

Editorial

Dear Readers,

I would like to start my first issue as editor of *National Environmental Law Review* by thanking my predecessor Rachel Baird for her fine work in upgrading the style and content of the journal, and her success in establishing a very efficient production team of publisher and sub-editors.

As for the future, you may be aware that there have been recent deliberations by the National Executive on the role of NELA and the future priorities of the journal. There is broad agreement that NELA should strive to be a leading provider of information and debate on environmental law, with an increasing focus on our website and electronic transmissions. The journal will not diminish in importance with these changes, as our website will carry full text of recent editions of the journal limited to members-only access. We are also negotiating with a leading provider of full text research databases to have earlier issues of the journal included in their database, which will enhance the accessibility of the journal to non-members.

In this edition there is the usual comprehensive update on developments from most Australian jurisdictions. Our articles offer a very wide spectrum of perspectives on current environmental law and practice. First we feature the text of a very informative speech on the development of environmental law in New South Wales by Justice Peter McClellan. There is a preview of the first three years of operation of the EPBC Act by a legal practitioner, Aletta Nugent, plus a commentary by Lyndall Kennedy from the EPBC Unit on the Heritage amendments recently passed by the Senate. Finally there is a personal perspective from a front-line environmental officer, Jennie Slatter on a day in the life of a (Victorian) EPA officer.

I have included one new section in the journal, which I hope you will find useful. At the back page of the journal under 'Literature Review - Recent Journal Articles' you will find the list of contents from several leading Australian environmental law journals to keep you apprised of the other recent publications in this area.

Positions vacant: South Australian and National sub-editors

We naturally have some turnover in our team of sub-editors from time to time and I would presently like to hear from any environmental law enthusiasts who are interested in providing contributions from the South Australian and National/Commonwealth jurisdictions.

Best wishes

Wayne Gumley
National Editor

Department of Business Law and Taxation, Monash University
PO Box 197, Caulfield East, Victoria 3145
Phone: (03) 9903 2784, Fax (03) 9903 2292,
Email: wayne.gumley@buseco.monash.edu.au

NELR Editors

NATIONAL EDITOR:

Wayne Gumley

Senior Lecturer, Monash University

wayne.gumley@buseco.monash.edu.au

Wayne has completed a BSc and LLM at Monash University and was first employed as a solicitor in the town of Mansfield close to the mountains of northeast Victoria. He later moved back to Melbourne to join the Australian Government Solicitor's Office, where he carried out a wide range of litigation and advising on behalf of the Commonwealth government and its various agencies, particularly on administrative law and revenue law. In 1992 Wayne joined the Faculty of Business and Economics at Monash as a lecturer in taxation law, and has recently extended his teaching to business law and environmental law. Wayne's research interests centre on emerging regulatory frameworks to assist sustainable development, particularly ecological tax reform and the role of market-based instruments. He is currently on the executive of the Victorian Division of NELA

NEW SOUTH WALES EDITOR:

Dr Nicholas Brunton

Partner, Henry Davis York

nicholas_brunton@hdy.com.au

Nicholas Brunton has been a member of NELA and state editor since 1992.

He has degrees in Law and Geography from Macquarie University and received a PhD from the University of Sydney in 1998. His thesis examined the law and policy relating to coastal water pollution in Australia.

Nicholas currently practices in the areas of planning, environment, valuation, property and commercial law. He is also kept busy providing guest lectures at both Sydney and Macquarie Universities.

QUEENSLAND EDITOR:

Leanne Bowie

Head of the Environmental Law Practice, Minter Ellison

blmb@minters.com.au

Leanne Bowie has been the Queensland editor for four years.

Leanne holds degrees in Arts and Law (Honours) from the University of Queensland. She has specialised in environmental and planning law, working for both the private sector (heavy industrial, mining and general commercial) and state and local government.

She is also a member of the Queensland Law Society's planning and environment committee and the Queensland Mining Council's environment committee.

VICTORIAN EDITOR:

Jennie Slatter

Environmental Protection Officer, EPA Victoria

Jennifer.Slatter@epa.vic.gov.au

Jennie Slatter has recently become the Victorian state editor. Jennie holds a Bachelor of Applied Science degree in Environmental Assessment and Management from the University of Newcastle and is currently undertaking a Masters in Environmental Law at the University of Sydney (part-time).

Jennie worked in private environmental consulting for seven years period to joining EPA Victoria in 2001. She also worked for two years in the environmental department at an open-cut coal mine in the Hunter Valley.

Jennie is a member of the Victorian Planning and Environmental Law Association (VPELA).

