AUSTRALIAN CENTRE FOR CLIMATE AND ENVIRONMENTAL LAW

ACCEL

2012 ANNUAL REPORT
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ACCEL MEMBERS

Full-time academic staff
Professor Rosemary Lyster (Director)
Dr Kate Miles (Deputy-Director)
Ms Celeste Black
Associate Professor Chester Brown
Dr Simon Butt
Dr Andrew Edgar (Coordinator of the Environmental Law Program)
Ms Susan Shearing (Coordinator of the Environmental Law Program & Co-Editor in Chief, Asia Pacific Journal of Environmental Law)
Associate Professor Timothy Stephens (Co-Editor in Chief, Asia Pacific Journal of Environmental Law)

Adjunct Professors and Affiliates
Emeritus Professor Ben Boer
Adjunct Professor Gerry Bates
Ms Nicola Franklin
Adjunct Professor The Hon. Justice Brian Preston, Chief Judge, Land & Environment Court NSW
Emeritus Professor Zada Lipman

Advisory Board
Mr Jeff Smith, Director, Environmental Defender’s Office (Chair)
Dr Nicolas Brunton, Partner, Henry Davis York
Mr John Connor, The Climate Institute
Associate Professor Ronnie Harding, Institute of Environmental Studies, University of NSW
Mr David O’Donnell, Partner, Addison Lawyers
The Honorable Justice Nicola Pain, NSW Land and Environment Court

RESEARCH AND PUBLICATIONS (FULL TIME STAFF)

Celeste Black

Book Chapters

Articles in Refereed Journals
**Simon Butt**

**Book Chapters**


**Articles in Refereed Journals**


**Andrew Edgar**

**Articles in refereed journals**


**Stefan Gruber**

**Book Chapters**


**Working Papers**

Stefan Gruber, The fight against the illicit trade in Asian Cultural Artefacts: Connecting Domestic Strategies, Regional Cooperation and International Agreements' included in the *Asian Society of International Law Working Paper Series* (August 2012)

**Rosemary Lyster**

**Book**


**Book Chapters**

Articles in refereed journals

Rosemary Lyster, ‘Coal seam gas in the context of global energy and climate change scenarios’ (2012) 29(2) Environmental and Planning Law Journal 91-100

Kate Miles

Book


Book Chapters


Henry Burmester, Natalie Klein and Kate Miles, 'Australia and International Dispute Settlement' in D R Rothwell (ed), International Law in Australia, Thomson Reuters (forthcoming, 2012)

Susan Shearing

Articles in refereed journals


Tim Stephens

Book

Ben Saul, Steven Sherwood, Jane McAdam, Tim Stephens and James Slezak, Climate Change and Australia: Warming to the Global Challenge, (Federation Press: Sydney, 2012), 256 pages

Book Chapters

Simon Butt, Beatriz Garcia, Jemma Parsons and Tim Stephens, 'Brazil and Indonesia: REaDD+y or Not?' in Rosemary Lyster, Catherine MacKenzie, Connie McDermott (eds), Law, Tropical Forests and Carbon: The Case of REDD+ (Cambridge University Press, 2012), 251-274


**Articles in Refereed Journals**


**Book Reviews and Review Essays in Refereed Journals**


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**RESEARCH AND PUBLICATIONS (AFFILIATES)**

**Ben Boer**

*Book*


*Book Chapter*


**Gerry Bates**

*Book Chapters*


**Zada Lipman**

*Book*


*Book Chapters*
Zada Lipman, Ch 18, "Pollution Control and the Regulation of Chemicals and E-Waste" in Routledge Handbook of International Environmental Law, eds S Alam, J Bhuiyan, T Chowdhury, E Techera, (Routledge, 2012)

Articles in Refereed Journals


Brian Preston

Articles in Refereed Journals


Brian J Preston, “Injunctions in planning and environmental cases” (2012) 36 Australian Bar Review 84


EDITORSHIPS (FULL TIME STAFF)

- Rosemary Lyster, Special Water and Energy Law Editor for Environmental Planning and Law Journal
- Kate Miles, Book Review Editor, Asia Pacific Journal of Environmental Law
- Susan Shearing, Co-Editor in Chief, Asia Pacific Journal Of Environmental Law
- Tim Stephens, Co-Editor in Chief, Asia Pacific Journal of Environmental Law
- Tim Stephens, Associate Editor, Australian International Law Journal

EDITORSHIPS (AFFILIATES)

- Adj. Prof. Gerry Bates, Editor-in-Chief, Environmental Planning and Law Journal
- Em. Prof. Ben Boer, Member, Editorial Board Review of European Community and International Environmental Law, London
Em. Prof. Ben Boer, Member, Editorial Board *Journal of Environmental Law*, London

Em. Prof. Ben Boer, Member, Editorial Board *Asia Pacific Journal of Environmental Law*, ACCEL

Em. Prof. Zada Lipman, Australian editor of the *Environmental Liability Journal*

Em. Prof. Zada Lipman, New South Wales and Pollution special editor of the *Environmental and Planning Law Journal*

