

THE AUSTRALIAN CENTRE FOR AGRICULTURE AND LAW



2017 Annual Report

Introduction

The AgLaw Centre exists to provide high quality research on governance issues that are critically important to rural people. This year we continued our work on environmental sustainability (with an emphasis on sustainable farming, water use, resource competition and biodiversity conservation), with projects in Australia and with collaborators in countries including Brazil, China, New Zealand, and the USA. We also pursued our research on social justice issues, researching rural conflict over mining, advancing Indigenous people’s interests; and (after consultation with industry, government and NGO stakeholders) began more active research on rural technology law and policy issues.

We have had the benefit of working with a very great variety of agricultural industry, environmental and social justice non-government bodies, and government collaborators. Industry and government support for funding our research is essential, and we appreciate this greatly. This, coupled with publicly funded competitive research grants and commissioned studies, allows us to do our work. Their continuing support is partly a reflection of our commitment to pursuing viable solutions to issues that are significant to rural governance stakeholders.

Our many Masters and Doctoral students pursued diverse research topics. Just some of the many topics include: insurance industry strategy, peri-urban invasive species management, legal duties of care, biodiversity protection in the Solomon Islands, protection of cultural interests in the Torres Strait, sustainable development and land rights in rural Africa.

This year saw the end of one major funded research program, the Invasive Animals CRC, but the continuation of others including the commencement of a new ARC project on the governance of water and unconventional gas development. With the continuation of current work and significant new projects under development, 2018 will see us continue to make an important contribution to rural law, policy and governance in Australia and in a number of other countries.

Research Highlights

The list of outputs at the end of this report is substantial and diverse. This reflects the character of our research. The highlights reported below and in the list of publications are the ‘tip of the iceberg’ of our work.

IACRC

For the last 5 years the Centre has led the Invasive Animals CRC program on “Facilitating Effective Community Action”. The research has involved colleagues from other schools and disciplines, over and above the Centre’s unique contribution to researching ways to reduce

institutional impediments to citizen action. That program also involved extensive work on improving community engagement and communications practices. A selection of the outputs of the work can be found at www.pestsmart.org.au/people-and-pests/ The CRC ended in the middle of 2017, with some work carrying over till the end of the year. A new entity, the Centre for Invasive Species Solutions, will continue research and outreach activities but budgetary constraints have meant that a viable program on legal and institutional issues was not possible. We hope that the recommendations we have made on improving governance arrangements will be the catalyst for much-needed institutional improvement, to make it easier for citizens to do what is essential for the control of harmful invasive species. For details see www.pestsmart.org.au/effective-citizen-action-on-invasive-species-the-institutional-challenge/ and www.pestsmart.org.au/recommendations-for-the-reform-of-invasive-species-management-institutions/

Winding up the CRC meant that some of our Postdoctoral colleagues have moved on to other roles, and that the focus of our work on invasive species will be narrowed. However, we expect to continue the collaborations that were established, and to continue to make a contribution on this important issue.

Implementation of the Biodiversity Convention

Continuing declines in biodiversity around the world point to problems in the effective implementation of the Biodiversity Convention, to which Australia is a party. Professor Martin has continued to lead an international collaboration, hosted by the IUCN Environmental Law Centre in Bonn, Germany. During 2017 teams from Australia, New Zealand, China, Brazil and South Africa moved to the next stage of a project to systematically evaluate implementation, and to identify areas for potential improvement in the effectiveness of the convention. During the year they were joined by colleagues from Thailand and the Solomon Islands. This work will continue in 2018, With the expectation of a series of reports that will contribute to the IUCN Natural Resource Governance Framework project.

Australian Panel of Experts in Environmental Law

Professor Paul Martin is a member of the Australian Panel of Experts in Environmental Law which in 2017 released the “APEEL Blueprint for the Next Generation of Environmental Law”. The Panel consisted of Australia’s leading environmental lawyers, as identified by the members of the Places You Love consortium of leading environmental NGOs. The Blueprint is the result of a nearly three-year programme of research and writing by this group of dedicated Australian experts. It is intended to guide the transformation of environmental laws at federal and territory levels of government. The blueprint is accompanied by 57 recommendations for the next generation of Australia’s environmental laws, and is supported by eight technical background papers addressing core themes.

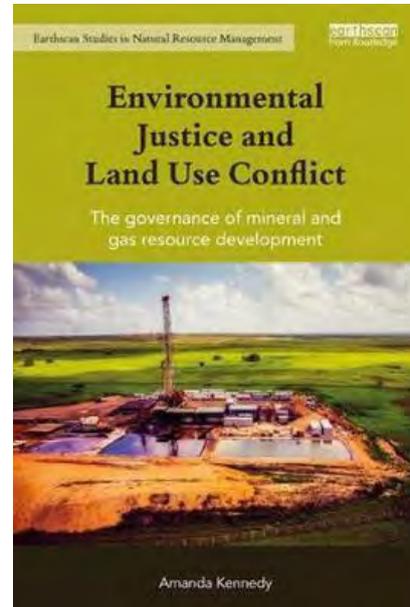
All documents are available on the APEEL website at: <http://apeel.org.au/papers>.

