

Dear readers

2008 in review

In this final issue for 2008 it is timely to reflect upon some of the significant events that have taken place this year. The Rudd Government was fresh on the scene at the beginning of the year and quickly gave effect its election promise of ratifying the Kyoto Protocol. This decision may have had little practical effect as Australia was already on track to meet its Kyoto target. Nevertheless it was important for the Australia to affirm its position on the world stage, and it certainly gave great momentum to the NELA Conference on Climate Change Law held at Fremantle in March 2008. The conference was a sell out and the excellent set of papers presented was published by Thomson Reuters towards the end of the year. The issues canvassed in the book are still very much in the forefront of debate, as the Garnaut Review delivered its final report in September, followed by the Federal Government's White Paper on the proposed Carbon Pollution Reduction Scheme in December 2008. As the CPRS scheme approaches commencement, it is clear that many of the issues highlighted at the NELA conference are yet to be resolved. In particular there is still a major debate about the role of voluntary greenhouse mitigation strategies and complementary measures like feed-in tariffs, the renewable energy target and access to international offsets. The 'global financial crisis' has recently thrown another wild card into this debate as the price of carbon on European exchanges has plunged well below Government expectations, prompting consideration of how climate change responses can be linked to economic recovery.

The Federal Government also commenced a comprehensive review of the *Environmental Protection and Biodiversity Conservation Act* in 2008, which opened up debate on the adequacy of the current list of 'matters of environmental significance'. Notable suggestions include the addition of a greenhouse trigger, deforestation trigger, and inland waters trigger to cover some of the more pressing contemporary issues.

The government also commenced a comprehensive review of the Australian taxation system (the Henry Review) which notably includes terms of reference directed at integrating revenue collection with the challenges of climate change and environmental protection. Some key issues for resolution in this process include the rationalisation and strengthening of taxes on consumption of non-renewable natural resources and the removal of 'perverse' incentives which promote excessive use of fossil fuels (eg. FBT employer provided car concessions, tax breaks for highly profitable oil, coal and gas industries).

In this issue we have three papers from environmental law students which consider the effectiveness of recent State government strategies for biodiversity conservation. Lisa Stewart of the University of Wollongong has critiqued the role of biodiversity certification in New South Wales, whereby threatened species protection is assessed at a strategic planning level rather than at the project approval level. Dominic Crinnion of University of Wollongong has examined the role of Local Environment Plans in three NSW local government areas (Tweed, Bega and Wollongong). Ilva Sporne and Professor Pat Dale (Ilva's PhD supervisor) from Griffith University have explored the adequacy of statutory arrangements to support integrated natural resource management in Queensland.

Regards

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