Adj. Prof. Brian Preston, Member of Advisory Board of *TREENET*, a national arboricultural research and education organisation based at Waite Arboretum, University of Adelaide

Adj. Prof. Brian Preston, Member of the Editorial Advisory Board for the *Asia Pacific Journal of Environmental Law*

Adj. Prof. Brian Preston, Title editor of *The Laws of Australia* – Title 14 “Environment and Natural Resources”, Thomson Reuters

Adj. Prof. Brian Preston, General Editor of *Local Government Planning and Environment NSW Service*, LexisNexis Butterworths

**CONFERENCE AND SEMINAR PRESENTATIONS (FULL TIME STAFF)**

*Andrew Edgar*

Edgar A, ‘Standing for Environmental Groups’ seminar given at University of Tilburg Law School, The Netherlands, 7 November 2012

*Stefan Gruber*


*Rosemary Lyster*

Lyster, R., ‘Carbon Price Master Class’, Sydney Law School, University of Sydney, 24 April 2012

Lyster R., ‘Climate change, catastrophic risk and Disaster law’ NSW Land and Environment Court conference, Coogee, 18 May 2012 (invited)

Lyster, R., ‘Towards a global justice vision for Climate Law in a time of ‘unreason’ at Symposium on Vulnerability, Adaptation, and Climate Justice, Sydney Network on Climate Change and Society in partnership with Australian Centre for Climate and Environmental Law and the Environmental Humanities Group, University of Sydney, 21 August 2012
Lyster R., ‘Climate change, catastrophic risk and Disaster Law’, Industrial Relations Commission conference, 18 October 2012, Port Stephens

Lyster, R., ‘Destroying capabilities, disasters and climate change justice’, ACCEL Annual Conference ‘Climate Change, Catastrophic Risk and Disaster Law’, University of Sydney, 10 December 2012

**Tim Stephens**


Tim Stephens, ‘International Crimes, Civil Claims and Jurisdictional Immunity: Where to From here?’, Faculty of Law, University of Tasmania, 4 April 2012.

**CONFERENCE AND SEMINAR PRESENTATIONS (AFFILIATES)**

**Ben Boer**


European University Institute, Florence, June 2012

*Land Degradation as a Common Concern of Humanity,*

*Human Rights and Climate Change, 3 lectures for European University Institute Summer School*

International Union for the Conservation of Nature – September 2012 Jeju Island, South Korea:

- *Introduction to connectivity conservation law and Target 11 of the Strategic Plan of the Convention on Biological Diversity;*

- *The Need for a Convention on Sustainable Soils;*

- *Rights-based approaches to Conservation* at the World Conservation Congress,

Sino-European Conference, Research Institute of Environmental Law, Wuhan University 14 - 16 September 2012 *Need for a Convention on Sustainable Soils: European and Chinese perspectives*

University of Oregon Environmental Law Conference in honour of Svitlana Kravchenko, *Land Degradation and Human Rights, October 2012 (by video)*

**Zada Lipman**

ACCEL Annual Report 2012
Planning Law Reform in NSW: Explaining the Revolution Seminar, Sydney Law School, University of Sydney, 6 August 2012

Pollution Law and Criminal Liability, ACCEL Seminar Series, Sydney Law School, University of Sydney, 16 May 2012

Brian Preston


Biodiversity in the Courts: a presentation to the International Bar Association Annual Conference, “Biodiversity preservation in the face of global industrialisation” - Energy, Environment and Natural Resources and Infrastructure Law Section, 2 October 2012, Dublin, Ireland.

The enduring importance of the rule of law, a presentation to the students of the Australian and New Zealand School of Government’s “Governing by the Rules 11” course, 23 February 2012, University of New South Wales, Kensington, NSW.


Adapting to the impacts of climate change: the limits and opportunities of law, a paper presented to the Institute for Sustainable Futures and University of Technology, Sydney Thought Leadership Seminar, 30 April 2012, University of Technology, Sydney.

Natural justice by the courts: some recent cases, a paper presented to the Land and Environment Court of NSW Annual Conference, 17 May 2012, Coogee Beach, NSW.

Language, learning and life: linked losses, a presentation to the Forum on Indigenous Knowledge and Biodiversity in India and Australia, 2 August 2012, University of Technology, Sydney.

Injunctions in planning and environmental cases, a presentation to the Australasian Conference of Planning and Environment Courts and Tribunals, 30 August 2012, Bunker Bay, Western Australia.

POSTGRADUATE SUPERVISION AT DECEMBER 2012

Celeste Black (Associate Supervisor)

delos Pinte Aydos Elena PhD Full time 01/02/2011 01/02/2014 01/02/2015

Seymour Elen PhD Part-time 01/02/2011 01/02/2017

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ACCEL congratulate the following 2012 environmental law graduates:

**Paul Govind**

Paul Govind was awarded his Master of Laws (Research) at the November 2012 University of Sydney graduation ceremony. His supervisors were Professor Rosemary Lyster and Associate Professor Tim Stephen’s. Paul’s thesis is titled ‘Least Developed Countries and Adaptation Funding: Satisfying Distributive Justice in the Climate Change Regime’.
Stefan Gruber

Dr Stefan Gruber was awarded his PhD at the May 2012 University of Sydney graduation ceremony. His supervisors were Emeritus Professor Ben Boer and Professor Wang Xi of Shanghai Jiao Tong University in China. Dr Gruber’s thesis ‘Protecting China’s Cultural Heritage: Law and Policy’ entailed a critical examination of the broad range of cultural heritage law and its implementation in China.

