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## EDOWA NEWS

### *Meet our new Principal Solicitor*

I am excited to be introducing the first edition of the EDO WA newsletter for 2017, my first as the Principal Solicitor. It is a privilege to have joined EDO WA and I look forward to continuing to meet members, supporters and clients over the coming months.

It has been a busy start to the year. Isaac St-Clair Burns has transitioned from paralegal to restricted practitioner and Caro Nye has commenced in a temporary role to assist with office administration. We welcomed Jacob Wotherspoon and Mariko Hunt on board who commenced with us as graduate clerks, participating in the [Piddington Society's](#) Piddington Justice Project. Victoria Sozzi and Jonathon Davidson also started as volunteers and they have each been instrumental in coordinating this newsletter. We are always on the lookout for new and energetic volunteers in a variety of legal and non-legal roles. See below for further details — please get in touch with us!

In addition to recommencing our legal advice service we have also continued to act on behalf of a number of clients in court. In early January we concluded a hearing on behalf of Mr Micklo Corpus, a Yawuru Traditional owner, who has long campaigned to protect his country from fracking in the Broome area. We have progressed a matter in the Warden's Court on behalf of clients seeking to

protect the environmentally significant banded iron formations in the Helena Aurora range from mining. Read on below for updates on both of these matters.

We also recently attended the “How Climate Change will Shape Environmental Law” conference at Murdoch University. This conference was particularly relevant to the climate change work we will be pursuing this year in identifying and promoting pathways for the Western Australian government to take better account of national and international commitments to reduce greenhouse gas emissions. Among the distinguished speakers at the conference was Justice Preston, Chief Judge of the New South Wales Land and Environment Court who spoke about the International Bar Association’s (IBA) work on [Climate Change Justice and Human Rights](#). The IBA Task Force has explored the impact that climate change has on human rights, strategies for managing climate change and limitations of current national and international legal regimes in dealing with climate justice.

In particular Justice Preston spoke about subsequent work he has been involved in for the IBA in developing a Model Statute on Legal Remedies for Climate Change (Model Statute). The intention is that the Model Statute will encourage individual states to incorporate its legal principles in domestic legislation. This will assist EDO WA in encouraging the Western Australian government and relevant agencies to do more from a law reform and regulatory perspective on climate change.

EDO WA will also be closely monitoring the approach taken by WA approvals agencies in respect of the assessment of greenhouse gas emissions from projects, as well as advocating that WA have a Climate Change Act similar to several other Australian states. Along with other EDO offices throughout Australia we will also be participating in [the upcoming review](#) of the Australian government’s climate change policies.

However, in the meantime I encourage you [to download](#) Ezra Klein’s fascinating interview with New York Times reporter and author of “The Sixth Extinction”, Elizabeth Kolbert, where they explore the science of climate change and the policy and legal challenges of dealing with it. Kolbert summed up the challenges we face.

“The problem with global warming... is that experience is an inadequate guide to what’s going on. The climate operates on a time delay. When carbon dioxide is added to the atmosphere, it takes decades—in a technical sense, millennia—for the earth to equilibrate. This summer’s fish kill was a product of warming that had become inevitable twenty or thirty years ago, and the warming that’s being locked in today won’t be fully felt until today’s toddlers reach middle age. In effect, we are living in the climate of the past, but already we’ve determined the climate’s future.”

Despite the many environmental challenges we face, this is an exciting time at the EDO WA. We will continue to update you in future newsletters on our climate change work as well as the other key aspects of our 2017 plan.

Thank you for reading. I hope you enjoy the rest of this issue and please encourage your family, friends and colleagues to subscribe to this newsletter or even better, donate or become a member of EDO WA!

Declan Doherty,

Principal Solicitor.

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### ***Protecting the Helena and Aurora Range***

EDO WA is currently assisting clients object to the granting of tenements associated with a proposal to mine the environmentally significant banded iron formations in the [Helena and Aurora Range](#) (HAR). While the Environmental Protection Authority and other government agencies have recommended greater protection for the HAR and raised concerns with mining in this area, the proponent continues to pursue the tenement applications concurrently with an assessment of the project by the EPA at a Public Environmental Review level.

We anticipate that the EPA will report to the Minister for the Environment on the project in the next few months. Our clients have consistently argued that granting these tenements ahead of the EPA’s report on the project should not occur and that the most appropriate course would be to let the EPA complete its assessment first, so that all environmental and public interest issues can be properly understood. A hearing was held before the Warden earlier this month and the matter is again listed for hearing in April 2017.





