

Use whatever imperfect tools you have to fight for solutions

Dr Chris McGrath

Keynote address – AAEE conference – 23 October 2018



AAEE CONFERENCE 2018

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Photo: Jason Malouin / OxfamAUS

Recognise and respect the Traditional Owners of this Land,
Elders past, present, and emerging, and future generations on
which we hold this land in trust.

Photographer: Jason Malouin / OxfamAUS

Outline

- 1. A story of fighting with imperfect tools**
- 2. Building a narrative for solutions**

A story about fighting
with imperfect tools

(about me and you)

A story about fighting to protect
the places you love ...

NEWS
28 June 2018



Photo: ABC Science (Ann Jones)

The Tarn Shelf in Tasmania's Mount Field National Park is a window to the cretaceous period

The day I meet Jamie Kirkpatrick, we walk together through a cloud. Literally.

We meet to climb Mount Field in Tasmania, where the clouds stick to the Earth, and as you walk your glasses become a wall of water on your face.

We are walking to a flattish run of rock, full of small lakes formed by glaciers.

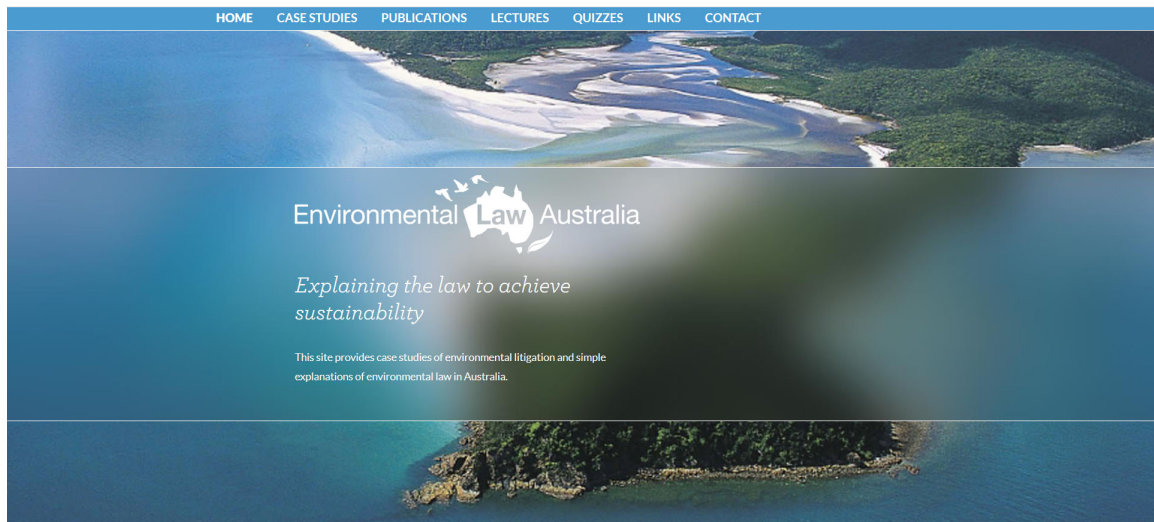


Photo: Mark McGrath (1986)

When I was 15 ...

A winding path ...

Website on environmental litigation & education



<http://www.envlaw.com.au>



Protesters against the Adani coalmine rally outside the company's Brisbane headquarters in October 2017.
Credit: AAP / Darren England / The Saturday Paper

The final major approval of the mine was given in early 2016, in the midst of the third global coral bleaching event severely impacting on GBR

“This is Australia’s biggest ever environmental disaster”

Professor Justin Marshall, UQ



Decision on coal mine 'defies reason'