This work is another element in the law reform work of the Australian Centre for Agriculture and Law at UNE, and continues its tradition of well-researched reform proposals to improve the effectiveness, efficiency and fairness of the law.

Managing conflict over natural resource extraction

Associate Professor Amanda Kennedy completed her ARC DECRA-funded research project in 2016 on ‘Effective Systems for Managing Natural Resource Conflict’. In 2017, she commenced work on a new ARC Discovery project, ‘Water and coal seam gas: achieving integrated governance’, in collaboration with Associate Professor Cameron Holley (UNSW) and Professor Clifford Shearing (Griffith University).

This year also saw the publication of her book ‘Environmental Justice and Land Use Conflict: The Governance of Mineral and Gas Resource Development’. The book was launched by Chief Judge of the NSW Land and Environment Court, the Hon Justice Brian J Preston SC. With conflict over the extraction of coal and gas resources rapidly escalating in communities throughout the world, the book uses an environmental justice lens to explore cases of land use conflict through the lived experiences of communities grappling with such disputes. Drawing on theories of justice and fairness in environmental decision making, the book demonstrates how such land use conflicts concerning resource use can become entrenched social problems, resistant to policy and legal intervention.



Justice Preston said A/Prof Kennedy’s book made a valuable contribution to the jurisprudence on land use conflicts concerning natural resource extraction. “The employment of an



environmental justice lens permits fresh insights into land use conflicts,” he said. “It allows an understanding of why these land use conflicts arise and why, despite governmental attempts, they have proven to be difficult to resolve.” Associate Professor Kennedy’s recommendations for reform of both the process of meta-governance and the laws and institutional structures within the governance system are thoughtful and topical.

Photo: Associate Professor Amanda Kennedy and Chief Judge of the NSW Land and Environment Court, the Hon Justice Brian J Preston SC, at the launch.

“They deserve careful consideration by the various actors and institutions within the governance system.

“I commend the book and am pleased to launch it.”

A/Prof Kennedy presents three case studies, from Australia and Pennsylvania in the US, of conflict concerning coal, coal gas and shale gas development. It shows how conflict has escalated in each case, exploring access to justice in land use decision making processes from the perspective of the communities at the heart of these disputes. Weaknesses in contemporary policy and regulatory frameworks, including ineffective opportunities for public participation and a lack of community recognition in land use decision making processes, are explored.

The book concludes with an examination of procedural, institutional and community engagement reforms to improve access to environmental justice and better manage cases of land use conflict. Overall, the volume links the philosophies of environmental justice with rich case study findings, offering readers further insight into both the theory and practice of land use decision making

Towards the end of 2017, Associate Professor Amanda Kennedy was invited to make a presentation at the Permanent Peoples’ Tribunal (PPT) on hydraulic fracturing and other unconventional fossil fuel extraction processes (to be held in May 2018). This follows on from her Australian Research Council funded research on the governance of extractive development, which focused particularly on issues of public participation and land use conflict over coal and coal seam gas development. She will work with colleagues from QUT and other organisations to present on the human rights dimensions of public participation in decision-making about extractive development in Australia. The Permanent Peoples’ Tribunal is based in Rome, and is an independent and internationally recognised public opinion tribunal. The Permanent Peoples’ Tribunal on fracking was established following submissions from the Global Network for the Study of Human Rights and the Environment (GNHRE), the Environment and Human Rights Advisory (EHRA) and the Human Rights Consortium (HRC).

Climate change and agricultural law

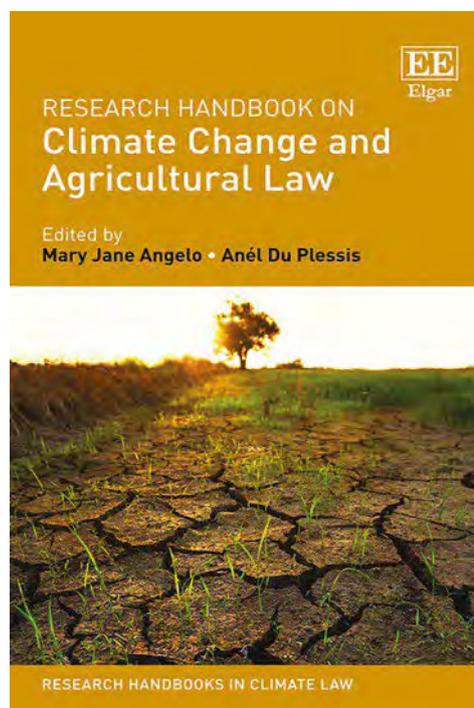
Professor Paul Martin, Associate Professor Amanda Kennedy, Dr Amy Cosby and Dr Elodie Le Gal were invited to contribute chapters to an edited book that explores the complex issues relating to climate change, agriculture and the law. The book focuses on a variety of issues including food security and climate resilient development.

In the broader context of climate change and agricultural sustainability, the pursuit of extractive development has become a complicated policy issue. Apart from legal considerations, landholders often have emotional and social connections to their land. In many cases, the land is not just a business asset for farmers – it is often also their place of residence, and may have been held within the family for several generations. Associate

Professor Amanda Kennedy and Dr Amy Cosby contributed a chapter exploring this issue, examining the nature of consultation and regulatory frameworks governing the exploration of gas and minerals on agricultural land.

