

LOCAL GOVERNMENT LAW JOURNAL

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A critical analysis of the extent to which international environmental law has influenced Commonwealth legislation and policies, and New South Wales legislation, with respect to climate change – Kate McCrossin

The influence exerted by international climate change law upon Commonwealth and State legislation differs markedly in intensity. Although international climate change law is responsible for the introduction of many legislative and policy initiatives at the federal level, its influence over the Commonwealth is minimal. The failure of the Commonwealth to extend the mandatory renewable energy target, to implement a national emissions trading system, and to insert a trigger into the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) reflects the predominance of the narrow economic interests of the fossil fuel and energy-intensive industries in the formulation of Commonwealth legislation and policy. In contrast, the legislative initiatives of the New South Wales Government exhibit an acute awareness of international climate change law. The New South Wales Greenhouse Gas Abatement Scheme and the New South Wales Government's participation in the development of a national emissions trading system, have been strongly influenced by international climate change law. However, the degree of commitment of the New South Wales Government to the objectives of international climate change law must be questioned in view of its failure to address problematic elements in its legislative initiatives. 230

Does Pt 3A of the Environmental Planning and Assessment Act 1979 (NSW) undermine the objects of that Act? – Yvette Carr

Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW) commenced on 1 August 2005 and introduced significant changes to the assessment regime for major infrastructure projects. This article considers whether Pt 3A's environmental assessment procedures; and public participation, judicial review and merits appeal provisions, undermine the objects of the Act. The recent decisions of the New South Wales Land and Environment Court in *Tugun Cobaki Alliance Inc v Minister for Planning* [2006] NSWLEC 396, and *Gray v The Minister for Planning* [2006] NSWLEC 720 are addressed

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Soil is an integral part of the Earth’s ecosystem and, as such, managing soil is critical to the Earth’s sustainability. Despite this, lawmakers at both the international and domestic level have neglected to clearly regulate an approach to soil preservation. This article analyses the legal regimes around soil under international law, as well as under Australian law both federally and within New South Wales. It proposes the introduction of an international legal instrument on soil which endorses an “ecosystem approach” to soil management. Such an instrument would provide legal and political direction to Australia federally as well as at the state and local level to specifically regulate soil management within Australia.	252
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