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ARTICLES

Mainstreaming fire and emergency management into law – *Michael Eburn and Bronwen Jackman*

Emergency management is traditionally seen as the responsibility of the emergency services, such as fire brigades and State emergency services. Vulnerability to fires and the ability to protect life, property and other assets, is, however, largely defined by activities and policy settings in other sectors. This interplay of policy means that fire and emergency management should be seen as a whole-of-government and cross-sectoral issue. This article provides examples of how current Australian law may hinder communities to prevent, prepare for, respond to and recover from, the impact of natural hazards and in particular bush or bushfire events. It identifies areas of further research that are required to reduce community vulnerability and increase community resilience to natural hazard events, in particular bushfire events.

59

Towards low emissions in the electricity generation sector: Creating a coherent legal model for Australia – *Shol Blustein*

Australia's efforts to transition to a low-emissions economy have stagnated following the successive defeats of the Carbon Pollution Reduction Scheme. This failure should not, however, be regarded as the end of Australia's efforts to make this transition. In fact, the opportunity now exists for Australia to refine its existing arrangements to enable this transition to occur more effectively. The starting point for this analysis is the legal arrangements applying to the electricity generation sector, which is the largest sectoral emitter of anthropogenic greenhouse gas emissions in Australia. Without an effective strategy to mitigate this sector's contribution to anthropogenic climate change, it is unlikely that Australia will be able to transition towards a low-emissions economy. It is on this basis that this article assesses the dominant national legal arrangement – the Renewable Energy Target – underpinning the electricity generation sector's efforts to become a low-emissions sector.

77

Security for biodiversity offsets in New South Wales – *Emma Solomon*

This article looks at the various mechanisms that are available to developers in New South Wales when seeking to offset the impact of biodiversity loss from their development, and asks whether these mechanisms are adequate to protect the offset sites in perpetuity. This is considered in the context of the Commonwealth Directions of the National Reserve System – A Partnership Approach, which sets out the minimum standards for private protected land to be part of the National Reserve System (NRS), including that “the area must be managed by legal or other effective means with effective security of purpose”. It is suggested that while many of the mechanisms do substantially meet the NRS requirements, there is a bias in favour of the planning regime over the protection of sites for environmental purposes.

92

A new legal avenue for pricing GHG emissions? To trade or to tax? – Felicity Deane

In a September 2010 media release the Prime Minister of Australia presented the terms of reference for the newly established Multi-Party Climate Change Committee. Although the Committee is charged with considering climate change mitigation measures in general, specifically the Committee must consider an appropriate mechanism for the establishment of a carbon price. The purpose of this article is to provide an overview of the mechanisms to be considered by the Climate Change Committee, including the use of emissions trading and carbon levies in other jurisdictions. This article argues that for any effective investigation of a carbon price for Australia to occur, a thorough knowledge of other jurisdictions' methods for carbon pricing is essential. 111