Another complex issue in terms of climate change and agricultural law is the impact of climate change on invasive species. Invasive species take the form of both weed species and invasive animals such as wild dogs and foxes. Arguably, the onset of climate change is accelerating the rates of invasive species which are having a sometimes devastating impact on the livelihoods of farmers. Due to Australia's unique climate conditions invasive species have acclimatised and in some cases jeopardised the survival of native species of animals and plants. Professor Paul Martin and Dr Elodie Le Gal's contributions focused on these issues.

The book is available online at: <http://www.elgar.com/shop/research-handbook-on-climate-change-and-agricultural-law>



Stakeholder Engagement

Regional Water Users Issues Forum

Access to water in North-West NSW, the Murray Darling Basin Plan, the National Water Initiative and coal seam gas development were topics on the agenda during the inaugural Regional Water Users' Issues Forum hosted by the Australian Centre for Agriculture and Law on 20 May. Some 15 representatives of irrigator groups, Local Land Services, local government and farming communities attended the forum, which grew out of mounting concern over government water policies and laws.

The forum aimed to identify the critical issues that stakeholders are facing, and to discuss possible research that the AgLaw Centre might conduct to address those issues. A particular problem heard time and again from water users is the need for regulatory arrangements to offer a meaningful opportunity for stakeholder consultation in order to optimise the economic, social, and environmental benefits of any development.

UNE alumni and Tamworth solicitor Julianna Kneebone, who has helped organise the forum, said water pricing and foreign investment in water licences were the primary concerns of her clients. "Water use is highly regulated in NSW but the legislation is not always practical and consultation doesn't always take into consideration the people most affected," she said. "Farmers can get caught out when they are not made aware of changes to the legislation, and a one-size-fits-all approach may not suit a particular region."

Julianna said the current framework for water pricing means that farmers have limited opportunities to negotiate arrangements suitable to their respective valleys. “Many of my clients are also being gazumped by foreign investors when attempting to buy water,” she said. “These investors have massive buying power and frequently refuse to comply with standard conveyancing practice”.



The research discussed at the forum will guide some of Associate Professor Kennedy’s current work under an Australian Research Council Discovery Grant project, in collaboration with colleagues at the University of New South Wales and Griffith

University, to explore the governance of water and coal seam gas development.

Productivity Commission

Professor Paul Martin and Associate Professor Amanda Kennedy from the Australian Centre for Agriculture and Law made a submission to the Productivity Commission relating to the ‘Regulation of Agriculture’. The report was concerned with identifying regulations that imposed an unwarranted burden on farming businesses. In addition the report tried to identify ways the necessary regulations could be simplified and made more efficient for farmers.

The Australian Centre for Agriculture and Law was quoted in the Inquiry Report, and the Centre’s research on ‘Developing a Good Regulatory Practice Model for Environmental Regulations Impacting on Farmers’ was also cited. The final Productivity Commission Report comments on regulations which impact on farm businesses. Professor Martin and Associate Professor Kennedy argued in their submission that in some cases evaluations into regulation can miss the benefits of regulation. They suggested the need to embrace regulatory innovation, and shared some of their research findings on collaborative regulatory approaches concerning environmental and natural resources law. The Report is available online at: <http://www.pc.gov.au/inquiries/completed/agriculture#report>

International Engagement

China Conference

On 19 May, Professor Mark Perry and Associate Professor Amanda Kennedy participated in the 2017 Sino-Australian Forum on Free Trade: 'A Hegemony of the West or the Path to Development', held at the Beijing Foreign Studies University in China. The event was hosted jointly by the UNE School of Law and BFSU School of Law, and was the third jointly organised conference held by the two universities.



The Forum was opened on behalf of the Ambassador by Ms Liz Peak, Minister Counsellor (Economic) from the Australian Embassy. A/Prof Kennedy and Dr Ying Chen (School of Law) spoke about some of the impacts of non-tariff barriers to agricultural trade arising under the China / Australia Free Trade Agreement and the Korea / China Free Trade Agreement. Professor Perry spoke about intellectual property rights over plants under free trade agreements.

Professor Perry and Associate Professor Kennedy also displayed their edited books from previous joint conferences held with BFSU, 'Food Systems Governance: Challenges for Justice, Equality and Human Rights' and 'Global Governance of Intellectual Property in the 21st Century'.