Andrew Martin

Dr Andrew Martin completed his thesis in December 2012 and will be awarded his PhD at the May 2013 University of Sydney graduation ceremony. His supervisors were Professor Rosemary Lyster and Ms Nicola Franklin. Dr Martin’s thesis is titled ‘Water Governance in NSW: The Role of Adaptive Governance’.

RESEARCH AND RESEARCH GRANTS (INCLUDING SUBMISSIONS)

Collaborative and interdisciplinary research

University strategy:

Develop a small number of major cross-disciplinary initiatives in research.

ACCEL response:

Members of ACCEL are currently engaged in a number of interdisciplinary research projects which are likely to endure over the next few years. Some but not all of these projects involve research collaborations within the Division. Nevertheless, in accordance with discussion at the Dean’s Executive Meeting, all are relevant to the Law School’s Strategic Plan. Each of these would be worthy of further research funding support. These include:

ACCEL Research Grants

For the first time, ACCEL offered Sydney Law School Academic Staff four Research Grants to the value of $4,000 each. Applicants were asked to explain the proposed activity for which they sought funding and include expected outcomes, as well as potential collaboration with ACCEL members. The grant recipients are:

- Andrew Edgar – Presentation at the Planning Law and Property Rights Conference – 7-10 February 2012, University of Ulster, Belfast
- Stefan Gruber – Support for research development
- Tim Stephens - for extensive research on the regulatory framework for deep seabed mining in the Pacific and an article for submission to a leading journal on marine policy

LSSF Grants (2011)

• **Shearing, S.,** *Climate Change and Shareholder Power: A Comparative Assessment of Regulatory Frameworks and Management Response*, $5,000

• **Stephens, T.,** *Polar Oceans Governance in an Era of Environmental Change*, $4,959

**Herbert Smith Visiting Professor at Cambridge Law School**

Professor Rosemary Lyster was invited to apply for, and has been appointed, a Herbert Smith visiting Professor at Cambridge Law School in 2013.

Law firm Herbert Smith has supported this important Visitor Scheme since 2002, enabling distinguished academics from around the world to carry out research, either individually or in collaboration with Faculty members, in Cambridge.

Rosemary first visited Cambridge in July 2009 as a visiting Fellow at Trinity College when she was also teaching Comparative Climate Law under the auspices of Sydney Law School’s LLM in Europe program. Rosemary has returned to Cambridge in 2010 and 2012. During her time at Cambridge she has brought together a team of interdisciplinary experts from around the world to contribute to her new book Rosemary Lyster, Catherine MacKenzie, Constance McDermott (eds) *Law, tropical forests and carbon: the case of REDD+* (Cambridge University Press) which will appear in early 2013. This interdisciplinary and in-depth critical analysis of Reducing Emissions from Deforestation and Degradation offers perspectives on its enforcement under International Law. Catherine MacKenzie is a Fellow of Selwyn College and University Lecturer in Law at the University of Cambridge. She is also a Research Associate at the University of Oxford. Constance McDermott is a James Martin Senior Fellow at the University of Oxford. Academics at The University of Sydney who have contributed chapters to the book include Dr Robert Fisher and Dr Jeff Neilson in the School of Geosciences and Associate Professor Tim Stephens and Dr Simon Butt at the Law School. In 2013, while at Cambridge Law School for three months, Rosemary will be continuing her research into Climate change, catastrophic risk and Disaster Law.

**AusAID Australian Leadership Awards Fellowship**

From 3-28 October 2011, three Fellows from Indonesia visited ACCEL under the auspices of an AusAID Australian Leadership Awards Fellowships (ALAF) secured by Professor Rosemary Lyster, Associate Professor Tim Stephens and Dr Simon Butt. The title of the Fellowships Award was ‘Balancing climate change laws and policies with the needs of forest communities in Indonesia.’ The Fellows attended the Human Rights Advocacy Course run by Ms Irene Baghoomians; spend time as interns at the Environmental Defenders’ Office and at the Land and Environment Court; and undertook research skills training in the Law School. The program was attended by Avi Mahaningtyas, Chief of Cluster, Kemitraan Partnership. Avi works alongside one of Sydney Law School’s PhD graduates, Dr Laode Syarif, who is now Chief of Cluster for Security and Justice at the NGO Kemitraan – The Partnership for Governance Reform. Dr Laode’s work includes corruption eradication and environmental law enforcement. The program was also attended by Mr Giorgio Budi Indarto, Forest and Climate Program Manager for Indonesian Centre for Environmental Law (ICEL) and Ms Josi Khatarina, Associate Researcher also for the Indonesian Centre for Environmental Law (ICEL). In May 2012, Dr Simon Butt visited Indonesia to follow-up with the Fellows. The Fellows and Dr Butt participated in a workshop held at ICEL’s offices in which developments in Indonesian environmental law were outlined and discussed, as well as future collaborations between the Fellows and Sydney Law School.
Continuing from 2011 report


