

editorial

Dear Readers,

Environmental Laws Are Growing Claws

This final issue of the Review for 2003 features two papers presented at the 2003 NELA Annual Conference held in Broken Hill on 23-24 October 2003, in conjunction with the Annual Conference of the Environment Institute of Australia and New Zealand. The conference location at Broken Hill was most enjoyable and many stimulating papers were presented. For those who could not attend, a list of the NELA conference papers is set out at the end of this issue.

It is increasingly evident that environmental law relating to protection of ecosystems is evolving rapidly from an earlier phase. Australian environmental legislation has now entered a more mature phase where legislators are creating specific schemes to mandate how priorities like biodiversity conservation are to be achieved. The two papers featured in this issue are good examples of prescriptive new legislative schemes which seek to achieve for more sustainable land use in regional Australia. The paper by Ilona Millar examines the ambitious new Water Management Act 2000 (NSW), which endeavours to ensure environmental flows in rivers throughout New South Wales. This paper examines some of the preliminary legal issues that have arisen in implementation of this Act (through a number of pending legal challenges) and concludes that the NSW government's commitment to integrated catchment management is being eroded through political processes and apparent flaws in the legislated process for making of Water Sharing Plans. The paper by Tania Heber and Lucy Vaughan deals with recent enhancements to the scheme for protection of native vegetation under the Victorian Planning Provisions, through the incorporation of a 'net gain' framework. The authors conclude that whilst the objective of new framework promises a reversal of native vegetation clearance across the entire landscape, crucial operating guidelines have not yet been released, and thus it remains to be seen how effective the framework will be in practice.

This issue also features a case note by Chris McGrath on the landmark Nathan Dam case, in which WWF (Australia) and the Queensland Conservation Council have succeeded in securing a reassessment of the environmental consequences of the construction of a dam on the edge of the Great Barrier Reef. We have also included an interview with Mick Bourke, the new Chairman of EPA Victoria, in which he makes some interesting comments on his first 12 months in office.

Sub-editors Wanted: National, Tasmania, and ACT divisions.

Some of our State and Territory sub-editors have recently advised they are unable to continue their current roles. Accordingly there are opportunities for others to become involved in the National, Tasmania and ACT divisions. I would be very glad to hear from any environmental law enthusiasts who are interested in providing quarterly updates on behalf of these divisions.

Best wishes

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National Editor

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NELR editors

NATIONAL EDITOR:

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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

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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

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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

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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:

Will Webster

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Will has been a member of NELA since 2000, and sits on the South Australian Branch Executive Committee, and the Natural Resources Sub-committee.

He has degrees in Arts and Law from the University of Adelaide.

Will practices at Adelaide firm Mellor Olsson, in the areas of Environmental and Planning Law, and Commercial dispute resolution.

TASMANIAN EDITOR:

Vacant

WESTERN AUSTRALIAN EDITORS:

Sally Marsh and Lewis McDonald

Sally Marsh

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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

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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

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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.

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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.

As a general guide, articles should be between 3,000-5,000 words in length and should conform to standard conventions of legal writing. Please refer to the Australian Guide to Legal Citation (Melbourne University Law Review Association Inc 1998) as an illustrative style guide.

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:

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