Professor Perry and Associate Professor Kennedy also displayed their edited books from previous joint conferences held with BFSU, 'Food Systems Governance: Challenges for Justice, Equality and Human Rights' and 'Global Governance of

Brazil Partnership

Staff from the AgLaw Centre participated in a 'Governing for Megadiversity' research workshop with visiting scholars from Brazil. The event brought together staff and students researching on aspects of megadiversity. Australia and Brazil are two of seventeen megadiverse countries in the world, and the two nations share a number of governance challenges when it comes to biodiversity. Those present discussed some of the common challenges, lessons that could be learned from each jurisdiction, and potential law reform and institutional improvements to enhance effectiveness





The workshop began in Sydney with a welcome dinner that included guests from the International Union for the Conservation of Nature, the Brazilian Consul-General, and Chief Justice Brian Preston from the NSW Land and Environment Court. The group travelled to Coffs Harbour, where they each presented their case studies of governing for biodiversity. Following a quick stop at the Big Banana (of course), and a tour along the Waterfall Way, our Brazilian visitors came to Armidale where

they got to visit the UNE campus and see some of our resident kangaroos. An edited book is planned arising from the research presented at the workshop. UNE participants included Professor Paul Martin, Acting Head of School; Associate Professor Amanda Kennedy, Acting Director of the AgLaw Centre; Dr Sharllene Marimuthu and Dr Kip Werren from the School of Law; Dr Andrew Lawson and Dr Amy Cosby from the AgLaw Centre; and Vivek Nemane and Natalie Taylor, PhD students.



Following the event, we have hosted several Brazilian research students within the Centre. These include Mauricio Duarte Dos Santos, who is currently writing a PhD thesis on surfing reserves. These are key areas of environmental significance to surfers and the community at large.



Nathalia Lima is also visiting from Brazil. Nathalia is studying under the supervision of Professor Solange Teles da Silva at Mackenzie Presbyterian University and her research is focused on indigenous people's rights to land in Brazil. Despite the Brazilian constitution of 1988 recognising the rights of indigenous people, they have struggled to gain access and rights to their traditional lands. Using methodology developed by Paul Martin from the

AgLaw Centre (as part of the IUCN), Nathalia has found an instrument - Anthropology Historic Zone – that guarantees the right to land for traditional communities living in protected area of Brazil.

Ligia de Souza is also studying under Professor Solange Teles da Silva at Mackenzie Presbyterian University and is visiting the AgLaw Centre on a scholarship. While here, Ligia wrote a paper entitled 'Traditional communities and management of marine protected areas in Brazil and Australia'. Ligia presented this paper at Australia/Brazil Megadiversity workshop. Ligia was born in small city in the Chapada Diamantina National Park in Brazil, where she lived with her grandparents until the age of 7, while her mother worked. Ligia's childhood gave her an understanding of the challenges faced by indigenous and lower socio-economic people in Brazil. By studying law, Ligia hopes she is able to help the poor, disadvantaged and indigenous people in Brazil.

Further information on the AgLaw Centre's visiting Brazilian students can be found at <https://blog.une.edu.au/lawschool/category/australian-centre-for-agriculture-and-law/>. During 2018 this collaboration will be further advanced, with cross institutional research student supervision, and conferences in Brazil on water and rural governance.

Post-Doctoral Highlights

Tanya Howard

In 2017 Tanya Howard continued to work with industry and community partners, and international collaborators, to increase practitioner and policy understanding of community action for invasive species management. As post-doctoral research fellow on an Invasive Animals Cooperative Research Centre social science research program, Tanya led a national learning network for community engagement practitioners, conducted empirical research into community action and contributed to



policy reform analysis in Victoria, Western Australia and New South Wales. This four-year research program culminated in a number of presentations at the '17th Australasian Vertebrate Pest Conference' held in Canberra, as well as presentations at the 'Restore, Regenerate, Revegetate' conference at the University of New England, and at the 'International Symposium on Society and Resource Management', held at Umea University in Sweden. Tanya worked closely with academic supervisor Professor Ted Alter from Penn State University, program leader Professor Paul Martin from the AgLaw Centre and researchers from UNE's environmental psychology lab, in a collaboration which will result in several academic publications in 2018, including a book publication with Springer Nature.

As a member of the AgLaw Centre, Tanya has also continued to develop her research interest in natural resource governance and public participation, investigating the relationship between rural society and environmental law breaking and the implication for effective environmental regulation. Building on the findings of her doctoral research, Tanya has published and presented on the challenges faced by Australian rural communities as they try to contribute to policy reform debates, with a particular interest in the way that legal and policy frameworks combine with established social norms to shape community responses in non-urban areas. Tanya has been invited to present on dimensions of this research at the 2018 Stockholm Criminology Conference and has been selected to submit a DECRA application expanding this research direction.

Andrew Lawson

In February 2017, Andrew commenced a three-year postdoctoral research fellowship at the AgLaw Centre funded by UNE, called 'Creating natural resources co-governance institutions for profitable, environmentally sustainable farms in rural Australia.' He is, for the second year running, team leader for an organic sector project that includes the preparation of the Australian Organic Market Report (due for release April/May 2018). The team includes Dr

Amy Cosby from the AgLaw Centre, Dr Jacqueline Williams from UNE's Institute for Rural Futures, and Prof. Derek Baker, Ed Lefley and Shawn Leu from UNE's Centre for Agribusiness. This project is funded by Australian Organic and the Australian Government's Innovations Connections scheme, and is part of the AgLaw Centre's ongoing work on private sustainability schemes in environmental governance.

Andrew completed UNE's PhD supervisors' course and in February commenced co-supervision of Jane Gudde, who is investigating whether government can play a useful role to enhance legitimacy in private farm sustainability schemes.