SOUTH AUSTRALIAN EDITOR:

Tiana Nairn

*Senior Policy Officer,
Department for Environment and Heritage (South Australia)*

Nairn.Tiana@saugov.sa.gov.au

Tiana Nairn has been involved with NELA since 1996 and is the Secretary of the South Australian Division. She is currently a Senior Policy Officer in the Environment Legislation Branch of the Department for Environment and Heritage. Tiana has worked previously as an Associate with Jamie Botten & Associates, a specialist environment and planning firm in Adelaide, and as a Senior Environmental Officer at the South Australian Department for Transport, Urban Planning and the Arts.

Tiana holds degrees in Law (Hons) and Science (Jurisprudence) from the University of Adelaide. Her honours thesis examined how ecologically sustainable development is being promoted within South Australia's planning and development control system.

TASMANIAN EDITOR:

Frances Scherrer

PhD Candidate, The University of Tasmania

Frances.Scherrer@utas.edu.au

Frances Scherrer has recently become the Tasmanian state editor. Frances holds degrees in Law and Science (Chemistry) from the University of Tasmania, and a Master of Environmental Laws from the University of Sydney.

Frances has worked in private practice in the areas of environment, planning and local government law. She has lectured in environmental law at the University of Western Sydney and undertaken lobbying work in Canberra for the Australian Conservation Foundation on trade and environment issues. Frances is currently undertaking research into trade and environment issues and participates in the public law teaching program at the University of Tasmania.

WESTERN AUSTRALIAN EDITORS:

Sally Marsh and Lewis McDonald

Sally Marsh

sally.marsh@bdw.com.au

Sally is the joint Vice President of the WA Division of NELR. She holds degrees in Law and Chemistry, graduating from the University of Western Australia. Sally now works with Blake Dawson Waldron within the Corporate Advisory Group. She currently practices in resources, projects and environmental law. Sally has also used her chemistry background to advise the mining and manufacturing sector on plant emissions.

Lewis McDonald

Lewis.mcdonald@malleasons.com

Lewis is the joint Vice President of the WA Division of NELR. He graduated from the University of Western Australia with degrees in Law and Environmental Science. Lewis currently works with Mallesons Stephen Jaques within the Corporate Resources section. He practices in resources and projects.

NATIONAL, COMMONWEALTH EDITOR:

John Ashe

Environmental Consultant

john.ashe@bigpond.com

John Ashe has been involved with NELA since 1993 and is currently the Treasurer of the ACT Division. John holds degrees in Economics and Business Administration and a Master of Environmental Law from the Australian National University.

He worked previously as an Assistant Secretary in the Environmental Assessment Branch of Environment Australia. He has been involved in environmental impact assessment and policy and legislative reviews.

*Associate, Baker & McKenzie Solicitors,
PhD Candidate, University of Wollongong*

david.jones@bakernet.com

David Jones has been involved with NELA since 1999 and took on these editorial roles at the beginning of 2003. David holds degrees in Law (Hons) and Environmental Science, a Graduate Certificate of Business and is currently completing his PhD with the University of Wollongong. His thesis examines developing systems for climate change regulation, with a particular focus on Australian opportunities for integrated environmental management.

David has worked in private practice for over 5 years, specialising in environmental, local government and planning law. He is a guest lecturer with the University of Wollongong, currently presenting the environmental and government tendering electives of the University's Practical Legal Training program.

written contributions and letters to the Editor

Written contributions to the National Environmental Law Review, by way of case note, book review or article are welcomed by the editorial board.

Please send contributions to you state editor in the first instance. They will review contributions and forward them to the national editor. State editorial contact details are on the preceding pages.

We hope that the NELA website will be up and running later this year. Detailed information on the form and content of the submissions will then be available online. In the interim please refer to the Australian Guide to Legal Citation (Melbourne University Law Review Association Inc 1998) as an illustrative style guide. As a general guide, articles should be between 3,000-5,000 words. Articles are expected to conform to standard conventions of legal writing.

For those authors seeking more formal recognition for their work, NELR has decided to publish fully refereed articles in future issues. Full details of our refereeing policy can be obtained from the Editor, and will also be published in the next issue.

Please note that due to changes in the NELR design and production process, footnotes are required to be presented as endnotes. This will assist layout of the Review and minimise the margin of error when articles are imported into the design software.

Acceptance of written work in the NELR does not in any way indicate an adoption by NELA of the opinions expressed by authors. Authors remain responsible for their opinions, and any defamatory or litigious material and the Editor accepts no responsibility for such material.

Letters to the Editor are also welcomed. Please forward these to:

Wayne Gumley
NELR National Editor

Department of Business Law and Taxation
Monash University
PO Box 197 Caulfield East
Victoria 3145

wayne.gumley@buseco.monash.edu.au