*Helena and Aurora Range — Courtesy Wildflower Society of WA*

**EDOWA is assisting Mr Michael (Micklo) Corpus remain on Country to monitor fracking activities east of Broome**

Mr Corpus has campaigned strenuously to inform the community of the threat hydraulic fracturing or 'fracking' and associated works pose to the land, animals, and water in the Kimberley. EDO WA has continued to represent and advise Mr Corpus challenge a Building Order which was served on him by the Shire of Broome in the middle of 2016. We are awaiting the decision of the State Administrative Tribunal following hearings held over December 2016 and January 2017.

Please consider donating to us! It costs \$685 per day for EDOWA to provide free legal assistance.

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## **OPPORTUNITIES TO PARTICIPATE**

Active community engagement is a critical component of environmental decision making and regulation. Below we set out available opportunities to comment on current proposed changes to the environmental law and policy relevant to Western Australia, as well as projects that are currently under assessment and which are likely to have an impact on the environment in the State.

Please contact us if you have any questions about the following opportunities for comment, or the consultation process generally.

### **LAW REFORM AND POLICY WATCH**

#### **Australian Parliament**

##### [Fisheries Legislation Amendment \(Representation\) Bill 2017](#)

This bill recognises recreational and Indigenous fishers in the Commonwealth legislation. It will also ensure that the Australian Fisheries Management Authority takes into consideration the interests of all fisheries users when making Commonwealth decisions.

### **STATE APPROVALS — Proposals open for comment**

#### **Environmental Protection Authority (EPA) Public Environmental Review (PER)**

##### [Expansion of the Ocean Reef Boat Harbour](#)

The City of Joondalup proposes to upgrade and expand the existing Ocean Reef Boat Harbour. The PER exclusively addresses the marine component of the proposed development. Further, the [Metropolitan Regional Scheme Major Amendment](#) focuses on the land component of this proposal and is also open for public comment. **Both submissions close 24 February 2017.**

##### [Development of a kaolin open cut mine in the Goldfields](#)

Tellus Holdings (TH) Limited proposes to develop a kaolin open cut mine in the Sandy Ridge Facility in the Goldfields. The mine voids are intended to be used for the secure storage of low level radioactive waste. **Submissions close 6 March 2017.**

##### [Proposal for tyre shredding facility in Welshpool](#)

Elan Energy is proposing to develop a facility which will process and shred EOL tyres using an indirect fired Thermal Conversion Unit producing char, steel wire, and oil. A [Public Environmental Review](#) document has now been released and reveals that there will be inevitable impact to air quality due to a release of various atmospheric gases. The project area occurs within the vicinity of two Bush Forever Sites, the first is located 640m away in Wattlegrove, and the second 800m away in Cannington. **Submission close 21 March 2017.**

## Department of Parks and Wildlife

### [Kimberley & Pilbara Joint Draft Management Plan](#)

Members of the public are invited to comment on the joint draft management plan. The plan includes Kurriji Pa Yajula (formerly Dragon Tree Soak) Nature Reserve, Walyarta Conservation Park and the Eighty Mile Beach coastal reserves. **Submissions close 31 March 2017.**



*Helena and Aurora Range — Courtesy of the Wildflower Society of WA*

## COMMONWEALTH APPROVALS — Proposals open for comment

### [Proposal to upgrade a section of road in Coongan Gorge may impact endangered and vulnerable species](#)

Main Roads WA proposes to upgrade a section of Marble Bar Road at Coongan Gorge in order to improve safety on this section of the road. The project area is 43.64 hectares. The proposal has been referred to the Department of Energy and Environment as it could result in the loss of habitat for the endangered Northern Quoll and the Pilbara Olive Python. These species are listed in the EPBC Act as Matters of National Environmental Significance. **Submissions close on 24 February 2017.**

### [Development proposal potential impact to native Cockatoos](#)

The project area is in the City of Kwinana and is proposed to be developed into a residential estate. The associated land includes approximately 4 hectares of potential foraging habitat for Carnaby's, Baudin's and Forest Red-tailed Black cockatoos. **Submissions close 2 March 2017.**

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## COMMUNITY NEWS

### [Senate inquiry into Roe 8 works](#)

A motion to stop work on the Roe 8 project was proposed by Greens Senator Scott Ludlam and passed by the Senate on Wednesday 16 February 2017 in relation to alleged breaches of environmental conditions including non-adherence to asbestos and dust management plans; incomplete surveys relating to the endangered black cockatoos and their habitats; insufficient fencing to protect animals from injury; and circumstances in which native animals have been trapped and relocated in a way which is inconsistent with environmental regulations.