‘Implementing REDD+ in Indonesia: the need for legal institutions to support transparency and participation in the context of indigenous peoples’ and local communities’ resource rights’

Without adequate protections, there are concerns that indigenous peoples’ and local communities’ livelihoods, access to resources and other rights, such as cultural rights, will be disrupted where deforestation is substantially reduced or halted. Indigenous people face the risk that governments will ‘zone’ forests thereby creating protected areas, biological corridors, forest reserves and sustainable forest management zones. Governments might then grant state-authorised forest concessions to manage these forests, prohibit community use of forestry resources, or evict indigenous peoples and communities from parks or protected areas. Secondly, there are concerns that insecure tenure may itself promote deforestation as resource users clear forests in order to show occupation where land claims are contested. From a legal and governance perspective, transparency, openness and accountability in government driven REDD+ projects are facilitated by four key pillars: access to information; access to legal remedies before courts and tribunals; the right to participate in government decision-making; and access to an independent Ombudsman, or Public Protector, who investigates instances of maladministration in government agencies. This research investigates the status of each of these pillars in Indonesia.

The research includes a collaboration with academics in the Department of Geosciences including Professor Phil Hirsch, Dr Jeffrey Neilson, Associate Professor Bill Pritchard and Dr Robert Fisher.

Mekong Laws: Scales, Sites and Impacts of ‘Hard’ and ‘Soft’ Law in Mekong River Basin Governance (Ben Boer, Fleur Johns, Ben Saul with the Australian Mekong Resources Centre) (January 2011 – December 2013)

This project draws together law and social science scholars with a diversity of research strengths. Few studies of international and national law have combined theoretical inquiry into the circulation and impacts of legal ideas, institutions and vocabularies with ethnographic mapping of particular socio-legal fields. Conversely, Mekong-specific social science literature has tended to be inattentive to law. By addressing these weaknesses, this project expands knowledge in international law (especially international law on transboundary watercourses), regional and national environmental law and the discipline of social sciences (especially human geography), and integrates recent theorising in both discipline areas in an innovative way.
Visiting Academics

Professor Michiel Heldeweg, University of Twente, The Netherlands, visited ACCEL between December 2011 and March 2012. Michiel A. Heldeweg (1957; LLM Groningen, 1985; PhD Maastricht, 1993) is full professor of Public Governance Law at the faculty of Management & Governance (MB) and the institute for Innovation and Governance Studies (IGS) at the university of Twente the Netherlands. He is a member of the Netherlands Institute of Government (NIG), an associate senior member of the Ius Commune Research School (Leuven, Maastricht a.o.), and associated to the Netherlands Institute for Law & Governance (NILG - Groningen, Amsterdam a.o.). Heldeweg is an Honorary Judge in the District Court of Almelo (the Netherlands), serving on the Administrative Law Bench.

Professor Heldeweg's core research theme reads: legal design of smart rules and regimes, with particular relevance to fostering sustainable energy.

His focus is on safeguarding the public interest in the context of the (new) regulatory state, with special interest in hybrid organizations and hybrid regulatory strategies, particularly with regards to:

- legal aspects of governance, especially in the delivery of public services (safeguarding public values).
- legal aspects of regulation, especially balancing innovation and risk control (innovation enhancement & risk regulation).

This approach includes research into a methodology of legal design (especially of 'smart rules and regimes') and of legal risk management (especially legal quality). Major areas of applied focus: environment and energy.

His teaching involves various courses in bachelor and master programmes of European Studies, Public Administration and Business Administration, especially on Constitutional & Administrative Law, Law & Governance, Law, markets & innovation, Regulatory Governance & Law, Environmental Law, Legal Risk Management and Legal Governance Methodology. Professor Heldeweg will conduct a seminar on ‘Smart rules and regimes: legal design towards regulating innovation’ on the 29th February 2012.

Offshore Units of Study

Comparative Climate Law (July 2012)

This unit of study was taught under the auspices of Sydney Law School’s LLM in Europe program. It was co-taught by Professor Rosemary Lyster and Dr Leonardo Massai at the Monash Centre in Prato, Italy. Dr Leonardo Massai is the principal legal adviser to the Coalition of Rainforest Nations and has participated in many of the multilateral climate change negotiations under the United Nations Framework Convention on Climate Change, including the Bonn negotiations in May 2012. The unit included a critical analysis of Climate Law and Policy in four jurisdictions, the European Union, the United States, Australia and China. Discussion on the latest climate change science and economic modelling on climate change provided the context for understanding the legal responses.

ACCEL’s net profit share for this unit was $3,742
Sustainable Management of Revenue Flows (July/August & October/November 2012)

The Graduate School of Government and Sydney Law School is involved in delivering this AusAID funded Australia Africa Awards programme to two cohorts with Fellows from Liberia, Cote D’Ivoire, Seychelles, Malawi, Sierra Leone, Ethiopia, Togo, Algeria, Nigeria, Rwanda, South Sudan, and Uganda. ACCEL member Susan Shearing teaches in these programmes and contributes seminars on ecologically sustainable development and corporate social responsibility.

