On Monday 10 December 2012, ACCEL will be hosting 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 will be presented.

The distribution of that risk between government, society and the insurance industry will be discussed as will 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 is Professor Daniel Farber, Sho Sato Professor of Law, Energy and Resources Group, Berkeley University.

Details of the conference will be advertised shortly. For more information see: sydney.edu.au/law/accel
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.

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 seminar series

ACCEL’s annual seminar series was organised by Dr Andrew Edgar and was held 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). The program included:

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<th>Week</th>
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<td>Environmental Planning Law</td>
<td>Andrew Edgar</td>
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<td>2</td>
<td>Litigation</td>
<td>Andrew Edgar</td>
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<td>3</td>
<td>Environmental Impact Assessment</td>
<td>Nicola Franklin</td>
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<td>4</td>
<td>Biodiversity</td>
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<td>5</td>
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<td>6</td>
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<td>Water Law</td>
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Rosemary Lyster, Zada Lipman, Nicola Franklin, Graeme Wiffen, Linda Pearson

*Environmental and Planning Law in NSW 3rd edition* (Federation Press: 2012)

The key changes in this edition concern planning and assessment, energy and climate law. The book continues to provide effective integration of planning and assessment provisions with environmental law topics such as pollution control, broadly defined; the protection of biodiversity and heritage; natural resource issues such as energy and water; global and domestic attempts to deal with climate change; and corporate social responsibility. The focus goes beyond NSW to take account of international as well as national developments, including detailed analysis of the relevant Commonwealth law.


Climate is one of the most hotly debated issues of this century. Internationally, leaders have come under unprecedented scrutiny by civil society. As Australia and the world face the consequences of extreme weather including severe floods, devastating bushfires and coastal erosion, the question is asked: ‘Is climate change the cause?’ Drawing on expertise from science, economics, geography and international law, the authors demystify the confusion surrounding climate change which comes from inconsistent media reports, complex scientific data and terminology, alarming and often paralysing predictions, and deliberate obfuscation of fact by vested interests. The book examines the science of global warming and the responses required; Australia’s vulnerabilities and reactions to date; global climate law and politics from Rio to Cancún and beyond; food insecurity, water scarcity and conflicts over resources; climate-related displacement and migration; and global governance of climate change.

This book provides a clear, balanced account of the science on climate change, how it is affecting Australia and the world, and the policy options available.

**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**


**Rosemary Lyster**

**Books**


**Book Chapters**


**Articles in refereed journals**


Other publications by ACCEL Members (continued)

**Kate Miles**

**Book**

**Book Chapters**


**Tim Stephens**

**Book**

**Book Chapters**


**Articles in Refereed Journals**


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

Other publications by ACCEL Adjunct and Emeritus Professors

**Gerry Bates**

**Book Chapters**

**Ben Boer**

**Book Chapters**

**Zada Lipman**

**Book**

**Articles in Refereed Journals**

**Articles in Refereed Journals**

**Brian Preston**

**Articles in Refereed Journals**

**Articles in Refereed Journals**

**Articles in Refereed Journals**

**Asia Pacific Journal of Environmental Law - Volume 14, Issues 1-2**

Volume 14 (Issues 1-2) 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; and the Precautionary Principle in International and Indonesian Environmental Law. It also includes a comment on Greenhouse Emissions from Federated States of Micronesia v Czech Republic and a book review of David Leary and Balakrishna Pisupati (eds) *The Future of International Environmental Law* (United Nations University Press, 2010).

The Editors of the Asia Pacific Journal of Environmental Law (APJEL) are currently seeking submissions for forthcoming issues. The Journal accepts article submissions of between 8,000 to 10,000 words (including footnotes). Longer or shorter articles may be published subject to the discretion of the Editors. Notes and commentaries including country reports may be up to 4,000 words. APJEL follows the Australian Guide to Legal Citation. All submissions are subject to external peer review. Full text of The Asia Pacific Journal of Environmental Law is also available via the ‘Informit Collections’ and AustLII.

Note: APJEL is now an annual journal and will be published in one issue per volume.

POSTGRADUATE RESEARCH

Postgraduate Research Students

ACCEL is proud to congratulate 2012 environmental law PhD graduate Stefan Gruber. Dr Stefan Gruber, who is currently appointed on nomination at Sydney Law School, 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.

2012 CCL cohort at Monash Centre, Prato, Italy

2012 CCL cohort with Dr Leonardo Massai in Prato, Italy

2012 CCL cohort with Prof. Rosemary Lyster in Prato, Italy

TEACHING & CONSULTANCIES

2012 Offshore Teaching Programs

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.
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.

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.

For information about ACCEL’s offshore programs see: www.sydney.edu.au/law/acCEL/programs.shtml
**APPOINTMENTS**

**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 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.

**World Commission on Environmental Law**

During the World Conservation Congress in September, Justice Antonio Herman Benjamin of the Supreme Court of Brazil was elected as Chair of the World Commission on Environmental Law. Ben Boer was appointed by the IUCN Council as Deputy Chair of the Commission. These positions are for four years.

**VISITORS**

**Professor Michiel Heldeweg visits ACCEL**

Professor Michiel Heldeweg, University of Twente, The Netherlands, visited ACCEL between December 2011 and March 2012. Professor Heldeweg is Professor of Public Governance Law at the Faculty of Management and Governance and the Institute for Innovation and Governance Studies of the University of Twente, the Netherlands. He is also an Honorary Judge in the District Court of Almelo (the Netherlands), serving in the Administrative Law Section. On 29 February 2012, ACCEL hosted a seminar presented by Professor Heldeweg on the topic of ‘Smart rules and regimes: legal design towards regulating innovation’.

**AusAID Australian Leadership Awards Fellowships**

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 Baghoornians; 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 Indrarto, 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.