A hearing is being held by the Senate's Environment and Communication References Committee in Perth on 23rd of February. The committee is due to report on 6 March 2017. [Read more...](#)

### **Australian Young Environmental Lawyer of the Year**

Nominations are open for the [Mahla Pearlman Award](#) for the Australian Young Environmental Lawyer of the Year. The award will go to a candidate who has made an outstanding contribution to environmental law as well as a noteworthy voluntary contribution to the legal community. Nominations will close at 5:00pm (AEDT) on Tuesday, 28 February 2017.

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## Upcoming Events

### [Forum: Protecting WA's environment is protecting WA's future](#)

*Some of WA's most respected and independent environmental groups will discuss some of the most pertinent environmental issues of our time.*

**Date:** 2 March 2017

**Time:** 6.15am - 9.00pm

**Venue:** Perth Town Hall, Hay St, Perth, WA



### [2017 Environmental Practitioners' Workshop: Sharing Experiences in Environmental Practice](#)

*Presented by the Environmental Practitioner's Network of WA and the Environment Institute of Australia and New Zealand, this workshop will be of interest to all environmental practitioners including students, conservation and landcare groups, professionals from all industries, regulators, local government and the public sector.*

**Date:** 26 May 2017

**Time:** TBA

**Venue:** Leederville Oval (Medibank Stadium) 246 Vincent St, Leederville WA

Registrations open in March

**Contact:** epnwaworkshop@gmail.com

### [WA Health Energy and Climate Change](#)

*A one day event bringing together some of Australia's most prestigious speakers in the areas of Climate Change, renewable energy and health.*

**Date:** 25 February 2017

**Time:** 8.30am - 4.30pm

**Venue:** The Education Building, Fiona Stanley Hospital, 11 Robin Warren Dr, Murdoch WA

**Contact:** deawasymposium@gmail.com

***In case you happen to be interstate...***

### [Mahla Pearlman Oration 2017](#)

*Professor June McAdam, University of NSW, will deliver the Oration —"Should I Stay or Should I Go? Shaping International Responses to Climate Change, Disasters and Displacement."*

**Date:** 9 March 2017

**Time:** 5.00pm - 7.00pm

**Venue:** Court 21, Federal Court of Australia, Queens Square, Sydney, NSW

**Contact:** events@lawcouncil.asn.au

## [2017 Future of Environmental Law Symposium](#)

**Date:** 10 March 2017

**Time:** 9.00am - 5.00pm

**Venue:** The Langham, 89-113 Kent St, Sydney, NSW

**Contact:** [ips@lawcouncil.asn.au](mailto:ips@lawcouncil.asn.au)

## **SUPPORT EDOWA**

EDOWA no longer receives funding from the State or Federal government and relies entirely on donations from the public. Your support is important to us providing a service which protects WA's biodiversity, land, air and water for future generations.



**Want to donate?**

### ***Exciting Opportunities for Events Management and Marketing Volunteers***

Do you want events management and marketing experience with one of Perth's most iconic community legal centres?

The EDO WA is currently seeking volunteers to assist with Events Management and Marketing. You will be working with EDO WA staff. See below for further details on some exciting fundraising projects and events planned for 2017.

#### ***How do you become a Volunteer?***

Please send your details in to [edowa@edowa.org.au](mailto:edowa@edowa.org.au) and we will contact you at the next available vacancy.

#### **Law students**

If you are a law student or newly admitted lawyer still subject to your supervised practice requirements, please provide the following information:

1. Current curriculum vitae
2. Most recent academic transcript including administrative law and a completion of at least 1 of the following 3, all with a grade of 'credit' or higher;
  - o environmental law
  - o energy/natural resources law
  - o maritime law/law of oceans
3. A short sample of written work or research relevant to environmental law (3 pages or more)

#### **Lawyers**

If you are a lawyer, and have completed two years' supervised legal practice, we are interested in hearing from you either as volunteer solicitor or as casual employee, as the circumstances warrant.

**We are also looking for volunteers with skills or experience in the following areas:**

- IT and Website
- Office Administration
- Fundraising

**Interested in volunteering?**

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