

# ENVIRONMENTAL DEFENDER

EDO NSW SUPPORTER NEWSLETTER / OCTOBER 2015



## Humane Society International launches action against Japanese whaling company

EDO NSW is acting for Humane Society International (HSI) in their contempt of court case against Japanese whaling company Kyodo Senpaku Kaisha Ltd.

In 2008 EDO NSW acted for HSI in a long-running case that resulted in an Australian Federal Court judgement that declared Kyodo was in breach of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) by whaling in the Australian Whale Sanctuary in the Australian Antarctic Territory. The Court granted HSI an injunction to restrain Kyodo from further breaches of the EPBC Act.

Following the Court's ruling, HSI representatives travelled to Japan to serve the injunction upon Kyodo. Despite this, Kyodo has continued its whaling activities in the Australian Whale Sanctuary.

The Australian Whale Sanctuary was established in 2000 to protect all whales and dolphins in Australian waters.

With Japan's whaling program due to recommence around December 2015, HSI is now seeking to enforce the 2008 injunction. HSI applied to the Federal Court seeking orders that Kyodo is in contempt of the 2008 injunction by continuing to kill whales in the Australian Whale Sanctuary. The case will be heard in the Federal Court of Australia in November 2015.

You can read more about the case on our website and further information is available on the Humane Society International website, [www.hsi.org.au](http://www.hsi.org.au)

## Proposed changes to Federal environmental laws will curtail community rights

Following the Court's recent decision to set aside the Adani Carmichael coal mine approval, the Federal Government introduced legislation to repeal a key provision under the EPBC Act, limiting the ability of the community to enforce Australia's national environmental laws.

The EPBC Act is currently based on the assumption that all Australians have an interest in the health and protection of the environment and allows communities and conservation groups to act to save threatened species and protect fragile areas.

If the Bill is passed, it will limit those allowed to challenge developments that impact on the environment to those whose interests are directly affected. It would prove very difficult for communities and environmental groups to bring legal action when their only "interest" is in conserving and protecting the environment.

EDO NSW has made a submission to the Senate Environment and Communications Committee, supporting 'open standing' for any person to seek judicial review of government decisions and civil enforcement of breaches under the EPBC Act.

You can read our blog and the submission on our website.

## EDO NSW celebrates its 30th anniversary

In June this year, we held a fundraising dinner at the Museum of Contemporary Art to celebrate our 30th anniversary.

Tickets sold out and we raised over \$60,000 from our auction and through donations on the night which will go directly to supporting the vital work we do to protect the environment.

Our guest speaker was The Hon. Chief Justice Robert French AC, who also spoke at our 25th anniversary event. You can read Justice French's eloquent speech on the High Court website.

MC Jonathan Biggins and auctioneer Cecily Hardy, of Aussie Pickers fame, did a sterling job entertaining guests and encouraging them to bid generously for auction items which all sold on the night.

A big thank you to all who attended, donated prizes or their time and expertise and to our event sponsors the NSW Environment and Planning Law Association (EPLA) and AV1.

***EDO NSW staff and volunteers at the anniversary dinner***



## Volunteer program is a winner

The volunteer program at EDO NSW plays a vital role in helping EDO NSW undertake environmental law in the public interest. The EDO NSW volunteer program has the capacity to accommodate approximately 30 volunteers at one time. The requirement that law students complete Practical Legal Training (PLT) as part of their degree has increased the demand for placements at EDO NSW.

Volunteers completing their PLT requirements make a valuable contribution to the work of EDO NSW. With only a small admin team and no legal support staff, our solicitors rely on volunteers to complete work that although necessary, can be very time-consuming. Each volunteer is assigned to a solicitor who is responsible for supervising the volunteer's work over the course of their placement. This gives volunteers an opportunity become familiar with particular cases or law reform projects

For the volunteers, it is a great opportunity to undertake legal research, draft advice, collate briefs and attend court – for EDO NSW it increases the capacity of our solicitors and helps us run more cases.

Emma Vlatko recently completed her PLT at EDO NSW.

"Volunteering with Senior Solicitor, Elaine Johnson on the Carmichael Mine case gave me the opportunity to substantially contribute to one of the most significant (and highly publicised) environmental cases of the year " she said.

In addition to drafting legal correspondence and completing procedural and research tasks I was also given the opportunity to observe and take part in meetings with Counsel to discuss case strategy."

Though the case never went to trial, I could never have imagined a more enriching first experience into environmental litigation."



*Former volunteer Emma—now gainfully employed!*

## New printer eases solicitor angst

Many generous guests at the 30th anniversary dinner chipped in with pledges to help provide the office with a new printer, which was greeted with tears of joy from staff.

The printing demands of a legal case can be enormous and the poor tired old printer we were relying on was just not up to the job.

It could not have arrived at a better time – our recent case Upper Mooki Landcare Inc v Shenhua Watermark Coal Pty Ltd and NSW Minister for Planning required just under 100,000 copies.

Having heard of our printer plight, a supporter also donated a second printer, surplus to their requirements but in perfect working order.

Thank you to all who contributed.



## IUCN Oceania Regional Conservation Forum

In July this year, Jeff Smith, Executive Director, and BJ Kim, International Programs Coordinator, participated in the IUCN Oceania Regional Conservation Forum in Suva, Fiji. The IUCN helps bring government and NGOs together and has been invaluable in linking EDO NSW to partners in both NGOs and government agencies across the Pacific region.

The forum gave Jeff and BJ the opportunity to discuss our international programs work with key regional and international players and develop our work with our key partner in Fiji, the Fiji Environmental Law Association.

In the week prior to the Oceania Forum, BJ also attended the 18th Pacific Islands Roundtable for Nature Conservation (PIRT) in Suva. At this year's PIRT, PaNEL, the Pacific Network for Environmental Law, was established.

PaNEL's main purpose will be to encourage and support collaboration on environmental law issues across the Pacific region and aims to help strengthen institutions, organisations and individuals concerned with environmental law in the Pacific region.

These visits were made possible through the generous support of the Packard Foundation and the Critical Ecosystems Partnership Fund, the principal funders of the EDO NSW International Program.



*Participants at the Fiji forum*

## SUPPORT US

### Friends of the EDO

Regular giving is an easy and cost-effective way to support us. Monthly donations from Friends of the EDO help us maintain our vital services and ensure we are ready to respond when the community needs our help.

### Community events and online fundraising

Help us celebrate our 30<sup>th</sup> anniversary by fundraising to protect the environment. We are on Gofundraise and EverydayHero or you can hold a local event in your community.

### Bequests

By including a gift to EDO NSW in your Will you will be helping the community to protect the Australian environment through the law.

### Donate online at [www.givenow.com.au/edonsw](http://www.givenow.com.au/edonsw)

For further information on how you can support us, visit our website or call (02) 9262 6989.

Donations of \$2 or more are tax-deductible.

Please help reduce our paper use. To receive our communications electronically, email your name to [fundraising@edonsw.org.au](mailto:fundraising@edonsw.org.au) with the subject **e-communications**.

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