“…to focus on the hurdles and the pathway forward for environmental legislation, environmental approvals and policy”.

The future of LEAP in Queensland

Dr Hugh Lavery AM FEIANZ

A multitude of Policies underpinning this legislation have also been drafted and regularly reviewed.

Environmental approvals continue to be given, though still with the effect of creating front-page concern.
Major pieces of the Queensland environmental legal system

International Law
- Biodiversity Convention 1992
- CITES 1973
- International Whaling Convention 1948
- MARPOL 73/78
- UN Framework Convention on Climate Change 1992
- Ramsar Convention 1971
- UNCLOS 1982
- Vienna Convention for the Protection of the Ozone Layer 1985
- World Heritage Convention 1972

Commonwealth Law
- Commonwealth Constitution (especially s 51(o)(c)(i) (External Affairs))
- Aboriginal and Torres Strait Islander Heritage Protection Act 1986 (Cth)
- Airports Act 1996 (Cth)
- Clean Energy Act 2011 (Cth)
- Energy Efficiency Act 2006 (Cth)
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Environment Protection (Sea Dumping) Act 1981 (Cth)
- Fisheries Management Act 1997 (Cth)
- Gene Technology Act 2000 (Cth)
- Great Barrier Reef Marine Park Act 1975 (Cth)
- Hazardous Waste (Reduction, Recovery and Management) Act 1989 (Cth)
- Historic Shipyards Act 1976 (Cth)
- National Greenhouse and Energy Reporting Act 2007 (Cth)
- Offshore Minerals Act 1994 (Cth)
- Offshore Petroleum and Greenhouse Gas Storage Act 2008 (Cth)
- Ozone Protection Act 1986 (Cth)
- Protection of the Seas (Protection of Marine Life from Ships) Act 1983 (Cth)
- Protection of the Seas (Prohibition of Pollution from Ships) Act 1983 (Cth)
- Quarantine Act 1908 (Cth)
- Renewable Energy (Electricity) Act 2000 (Cth)
- Sis Establishment Act 1987 (Cth)
- Torres Strait Indigenous Peoples Act 1984 (Cth)
- Water Act 2007 (Cth)

Queensland Law
- Constitution Act 1859 (Qld), Constitutional Powers (State Waters) Act 1890, and Constitution of Queensland 2001 (Qld)
- Aboriginal Cultural Heritage Act 2003 (Qld)
- Biological Control Act 1927 (Qld)
- Clean Energy Act 2012 (Qld)
- Energy Efficiency Act 2006 (Qld)
- Environment Protection Act 1990 (Qld)
- Environment Protection and Biodiversity Conservation Act 1999 (Qld)
- Nuclear Facilities Protection Act 2007 (Qld)
- Offshore Minerals Act 1998 (Qld)
- Petroleum and Production Safety Act 1998 (Qld)
- Petroleum (Submerged Lands) Act 1982 (Qld)
- Plant Protection Act 1902 (Qld)
- Public Health Act 1995 (Qld)
- Queensland Heritage Act 1983 (Qld)
- Queensland Industry and Environmental Protection Act 1992 (Qld)
- Queensland Resource Management Act 1993 (Qld)
- Soils Conservation Act 1972 (Qld)
- State Development and Public Works Organisation Act 1971 (Qld)
- Sustainable Planning Act 2005 (Qld)
- Transport Infrastructure Act 1996 (Qld)
- Transport Operations (Motor Transport) Act 1995 (Qld)
- Vegetation Management Act 1999 (Qld)
- Water Act 2000 (Qld)
- Wet Tropics World Heritage Protection and Aboriginal Cultural Heritage Act 1993 (Qld)

The Common Law (including native title)

“The story is of continued declines…with the paradoxical flourishing of the discipline and the failure to meet the targets.”

*The International Year of Biodiversity Convention, Nagoya (Japan) 2010*
“While ESD is commonly referenced in much contemporary legislation, such provisions provide policy makers and regulators with little practical guidance and therefore can do little to protect the interest of future generations”

Australian Journal of Environmental Management 2015
“It is unlikely that the environment will be protected without an effective legal system of some kind. **But the existence of a legal system, of whatever nature, cannot guarantee it.**”

Prof. Douglas Fisher “Australian Environmental Law” 2003
The Queensland environment is in remarkably sound condition as a set of self-sustaining natural ecosystems.

It is under ever-increasing threat from an expanding global human population that is attracted to these unique and available resources; and

We do not have the appropriate, localized land management techniques in place that will guarantee its future.
“In theory, there is no difference between theory and practice. But in practice, there is.”

Yogi Bera

“Targets, icons and action plans are necessary.”

The International Year of Biodiversity Convention, Nagoya (Japan) 2010
“Objectives: To develop practical applications of research knowledge, and to give instructions and practical demonstrations of existing or improved practices or technologies”.

US Smith Lever Act of 1914
Pathways beyond the hurdles:

- Greater search effort leading to accepted priorities. As part of that, we need to understand precisely how priority indicator species have survived for millennia in a landscape which modern society itself still doesn’t know how to cope with.

- Regional landscape strategies in which the community is as intimately engaged as the integrated ecosystems themselves are.