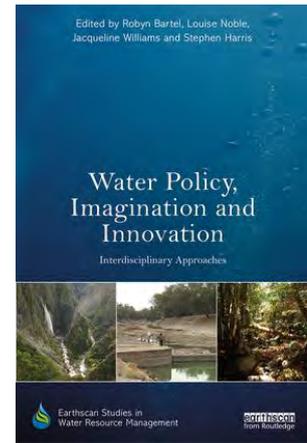
Andrew participated in three conferences in 2017. In February, he presented on behalf of Dr Jacqueline Williams, Prof. Paul Martin and himself on their connectivity conservation work at 'Restore, Regenerate and Revegetate' Conference at UNE, with a summary paper to be published in the proceedings. In October, he attended in the 2017 National Private Land Conservation Conference, participating in a roundtable discussion of natural capital organized by the National Australia Bank. In November, he presented at the Brazil/Australia Mega-diversity Governance Workshop organized by the AgLaw Centre 10-13 November 2017. He is collaborating with Dr Amy Cosby and Jane Gudde on a paper for the workshop proceedings on the development of the dairy sector's environmental initiatives, and implications for biodiversity conservation governance.

Throughout 2017, Andrew taught in undergraduate and masters level units in the UNE Law School program, including *LLM533 – Fundamentals of Australia's Common Law System*; *REG580 – Legal Challenges in Risk Regulation*; *LAW480 – Advanced Research, Writing, and Advocacy*; *LAW341/LLM541 – Environmental Law*; and *LAW101 – Law in Context*.

Jacqueline Williams

In 2017 Jacqueline Williams spent several months on SSP and also working on an organic sector report with Andrew Lawson and Amy Cosby from the AgLaw Centre, and Prof Derek Baker, Ed Leflet and Shawn Leu from the UNE Centre for Agribusiness. Jacqueline has also worked on several projects including the Biosecurity workshop held on 13 February at the UNE SmartFarm and the Indigenous Language Revival workshop by Professor Nexoyeet Greymorning, on 6 June which was partially funded by the School of Law.

On the 8th December ‘Water Policy, Imagination and Innovation’ was launched at UNE. This book was edited by Robyn Bartel, Louise Noble, Jacqueline Williams and Stephen Harris. The book has several School of Law contributors and reflects 7 years of inter-disciplinary collaboration across the UNE Schools and is a UNE contribution only publication. Further information on the book can be found at <https://www.routledge.com/Water-Policy-Imagination-and-Innovation-Interdisciplinary-Approaches/Bartel-Noble-Williams-Harris/p/book/9781138729377>



Jacqueline also continued her role as a Higher Degree Research Supervisor and is on the supervision team of 3 new Aglaw students – Phd candidate, Jane Gudde (Principal supervisor), Masters by Research candidate, John Mort (Principal supervisor) and PhD candidate, Jointly Sisiolo (Co-supervisor).

Distinguished Guests

Throughout 2017 the Centre hosted a number of distinguished Australian and international guests, including:

The Hon Justice Brian J Preston SC, Chief Judge of the Land and Environment Court of New South Wales



The most senior environmental law judge in Australia, Justice Brian Preston, delivered this year's UNE Sir Frank Kitto Public Lecture on 1 September - 'What's equity got to do with the environment?' The annual Sir Frank Kitto lecture, hosted by the School of Law, honours the former UNE Chancellor and Justice of the High Court of Australia, and is one of the highlights of the university calendar.

It is a truth universally acknowledged that most humans, in possession of a good environment, must be in want of development of it. The development of the environment benefits some, burdens others and bypasses many. The distribution of the benefits and burdens of developing the environment raises issues of equity. The notion of equity concerns evenness, fairness and justice. The members of the community of justice comprise people of the present generation, people of future generations and non-human nature, present and future. Extending equity to these members involves intra-generational equity, inter-generational equity and inter-species equity. These three principles of equity fix not only the process of decision making concerning development of the environment but also the results of decision making. The results include maintaining a healthy, diverse and productive environment, now and in the future. The three principles of equity call for distributive justice, which is to be achieved by according procedural justice: a fair result reached by a fair process. This is what equity has to do with the environment.

"How we continue to maintain a healthy, diverse and productive environment brings into question principles of equity, between people of the current generation, people of future generations and between humans and nature," Justice Preston said. "There are great discrepancies between meeting our development needs and protecting our environments. Our current consumption amounts to 1.6 of the Earth's resources and what we are passing on to future generations are increasingly impoverished environments and reduced opportunities for development."

While visiting UNE, Justice Preston also launched Associate Professor Amanda Kennedy's book, *Environmental Justice and Land Use Conflict: The governance of mineral and gas resource development*.

Professor Michael Faure

Professor Michael Faure visited the Centre to advance shared research interests. He is the Academic Director Maastricht European institute for Transnational Legal Reserach (METRO); Professor of Comparative and International Environmental Law, and Academic Director of Ius Commune Research School all at Maastricht University.



Whilst visiting UNE, Michael presented a Kirby seminar on ‘Financial Compensation for Victims of Disasters: A Law and Policy Point of View.’ Michael spoke about the instruments which can be used from a law and policy perspective to provide victims of disasters with compensation. He also drew the distinction between natural disasters, such as bushfires and floods, technological disasters- which are man- made- and terrorism. Michael also participated in a workshop on issues of agriculture, technology and governance hosted by the Centre.

