

# editorial

Dear Readers

This issue contains a range of interesting perspectives on climate change and biodiversity protection. Nicola Durrant has provided a timely update on the science and economics of climate change whilst several case notes indicate how the increasing public acceptance of the science is translating into a highly relevant consideration in many development decisions, particularly several recent proposals in relation to coal mines.

Biodiversity conservation is the subject of several articles, including a thoughtful contribution by Kelly Casey which points out some limitations in the use of the sustainability paradigm to achieve biodiversity conservation. This point is well demonstrated by a casenote on the recent Wielangta forest case, by Vanessa Bleyer which strongly suggests that the Tasmanian Regional Forest Agreement is in conflict with Australia's commitments under the Biodiversity Convention. This decision deepens the controversy over the widespread reforms to the Environment Protection and Biodiversity Act 1999 currently before the Federal Parliament. These reforms have been helpfully summarised from the perspective of a consulting ecologist in an article by Simon Mustoe. A further article by Rachel Baird provides a legal perspective of these changes. This issue also contains an informative article on proposals for water reforms in Western Australia by Robyn Glindemann and Caitlin Westgarth.

I would also like to welcome two new members of the editorial team for this issue, Penny Cresswell takes over from Louise Edwards as International editor, and Lisa Holman has commenced contributions on behalf of the Australian Maritime Safety Authority. I also thank Louise for her valuable contribution to previous issues.

Regards

Wayne Gumley

# NELR editors

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**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.

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**INTERNATIONAL EDITOR:**

Penny Cresswell

*Senior Associate, Allens Arthur Robinson, Melbourne*

*Penny.Cresswell@aar.com.au*

Penny Cresswell works in the Energy, Resources and Infrastructure group at Allens Arthur Robinson. Her practice includes environmental work. Penny has recently returned to private practice after spending a number of years doing predominantly native title and land rights work in the Northern Territory. She has an LLB (Hons)/BA from Melbourne University and was the Victorian secretary of NELA and the Victorian editor of the NELA journal back in 1997. Her areas of interest include climate change and corporate responsibility.

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**NATIONAL & COMMONWEALTH EDITOR:**

Simon Batten

*Lawyer, Allens Arthur Robinson, Brisbane*

Simon Batten completed a LLB in 2002 and was admitted to practice in 2003. He is currently studying a Masters of Environmental Management through the University of Queensland. Simon has been involved in environmental litigation in the Federal Court and advises on environmental and planning matters as a member of Allen Arthur Robinson's environment and planning practice. Simon has an interest in sustainable urban design and transport, as well as bush regeneration.

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**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:**

Larissa Waters

*Solicitor, Brisbane*

Larissa Waters is a solicitor at the public interest environmental law specialist Environmental Defenders Office Qld (EDO Qld), a community legal centre providing pro bono advice, education and law reform assistance to members of the public on using the law to protect the environment.

Larissa holds a Law degree with honours, an Environmental Science degree majoring in Environmental Policy and Economics, and a Graduate Diploma in Legal Practice. She was admitted to practice in NSW in 2001 and in Queensland in 2002, and worked in the Brisbane office of a national law firm before joining EDO Qld in April 2002.

**VICTORIAN EDITOR:**

Elisa de Wit

*Partner, Deacons, Melbourne*

Elisa is a Partner in the Environment and Planning group of Deacons in Melbourne. Prior to joining Deacons, Elisa worked as an environmental and planning lawyer in London for 8 years. Elisa has also practised in South Australia and New South Wales. She holds a LLB (Hons) and BA (Juris) from Adelaide University and completed a Masters of Environmental Law through Adelaide University in 1997. Elisa advises on all areas of environmental and planning law, and has developed a particular expertise in the area of waste management and contaminated land.

**SOUTH AUSTRALIAN EDITOR:**

Rebecca McAulay

*Associate, Norman Waterhouse**RMcAulay@normans.com.au*

Rebecca McAulay joined the Norman Waterhouse Planning and Environment Team as a solicitor in February 2006 after two years legal experience at a middle tier firm in Adelaide. Her areas of specialty include urban and regional planning, environment, building, native title, water resources and native vegetation law. She also has four years previous experience in the Planning and Environment Department of a large metropolitan council and is a regular contributor to arrange of professional and industry publications.

**TASMANIAN EDITOR:**

Tom Baxter

*Lecturer in Commercial Law, University of Tasmania**Tom.Baxter@utas.edu.au*

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 EDITOR:**

Merinda Logie

*Associate, Minter Ellison, Perth*

Merinda is joint Vice President of the WA Division of NELA. She has previously been treasurer for the WA Division, and State representative on the National Executive for both Victoria and WA. Merinda is an Associate of Minter Ellison, Perth and has been practising Environment & Planning law in WA and Victoria since September 2000.

*Lawyer, Minter Ellison**kelly.casey@minterellison.com*

Kelly has recently joined the National Environmental Law Review as the ACT editor. She is situated in Minter Ellison's Canberra office, holding a position in the Property Group. Kelly practices in the areas of property, construction and planning and has an interest in sustainability and biodiversity conservation.

She is currently completing a Master of Laws in environmental and natural resource law.

## 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 your 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:

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

## NELR contributions and publication schedule for 2007

Contributors please note:

- NELR - The general rule is that contributions for the Review are due to the National Editor in the first week of the last month for each season to enable printing and distribution by the end of that month (except for Autumn 2007, which is postponed one month) – as shown below.
- NELA Bulletin - Contributions to the may be submitted to the NELA Secretariat in the last week of each even-numbered month (Feb/Apr/Jun/Aug/Oct/Dec).

NELR Issue	Contributions deadline	Expected publication date
Autumn 2007:1	Friday 1 June 2007	Monday 18 June 2007
Winter 2007:2	Friday 3 Aug 2007	Monday 20 Aug 2007
Spring 2007:3	Friday 2 Nov 2007	Monday 19 Nov 2007
Summer 2007:4	Friday 8 Feb 2008	Monday 25 Feb 2008

