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ARTICLES

Unfinished Business: A Review of the VMA and Its Future Potential – Philippa England

This article reviews the operation of the *Vegetation Management Act* 1999 (Qld) (VMA) two decades after its original enactment. It investigates whether this controversial legislation has now “bedded down” and whether its structure and premises are consistent with more recent initiatives in the land management sector. It tests the “impact” of the legislation against three criteria – compliance rates; achievement of the Act’s overall objectives; and stakeholder views. On the last point, it finds the legislation remains unpopular with some landholders for numerous reasons – economic, operational and philosophical. Without “throwing the baby out with the bath water” this article makes some suggestions for healing the rifts this legislation has forged. If acted on, these suggestions would temper some long-held grievances and, at the same time, bring the regulatory tenor of the VMA more into line with today’s policy environment in which payments for managing natural systems to support ecosystem services offer a growing opportunity.

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Australia’s Offshore Electricity Infrastructure Framework: Lessons Australia Can Learn from the European Union – Alexandra Nash

The Offshore Electricity Infrastructure Act 2021 (Cth), enacted in December 2021, seeks to provide a national regulatory framework to govern the construction, operation, and decommissioning of offshore electricity infrastructure in Australia. Informed by the experience of the European Union, this article discusses whether or not the regulatory framework provides a sufficient level of detail and clarity to generate investor confidence while also appropriately prioritising environmental protection. The importance of clear and directive environmental legislation and other supporting guidelines to ensure that investors and developers understand their obligations, and the impact of the framework on Australia’s international climate change commitments, will also be discussed.

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Is the Existing Legal Framework Surrounding Blockchain Technology Sufficient in Supporting Sustainable Development? – Max Peniket

This article seeks to evaluate the effectiveness of the existing legal infrastructure surrounding blockchain in supporting sustainable development. A review of the history and underlying technology of blockchain is presented, followed by a look at sustainability use cases and a review of current policy and its implications. The varying nature of adoption at national levels presents key challenges in regulation due to the cross-border nature of blockchain technology. Proposals for legal developments are presented, looking at how they can best support economic, environmental, and social sustainability. However, challenges to adoption remain, especially given the limited internet access of lower socio-economic groups in developing countries and the legal difficulties in regulating decentralised exchanges. To improve the legal infrastructure surrounding blockchain, increased international co-ordination is recommended. The integration of national

databases of blockchain users will greatly assist in increasing transparency between the consumer and governmental levels. 46

A Brief History of Mine Rehabilitation Reforms in Queensland – *James Purtill, Emma J Gagen and Bryce Hamilton*

The period 2017 to present has seen the most significant reforms to mine rehabilitation policy in Queensland’s history. This has followed 30 years of incremental change, since a former gold mine in suburban Brisbane, overlain by residential subdivision, began oozing wastes to the surface in 1986. Despite the incremental and sporadic reforms from the late 1980s to 2016, the percentage of the land disturbed by mining that has been rehabilitated progressively has fallen. Currently in Queensland, mining companies are required to rehabilitate land disturbed by mining to a safe, stable, non-polluting condition, able to sustain a post-mining land use, and to undertake this rehabilitation progressively, through the life of mine. This has not always been a requirement articulated so explicitly in Queensland legislation. The objective of this article is to explore the significant events and the legislative and policy landscape that have led to the rehabilitation framework that now exists, to provide context for the suite of reforms introduced, and to discuss the ongoing policy reforms designed to achieve more and better mine rehabilitation in Queensland. 64

Legislative Mechanisms for Managed Aquifer Recharge in Queensland, Australia: A Framework for Managing Risk and Unlocking Opportunities for Water – *Jacqui Robertson*

This article presents an examination of the legal mechanisms that regulate the most common types of managed aquifer recharge (MAR) projects in Queensland: infiltration basins and recharge dams using river water and direct injection using treated coal seam gas associated water. The article provides general guidance to potential MAR proponents and also reveals the opportunities as well as potential barriers to MAR projects in Queensland. The article reveals that complexity in relation to MAR regulatory mechanisms may be necessary to reflect the context and diverse impacts of the varied types of MAR. Entitlements for the process under the water legislation are missing in Queensland and deliberative reform on this issue could assist to strengthen integrated catchment management regimes. This research has relevance for the Queensland water, planning and environmental legislative framework but will also inform efforts for regulatory reform relating to MAR in other jurisdictions. 79