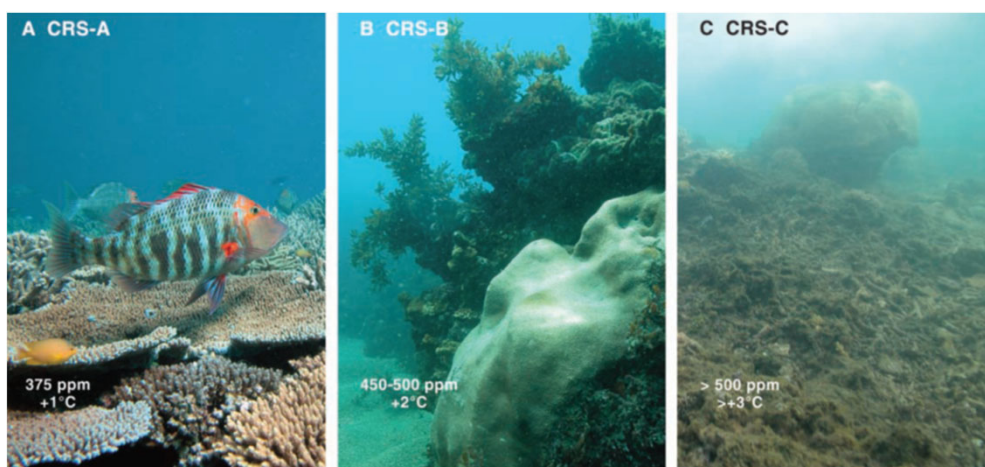
"It defies reason": Coral expert Dr Charlie Veron. Photo: Angela Wylie

<http://www.smh.com.au/federal-politics/political-news/decision-on-coal-mine-defies-reason-20160403-qnxbc6.html>

Coral reefs ... are projected to decline by a further 70–90% at 1.5°C (*high confidence*) with larger losses (>99%) at 2°C (*very high confidence*).

IPCC special report on *Global Warming of 1.5 °C*
(released 8 October 2018)

Coral reefs under three climate change & ocean acidification futures



Source: Hoegh-Guldberg et al (2007) Vol 318 *Science* 1737

Policy goal of *Paris Agreement* 2015:

Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.

Will we leave the Great Barrier Reef for our children?

No

Photo: Greens MP

2016 recording of seminar on “Making sense of the Adani coal mine approval in the midst of coral bleaching”



<http://envlaw.com.au/making-sense-of-the-adani-coal-mine-approval/>

Litigation to stop mass
culling of flying foxes by
North Queensland fruit
farmers

Page photo: Carol Booth





State and federal government
regulators refused to act.

Why?



Photograph: EDO (Qld) (2006)

SCENE ... Edenvale Orchards at Mutarnee

Flying fox kill case

By MALCOLM WEATHERUP

IN a first for Queensland environmental law, a private citizen is taking a flytess farmer to court for using electrified fences to protect his crop from flying foxes.

Environmentalists Dr Carol Booth has taken a civil action against grower Mrs Thomas when the Environmental Protection Agency failed to act on information she had supplied to them about the electrocution of the bats on the 30 hectare farm near Crystal Creek.

Dr Booth has brought the action under recently enacted third party rights under the Nature Conservation Act.

The matter is being heard before Judge Bob Pack in the Planning and Environment Court.

Barister Chris McGrath, for Dr Booth and instructed by the Environmental Defenders Office, said his client was seeking three orders from the court.

Dr Booth wants an injunction against further killing or injuring of flying foxes, dismantling of the electric grid, and a financial contribution towards the rehabilitation of flying foxes as some recompense.

The court saw a nine minute video allegedly taken of dead flying foxes on and under the electrified wire fence on the property, the video taken secretly by Dr Booth last December.

Under cross-examination by John Baileh SC for Mr Thomas, Dr Booth admitted she had entered the property on several occasions without consent.

Mr Baileh asked if she was taking this action because the Environmental Protection Agency, which she had approached with her information, had declined to take any action.

Yes, that was partly the reason, Dr Booth said.

She also agreed that she had sought backers over the Internet to fund the court action.

She also said she had not sought any information about the grid system on Mr Thomas's farm or how it worked.

University lecturer and wildlife rescuer Dominique Theriault, who accompanied Dr Booth on her secret video expedition to the farm, said she knew going onto the property without permission was a problem.

But she said even if she had acted in disregard to another person's property, she thought it was worthwhile because we believed flying foxes were being electrocuted there.