The Fellows are from government and civil society. Both programmes include an initial in-country delivery and then will run for six weeks at the University. The programmes cover topics including public policy, legal and regulatory frameworks, transparent management and reporting of revenue flows, development and implementation of financial policies and tax instruments, EITI, future sharing, mining tax law, occupation health and safety, infrastructure development and fiscal benefits, contract negotiation, project management, global oil and gas contracts, issues management, sustainable development in EI, environmental impact studies and audits, public sector leadership and corporate social responsibility and included site visits and briefings from relevant government and non-government agencies in Western Australia and New South Wales.

ACCEL received a total income of $16,847 from this programme.

Sustainable Development Law in China (July 2012)

The unit ‘Sustainable Development Law in China” was conducted in July 2012 by Emeritus Professor Ben Boer and Dr Stefan Gruber in collaboration with the Research Institute of Environmental Law of Wuhan University in Hubei Province. In addition to postgraduate environmental law students the unit was also made available for the first time to undergraduate and Juris Doctor students as part of their elective options. The unit canvassed the legal and institutional framework of environmental law and policy in China in addition to related current political and social aspects and analysed them from jurisprudential and comparative law viewpoints. It involved one week of full-day lectures with Chinese legal academics from Wuhan, Beijing and Guangzhou and field visits to the Wuhan Iron and Steel Company and the Wuhan Environment Protection Bureau. As in previous years, the group embarked on a 5 day field trip in the second week of the unit. This included two days at the Wudang Mountain World Heritage site, a visit to the Three Gorges Dam which is the largest hydro generation facility in the world and a two day cruise on the Yangtze River to visit other cultural and natural heritage sites.

ACCEL generated a net profit share of $20,536 from this unit of study as a result of strong JD and LLB enrolments, with only 6 MEL enrolments.
**Postgraduate intensives 2012**

In 2012, there were 39 students enrolled in postgraduate Environmental Law programs (MEL, GradDipEnvLaw): from these enrolments there were 32 MEL students and 7 GradDipEnvLaw students. This does not include those who suspended or deferred their candidature for the year. The breakdown of units of study and student numbers is listed in the table below:

<table>
<thead>
<tr>
<th>Postgraduate Unit of Study</th>
<th>Course Code</th>
<th>Semester</th>
<th>No. of Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon Trading, Derivatives and Taxation</td>
<td>LAWS6936</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td>Comparative Climate Law</td>
<td>LAWS6021</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Energy and Climate Law</td>
<td>LAWS6163</td>
<td>2</td>
<td>34</td>
</tr>
<tr>
<td>Environmental Impact Assessment</td>
<td>LAWS6043</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Environmental Law and Policy</td>
<td>LAWS6044</td>
<td>1 and 2</td>
<td>44</td>
</tr>
<tr>
<td>Environmentally Responsible Business</td>
<td>LAWS6899</td>
<td>2</td>
<td>22</td>
</tr>
<tr>
<td>International Environmental Law</td>
<td>LAWS6061</td>
<td>1</td>
<td>36</td>
</tr>
<tr>
<td>Law of the Sea</td>
<td>LAWS6047</td>
<td>1</td>
<td>22</td>
</tr>
<tr>
<td>Pollution Law</td>
<td>LAWS6082</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Sustainable Development Law in China</td>
<td>LAWS6154</td>
<td>2</td>
<td>19</td>
</tr>
<tr>
<td>Water Law</td>
<td>LAWS6191</td>
<td>2</td>
<td>17</td>
</tr>
</tbody>
</table>

**Undergraduate environmental law**

This unit is an optional unit of study for students in the final year of the LLB program. It is a popular course as is evidenced by the high enrolment numbers. In 2011 there were 44 LLB students and 6 JD students enrolled.

<table>
<thead>
<tr>
<th>Undergraduate unit of study</th>
<th>Number of students</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAWS3430 Environmental Law – semester 1</td>
<td>60</td>
</tr>
</tbody>
</table>
PROFESSIONAL MEMBERSHIPS AND CONTRIBUTIONS (FULL TIME STAFF)

Rosemary Lyster
- Member of IUCN Commission on Environmental Law
- Member of IUCN Water and Wetlands Working Group
- Member of IUCN Energy and Climate Change Working Group.
- Consultant to King & Wood Mallesons on a one day a week basis.

