



## PROFILE

**Alistair Young - Senior Sustainability Legal Consultant.**

**Alistair Young** is an admitted Attorney and a Director of **Warburton Attorneys Incorporated**. He completed his tertiary education at the University of Cape Town and specialises in environmental legal compliance, litigation and advice.

## CONTACT

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## ATTORNEYS ADMISSION

Admitted and enrolled as an Attorney in the Cape of Good Hope Provincial Division, March 2006.

# ALISTAIR YOUNG

BA LLB LLM

## EDUCATION

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**BA (Environmental Science)**, University of Cape Town, 1997 to 1999

**LLB**, University of Cape Town, 2000 to 2002

**LLM (Environmental Law)**

University of Cape Town, 2003 to 2004

**Practical Legal Training (PLT)**

January 2005 – June 2005

**GRI Certified Course on Sustainability Reporting**

## PROFESSIONAL AFFILIATIONS

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- Admitted as an attorney, March 2006.
- Member of the Environmental Law Society of South Africa

## SPECIALITIES

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- Environmental Litigation (Judicial Review Applications and Applications to Compel)
- Drafting Written Representations to Compliance Notices
- Due Diligence Investigations
- Legal compliance Training
- Legal compliance audits
- Development of SHE Legal Registers

## **EXPERIENCE:**

### **IMBEWU Sustainability Legal Specialists (Pty) Ltd -**

#### **Senior Sustainability Legal Consultant**

**March 2007 – Present:**

- **Section 43 NEMA Appeals:** Drafting of appeal documents in relation to environmental authorisations granted by the Gauteng Department of Agriculture and Rural Development and refusals by the Department of Environment, Forestry and Fisheries to amend existing environmental authorisations with particular emphasis on appeals within the renewable energy sector.
- **Judicial Review Applications:** Attending to all matters associated with judicial review applications initiated by and against clients in respect of section 43 NEMA appeal decisions by the Environment Minister and the Regional Manager (Department of Mineral Resources and Energy). Current applications relate to the renewable energy and mining sectors.
- **Mine Closure Litigation:** Litigation against various state Departments regarding the failure to make a decision on EIA and closure applications in relation to the closure of a mine.
- **Due Diligence:** Drafting of the environmental and health and safety components of numerous due diligence reports regarding renewable and fossil fuel energy projects, waste facilities as well as in relation to the listing of a South African mining company on various stock exchanges including the Hong Kong Stock Exchange and the London AIM.
- **Legal Opinion Writing:** Drafting legal opinions on various matters ranging from EIA, the financial provision regulations, water and waste as well as on possible pure economic loss claims arising from wind energy facilities being located in close proximity to one another. Certain specific opinions have focussed on the authorisation requirements associated with renewable energy projects such as the installation and operation of biomass plants at sawmills.
- **Section 62(1) LGMSA Appeals:** Drafting of appeal documents in relation to decisions taken by local and metropolitan municipalities in relation to air quality issues under the NEMAQA including appeals against the issuing of administrative fines in terms of section 22A of NEMAQA and representing clients at appeal hearings.
- **Section 31L NEMA Legal Compliance Notices:** Providing legal assistance in the form of the drafting of written representations to section 31L Legal compliance notices issued by Provincial Departments.
- **Section 84(3) NHA Appeals:** Drafting of appeals against final compliance notices issued by municipalities against manufacturing companies as a result of alleged nuisances caused by the manufacturing operations.
- **Procedures:** Compilation of waste management procedures for large retail companies and the development of comprehensive environmental mine closure procedure for major platinum mining companies.
- **Contract:** Environmental legal review of all coal supply agreements (short, medium and long term agreements as well as cost plus and fixed price agreements) for a major energy producing company and the drafting of environmental related clauses for contracts dealing with the supply of goods and services in the retail sector.
- **Legislation Drafting:** Review of all current by-laws for a major metropolitan municipality in Gauteng

and making wholesale amendments thereto to introduce “green” considerations into such by-laws.