The court also heard that netting as an alternative method of crop protection would cost, in the case of the Thomas property, \$750,000.

The case continues this morning.

CAMPAIGNER ... Dr Carol Booth

Source: Townsville Bulletin (2005)

Nb. Netting is an effective alternative to electric grids & shooting



These cases led to:

- **The largest electric grid being shut down (avoiding deaths of ~10,000 FF/yr)**
- **SFF being listed as vulnerable to extinction under national laws**
- **Electric grids being outlawed in Queensland**
- **Saving a keystone species for the WTWHA?**

Lessons:

Conserving biodiversity is not just about saving cute & cuddly animals and not just about protected areas.

Conserving biodiversity is hard and sometimes you need the courage & tenacity to fight long battles.

The law was the *imperfect* tool that we used after government failed to act.

The case was hard & very stressful.

I curled up in a ball and cried on the morning
of the last day of the trial.

I know I am not a brilliant lawyer.

But few brilliant lawyers work for the environment.

My tools (as an advocate) are *imperfect*.

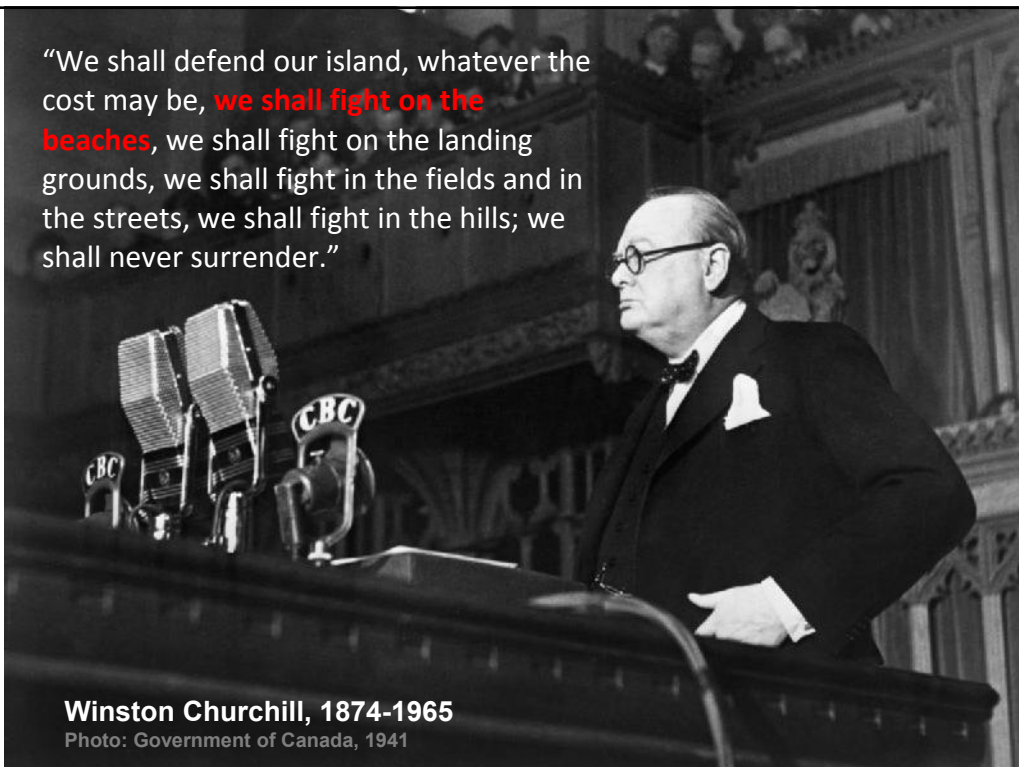
I try to make up for that by working harder & preparing
thoroughly.

I often run cases (e.g. against coal mines) that los

We need to fight for the future we want.

Being nice, expecting others to be reasonable and that our governments will take action necessary to protect the environment (e.g. from climate change) **is not working** at present.

“We shall defend our island, whatever the cost may be, **we shall fight on the beaches**, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender.”



