhaps, the leading international researcher in the specialist fields of implementation of domestic, European and international environmental and resource conservation law. In relation to his research experience, he has litigated, drafted, implemented and supported the enforcement of environment, climate change and natural resource regulations in several countries. Provision of research advisory services to Parliamentarians (including Ministers), select parliamentary committees, political parties and other key influencers/stakeholders are part of his daily working life. The drafting of environment, climate change, coastal zone and conservation regulations, related institutional, implementation and compliance matters form constitute his technical expertise and research experience.

**Nicolae, Maria**

BComm – University of Toronto; JD, LLM – Bond University

Currently enrolled in PhD at University of Tasmania. My thesis investigates whether, and to what degree, particular existing disclosure regimes around corporate climate change performance in the financial industry enable members of the public to make informed decisions around investment.

**Nelson, Rebecca**

is an Associate Professor, Melbourne Law School, University of Melbourne, and a practising lawyer. Dr Nelson's research focuses on environmental and natural resources laws. Her current project, supported by the Australian Research Council (#DE180101154), examines the regulation of cumulative environmental effects across diverse natural resources. She is an author of *Water Resources Law* (2nd ed, LexisNexis Australia) and over 40 other publications. Dr Nelson was the IAH (Australia)/National Centre for Groundwater Research and Training Distinguished Lecturer (2016) and the Law Council of Australia's Young Environmental Lawyer of the Year (2014). She holds a JSD(Stanford), JSM(Stanford) and BE(Environmental) /LLB (University of Melbourne).

**O'Donnell, Erin (Melbourne Law School)**

Erin is a water law and policy specialist, focusing on water markets, environmental flows, and water governance. She has worked in water resource management since 2002, in both the private and public sectors. Erin is recognized internationally for her research into the groundbreaking new field of legal rights for rivers, and the challenges and opportunities these new rights create for

protecting the multiple social, cultural and natural values of rivers. Erin has recently completed a consultancy for The World Bank, on water markets and their role in water security and sustainable development. In 2018, Erin was appointed to the inaugural Birrarung Council, the voice of the Yarra River. For the last two and a half years, Erin has been partnering with the Murray Lower Darling Rivers Indigenous Nations and representatives from Traditional Owners and First Nations across Victoria to identify law and policy pathways to increase Aboriginal access to water rights.

### **O'Donnell, Tayanah**

Dr O'Donnell is an academic with expertise in areas including: coastal management, climate change adaptation, government roles and responsibilities in a changing environment, land use planning, climate, environment and planning law, and urban sustainability. She has published widely on these topics and in a variety of formats: peer reviewed scientific journal papers, book chapters and books, popular media and podcasts. Her current role as lead, Future Earth Australia based at the Australian Academy of Science, has Tayanah co-designing and coproducing sustainability science and forward pathways on a range of topics in the national interest. She also regularly consults for governments and industry, with whom she has worked in various capacities for over fifteen years.

### **Pereira, Riccardo**

Dr Pereira is currently a Reader (Associate Professor) at Cardiff University, UK, and an Adjunct Research Associate Professor at the Asia-Pacific Centre for Environmental Law, National University of Singapore. He holds a Ph.D. in Law from the University of Essex, UK, and LL.M. degrees from City, University of London and Queen Mary, University of London. He has published widely in the fields of environmental criminal law, international law and human rights, which includes the book *Environmental Criminal Liability and Enforcement in European and International Law* (Brill, 2015). His recent research has focused on the development of a crime of ecocide under international law and participatory governance in environmental criminal law enforcement.

### **Prest, James**

is a Senior Lecturer in Law at the ANU College of Law. He is an environmental and energy lawyer with more than 25 years' post qualification experience from positions in academia, private sector large law firms, public sector, and NGO legal practice. His focus is on energy solutions to climate change, with research projects on renewable gas. In 2020, he worked with ITP Renewables to prepare a major report to ACT government on renewable gas. In 2018-2019, he was the lead author on an Innovation Connections grant project on pipeline injection of biomethane in Australia. His most recent work comparing Australian and European hydrogen strategies was published in the journal *Oil, Gas and Energy Law* in February 2021.

