

ENVIRONMENTAL AND PLANNING LAW JOURNAL

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EDITORIAL COMMENTARY

- Japanese Whaling Case appeal succeeds** 333

ARTICLES

The role of public interest environmental litigation – *Justice Brian J Preston*

- Public interest environmental litigation can deliver many benefits to law, democracy and society. This article explores these benefits. 337

Two Towers: A comparison of the regulatory regimes which affect new electricity transmission lines and wind farms in Queensland – *Mark Tranter*

- Wind farms represent a clean and sustainable method of generation of electricity, while high voltage overhead power transmission towers and lines represent the old fashioned approach to transmission of energy. Both share a common characteristic which is their visual impact on the environment. This article looks at two recent developments on the Darling Downs in South East Queensland, one a 75 turbine windfarm, the other a 90 km 330 kilovolt transmission line. The article looks at the regulatory framework which governs both developments in the local and Commonwealth jurisdictions. It draws more general conclusions about the ability of those affected by those developments to gain a merits review of their objections as well as the unequal regulatory playing field which favours the traditional method of electricity transmission as compared to the greener method of electricity generation. 351

Private Protected Areas? Assessing the suitability for incorporating conservation agreements over private land into the National Reserve System: A case study of Victoria – *James A Fitzsimons*

- All Australian governments are committed to the establishment of a comprehensive, adequate and representative system of conservation reserves. Many of the most threatened species and communities throughout Australia occur mainly or wholly on private land. A range of mechanisms has been developed to achieve conservation on private land. This article assesses the legal security, permanence and management intent of such mechanisms in Victoria, in relation to protected area criteria. The implications of this analysis for the Australian National Reserve System and landowners with these mechanisms on their properties are discussed. 365

A hundred years of negotiations with no end in sight: Where is the Murray Darling Basin Initiative leading us? – *John Scanlon*

- There have been many worthwhile developments over the past century in how the shared water resources of the Murray Darling Basin are managed. This stands as testament to the ability of governments and people with a vested interest in the Murray Darling to peacefully negotiate in a pragmatic and cooperative manner, even though, with the benefit of hindsight, some things might have been done differently. Today regulators are

confronting many new water resource management challenges, resulting in federal and State governments agreeing to a bold new water reform agenda through the Intergovernmental Agreement on a National Water Initiative 2004. Fortunately, there is also a significant knowledge base, which now provides the foresight to better understand the consequences of both current and future actions. The inescapable conclusion from the knowledge available is that changes are required to the Murray Darling Basin Agreement and how it is administered if the system is to be restored to good health and maintain productivity. 386

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5. Austin, n 4, p 56.

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