

# editorial

Dear Readers,

*Sustainable Development: Is It Time for a New Concept?*

In this issue, we feature the 2002 NELA Gerry Bates Essay Prize winner, Tobin Bennett with an essay on the movement towards ecologically sustainable development. Tobin has provided a convincing argument that the concept of sustainable development as recognised in international declarations is fundamentally flawed. This point is only too obvious at present in Australia where we see many signs that the federal government is showing scant respect for the precautionary principle in areas such as climate change and biotechnology, and several State governments showing little regard for conservation of biodiversity, particularly native forests. Recent cases like the Nathan Dam in Queensland and the Meander Dam in Tasmania have also revealed a weakness in current environmental impact assessment processes, where political interests seem to be prevailing over environmental objectives.

The irony is that the corporate sector is showing far greater leadership on environmental management than many of our political leaders. The second paper in this issue, by legal practitioners Sean Lucy and Megan Utter, argues that in the wake of recent corporate governance failures such as Enron and HIH, sustainability performance indicators are of increasing importance to determinations of the 'true value' of a company, particularly in industries that are susceptible to major environmental risks. They argue that directors need to be increasingly careful that corporate disclosure obligations are duly satisfied on these 'non-financial' aspects of business operation.

Also in this issue we have an overview of recent developments in planning law in Victoria by Denise Turner, and a case note by Brendan Sweeney on the recent decision in *Johnson Tiles* by the Supreme Court of Victoria, dealing with claims for economic loss arising from the 1998 Longford gas explosion. This significant judgment may be of wider interest to practitioners in other States.

Best wishes

**Wayne Gumley**

National Editor

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# NELR editors

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## **NATIONAL EDITOR:**

Wayne Gumley

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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

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## **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.

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## **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.

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## **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:**

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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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