

A new 'law of the river' in the Australian context: the Yarra River Protection Act

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Abstract:

In November 2014 the incoming ALP State Government committed to enactment of a Yarra River Protection Act. This was the product of lobbying over an extended period of time from the Yarra Riverkeeper Association (YRKA). Commencing in February 2015, YRKA and Environmental Justice Australian (EJA) embarked on a project to build a participatory design process leading to a preferred vision and model for the intended Yarra River Protection Act. This was part of a bigger campaign by EJA and YRKA to achieve best practice outcomes in legislation for the river, inspired by the idea of 'place-based' or landscape-scale models of law and governance.

This talk will discuss both the process of working toward a new legislative framework for the Yarra River and the substantive proposals adopted out of this work. Co-design methods and participatory models of policy- and decision-making have been influential in this project, as have influences from 'rights of nature' jurisprudence as well as other jurisprudential sources. The talk will make a preliminary assessment of the project, considering both its successes and limitations alongside lessons from the model of collaboration among NGOs, lawyers and community organisations that we developed in the journey.