That workshop involved a number of stakeholders in rural governance, who together identified a number of research opportunities in the governance of new agricultural technologies, or to use new technologies to improve rural governance.

Professor Dongxia Yang



Professor Dongxia Yang, Director of the Research Center of Agricultural Law (Agricultural Management Institute of the Ministry of Agriculture of the People’s Republic of China), Secretary-General of the China Association of Agricultural Law (CAAL) spent time at UNE during 2017.

Dongxia, who is a current visiting professor at the University of Sydney, decided to visit the UNE School of Law for the week so she could meet with the researchers from the Australian Centre for Agriculture and Law. Dongxia’s research interests are broadly in the area of the legal implications of agricultural trade, intellectual property issues concerning seeds and plant breeder’s rights, rural development and food security.

Dr Georgina Lloyd Rivera

Members of the university community joined UNE School of Law staff for Dr Georgina Lloyd Rivera's presentation: 'Continuing Governance Challenges for Community Based Conservation in Cambodia.'

Georgina spoke about the environmental challenges in the areas of Prek Toal and Phnom Kulen in Cambodia. In these areas there has been an increased push for community based conservation. This is largely due to the deforestation and privatisation of land which has occurred around Cambodia.

One of the main challenges with protecting these natural areas is the complicated governance structures which have been put in place. This is worsened by the fact that, in many instances, the community members do not have the requisite understanding of these rules and structures in order to adhere to them. For example, the community members rely on harvesting the resources of the area- such as fish- in order to survive. Often the community members do not know which areas are legal to fish into.

Dr Georgina Lloyd Rivera, who is the Director of the SFS Center for Conservation and Development in the Lower Mekong in Sien Reap, Cambodia, provided some recommendations in order to improve this situation. Dr Lloyd Rivera concluded there needs to be a clear and more simplified governance structure for protected areas. This will help both the communities and the natural environment.



Teaching News

During 2017, the AgLaw Centre continued its coordination of the Masters of Natural Resource Governance. In addition to this, staff from the Centre also developed a new unit on Animal Law which was taught both at the undergraduate level and in the LLM program. Coordinated by Associate Professor Amanda Kennedy and Dr Amy Cosby, the unit explores how the law governs our interaction with nonhuman animals, including the regulation of companion animals, wildlife and endangered species, farm animals, invasive animals and animals in commerce (including entertainment, scientific experimentation and food production).

Associate Professor Amanda Kennedy also continued her teaching and research activities in the area of rural and regional legal practice. Her work was cited in a recent Law Council of Australia 'Justice Project' consultation paper on RRR Australians and the law; in particular, her research with colleagues from several other Australian institutions to develop law curriculum

to prepare students for the realities of legal practice in rural and regional communities. The report is online at <https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Consultation%20Papers/RRR%20Australians.pdf>.

In October, Amanda published a book co-edited with Associate Professor Trish Mundy (UOW) and Associated Professor Jen Nielsen (SCU) on various aspects of rural and regional legal practice, which was recently prescribed as a text for the unit 'Legal Practice in Rural and Regional Communities' offered within the undergraduate program.

Student News

Jointly Sisiolo

In 2017 we welcomed Jointly Sisiolo, who is currently undertaking a PhD examining the effectiveness of the United Nations Convention on Biological Diversity (CBD) and its implementation in the Solomon Islands. Before Jointly commenced his PhD earlier this year, he worked with the Solomon Islands Government, at the Ministry of Environment as a Chief Compliance officer.



Jointly presented at the IUCN Academy of Environmental Law Colloquium in Cebu in 2017, on his work on the implementation of the Biodiversity Convention in the Solomon Islands. This work forms part of the larger project being led out of the Australian Centre for Agriculture and Law, involving teams from Australia, China, Brazil, South Africa, Thailand and many other countries.

Vivek Nemane



Vivek presented at the IUCN Academy of Environmental Law's 2017 Conference in Cebu. Vivek spoke about the implementation of natural resources law in peri-urban areas. This topic is particularly timely as the recent census data indicates 7 out of 10 Australians live in our capital cities. As the population in these cities is so high, this in turn means, many of us live in peri-urban areas in both Australia and overseas. These are geographical locations which are on the periphery of both rural areas and highly populated urban areas. Some known examples of peri-urban areas are localities around Western Sydney and places surrounding Brisbane, from the Gold Coast to the Sunshine Coast.

Interestingly, these peri-urban areas offer an ideal home for many of Australia’s invasive species. Invasive species such as foxes and rabbits thrive in these areas, as they have access to bushland whilst being able to scavenge for food scraps and other leftovers. These ‘goodies’ are readily available when there is a large human population.

Rural landholders generally have a good understanding of the environmental impacts invasive species can have. This can be in contrast to the reduced understanding of urbanised residents who are living on the periphery of these rural areas. This difference in experience and understanding can lead to land management conflicts. In addition, the laws and regulations for both rural and urban areas can clash.

Vivek is passionate about these issues because of his background in biosecurity and bio-terrorism law. Biosecurity law encompasses many areas, such as health, environment and human security law. In fact, if we don’t protect our biosecurity, this will have a significant, if not devastating, impact on future generations.

