

editorial

Dear Readers

The Biodiversity Challenge

This issue contains some interesting perspectives on protection of the biodiversity. With over 30% of the fish populations categorized as over-exploited, depleted or collapsed, a paper by Vanessa Smith reviews the effectiveness of marine protected areas. Whilst MPAs are the most common strategy adopted to protect marine biodiversity Vanessa has found they are beset by many weaknesses, including in particular, the high cost of administration and the fact that fish populations are highly mobile and rarely stay within these designated areas. She also observes that current geographic extent of MPAs is only about 1% of the marine environment, which greatly undermines their effectiveness. She also considers the socio-economic strategy of allocating property rights in fisheries, which are argued to provide the incentives necessary to empower fishers to sustainably manage fish stocks. Australia is one country which has recently adopted this approach, by introducing tradeable quotas in several major fisheries.

Rhett Martin has provided a paper on the more specific problem of marine turtles. This particular group of species provides a major regulatory challenge due to its migratory lifestyle, which continually crosses state boundaries. Rhett provides a valuable insight into the mix of international law and regional agreements such as the Commission for Environmental Cooperation (CEC) established between the governments of the United States, Canada and Mexico. Interestingly, this agreement is derived from the North American Free Trade Agreement (NAFTA), and thus it provides an encouraging example of symbiosis between trade law and the environment.

The final paper in this issue is on the more generic topic of negotiated rule making. It is well recognized that one of the biggest challenges for environmental law is to find a mechanism for ensuring that local 'stakeholder' views are appropriately considered in the relevant decision making processes. John Haydon and Genevieve Jenkins have provided an informative review of recent developments in the United States and some of the early applications of this concept in this country. They point out that most environmental problems require guidance from local communities in order to achieve the most effective policy responses.

Regards

Wayne Gumley

NELR editors

NATIONAL EDITOR

Editor: Wayne Gumley

Senior Lecturer, Monash University

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Wayne has completed a BSc and LLM at Monash University and was first employed as a solicitor in the town of Mansfield close to the mountains of northeast Victoria. He later moved back to Melbourne to join the Australian Government Solicitor's Office, where he carried out a wide range of litigation and advising on behalf of the Commonwealth government and its various agencies, particularly on administrative law and revenue law. In 1992 Wayne joined the Faculty of Business and Economics at Monash as a lecturer in taxation law, and has recently extended his teaching to business law and environmental law. Wayne's research interests centre on emerging regulatory frameworks to assist sustainable development, particularly ecological tax reform and the role of market-based instruments. He is currently on the executive of the Victorian Division of NELA.

INTERNATIONAL EDITOR

Editor: Penny Creswell

Senior Associate, Allens Arthur Robinson, Melbourne

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Penny Creswell works in the Energy, Resources and Infrastructure group at Allens Arthur Robinson. Her practice includes environmental work. Penny has recently returned to private practice after spending a number of years doing predominantly native title and land rights work in the Northern Territory. She has an LLB (Hons)/BA from Melbourne University and was the Victorian secretary of NELA and the Victorian editor of the NELA journal back in 1997. Her areas of interest include climate change and corporate responsibility.

NATIONAL & COMMONWEALTH EDITOR

Editor: Simon Batten

Lawyer, Allens Arthur Robinson, Brisbane

Simon Batten completed a LLB in 2002 and was admitted to practice in 2003. He is currently studying a Masters of Environmental Management through the University of Queensland. Simon has been involved in environmental litigation in the Federal Court and advises on environmental and planning matters as a member of Allen Arthur Robinson's environment and planning practice. Simon has an interest in sustainable urban design and transport, as well as bush regeneration.

NEW SOUTH WALES EDITOR

Editor: Dr Nicholas Brunton

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Nicholas Brunton has been a member of NELA and state editor since 1992.

He has degrees in Law and Geography from Macquarie University and received a PhD from the University of Sydney in 1998. His thesis examined the law and policy relating to coastal water pollution in Australia.

Nicholas currently practices in the areas of planning, environment, valuation, property and commercial law. He is also kept busy providing guest lectures at both Sydney and Macquarie Universities.

QUEENSLAND EDITOR*Editor: Larissa Waters**Solicitor, Brisbane*

Larissa Waters is a solicitor at the public interest environmental law specialist Environmental Defenders Office Qld (EDO Qld), a community legal centre providing pro bono advice, education and law reform assistance to members of the public on using the law to protect the environment.