- **Criminal Procedure:** Currently representing a waste service provider in criminal prosecution proceedings as a result of the purported unlawful dumping of waste by an employee.
- **Cross Border Legislation Harmonisation and Rationalisation:** Acted as the lead legal consultant on a project that required the conducting of site visits and meetings with government officials and stakeholders in Namibia, Botswana, Zambia, Angola and Zimbabwe for the purposes of gaining further insight into the core cross border natural resources management and tourism legislative issues affecting the proper administration of the KAZA Trans-frontier Park. Furthermore, the project involved research and review of the applicable legislation and drafting a report on the opportunities for harmonising and rationalising such legislation between the five countries. The project also involved the giving of numerous presentations to key government officials from the five countries.
- **Legal Compliance Training:** Conducting environmental legal compliance training for clients across the mining and industrial sectors. The training covers a range of environmental law issues including water, waste, air quality, EIA, mining and biodiversity.
- **Auditing:** Undertaken numerous environmental legal compliance audits at several large-scale mining and industrial operations. The purpose of the audits is to establish actual on-site environmental legal compliance and to assist with ISO 14001 compliance.

- **SHE Legal Registers:** The development and update of SHE legal registers for numerous mining and industrial companies.
- **Protected Areas Legal Register:** Development of a Protected Areas Legal Register that assists conservation-based operations with legal compliance in relation to conservation / biodiversity specific on-site activities.
- **Biosphere Reserves:** The lead legal consultant for various municipalities regarding the establishment and ongoing management of UNESCO biosphere reserves in the Waterberg and Magaliesberg regions of South Africa.
- **Biodiversity:** Assisted the South Africa National Biodiversity Institute by providing environmental legal input into the national Reference Guideline document entitled “*The Rehabilitation of Wetlands in a Mining Landscape*” during the course of 2015.
- **Foreign Legislation:** Undertaking of various projects that have dealt with safety health and environmental legislation in numerous SADC countries including Namibia, Botswana, Zambia, Angola, Zimbabwe, Lesotho, and Swaziland.
- **General:** Assist with all other services provided by IMBEWU, including but not limited to presentations to clients regarding work progress, evaluation of EIA reports, proposal presentations to potential clients, marketing, review of SHE legal registers, SHE legal register training, assisting with legislation database maintenance and general legal support.

**October 2004 to February 2006:** Candidate Attorney with Scheibert & Associates, Cape Town: General and Commercial Litigation Department.

**February 2006 to February 2007:** Professional Assistant with Scheibert & Associates, Cape Town: General and Commercial Litigation Department.

**PAPERS AND PRESENTATIONS:**

- Book: *Made contributions to the drafting of Know your Environmental Rights! A practical guide to Environmental Law in South Africa*
- Papers: *From the Minerals Act to the Minerals and Petroleum Resources Development Act: Is South Africa's Unique Environment protected from the negative impacts of mining?*
- *This Dammed World: The effects of large dams on the environment and how these effects can be curtailed by the implementation of various International Environmental Conventions* (LLM Dissertation).
- Article: *A Fundamental Shift in the South African Waste Management Legal Framework* published in *Occupational Risk: Health, Safety and Environment* Vol.5 No 6, July 2009
- Conference: *SHERCON 2009* – Presented a paper on the change in the South African legal regime dealing with waste management.
- Article: *Business Day: Business Law and Tax Review*, May 2010 – *The consequences of section 59(1) of the Consumer Protection Act for the suppliers of certain goods in the context of waste management and disposal.*
- Article: *Financial Mail*, April 2010 - *contributory comments for an article on acid mine drainage.*
- Article: *Financial Mail*, November 2011 – *New Mines that use water illegally do so at their own risk.*
- Article: *Footprint Magazine*, December 2013 – *Potential Unlawfulness of conducting EIA Listed Activities.*
- Article: *Mining Prospectus* December 2016 and *Without Prejudice* February 2017 – *Evolving Financial Provision Requirements for Mines in South Africa.*
- Article: *Without Prejudice*, September 2020 – *The Wake Effect* (co-writer: Nicole Kruger).
- Legal Training: Conduct various legal training courses covering a wide range of topics including mining, water, air quality, environmental law and renewable energy in South Africa, waste and environmental impact assessment legislation.