

ENVIRONMENTAL AND PLANNING LAW JOURNAL

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CURBING NON-POINT POLLUTION: LESSONS FOR THE SWAN-CANNING

Neil Gunningham and Darren Sinclair

This article examines policy mechanisms and instruments for curbing non-point source water pollution from agriculture. This policy discussion is placed in the context of the Swan-Canning river catchment, a region that has experienced high levels of nutrient contamination. A range of potential approaches and policy instruments are assessed not just in terms of their likely effectiveness, but also in terms of how far they satisfy the sometimes-competing criteria of efficiency, equity and political acceptability. The article also examines whether, in what circumstances, and to what extent, it will be necessary to invoke positive or negative incentives, or mandatory measures, in order to change behaviour, and what types of policy instrument will be best suited to different contexts. It concludes by arguing for a sequenced approach and by making a number of concrete suggestions for policy reform. 181

RIGHTS OF PROPERTY IN WATER: CONFUSION OR CLARITY

D E Fisher

In explaining the concept of “property” in the management of water resources, this article begins by exploring the general meaning of “property” in language, economics and law, and the specific rights that attach to it. The management of fisheries in Australian law is used to illustrate the nature of communal and statutory rights of access and the legal characteristics and functions of property rights that form the doctrinal basis of natural resources law. This is followed by an analysis of the strategic foundations for the management of water rights with particular focus on the *Water Act 2000* (Qld).....200

WASHED AWAY – PEOPLE AND BUILDINGS DURING TROPICAL CYCLONES: ARE QUEENSLAND STATE AND LOCAL GOVERNMENT POLICIES DOING ENOUGH?

Jonathan Nott

Coastal development in tropical Queensland is being allowed to occur in areas that are prone to catastrophic marine flooding and erosion during intense tropical cyclones. The dangers of allowing development this close to the sea is recognised and accounted for in policies in the United States and Western Australia. However, Queensland government policies recommend building at elevations that are 1-2 m lower than the total ocean inundation occurring during the 1 in 100 year tropical cyclone. Furthermore, Queensland policies also allow development to occur at distances 100 m or more too close to the shore, where buildings can be attacked and undermined by waves. This is not so in the United States or Western Australia, where, in the case of the former, coastal lands are mapped into different zones based upon their susceptibility to wave induced attack and erosion, and property owners are encouraged to insure against such risks. US citizens are also made aware of these risks through the differential insurance premiums based upon the level of exposure of their property to wave impacts during tropical cyclones (hurricanes). Queensland needs to ‘catch up’ with the United States, and other Australian states by recognising and accounting for the full range of natural processes that pose a hazard to people and buildings during intense tropical cyclones.....227

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