

# editorial

Dear Readers,

## *NELA STRATEGIC PLAN: 2004 - 2006*

Our President Tim Mellor has recently released the Strategic Plan for NELA for the period 2004 - 2006. This is the culmination of meetings of the National Executive and other interested parties in Sydney on 27th and 28th August 2004 and endorsed by the National Executive on 8th September 2004. A sub-committee has been convened to arrange the implementation of the Plan in the near future. Please have a look at the Strategic Plan on the NELA website ([www.nela.org.au](http://www.nela.org.au)) and give some thought to getting involved in some of the key initiatives. One exciting element of the Plan is the intention to hold the **2005 National Conference in Canberra between 13 - 16 July 2005**. A very impressive program is being put together, so please register your interest in this event as soon as possible.

In this issue, there are several updates from new sub-editors including a post election policy outlook from Elizabeth Marsden, Queensland news from Chris McGrath and a very welcome resumption of news from Tasmania by Tom Baxter.

This issue also includes an informative paper on third party rights by Justice Stuart Morris of the Victorian Civil and Administrative Appeals Tribunal, which presents a personal and entertaining perspective of developments in this area. There is also an in-depth examination of the Greentrees decision by Matthew Baird, which identifies important issues for landownership within Ramsar-listed wetlands. Our third article is written by two ecologists, Simon Mustoe and Rohan Clarke, who have described some of the issues surrounding management burning of mallee vegetation and a proposed toxic waste facility in north west Victoria, which may impact upon a listed threatened species, the Mallee Emu-wren.

This issue also has an interesting range of case notes including topical issues such as development consent, third party rights, contaminated land; greenhouse gas emissions and landfills.

Best wishes

**Wayne Gumley**  
National Editor

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# NELR editors

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## **NATIONAL EDITOR:**

Wayne Gumley

*Senior Lecturer, Monash University*

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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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## **INTERNATIONAL, ACT EDITOR:**

David Jones

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

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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.

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## **NATIONAL & COMMONWEALTH EDITOR:**

Elizabeth Marsden

*Barrister and Solicitor, Southern Vales Legal*

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A graduate of the Australian National University in law and the arts, Elizabeth has been admitted to practice in the ACT and South Australia since 2002/3. While studying law, she was the ACT editor of this journal's predecessor, the *Australian Environmental Law News*. Elizabeth has carried out research for environmental organisations, taught at a university, and practised law in Canada, England and more recently, South Australia. She had an article published in the *Canadian Journal of Environmental Law and Practice* on the domestic implementation of international environmental law, based on her research for the Sierra Legal Defense Fund. Working in McLaren Vale, she currently practises mainly in commercial litigation, with a client base which includes the wine industry.

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## **NEW SOUTH WALES EDITOR:**

Dr Nicholas Brunton

*Partner, Henry Davis York*

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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

*Head of the Environmental Law Practice, Minter Ellison*

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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

*Environmental Protection Officer, EPA Victoria*

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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

*Barrister and Solicitor, Mellor Olsson*

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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:**

Tom Baxter

*Lecturer in Commercial Law, University of Tasmania*

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Tom Baxter, BEc/LLB(Hons)(Tas), GradCertLegPrac(Tas), LLM(ANU), has been a member of the NELA National Executive since 1997.

After graduating from the University of Tasmania, Tom worked at Dobson, Mitchell & Allport in Hobart from September 1997 to December 1999. From January 2000 to May 2003 he was Legal Officer at the Great Barrier Reef Marine Park Authority, a Commonwealth statutory authority based in Townsville. In June 2003 he returned to Hobart as a Lecturer in Commercial Law at the University of Tasmania.

**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 Malleasons Stephen Jaques within the Corporate Resources section. He practices in resources and projects.

## 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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