

Report 1C on Earth Laws Forum held on 24 February 2020

(Last updated – 3 April 2020)

Attendance: Frank Ondrus, HOPE; Dr Michelle Maloney, ALEA (remote); Revel Pointon, EDO Qld; Chay Neal, ALQ; Andrew Nicholson, HOPE; David Tutty, Social Justice Commission (Tmba); Alison Thornburn; Andrew Davidson; Jenny Cameron; Ian Whan; Cr Megan O’Hara-Sullivan, TRC; Christina Peak; Mark Tranter, Renew Toowoomba; Chris Meibusch; Margot Armstrong; Miriam Sharp; Jo Xu; and Farisa Naeimi

Apologies: Trevor Watts MP, Member for Toowoomba North; Dr John McVeigh MP, Member for Groom; Paul McDonald, CEO – SQ Landscapes; and Terry Ryan

Overview remarks:

Although a relatively small audience, they were treated to outstanding presentations - and responded by asking lots of pertinent questions.

Dr Michelle Maloney from Australian Earth Laws Alliance (ALEA) set the scene by explaining Earth Jurisprudence and its relevance in protecting our environment.

Ms. Revel Pointon from Environmental Defenders Office (EDO) spoke on the adequacy of the Queensland Government’s environmental protection laws, but noted that the monitoring, compliance and enforcement were insufficient to adequately protect the environment.

Likewise, Mr. Chay Neal from Animal Liberation Queensland (ALQ) highlighted large numbers of animal welfare / cruelty cases but very few instances of prosecution.

Our final speaker, Andrew Nicholson, a senior researcher with our organisation, reported on his visit to the National Climate Emergency Summit and the urgent need for all three levels of government to expedite the implementation of more substantive Climate Mitigation Strategies.

Program:

Time slot	Activity
1pm - 1.10pm	Welcome and housekeeping
1.10pm - 1.50pm	Speaker 1 – Michelle Maloney, AELA --- overview of AELA and issues at state-wide and national level (online audio & PPT)
1.50pm – 2.15pm	Speaker 2 and Q&A – Revel Pointon, EDO Ltd --- overview of EDO Qld and national body; and opportunities to comment on EPBC Act review
2.15pm – 2.40pm	Short break (25mins)
2.40pm – 3.10pm	Speaker 3 and Q&A – Chay Neal, Animal Liberation Queensland – Current issues in Animal Welfare
3.10pm – 3.40pm	Speaker 4 and Q&A – Andrew Nicholson, HOPE --- report on recent Climate Emergency Summit, Melbourne (14-15 Feb)
3.40pm – 4.30pm	Plenary session
4.30pm – 4.35pm	Closing remarks

Speaker profiles and presentation abstracts:

Dr Michelle Maloney, National Convenor – Australian Earth Laws Alliance (AELA)

Profile:



Dr Michelle Maloney is the Co-Founder and National Convenor of the Australian Earth Laws Alliance (AELA), Adjunct Senior Fellow at the Griffith Law Futures Centre and the Australian representative on the Global Alliance for the Rights of Nature (GARN). She has a Bachelor of Arts and Law with Honours from the Australian National University and a PhD in Law from Griffith University. AELA works to increase the understanding and practical implementation of Earth centred governance, with a focus on law, economics, education and the arts. For more information about AELA visit: www.earthlaws.org.au

Presentation Abstract:

The Australian Earth Laws Alliance (AELA) is a national not-for-profit organisation whose mission is to increase the understanding and practical implementation of Earth centred governance in Australia, with a focus on law, economics, education, ethics and the arts. AELA's work is inspired by the theory and practice of Earth jurisprudence, which is a governance philosophy and growing social movement. Earth jurisprudence proposes that we rethink our legal, political, economic and governance systems so that they support, rather than undermine, the integrity and health of the Earth.

The need for new governance systems has never been greater: as we face a climate changed world and transition away from our destructive reliance of fossil fuels, human societies need to create new ways of working together and nurturing the wider Earth community.

Revel Pointon, Senior Solicitor – Environmental Defenders Office (EDO) Qld



Profile:

Revel is a senior solicitor leading work on law reform, education and advice with EDO's Queensland office. She focuses on ensuring that our environmental laws and policies adequately protect our environment, provide for accountable and transparent governance and provide meaningful community participation in decisions that affect our environment and communities. Revel is on a number of government and non-government advisory committees and advises government and peak environment groups on Queensland and federal environmental law and policy matters. She also provides community education workshops and materials on law reform matters to help empower the community to engage in law and policy that affects the environments

of concern to them, and their health, as well as general legal advice.

Revel commenced work with EDO Qld in 2011 and returned in 2014 after taking a year off to complete a master's degree overseas. Prior to working at EDO, Revel worked at Minter Ellison in their planning and environment team, as well as working as a sustainability educator in Mexico. Revel tutors and guest lectures in various subjects, including in planning law, mining and resource law and environment law courses at Griffith University, Queensland University of Technology and University of Queensland.

Revel has a Bachelor of Laws and Bachelor of Environmental Management from the University of Queensland, a Masters in Culture and Development Studies from KU Leuven, Belgium and a Graduate Certificate in Policy and Governance from Queensland University of Technology. Revel was recipient of the 2017-2018 Mahla Pearlman Australian Young Environmental Lawyer of the Year award.

