

LOCAL GOVERNMENT LAW JOURNAL

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ARTICLES

Death by a Thousand Cuts? The Diminution in the Development Assessment Role of Elected Local Councils in South Australia’s Planning System – Paul Leadbeter

Changes to the land-use planning system in South Australia made by the *Planning, Development and Infrastructure Act 2016* (SA) will be implemented over a three-year period. The once dominant role that elected local councils had in development assessment is diminished under the new legislation and councils will share the role of planning policy formulation with more entities than previously. This article argues that while the new legislation enshrines the reduced role and power of elected local councils in development assessment, the diminution of those powers started well before the advent of the new legislation and was part of an unwritten State government agenda. It commenced with the creation of Council Assessment Panels dominated by independent members and the gradual removal, by regulation, of a range of classes of development from under the ambit of council control giving the development assessment function to the predecessor of the State Planning Commission. It suggests that such changes may not be in the best interests of the broader community. 187

“The Weakest Link”: Environmental Protection, the Power to Disclaim, and the “Chain of Responsibility” in Queensland – Christopher Vale

This article considers the operational conflicts between Queensland’s environmental legislation and Commonwealth insolvency legislation. Through study of the recent decisions relating to environmental harm caused by Linc Energy, this article makes plain the current gap in knowledge between environmental protection and insolvency legislation. Despite the High Court’s recent refusal for special leave in the matter and recent legislative reforms, the circumstances surrounding these events raise doubt as to the efficacy of environmental protection legislation in Queensland, thereby necessitating the strengthening of financial assurance provisions and environmental protection regimes in relation to mineral and energy resources development. 201

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