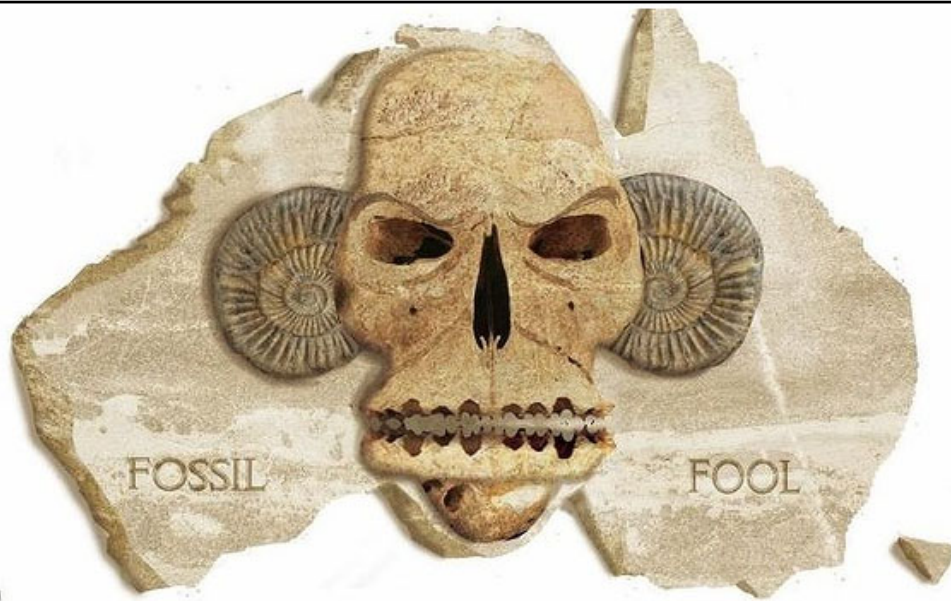
Winston Churchill, 1874-1965

Photo: Government of Canada, 1941

“Fighting” in this context does not mean acts of aggression but refusing to passively accept unacceptable outcomes and actively working to avoid those outcomes through any non-violent political, public and personal actions available to you.

Don't accept unacceptable behaviour or government policies.

Fighting can be done with
humour & satire too.



LEITCH

Illustration: Simon Letch.

Source: Mark Kenny, "Tony Abbott may yet be on the wrong side of history on climate change debate"
Sydney Morning Herald, 17 October 2014.
<http://www.smh.com.au/federal-politics/political-opinion/tony-abbott-may-yet-be-on-the-wrong-side-of-history-on-climate-change-debate-20141016-116nqz.html#ixzz3GLp5ECLT>

Building a narrative for solutions.

In my experience, working in opposition to things like farmers killing flying foxes to protect their crops & large coal mines is seen as illegitimate by many people working for industry and government, who take the view that all economic growth and private profits are fundamentally good & legitimate.

The implicit question is: “Why are you stopping us having jobs?”

The question is wrong – I am not against people having jobs (I fully support that). I am opposed to jobs that destroy our planet.

A reality check

Dominant paradigm / worldview:

Neoliberalism

Anti-business regulation

Anti-environmentalism

Private property & private profits

Asset stripping of government assets (privatisation)

**Conman, narcissist, bully, liar, vile sexual predator
Donald Trump**



Photographer unknown

Trump is not an aberration.

His election reflects widespread anger, fear & resentment in the USA. [One Nation in Australia & Brexit in UK]

He also reflects a culture of total self-interest (zero public “service”)

“Always back self-interest.
It’s the only horse in the race
that is always running.”

Paul Keating (adapted from NSW Premier Jack Lang)

Some self-interest is healthy but it should not be 100% of our worldview.

Humanity's strength is our ability to collaborate and support each other.

We need to rekindle a spirit of service as a core of who we are as a community.