Susan Shearing
- IUCN Commission on Environmental Law
- IUCN Commission on Environmental, Economic and Social Policy
- Member, National Environmental Law Association
- Member, World Commission on Protected Areas
- Barrister and Solicitor Supreme Court of New South Wales
- Barrister and Solicitor Supreme Court of Victoria

Tim Stephens
- Member, International Law Association Committee for Sustainable Development Law
- Member, IUCN Commission on Environmental Law
- Member, Executive Council, Australian and New Zealand Society of International Law
- Barrister and Solicitor of Supreme Court of New South Wales
- Rapporteur for the Sydney and Canberra Panels of Independent International Legal Experts commissioned by the International Fund for Animal Welfare to examine the legality of Japanese ‘special permit’ whaling in Antarctica.
PROFESSIONAL MEMBERSHIPS AND CONTRIBUTIONS (AFFILIATES)

Adjunct Professor Gerry Bates
- Chairman of the Regulation sub-committee of the Environment Protection Authority Board.
- Member of the State of the Environment Advisory Council.
- Director, Kimbriki Environmental Enterprises (regional landfill and resources recovery)

Emeritus Professor Ben Boer
- Barrister and Solicitor, Supreme Court of Victoria.
- Barrister, New South Wales.
- Member, Advisory Committee, Asia Pacific Centre for Environmental Law, National University of Singapore.
- Deputy Chair, IUCN Commission on Environmental Law
- Co-Chair, Specialist Group on Protected Areas Law and Policy of the IUCN World Commission on Protected Areas and the IUCN Commission on Environmental Law
- Member, IUCN Commission on Environmental Law Sustainable Soils and Desertification Specialist Group,
- Member, IUCN World Commission on Protected Areas
- Member, Steering Committee, Protected Areas Legislative Guidelines Advisory Group, IUCN Environmental Law Centre
- Member, International Council for Environmental Law, Bonn.
- Member, Australian Conservation Foundation.

Nicola Franklin
- Member of IUCN Commission of Environmental Law
- Member, Environmental Consultative Committee, Legal Aid Commission of NSW

Emeritus Professor Zada Lipman
- Member of the IUCN Commission on Environmental Law
- Member of the IUCN, Special Working Groups on Enforcement and Compliance and Oceans, Coasts and Coral Reefs
- Member of the Environmental Defenders' Office

Adjunct Professor Brian Preston
- Member of the LAWASIA Standing Committee on Environmental Law
- Chair of the Environmental Law Standing Committee of the Law Association for Asia and the Pacific (LAWASIA)
- Member of the Australian Centre for Climate and Environmental Law (Sydney), Faculty of Law, University of Sydney
- Official member, Judicial Commission of New South Wales.
- Member of the Ad hoc Advisory Committee of Judges, United Nations Environment Programme (UNEP) Judges Program
- Member of the Environmental Law Commission, International Union for Conservation of Nature (IUCN)
ACCEL EVENTS AND CONFERENCES

ACCEL Conference 2012 - Climate change, catastrophic risk and Disaster Law

On Monday 10 December 2012, ACCEL hosted a leading edge conference on the topic of ‘Climate change, catastrophic risk and Disaster Law’. At this conference the most recent science on climate change and potential climate change disasters was presented.

The distribution of that risk between government, society and the insurance industry was discussed as was the role of the law – most especially Disaster Law – to anticipate, prevent, respond to, and rebuild following, such disasters.

The keynote speaker at this conference was Professor Daniel Farber, Sho Sato Professor of Law, Energy and Resources Group, Berkeley University who presented “Climate Change as Extreme Sport: Catastrophic Risk, Disaster Law, and Climate Policy”. Other speakers included Dr Lisa Alexander, from the Climate Change Research Centre, UNSW - ‘Has or will the climate become “more extreme”?; Dr Tony Coleman from Lonergan Edwards & Associates Limited – ‘Adaptation - Beyond Uncertainty’; , and Professor Rosemary Lyster from ACCEL – ‘Destroying capabilities, disasters and climate change justice’.

*This event was attended by 49 delegates and generated a net income of $2,329.*

Symposium on Vulnerability, Adaptation and Climate Justice

A new research network - the Sydney Network on Climate Change and Society - was established at the University of Sydney in 2012. The network is a collaboration of researchers in the Humanities and Social Sciences. On 20-21 August 2012, ACCEL co-presented a symposium with the Network on Vulnerability, Adaptation and Climate Justice. The keynote speaker at the symposium was Professor Dale Jamieson, Director of Environmental Studies at New York University, where he is also Professor of Environmental Studies and Philosophy, and Affiliated Professor of Law. He presented on ‘Living with Climate Change’ where he discussed our failure to prevent or even to respond significantly to climate change and that we and our children will need to find meaning in a strange world that we have made. The symposium included presentations on: Theories of Climate Justice; Vulnerability and Adaptation; Food and other Environmental Resources; Health and Disasters; Cultural Impacts and Adaptation; and Utopian Futures. As part of the symposium Professor Rosemary Lyster presented a paper entitled ‘Towards a global justice vision for Climate Law in a time of “unreason”’. A copy of the program including speaker abstracts is available via the ACCEL website: www.sydney.edu.au/law/accel

ACCEL will co-present three other seminars with the Sydney Network on Climate Change and Society in 2012-2013

Carbon Price Master Class

On 24 April 2012, ACCEL hosted a ‘Carbon Price Master Class’ where presenters included Professor Rosemary Lyster and Celeste Black from Sydney Law School and guest presenters Ilona Millar from Baker & McKenzie and Scott Farrell from King & Wood Mallesons. Presentations focused on the carbon price being imposed on liable entities under the Clean Energy Act 2011 (Cth) from 1 July
2012. Speakers explained step-by-step the provisions of the carbon price mechanism, the taxation implications, the offsetting mechanisms and the carbon derivatives market.