Presentation abstract:

The EDO continues its work to help communities to use the law to protect the environment. Some may notice that the separate offices of EDO around Australia have now joined forces to create a national organisation, 'Environmental Defenders Office Ltd'. This is a very exciting move that we are already seeing great benefit from, for example through greater collaboration and increasing the capacity of our smaller offices, with new solicitors being placed in the Perth and Darwin offices. Our services remain the same though, so EDO solicitors are available to help on any public interest environmental law matters for people in Queensland, and around Australia. Recent work of EDO includes continuing to defend the interests of the farmers affected by the New Acland Stage 3 expansion in the Darling Downs and helping farmers and conservationists concerned with the expansion of coal mining in the Galilee Basin. Our law reform work also continues; recently we have been preparing and empowering the public to put in submissions to the current federal review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) as well as working to improve the Qld and NSW laws to protect precious remaining koala habitat from clearing. Those interested in koala habitat protection can find a summary of the new Qld laws [here](#). For anyone interested in putting a submission in to the review of the EPBC Act, EDO has drafted a guideline to help with submissions, available [here](#). We have also been writing to government's around Australia to remind them of their powers to address the ramifications of the recent horrific bushfires and their impact on our wildlife, available for viewing [here](#). EDO was pleased to co-host the recent event with HOPE at the Toowoomba Library, along with the Australian Earth Laws Alliance, and hopes all HOPE members retain their hope for the better future we still have the power to help create.

Chay Neal, Executive Director - Animal Liberation Qld - www.alq.org.au



Profile:

Chay is the Executive Director of Animal Liberation Qld. He has been involved in animal rights and environmental protection issues since 2002, including as Animal Liberation Qld President 2012-2019.

Animal Liberation Qld's mission is to protect all animals from abuse, exploitation and suffering and change the systems that are currently set up to fail them. More info at alq.org.au

Presentation abstract:

Animal Liberation Qld is concerned at the lack of enforcement of animal welfare laws in Queensland. Biosecurity Queensland (part of the Department of Agriculture) rarely prosecutes animal cruelty cases and instead gives a 'direction order' and seeks to 'educate' offenders. This results in a lack of deterrence and therefore a large number of offenders including serious recurring offenders. At the moment there are 72 active animal cruelty investigations in the Toowoomba area. As the recent case of the 8 starved horses (and 30+ bodies/skeletal remains) at a Gowrie Mountain property has shown, the priority of the authorities is not to prosecute offenders of animal cruelty. The animals have been left in the hands of the owner who neglected them and ALQ activists observing (with permission from landholder) were threatened and harassed instead. More information at: <https://alq.org.au/horse-cruelty-toowoomba>

Andrew Nicholson, HOPE researcher Qld



Profile:

Andrew's professional training is in environmental science, environmental education and social work. During his career he has worked variously as a community environmental educator for local government, academic and adult training organisations; and as a social worker and personal wellbeing and couple relationships counsellor. Most recently he completed a master level research project exploring the potential of environmental art to influence environmentally supportive behaviour in exhibition audiences. Andrew's main present interests connect to the use of Climate Emergency Declaration (CED) as a strategy to galvanise a greatly increased level of ambition and speed of response by government at all levels: to help restore climate stability, safety, and ecological

health; and to help protect us from the worst effects of runaway global heating in the years to come. At the forum, Andrew will give a presentation on his insights and ideas for application of CED, gained at the recent National Climate Emergency Summit held in Melbourne.

Presentation abstract:

The National Climate Emergency Summit (NCES) held in Melbourne on 14th and 15th February 2020 was described as the first, major national gathering to consider the growing international recognition of a global climate emergency and how this serious, existential threat needs to be properly addressed. The Summit also acted as a review of the Climate Emergency Declaration initiative since its inception in Australia in 2016.

By way of background, Andrew described how there has been a growing level of local government interest and public mobilisation around the concept of Climate Emergency Declaration (CED). And he has written a more comprehensive briefing paper on this subject: *Climate Emergency Declarations by Local Government in 2020*, available from the HOPE organisation upon request.

He went on to convey the atmosphere of the sold-out Summit event itself, with its main audience of over 2000 participants and additional, external audiences watching live online. Andrew attended the Summit as an observer on behalf of HOPE, and gratefully acknowledges the financial support made available by the organisation.

The ethos of urgency at the Summit was mentioned as one of its most striking features. Throughout the two-day event, the consistent message from both plenary and breakout sessions was that, as the Summit program put it:

The evidence is clear. The world is standing at the edge of a major ecological and humanitarian tipping point, and the time has run out for half measures. After formal declarations of climate emergency began in Australia in 2016, the impact and influence of the climate emergency movement has escalated exponentially and led the campaign to become a global call to action.

Andrew said that one particularly useful outcome of the Summit was its Safe Climate Declaration (SCD): a manifesto for action which can be endorsed on the NCES website. The SCD outlines the emergency level of current climate impacts, the failure of national political leadership to deal with them; and the consequent strengthening of democracy required to remedy this failure.

In practical terms, the SCD describes how the following priorities could be achieved:

- Cutting greenhouse gas emissions rapidly to zero and drawing down atmospheric carbon concentrations to a safe level from the current 413 ppm
- Working to prevent tipping points and damage while the zero emission and drawdown goals are being achieved.

- Integrating adaptation and resilience measures into the economic restructuring needed to restore a safe climate and repair ecosystems.

The SCD document also sets out a further ten principles to guide an emergency speed transition to a climatically safe, ecologically healthy, and socially just, decarbonised economy.

Andrew ended his talk on these same principles: as they are foundation for best practice in recent local government climate emergency declarations, in Australia and overseas. He said that the HOPE organisation is trying to leverage this momentum in encouraging Toowoomba Regional Council to adopt a Climate Emergency Declaration in 2020.