“A spirit of service”

Richard Bourke

Photo: TEDx Sydney
<https://www.youtube.com/watch?v=gVSPVe4mQ5k>

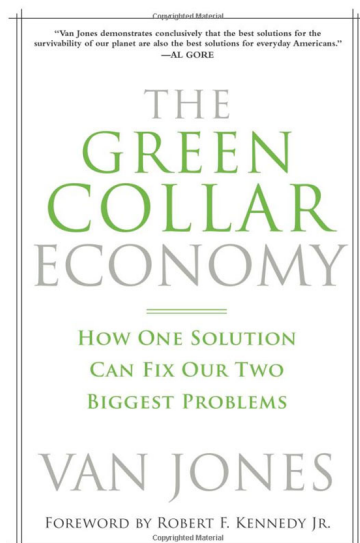
We need to provide
positive solutions to
address climate change.



"You cannot protect the environment unless you empower people, you inform them, and you help them understand that these resources are their own, that they must protect them."

Wangari Muta Maathai
(1940–2011), Kenya
Nobel Peace Laureate

To succeed, environmental programs must be linked to jobs and poverty alleviation.

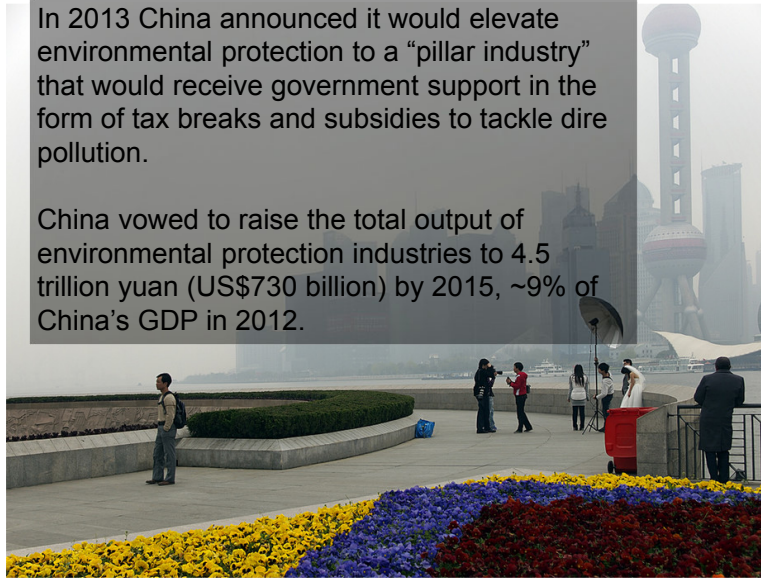


Environmental protection industry a job creator

August 20, 2013 6:27am AEST

In 2013 China announced it would elevate environmental protection to a “pillar industry” that would receive government support in the form of tax breaks and subsidies to tackle dire pollution.

China vowed to raise the total output of environmental protection industries to 4.5 trillion yuan (US\$730 billion) by 2015, ~9% of China’s GDP in 2012.



China recognises environmental protection is good for the economy, and has gone all out to fund it. Dainis Malins

<https://theconversation.com/environmental-protection-industry-a-job-creator-17040>

Celebrate positive solutions & pioneers

“We have a strong conviction that traditional carbon-intensive generation sources do not have a long-term future as the predominant source of power in Australia and globally. **We believe the world is undergoing a momentous transition to renewable power as the cost of renewables drops dramatically and quickly.**”

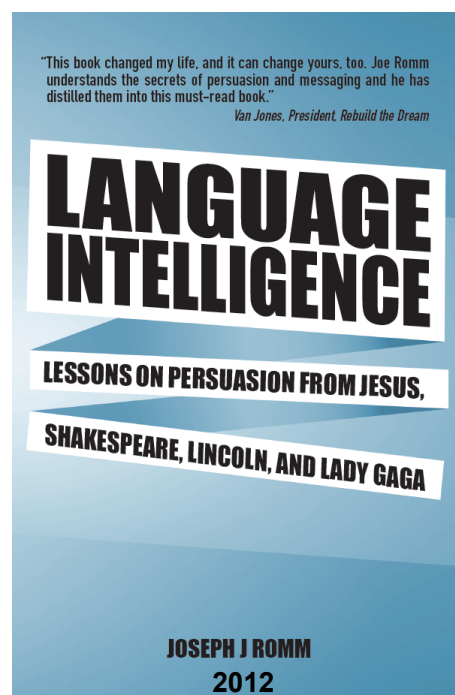
UK steel billionaire **Sanjeev Gupta** at the launch of his plans to build more than 1 gigawatt (1,000MW) of dispatchable renewable energy Whyalla, South Australia on 15 August 2018.