Katrina Dickson

Katrina Dickson was awarded the national prize for the best student paper at the recent Australian Vertebrate Pests Conference (AVPC) in Canberra. Katrina is a PhD candidate in the multidisciplinary invasive species research program being run through the Law School’s AgLaw Centre. Her topic is ‘Natural Resource Management Agencies as Learning Organisations’.



Katrina’s PhD considers how invasive species work units may embed systems of continuous improvement in their management and operations. Through this people may become more effective in working together to achieve environmental outcomes, and at the same time more responsive to ongoing change and complexity in the environmental, social and political contexts in which they operate. Embedding continuous improvement may require changes to leadership style, workplace culture and institutional structures.

As part of her PhD, Katrina has developed a T.O.O.L. to ‘Test Our Organisational Learning’ designed to assess learning status in work units and to identify areas of improvement. Katrina’s research included case studies in a major conservation agency in South Africa, and an invasive species work unit in the NSW Department of Primary Industries in Australia.

“I was really thrilled to receive this award. For a long time researchers and natural resource managers have focused on technical solutions to our invasive species problems, but improving how people engage and collaborate with each other is equally as important. I see this award as a real endorsement of the research I and others are conducting in the human dimensions aspects of invasive species control. The findings of my research as well as the T.O.O.L can be applied within invasive species management, but also more broadly in natural resource management as well as other sectors. I would especially like to thank the AgLaw Centre, the Invasive Animals Co-operative Research Centre and the Keith and Dorothy McKay Travelling Scholarship for providing funds and other assistance for my work, and my supervisors Assoc Prof Robyn Bartel from UNE and Prof Ted Alter from Penn State University for their ongoing help and guidance.”

Renee Austin

Renee has just completed her LLB / Bachelor of Agriculture combined degree at UNE. For one of her final units, Renee completed a period of work placement at the AgLaw Centre. Renee assisted Associate Professor Amanda Kennedy with some research on mining exploration on agricultural land, which was presented at the workshop on ‘Governing for Megadiversity’, held at UNE and involving participants from Australia and Brazil.



Adjunct Highlights

Grant Pink

Throughout 2017, Grant was invited to a number of events where he represented UNE. These included:

- October 2017, invited presenter ‘Ethical Leadership and Anti-Corruption’, Integrity, Anti-Corruption, and Anti-Money Laundering Panel, *28th Meeting of the INTERPOL Wildlife Crime Working Group, Singapore.*
- September 2017, invited international keynote presenter, ‘Co-operation and co-ordination between



authorities in the compliance chain – A view from Australia’, EU Environmental Crimes Network Conference, **Oxford, United Kingdom.**



Grant also attended the 3rd INTERPOL Environmental Compliance and Enforcement Committee Conference in Edinburgh Scotland, to create stronger linkages between environmental response agencies and academia.

(left to right) Calum MacDonald, Chair of the INTERPOL Environmental Compliance and Enforcement Committee, Grant Pink, Adjunct Associate Professor, University of New England, and Daoming Zhang, Head of INTERPOL’s Environmental Security Unit.

Grant also graduated with a Doctor of Philosophy in the April Graduation. Grant Pink’s research focused on capacity building within environmental regulatory agencies, especially in respect to how regulatory agencies partner with enforcement (border and customs) agencies and mainstream (policing) agencies. Grant received the UNE Chancellor’s Medal for his thesis “Environmental Regulation, Enforcement and Policing: An International Analysis of Existing and Developing Agency Practices”. Grant was supervised by Associate Professor Robyn Bartel of the School of Behavioural, Cognitive and Social Sciences (BCSS) and the schools Professor Paul Martin.



Congratulations to Grant.

Recent Publications

Books

Kennedy, A.L., (2017) *Environmental Justice and Land Use Conflict: The Governance of Mineral and Gas Resource Development*, Abingdon UK, Earthscan Studies in Natural Resource Management.

Mundy T., **Kennedy, A.L.**, and Nielsen, J., (eds.) (2017) *The Place of Practice: Lawyering in Rural and Regional Australia*, Leichardt Australia, Federation Press.

Book chapters

Greymorning, N., Aserton, J., **Lingard, K., McLaughlin, C., Williams, J. & Martin, P.** (2017), ‘Asserting curttal interests through the law: issues and innovations’ in Stoianoff, N.P. (eds), *Indigenous* 20

Knowledge Forum – Comparative Systems for Recognising and Protecting Indigenous Knowledge and Culture, Sydney Australia, LexisNexis Butterworths, pp. 69-96

Lawson, A., Monk, A. & **Cosby, A.**, (2017), 'Australia' in Willer, H. & Lernoud, J. (eds), *The World of Organic Agriculture – Statistics and Emerging Trends 2017*, Research Institute of Organic Agriculture (FiBL) and IFOAM-Organics International, pp. 276-281

Martin, P., Kennedy, A.L. and Williams, J. (2017) 'Effective law for rural environmental governance: meta-governance reform and farm stewardship' in Levy, R., O'Brien, M., Rice, S., Ridge, P., and Thornton, M. (eds.), *New Directions for Law in Australia: Essays in Contemporary Law Reform*, ANU Press.