### **Preston, Judith**

Judith Preston is a solicitor admitted to practice in New South Wales and the Northern Territory, since 1982. She holds a BA LLB from Macquarie University (1981) and a MEL from the University of Sydney (1994). Judith commenced work with the Northern Land Council (NLC) primarily representing Aboriginal Traditional owners in land claims in the Northern Territory and related to the needs of Aboriginal communities in the NLC area. She was instrumental in establishing the first public interest environmental law centre, the Environmental Defender's

Office (EDO), in NSW in 1984-85. Judith then worked in a number of leading legal practices including Baker & McKenzie, DLA Piper and undertook a range of commercial matters which included litigation. For the last twelve years she has taught at a range of educational institutions. Judith's primary teaching is at Macquarie University in a variety of environmental law subjects at undergraduate and postgraduate level. She has completed a PhD at Western Sydney University researching the question of how Indigenous knowledge can be effectively integrated into environmental decision-making to achieve both beneficial outcomes for environmental protection and self-determination.

### **Reynolds, Annika**

Annika is a current Law (Honours)/International Security Studies student at the Australian National University, with a minor in Korean. She is a Research Assistant at the ANU College of Law, working on federal environmental regulation and matters of international law in the South Pacific. Annika was appointed as a legal consultant to the Australian Conservation Foundation in 2020 and is currently completing a clerkship at Herbert Smith Freehills. Annika founded GreenLaw a soon-to-be incorporated not-for-profit working in environmental advocacy and legal education. Annika is a Board Director for Zero Emissions Noosa Inc (ZEN), providing strategic guidance on ZEN's communication and advocacy. She is an international speaker and has been published for her co-authored research on public interest litigation under federal environmental legislation, and her comparative research on climate-induced ethnic relocation and inter-communal violence in the South Pacific.

### **Steer, Cassandra**

is a Mission Specialist with the ANU Institute of Space (InSpace), and a Senior Lecturer at the College of Law. Her current research focuses on space security, including space situational awareness, space traffic management, comparative principles of space governance. She has published widely on these issues and on the application of the law of armed conflict and use of force in outer space. She has consulted to the Australian Department of Defence, the Canadian Judge Advocate General's Office and U.S. Department of Defense on these issues. Her former roles include Acting Executive Director at the University of Pennsylvania's Center for Ethics and Rule of Law, Executive Director of Women in International Security - Canada, Executive Director of the McGill Institute of Air and Space Law, and Senior Lecturer at the University of Amsterdam. She has a degree in philosophy (UNSW); undergraduate and Master's degrees in law and a PhD in International Criminal Law, all from the University of Amsterdam.

### **Strong, Henry**

Henry is a Masters student at the ANU studying International Law and Diplomacy. In 2020 he studied Space Law under Prof. Steven Freeland before commencing a research internship under Dr Cassandra Steer at the ANU Centre for International and Public Law. Working with Dr Steer, Henry's research has contributed to the Australian Space Agency's 'Roadmap' process by identifying legal norms and standards around the world relating to SSA. In 2021 he looks forward to completing his Graduate Research on the role Australia has to play in setting a new global benchmark in Space Sustainability standards, as well as publishing with Dr Steer on the relationship between space sustainability and national licensing laws. He believes any effective governance of outer space will need to be a fusion of international law and diplomacy, so he can't wait to keep working towards a safe and sustainable space for all.

**Techera, Erika**

is a Professor of Law at The University of Western Australia (UWA). She is an international and comparative environmental law researcher with particular expertise in marine governance across the Indo-Pacific. Her research interests include marine environmental law, fisheries regulation, small island developing states, maritime heritage and history, and issues at the interface of science, technology and law. Her current projects focus on strengthening marine environmental laws in the Indian Ocean to support the blue economy. She has over 100 publications and in books and journals. Erika is a member of the UWA Oceans Institute, and the International Space Centre @UWA. She is Australia's National Focal Point for the Indian Ocean Rim Association (IORA) Academic Group. She has also been appointed to the Heritage Council of WA, Australian Institute of Marine Sciences Council and the WA Maritime Museum Advisory Committee. Erika is a former barrister and is an elected Fellow and Director of the Australian Academy of Law. She is a member of the IUCN World Commission on Protected Areas, and World Commission on Environmental Law.

