

ENVIRONMENTAL AND PLANNING LAW JOURNAL

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HERITAGE RIVERS – PROTECTION FOR FRESHWATER RESOURCES IN A FLURRY OF NATURAL RESOURCE MANAGEMENT REFORMS

Claire Allen

Freshwater ecosystems are under-represented in the State's network of protected areas and there have been recent calls for undamaged rivers in New South Wales to be permanently protected. Australia is committed to achieving ecologically sustainable development and is in a flurry of natural resource management reform. The concept of Heritage Rivers is ripe for the taking. But there are inherent challenges for Governments weighing up the environmental, social and economic spheres of water management and we are a long way from having a full bodied, comprehensive, adequate and representative system of heritage rivers. 329

GENETICALLY MODIFIED ORGANISMS AND POLLUTION IN VICTORIA

Karinne Ludlow

The proposed commercial release of genetically modified (GM) canola in Australia caused Victoria to enact new legislation prohibiting the release of the organism into the environment. This article reviews the regulation of the release of agricultural GM organisms (GMOs) in Victoria. It then considers whether releases of such organisms in compliance with those regulations can nevertheless result in offences under Victorian environmental legislation. It concludes that "authorised" GMO releases can still be offences under Victorian environmental legislation, a result that may have significant detrimental consequences for those wanting to commercialise GMOs. 351

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UNDER THE THREATENED SPECIES CONSERVATION ACT 1995 (NSW): PART
2 – THE ROLE OF SUPPLEMENTARY DESCRIPTORS AND THE LISTING
PROCESS

Brian J Preston and Paul Adam

The *Threatened Species Conservation Act 1995* requires that ecological communities be defined as assemblages of species. In practice, information on a range of other attributes can be used in the delineation and recognition of communities. The use of such attributes to increase the precision of description and reduce the uncertainty of recognizing the occurrence of communities in the field is advocated. The legislative framework of the listing process is analysed in the light of recent litigation and the availability of a number of different, but possibly concurrent, pathways to achieve listing is described.372

DESIGNING OPTIMAL ENVIRONMENTAL POLICY FOR SMEs – THE NEW
AUSTRALIAN OZONE AND SYNTHETIC GREENHOUSE GAS FRAMEWORK
AND ITS APPLICATION TO THE REFRIGERATION AND AIR CONDITIONING
INDUSTRY

Paul Curnow

The amended *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* (Cth) empowers the Australian Government to develop national end use controls on the purchase, sale, handling and disposal of ozone depleting substances and synthetic greenhouse gases. The end use regulations, which are currently being developed by the Australian Government, will replace existing State and Territory requirements. Using the Australian refrigeration and air conditioning industry (RAC) as a case study, this article will consider the extent to which the proposed national end-use regulations will overcome limitations of the existing policy response.391

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