

ENVIRONMENTAL AND PLANNING LAW JOURNAL

Volume 20, Number 2

April 2003

COMMENTARY

MANAGING THE CUMULATIVE EFFECTS OF INCREMENTAL DEVELOPMENT IN FRESHWATER RESOURCES

Jon Nevill

Managing cumulative effects is one of the most important and intractable problems facing the water resource industry today. This article argues that, as a matter of urgency, cumulative effects within the water resource industry must be taken more seriously85

ARTICLES

LEGAL PROTECTION OF FAUNA HABITAT IN WESTERN AUSTRALIA

L McDonald, SD Bradshaw and A Garner

This article reviews the laws that apply in Western Australia to protect the habitat of Western Australian fauna. Recognising that knowledge of Western Australian biodiversity (including fauna) is poor, a survey of Western Australian zoologists was conducted to determine their opinion on the effect of habitat destruction on a chosen species. Through this process detailed information was collected on 26 Western Australian animal species. In the light of this information, the current and proposed suite of common law, Western Australian legislation and Commonwealth legislation applying in Western Australia was examined to determine whether this offers adequate protection to the habitat of native fauna and allows for individual species differences to be adequately taken into account.....95

COMPLIANCE AND COMPLICITY: AN ASSESSMENT OF THE SUCCESS OF LAND CLEARANCE LEGISLATION IN NEW SOUTH WALES

Robyn L Bartel

Land clearance regulations were introduced in New South Wales in 1995 with the aim of reducing native vegetation clearance on private land and to contribute to nationwide efforts to reduce land degradation, the enhanced greenhouse effect and threats to biodiversity. Although several landholders and contractors were prosecuted early on, few cases have been prosecuted since 1998. Insufficient monitoring and enforcement are problems frequently encountered in the regulatory field in general, and it appears New South Wales' land clearance legislation is no different. This assessment shows that the aims of the regulations are unlikely to be achieved. Too much land is approved for clearance and post-clearance revegetation works are favoured at the expense of protecting remnants. Monitoring is heavily tree-centred and implementation is suffering due to a pragmatic but nonetheless self-defeating political response to stakeholder influence. Satellite data shows that land clearance has declined in New South Wales. If this is due to the prosecution of the early cases then there is little reason for it to decrease any further once it becomes known that the biggest implement in the enforcement toolbox is no longer being used.....116

MONEY QUESTIONS: FINANCIAL ASSISTANCE UNDER THE OZONE AND CLIMATE REGIMES

Alexander Gillespie

The purpose of this article is to set out the current state of play with regard to "money questions" in relation to two of the foremost international environmental agreements – those dealing with ozone depletion and climate change. The phrase "money questions" does not refer to the way that sovereign signatories to international conventions make their contributions. Rather, it focuses upon a type of financial assistance given by one country (or group of countries) to other countries, for the purpose of helping them either to participate or to better comply with the objectives of the specific international environmental accord in question, as opposed to more generic assistance in either the international, or international environmental arena142

Guidelines for Contributors

Contributions to the journal are welcome and should be sent to the Production Editor, *Environmental and Planning Law Journal* Lawbook Co., PO Box 3502, Rozelle, NSW 2039 (mail), 100 Harris St, Pyrmont, NSW 2009 (courier) or by email to eplj@thomson.com.au, for forwarding to the Editor.

Manuscript

- Submission of a manuscript will be held to imply that it is original, unpublished work and has not been submitted for publication elsewhere.
- Personal details (name, qualifications, position) for publication and a delivery address, email address and phone number must be included with the manuscript.
- Manuscript must be submitted electronically via email or on disk in Microsoft Word format.
- Manuscript should not exceed 10,000 words for articles or 1,500-2,000 words for section commentary or book reviews.
- An abstract of 100-150 words is to be submitted with article manuscripts.
- Proof pages will be sent to contributors. Authors are responsible for the accuracy of case names, citations and other references. Excessive changes to the text cannot be accommodated.
- Contributors of articles receive 25 free offprints of their article and a copy of the part in which the article is published. Other contributors receive a copy of the part to which they have contributed.
- All material published in this journal is refereed.

Style

1. Levels of headings should be clearly indicated (no more than four levels).

2. Cases

- Case citation follows case name. Where a case is cited in the text, the citation should follow immediately rather than as a footnote.
- Give at least two and preferably all available citations, the first listed being the authorised reference.
- Australian citations should appear in the following order: authorised series; Lawbook Co./ATP series; other company series (ie, CCH, Butterworths); media neutral citation.
- “At” references should only refer to the best available citation, eg: *Mabo v Queensland* [No 2] (1992) 175 CLR 1 at 34; 66 ALJR 408; 107 ALR 1.
- Where only a media neutral citation is available, “at” references should be to paragraph, eg: *YG & GG v Minister for Community Services* [2002] NSWCA 247 at [19].
- For international cases best references only should be included.

3. Legislation should be cited as follows:

Trade Practices Act 1974 (Cth), s 51AC. The full citation should be repeated in footnotes.

4. Books:

- Books should be cited as follows: Macken JJ, O’Grady P, Sappideen C and Warburton G, *The Law of Employment* (5th ed, Lawbook Co., 2002) p 55.
- In footnotes do not use *ibid* or *op cit*. The following style is preferred:
 - 4. Austin RP, “Constructive Trusts” in Finn PD (ed), *Essays in Equity* (Law Book Co, 1985).
 - 5. Austin, n 4, p 56.

5. Journals

- Journal articles should be cited as follows (wherever possible use official abbreviations not the full name for journal titles): Odgers S, “Police Interrogation: A Decade of Legal Development” (1990) 14 Crim LJ 220.
- In footnotes do not use *ibid* or *op cit*. The following style is preferred:
 - 6. Sheehy EA, Stubbs J and Tolmie J, “Defending Battered Women on Trial: The Battered Woman Syndrome and its Limitations” (1992) 16 Crim LJ 220.
 - 7. Sheehy et al, n 6 at 221.

6. Internet citations

- Cite internet publication as for any other document, with URL underlined and date the document was viewed, eg: Ricketson S, *The Law of Intellectual Property: Copyright, Designs and Confidential Information* (Lawbook Co., subscription service) at [16.340], <http://subscriber.lawbookco.com.au> viewed 25 June 2002.

For further information visit the Lawbook Co. website at <http://www.lawbookco.com.au> or contact the Production Editor.

SUBSCRIPTION INFORMATION

The *Environmental and Planning Law Journal* comprises six parts a year.

Customer Service and sales inquiries:

Tel: 1800 650 522

Fax: 61 2 8587 7200

Web: www.lawbookco.com.au

Email: service@thomson.com.au

Editorial inquiries:

Tel: (02) 8587 7000

HEAD OFFICE

100 Harris Street PYRMONT NSW 2009

Tel: (02) 8587 7000 Fax: (02) 8587 7100



© Thomson Legal & Regulatory Limited ABN 64 058 914 668 trading as Lawbook Co.

ISSN 0813-300X

Typeset by Lawbook Co., Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW