

Wild Law: reform?

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Wild law

The day will come when the failure of our laws:

- to recognize the right of a river to flow,
- to prohibit acts that destabilize Earth climate, or
- to impose a duty to respect the intrinsic value and right to exist of all life will be as reprehensible as allowing people to be bought and sold.

We will only flourish by changing these systems and claiming identity, as well as assuming our responsibilities, as members of the Earth community.

Cormack Cullinan

– “If Nature Had Rights” Published in the January/February 2008 issue of *Orion* magazine

Constitutional reform

Environmental Law Reform

- Judicial review → appeal
- Standing
 - All beings
 - Cp Proprietary?
- Damages for nature
 - Reinstatement not just restoration
 - Punitive
- Enforcement
- Funds
- Costs

Environmental Law Reform

- State reform
 - Environment Protection Act
 - Natural Resources Management Act
 - Native Vegetation Act
 - National Parks and Wildlife Act
 - Mining Act
 - Marine Parks Act

Company

- Company:
 - Director
 - Shareholders
 - Assets \$2

Company

- Separate legal entity
 - A person
 - *Salomon v Salomon* [1897] AC 22
- Corporate veil –
 - limit liability - \$2 assets
 - Directors
 - Shareholders
 - Creditors?
 - Employees?
 - Environment?
- Eternal life
- Holding company

Director's duties

- Directors duties:
 - Duty to act **bona fide** (in good faith) in the **interests of the company as a whole**
 - Don't act with an **improper purpose**
 - Don't trade while **insolvent**
 - Keep proper **books and records**
- Breach of duty

Director's duties – reform

- Directors duties:
 - Case law – to reinterpret the duties
 - New duty:
 - Corporate Environmental Responsibility
 - Enshrine the principles of earth jurisprudence
 - Breach of duty
 - If serious environmental harm
 - company wound up?
 - director banned?

Property law reform

- Responsibilities
 - “Use it or you lose it” → “Abuse it and you lose it”
 - Good environmental behaviour
 - Tax deductions
 - Stamp duty
 - Land tax
 - Company/Personal tax
 - Tax city dwellers – to support those in country looking after environment

Reforms: submissions

- Government
- NGOs
- Frank Lowy Institute
- Property Council
- AICD