Larissa holds a Law degree with honours, an Environmental Science degree majoring in Environmental Policy and Economics, and a Graduate Diploma in Legal Practice. She was admitted to practice in NSW in 2001 and in Queensland in 2002, and worked in the Brisbane office of a national law firm before joining EDO Qld in April 2002.

VICTORIAN EDITOR*Editor: Elisa de Wit**Partner, Deacons, Melbourne*

Elisa is a Partner in the Environment and Planning group of Deacons in Melbourne. Prior to joining Deacons, Elisa worked as an environmental and planning lawyer in London for eight years. Elisa has also practised in South Australia and New South Wales. She holds a LLB (Hons) and BA (Juris) from Adelaide University and completed a Masters of Environmental Law through Adelaide University in 1997. Elisa advises on all areas of environmental and planning law, and has developed a particular expertise in the area of waste management and contaminated land.

SOUTH AUSTRALIAN EDITOR*Editor: Rebecca McAulay**Associate, Norman Waterhouse**RMcAulay@normans.com.au*

Rebecca McAulay joined the Norman Waterhouse Planning and Environment Team as a solicitor in February 2006 after two years legal experience at a middle tier firm in Adelaide. Her areas of specialty include urban and regional planning, environment, building, native title, water resources and native vegetation law. She also has four years previous experience in the Planning and Environment Department of a large metropolitan council and is a regular contributor to a range of professional and industry publications.

TASMANIAN EDITOR*Editor: Tom Baxter**Lecturer in Commercial Law, University of Tasmania**Tom.Baxter@utas.edu.au*

Tom Baxter, BEc/LLB(Hons)(Tas), GradCertLegPrac(Tas), LLM(ANU), has been a member of the NELA National Executive since 1997.

After graduating from the University of Tasmania, Tom worked at Dobson, Mitchell & Allport in Hobart from September 1997 to December 1999. From January 2000 to May 2003 he was Legal Officer at the Great Barrier Reef Marine Park Authority, a Commonwealth statutory authority based in Townsville. In June 2003 he returned to Hobart as a Lecturer in Commercial Law at the University of Tasmania.

WESTERN AUSTRALIAN EDITOR*Editor: Merinda Logie**Associate, Minter Ellison, Perth*

Merinda is joint Vice President of the WA Division of NELA. She has previously been treasurer for the WA Division, and State representative on the National Executive for both Victoria and WA. Merinda is an Associate of Minter Ellison, Perth and has been practising environment and planning law in WA and Victoria since September 2000.

AUSTRALIAN CAPITAL TERRITORY EDITOR*Editor: Kelly Casey**Lawyer, Minter Ellison**kelly.casey@minterellison.com*

Kelly has recently joined the National Environmental Law Review as the ACT editor. She is situated in Minter Ellison's Canberra office, holding a position in the Property Group. Kelly practices in the areas of property, construction and planning and has an interest in sustainability and biodiversity conservation.

She is currently completing a Master of Laws in environmental and natural resource law.

written contributions and letters to the Editor

Written contributions to the National Environmental Law Review, by way of case note, book review or article are welcomed by the editorial board.

Please send contributions to your state editor in the first instance. They will review contributions and forward them to the national editor. State editorial contact details are on the preceding pages.

As a general guide, articles should be between 3,000-5,000 words in length and should conform to standard conventions of legal writing. Please refer to the Australian Guide to Legal Citation (Melbourne University Law Review Association Inc 1998) as an illustrative style guide.

Acceptance of written work in the NELR does not in any way indicate an adoption by NELA of the opinions expressed by authors. Authors remain responsible for their opinions, and any defamatory or litigious material and the Editor accepts no responsibility for such material.

Letters to the Editor are also welcomed. Please forward these to:

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NELR contributions and publication schedule for 2007

Contributors please note:

- NELR - The general rule is that contributions for the Review are due to the National Editor in the first week of the last month for each season to enable printing and distribution by the end of that month, as shown below.
- NELA Bulletin - Contributions to the may be submitted to the NELA Secretariat in the last week of each even-numbered month (Feb/Apr/Jun/Aug/Oct/Dec).

NELR Issue	Contributions deadline	Expected publication date
Autumn 2007:1	Friday 1 June 2007	Monday 18 June 2007
Winter 2007:2	Friday 3 Aug 2007	Monday 20 Aug 2007
Spring 2007:3	Friday 2 Nov 2007	Monday 19 Nov 2007
Summer 2007:4	Friday 8 Feb 2008	Monday 25 Feb 2008