*ACCEL generated an income of $4,732 from this event.*

**Planning Law Reform in NSW: Explaining the Revolution**

New South Wales planning law is undergoing generational change with the recent release of a Green Paper on a new planning system for the state. On 6 August 2012, ACCEL hosted a seminar on the planning reforms. Emeritus Professor Zada Lipman and Dr Robert Stokes MP discussed the new laws being proposed for the development of land use plans by councils and the State Government and the settlement of planning disputes, which are due to go before Parliament by year’s end. With the new system set to revolutionise legal practice in planning law, this seminar provided the audience with a clear understanding of the background to the reforms and the likely future shape of the NSW planning system.

*ACCEL generated an income of $1,437 from this event.*

**ACCEL SEMINARS**

ACCEL presented its inaugural annual seminar series, coordinated by Dr Andrew Edgar, in April and May 2012. Some of the presentations were based on research recently published in the third edition of Rosemary Lyster, Zada Lipman, Nicola Franklin, Graeme Wiffen, Linda Pearson Environmental and Planning Law in NSW (Federation Press: 2012)

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
<th>Presenter</th>
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<tbody>
<tr>
<td>Week One</td>
<td>Environmental Planning Law</td>
<td>Dr Andrew Edgar</td>
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<tr>
<td>Week Two</td>
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<td>Dr Andrew Edgar</td>
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<td>Week Three</td>
<td>Environmental Impact Assessment</td>
<td>Ms Nicola Franklin</td>
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<td>Week Four</td>
<td>Heritage</td>
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<td>Week Five</td>
<td>Pollution</td>
<td>Professor Zada Lipman</td>
</tr>
<tr>
<td>Week Six</td>
<td>Climate Law</td>
<td>Professor Rosemary Lyster</td>
</tr>
<tr>
<td>Week Seven</td>
<td>Water Law</td>
<td>Professor Rosemary Lyster</td>
</tr>
</tbody>
</table>

The series is intended to showcase ACCEL research expertise through the members presenting one or two CLEs. Each seminar involved an overview of the most important changes to the particular area of law in the past year.

*ACCEL generated a modest income of $460 from this series.*

**PROPOSED CLES FOR 2013**

There are no CLEs proposed for 2013.
The Asia Pacific Journal of Environmental Law is an international, annual journal published by ACCEL. In 2012 ACCEL received submissions from high caliber authors who provided a critical analysis of environmental issues which continue to attract the global attention of leading Universities who are the main subscribers to the Journal.

The journal is edited by Assoc. Professor Tim Stephens and Ms Susan Shearin. Volume 14 Issue 1-2 of the journal was published and distributed to subscribers in July 2012. This issue of the Journal includes a range of important contributions on issues of environmental law of relevance to the Asia Pacific region: World Heritage Management at Angkor, Cambodia; Law in the Forests of Indonesia; Environmental Governance in the Antarctic; The Malaysian Environmental Framework; Human Rights and the Commodification of Carbon; The National Environmental Policy Act and the Environment Protection and Biodiversity Conservation Act; Biodiversity from Invasive Alien Species; Precautionary Principle in International and Indonesian Environmental Law. Comment on Greenhouse Emissions from Federated States of Micronesia v Czech Republic. Book Review on The Future of International Environmental Law.

Due to various administrative changes in the Sydney Law School, in 2012 processes for administering and publishing the Journal were streamlined. The ACCEL Administrative Assistant manages the subscriber database, invoices and payments, corresponding with distribution agents, distribution and online publication of the Journal. The Sydney Law School Publishing office manages the article submission and review process with the Journal’s Editor, copy editing and printing of the Journal.

Starting from Volume 14, issue 1 (2011), which was released in July 2012, the Journal will be published in one annual issue. Previous delays in ACCEL’s publishing schedule for APJEL have been overcome and subscriber invoicing is also up to date.

In 2011 the ACCEL Administration Assistant also coordinated agreements with RMIT Informit and AUSTLII (Australasian Legal Information Institute) to have APJEL published online from Volume 8 onwards. The agreement with RMIT Informit is based on royalties being paid to ACCEL for online sales as at 31 December each year from Volume 12 onwards. AustLII is an independent not-for-profit organization that provides free access to worldwide law publications, therefore no income will be generated from online access to back-issues of APJEL (Volumes 1-11 inclusive). Income generated from online sales is expected to increase over time as more issues of the Journal become available.

Back issues of Volumes 1-7 inclusive were coordinated into electronic files in 2012, which were made available to AustLII for online publishing. AustLII are yet to confirm they will upload these remaining back issues of the Journal. Volume 15 was released in February 2013 and Volume 16 is currently in production, due to be published in October 2013. The same number of subscribers has been maintained between 2011 and 2012. Regular subscription renewals combined with orders for back issues, generated a total income of $16,878.00 in 2012. Printing costs for Volume 14, issue 1-2 (2011) plus a reprint of Volumes 8 and 13 total $6,810. The net income from APJEL for 2012 is $10,068. It is projected that APJEL will generate a minimum gross income of $14,500 in 2013.
AFFILIATIONS

*IUCN Academy of Environmental Law*

ACCEL continues to contribute to the activities of the IUCN Academy of Environmental Law which has over 100 institutional members, a range of teaching initiatives and research projects with universities around the world.

