

**UNIVERSITY OF WESTERN AUSTRALIA LAW REVIEW –  
SPECIAL EDITION ON ENVIRONMENTAL LAW**

**INTRODUCTION BY GUEST EDITORS**

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This special edition of The University of Western Australia (UWA) Law Review focuses on the borders, boundaries and frontlines of environmental law. The impetus for this volume was the 6<sup>th</sup> *Frontiers in Environmental Law Colloquium*, held at UWA in February 2020. This annual colloquium has been hosted by various law schools since its inception, but this is the first time that papers presented at the event have been developed into a collection of journal articles. The 6<sup>th</sup> *Frontiers in Environmental Law Colloquium* was hosted at UWA in 2020 and therefore it is fitting that the articles developed from the event are being published in this special edition of the UWA Law Review.

The annual *Frontiers in Environmental Law Colloquium* provides a forum for environmental law scholars and practitioners to share and discuss their experiences, research and teaching practices. The aims of the Colloquium are, firstly, to foster a supportive and inclusive network of like-minded individuals. A key goal is to provide a forum to explore innovative environmental law ideas and insights within and beyond the discipline, and in doing so to contribute meaningfully to the future of environmental law in our region. Importantly, the Colloquium is also an opportunity to share approaches to teaching and learning in environmental law, to encourage the next generation of students and scholars. Finally, the Colloquium seeks to assist environmental law academics to actively build their careers in this sub-field.

Environmental law is wide-ranging in its scope and ambitions; it draws from diverse legal traditions and techniques as well as multi-disciplinary and theoretical knowledge. Following on from previous years, in 2020 the Colloquium again sought to engage with the ideas of borders, boundaries and frontlines of environmental law. The specific focus for this year was arranged within four themes. The first theme highlighted jurisdictional insights at the frontline of contemporary environmental law developments and that explore future horizons - in specific jurisdictions as well as comparative analyses across Australian state and/or national borders. Under this theme, Bleby examines the

emerging issue of granting rights to nature and Best explores animal law issues in the context of disaster law. Bröhmer addresses the international aspect of this theme in his study of Germany's climate change regime. Daya-Winterbottom also examines recent developments in international law with a comparative analysis of cases in the United Kingdom, Ireland and New Zealand. The second theme focused on the practical application of law, including implementation and legal education issues, critical analyses of case law, compliance and non-compliance concerns, and the challenges of law enforcement. Preston and Peters, for example, highlight the benefits of a collaborative clinical legal placement program run in conjunction with the NSW Land and Environment Court. Thirdly, a theme focused on research highlighting best practice, which showcases innovative approaches to current environmental problems, particularly in frontline areas of natural resource extraction and environmental law responses to our changing climate. Flynn's article on climate change litigation in Western Australia addresses this theme, and is complemented by Hamilton and Verstegen's paper on Western Australian environmental impact assessment in the context of Liquid Natural Gas (LNG) operations. The final theme was the critical issue of multi-disciplinarity and environmental law at the boundary of other fields, highlighting methodological challenges and substantive issues at the intersection of environmental law and social and natural sciences, engineering and technology, culture and the Arts. This theme is exemplified in Jensen's article on interdisciplinarity and wicked problems. In addition, the theme is explored in O'Donnell's and Jessup's articles at the intersection of law and legal geography.

A thread running throughout this special edition is the issue of environmental justice. Preston and Peters explore access to environmental justice through the lens of a clinical placement program and thereby bring a legal education dimension to this issue. Other authors, such as Flynn and Hamilton and Verstegen, have focused on achieving environmental justice for human communities in the context of climate impacts and development applications. Jessup in his paper takes a different approach in examining landscape values and belonging. Bleby and Best focus on other animal species and how justice may be obtained for them. Collectively these articles provide valuable case studies highlighting myriad facets of, and ways to advance, environmental justice.

A further common thread is the complexity of the environmental challenges we now face, from climate change and disasters to animal welfare and biodiversity loss. Jensen addresses this issue through an interdisciplinary lens focusing on diffuse source pollution from agriculture. O'Donnell provides a

different perspective by exploring the growing environmental issues affecting the troposphere. The immensity and scale of environmental problems cannot be shied away from, and the research and scholarship in this collection of articles seeks to address the challenges head on. It is timely that this wide ranging foray in environmental law scholarship occurs in 2020, a year marked by Commonwealth review of the *Environmental Protection and Biodiversity Act*, catastrophic bushfires across much of the Australian continent wreaking devastation and havoc on numerous animal and plant species at scales never before experienced, and the global pandemic of Covid-19: itself a marked event illustrating well the consequences of human incursion in nature. We hope you enjoy reading the varied and interesting articles in this special edition focused on the borders, boundaries and frontlines of environmental law within and beyond Australia.

We would like to thank all the authors and reviewers who contributed their time and intellect to this volume. We are grateful for the support of the IUCN Academy of Environmental Law and Professor Natalie Skead, Dean of UWA Law School, for the 6<sup>th</sup> *Frontiers in Environmental Law Colloquium*. We also wish to acknowledge the work of Professor Michael Blakeney, the staff editor of the UWA Law Review, and the students who worked on producing the special edition.