**Van Dijk, Nicky**

Nicky is a PhD-candidate at the law faculty of the University of Tasmania. Before this, she finished a research master in philosophy at the Utrecht University, the Netherlands. Her current research combines her strong background in climate ethics and political philosophy with environmental law. In her PhD she looks at how we can better consider the interest of future generations and young people in governmental decision-making, specifically when faced with the intergenerational challenges climate change poses.

**Walmsley, Rachel**

is the Head of Policy & Law Reform at Environmental Defenders Office. She has over 17 years experience working on public interest environmental law and policy in Australia and overseas. She has written extensive law reform submissions and discussion papers and advised governments and NGOs on a range of environmental law issues, including planning, natural resource management and biodiversity laws. Rachel was a member of the Consultative group established by Prof Graeme Samuel for the EPBC Act review. Rachel is a member of a number of government and non-government advisory committees on biodiversity, natural resource and environment issues, a legal advisor to the Wentworth Group of Concerned Scientists, legal advisor to the Places You Love alliance on national law reform, and guest lectures in environmental law. Rachel is a member of the Australian Panel of Experts on Environmental Law (APEEL) and a member of IUCN – World Commission on Environmental Law. Rachel has also been a Co-Consulting Editor of the Australian Environment Review and Chair of the Australian Committee for IUCN.

**Wilkins, Craig**

Craig has worked in the areas of public health, social services, environmental change and politics for the last 25 years in a variety of not for profit and government organisations, as well as in Parliament House. For the last 7 years he has been the Chief Executive of the state's peak environment body, the Conservation Council of SA. He straddles the insider/outsider divide as an appointed member of the Premier's Climate Change Council, the Adelaide Parklands Authority and a range of working groups and committees, including the Grote Street Business Precinct, while also leading and assisting community campaigns and movements for change. Craig is a passionate

believer in collective altruism - the act of people generously working together on behalf of others and the planet we call home.

**Woolaston, Katie**

is an inter-disciplinary researcher, lawyer and lecturer in the QUT Law School. Dr Woolaston obtained her PhD in wildlife law and conservation conflicts from Griffith University in 2020 and holds a Masters in Law (specializing in Human Rights & Social Justice) from the University of New South Wales. Dr Woolaston's research is focused on international and domestic wildlife law and the regulation of the human-wildlife relationship. She is particularly interested in using the social sciences to resolve long-held and deeply-rooted attitudes and values that are contrary to conservation and embedding such processes in law and policy. Dr Woolaston's post-doctoral research is focused on dingo management and stakeholder collaboration on K'Gari-Fraser Island, and integration of OneHealth approaches in wildlife trade in the wake of COVID-19. She was an expert on the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) panel concerning Biodiversity and Pandemics, is an Associate Editor of the Asia-Pacific Journal of Environmental Law, and a Board Member of the National Environmental Law Association. Her first book, titled 'Ecological Vulnerability: The Law and Governance of Human-Wildlife Relationships' is to be published by Cambridge University Press later this year.

**Wright, Sarah**

Dr Sarah Wright is a Lecturer with the School of Law at the University of Wollongong. Her research focus includes environmental crime, compliance and enforcement in environmental law, regulatory theory and effective regulation. Sarah completed her PhD examining the effectiveness of the NSW pollution regulatory system in 2019. Sarah has taught a number of subjects including Environmental Law, Pollution Law, Property Law and Administrative Law. Prior to entering academia Sarah worked as a Senior Legal Officer with the NSW Office of Environment and Heritage, which then incorporated the Environment Protection Authority, and also as Tipstaff to the Hon. Justice Nicola Pain of the Land and Environment Court of NSW.