Martin, P. (2017), 'Climate Change, complexity, agriculture and challenged governance' in Angelo, M.J. & Du Plessis, A. (eds), *Research Handbook on climate change and agricultural law*, Cheltenham UK, Edward Elgar Publishing, pp. 74-102

Mundy T., and **Kennedy, A.L.** (2017), 'Rural and Regional Legal Practice', in Mundy T., Kennedy, A.L., and Nielsen, J., (eds.), *The Place of Practice: Lawyering in Rural and Regional Australia*, Leichardt Australia, Federation Press.

Kennedy, A.L. and Cosby, A., (2017) 'Agricultural Land Use Conflict in the Context of Climate Change: An Australian Case Study' in Angelo, M.J., and du Plessis, A. (eds.), *Research Handbook on Climate and Agricultural Law*, Cheltenham UK Edward Elgar Publishing, pp. 385-422.

Reports

Lawson, A., Cosby, A., Bez, N. & Williams, J. (2017), 'Australian Organic Market Report', commissioned by Australian Organic Limited.

Low Choy, D., Serrao-Neumann, S., Schuch, G. & **Martin, P.** (2017) 'Scenario Planning for Institutional Improvements to Support Citizen Action in Invasive Animal Management', Invasive Animals Cooperative Research Centre, Canberra ACT

Martin, P. & Lingard, K. (2017), 'Stakeholder Views on Pest Management in Australia' Invasive Animal Cooperative Research Centre, Canberra ACT

Journal Articles

Kennedy, A.L., Schafft, K., and **Howard, T.**, (2017) 'Taking away David's sling: Environmental justice and land use conflict in extractive resource development', *Local Environment* 22 (8), 952-968.

Lawson, A. (2017), 'Farmers, voluntary stewardship and collaborative environmental governance in rural Australia', *Environmental and Planning Law Journal*, Issue 34 (4), pp. 271-298

Martin, P. (2017), 'Managing the risks of ecosystem services markets', *Ecosystem Services*, (March), pp.0-1. <http://dx.doi.org/10.1016/j.ecoser.2017.05.007>.

Martin, P., Le Gal, E. & Verbeek, M. (2017), 'Engagement: Australia's weak link in biodiversity protection, *Environment and Planning Law Journal*, Issue 34, pp. 383-397

White, R. & **Pink, G.** (2017) 'Organising responses to organised environmental crimes: Collaborative approaches and capacity building', *South African Crime Quarterly*, Issue 60, June 2017, pp. 37-44

Conference and seminar presentations

Alter, T., **Cosby, A.**, Low Choy, D., Hine, D., **Howard, T.**, **Martin, P.**, Please, P., and Thompson, L. "Important lessons from the IACRC 'Facilitating Effective Citizen Action' research and practice improvement program 4E use 'core principles Perceptions : Progress on,'" in 17th Australasian Vertebrate Pest Conference, Canberra, ACT, 1 to 4 May 2017.

Dahlstrom, K. & **Pink, G.**, 'Developing regulatory professionals in the Australian Public Service: The importance of a shared understanding of the regulatory doctrinal landscape', 17th International Conference on Knowledge, Culture and Change in Organisations, April 2017, Darwin NT

Hudson, J. & **Pink, G.**, 'Continuing professional development of modern regulators: Innovation and discovery in program approach', The Asian Conference on Social Sciences, June 2017, Kobe, Japan

Kennedy, A.L., and Cosby, A., 'One Belt, One Road, Many Possibilities: Exploring Australia's potential role in the implementation of the Belt and Road Initiative', paper presented at the *Legal Guarantee of the Belt and Road* Conference, 21 October 2017, Chengdu, China.

Kennedy, A.L., 'ChAFTA one year on: A ticket to the ball, but no guarantee of a dance', paper presented at the *Free Trade: A Hegemony of the West or the Path for Development?* Conference, 19 May 2017, Beijing, China

McCormas, H. & **Pink, G.**, 'Collaboration, cohorts and culture: Their critical importance in emergency management and community protection', Australian and New Zealand National Council for Fire, Emergency Services and Land Management (AFAC) 2017 Conference, September 2017, Sydney NSW

Other publications

Farrier, D., Godden, L., Holley, C., McDonald, J. & **Martin, P.** (2017), 'Terrestrial Biodiversity Conservation and Natural Resources Management', Australian Panel of Experts on Environmental Law, Melbourne Australia

Fowler, R. (Principal author), Wilcox, M., **Martin, P.**, Holley, C. & Godden, L. (2017), 'Environmental Governance', Australia Panel of Experts on Environmental Law, Melbourne Australia

Lawson, A. (2017), 'Land Use', in *Halsbury's Laws of Australia*, [title 330, Primary Industry], LexisNexis, [330-1] – [330.30] (online publication)

Martin, P., Cosby, A. & Werren, K. (2017). 'The environment needs billions of dollars more: here's how to raise the money', *The Conversation* (Feb, 7)

Thoms, M., **Martin, P.** & Flett, D. (2017), 'Review of Public Land Management in NSW', Sydney Australia (commissioned study)