Photo: Courtesy Liberty House

We need to widely communicate ideas that people will remember, using short, simple, everyday language, repetition and metaphor.

Metaphor = a figure of speech in which a word or phrase is applied to an object or action to which it is not literally applicable.



Short metaphor/narrative

Nature is the foundation for prosperity.

Short metaphor/narrative

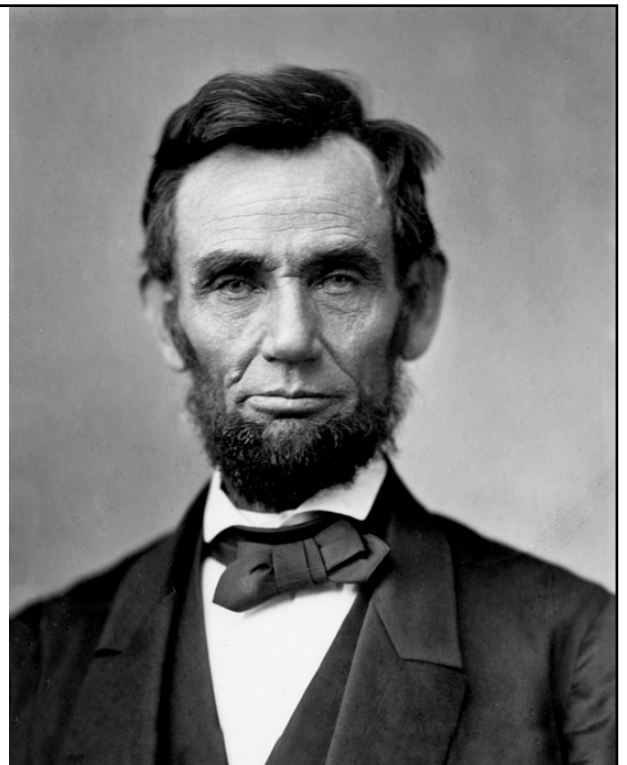
Nature is the foundation for prosperity.

“A house divided
against itself
cannot stand.”

Abraham Lincoln, 1858

Nb. Lincoln's is the most famous use of this metaphor but he drew on earlier use of it (e.g. Gospel of Mark 3:25: "And if a house be divided against itself, that house cannot stand.")

Photograph by Alexander Gardner (1863)



Longer/extended metaphor/narrative
(for class discussions)

A tree

**A good society =
sustainable**

Comment from class:
“freedom” is another goal



Graphic design by OCAL on clipker.com free public domain clipart

Key points:

Respond to the common “jobs vs environment”/
“protecting the environment will cost jobs” myth with “the
environment is the *foundation of our prosperity*”

Can use a tree metaphor for longer class discussions.

Take care of yourself.

Don't burnout or lose hope.

A metaphor for your work (and your students) in protecting the environment.

“Policy, especially environmental policy, is more a matter of gardening than engineering or building; of cultivating than participating or acting. ...

Old policies contribute to the soil in which new policies are sown and nurtured.”

Robert Bartlett (1994), pp 183-184

Think of working to
protect the
environment like
working in a garden.



Image: Design for Generations

Think of your
career
protecting the
environment
as a gardener.



Image: Garden Tiller Guru

Outline

1. A story of fighting with imperfect tools
2. Building a narrative for solutions

Abstract

We need to fight for recognition that nature is the foundation for prosperity. We need this to overturn the pervasive – and false – narrative in current media and political debates about the environment that protecting the environment costs jobs. Environmental education is most powerful in generating positive change when we show how solving environmental problems can create jobs and alleviate poverty. The path is not easy and the political headwinds are strong but we need to fight for solutions using whatever imperfect tools we have. This keynote address tells the story of the speaker's own journey through the law and teaching to fight for solutions to protect the environment.