

ENVIRONMENTAL AND PLANNING LAW JOURNAL

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TRADITIONAL USE OF MARINE RESOURCES AGREEMENTS AND DUGONG HUNTING IN THE GREAT BARRIER REEF WORLD HERITAGE AREA

Paul Havemann, Dominique Thiriet, Helene Marsh and Craig Jones

Indigenous rights and the conservation of protected species need not conflict. The dugong is a threatened marine mammal highly valued for cultural reasons by Indigenous peoples in the Great Barrier Reef World Heritage Area. Off the coast of Queensland, this “sea country” of 70 traditional owner groups falls mainly within the Great Barrier Reef Marine Park. This article examines the new traditional use of marine resources agreements (TUMRAs) which have been developed to enable the Great Barrier Reef Marine Park Authority to co-manage the Great Barrier Reef with traditional owners. It explores the TUMRAs’ potential as a governance model against internationally established criteria and examples, as well as their potential for improved biodiversity conservation.258

JUDICIAL INTERPRETATION OF PLANNING SCHEMES UNDER THE INTEGRATED PLANNING ACT 1997 (QLD): THE MORE THINGS CHANGE ...

Dr Philippa England

The *Integrated Planning Act 1997* (Qld) introduced comprehensive reform of the legal framework for planning and development control in Queensland. With respect to planning schemes, two of the major reforms were – (a) to render outright prohibitions on development unlawful and (b) to encourage outcome oriented, performance based planning. Questions arising from these reforms relate to the exercise of discretion in development decision-making, the interpretation of “policy” statements in planning schemes and the extent of the “sufficient planning grounds” exception under the IPA. This article reviews the approach of the courts to these matters in case law decided under the IPA.281

OFFSHORE PETROLEUM AND THE ENVIRONMENT PROTECTION AND
BIODIVERSITY CONSERVATION ACT 1999 (CTH): CONSIDERATION OF “ALL
ADVERSE IMPACTS”

Peter Wulf

Offshore petroleum and liquefied natural gas extraction is of huge economic importance to the Australian economy. The environmental assessment of impacts from extraction has previously been solely linked to the actual activity being undertaken. Currently, conditions are only incorporated when the action will have or is likely to have a significant impact on listed threatened species and communities, listed migratory species and the marine environment. With recent court decisions involving the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and matters of national environmental significance, the Minister must now fully address “all adverse impacts” of an offshore operation. Further, the Minister’s inquiry must be a “wide one” and include all third-party impacts that are not beyond speculation. This article outlines the various environmental impacts associated with offshore petroleum and possible third-party impacts. This article suggests that although the Commonwealth has responded positively with the introduction of a number of legislative and policy regimes to minimise these impacts, it has continued to allow the potential third-party impacts to continue unassessed, possibly causing catastrophic impacts on the environment. The Commonwealth must seriously consider the full environmental implications of the action rather than merely the economic and social implications when approving actions and/or placing conditions on offshore petroleum activities.296

CORRIGENDA:

(2005) 22 EPLJ 130 at 133. Remove the words “and ratified” from the sentence “However, the United States, following a change of administration, signed and ratified the CBD”.

(2005) 22 EPLJ 158 at 161. The sentence should read: “Flora would appear to be more fixed in place”.

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