FINANCIAL PERFORMANCE

(See 2012 Budget Statement attached)
### I & E Statement (including Commitments)

**User Selection:** Period: Adj Period Year: Calendar Year 2012 Units $: Dollar

**Responsibility Centre:** Australian Environ Law (J0004)

**Project Codes:** Other Operating (11111_PJ) **Analysis Codes:** Analysis Codes

**Report Date:** 11-Feb-2013 11:33 AM  **Report Data as of:** 09 FEB 2013

**Request Name:** jbra7852  **Data Source:** Rpt:Uem  **Report Ref:** SUGLR047

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#### Current Month

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#### Year To Date

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<td>19,487</td>
<td>(1,324)</td>
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<tr>
<td>1,750</td>
<td>19,616</td>
<td>(17,866)</td>
<td>1,750</td>
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<td>1,200</td>
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<td>294</td>
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<td>911</td>
<td>(161)</td>
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<td>723</td>
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<tr>
<td>5,500</td>
<td>7,299</td>
<td>(1,799)</td>
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#### Expenses: Employee Benefits

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<th>Actual</th>
<th>Variance</th>
<th>Commitments</th>
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<td>1,750</td>
<td>19,616</td>
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<td>5,500</td>
<td>7,299</td>
<td>(1,799)</td>
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#### Expenses: Non Salary

<table>
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<tr>
<td>18,162</td>
<td>22,929</td>
<td>(4,767)</td>
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<tr>
<td>10,500</td>
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<td>28,662</td>
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<tr>
<td>5,663</td>
<td>8,748</td>
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<td>16.5%</td>
<td>14.5%</td>
<td>16.5%</td>
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<td>5,663</td>
<td>8,748</td>
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<td>42,596</td>
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#### Accumulations

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<tr>
<td>48,259</td>
<td>126,308</td>
<td>78,050</td>
<td>0</td>
</tr>
</tbody>
</table>

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#### Revenue

- Business and Commercial Income
  - Budget: 7,656 Actual: 7,656 Variance: 0
  - Commitments: 7,656

- Other Income
  - Budget: 17,325 Actual: 9,222 Variance: (8,103)
  - Commitments: 17,325

- Internal Income
  - Budget: 17,000 Actual: 43,653 Variance: 26,653
  - Commitments: 17,000

#### Total Revenue

- Budget: 34,325 Actual: 60,532 Variance: 26,207
  - Commitments: 34,325

#### Expenses: Employee Benefits

- General Salary Costs
  - Budget: 18,162 Actual: 19,487 Variance: (1,324)
  - Commitments: 18,162

- Casual Salary Costs
  - Budget: 3,083 Actual: 3,083 Variance: 0
  - Commitments: 3,083

- Annual Leave
  - Budget: 360 Actual: 360 Variance: 0
  - Commitments: 360

#### Total Employee Benefits

- Budget: 18,162 Actual: 22,929 Variance: (4,767)
  - Commitments: 18,162

#### Expenses: Non Salary

- Employee Related Costs
  - Budget: 1,750 Actual: 19,616 Variance: (17,866)
  - Commitments: 1,750

- Consumables
  - Budget: 500 Actual: 455 Variance: 45
  - Commitments: 500

- Equip Purchases &Lease<$10,000
  - Budget: 1,200 Actual: 906 Variance: (294)
  - Commitments: 1,200

- Utilities and Communications
  - Budget: 750 Actual: 911 Variance: (161)
  - Commitments: 750

- Insurance, Legal, Motor, Admin
  - Budget: 800 Actual: 772 Variance: 723
  - Commitments: 800

- Student, Printing, Library
  - Budget: 5,500 Actual: 7,299 Variance: (1,799)
  - Commitments: 5,500

#### Total Non Salary Expenses

- Budget: 10,500 Actual: 28,854 Variance: (18,354)
  - Commitments: 10,500

#### Total Expenses

- Budget: 28,662 Actual: 51,783 Variance: (23,121)
  - Commitments: 28,662

#### OPERATING MARGIN

- Budget: 5,663 Actual: 8,748 Variance: 3,086
  - Commitments: 5,663

#### NET OPERATING MARGIN

- Budget: 5,663 Actual: 8,748 Variance: 3,086
  - Commitments: 5,663

#### NET FINANCIAL PERFORMANCE

- Budget: 5,663 Actual: 8,748 Variance: 3,086
  - Commitments: 5,663

---

#### Accumulations

<table>
<thead>
<tr>
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<tr>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
<td>75,000</td>
</tr>
</tbody>
</table>

#### CLOSING BALANCE

- Budget: 48,259 Actual: 126,308 Variance: 78,050
  - Commitments: 48,259

#### RESERVES

- Budget: 0 Actual: 0 Variance: 0
  - Commitments: 0