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ARTICLES

Climate change litigation in Queensland: A case study in incrementalism
– *Dr Justine Bell-James and Sean Ryan*

Queensland’s Land Court has been the forum for several major challenges to coal mine proposals on the basis of their contribution to climate change. Although none of these challenges have succeeded in outright refusal of the project, incremental progress has occurred, including findings that: climate change science is accepted; Scope 3 emissions are relevant, and are linked to climate change; single projects are significant; and emissions must be assessed on a cumulative basis. These challenges have also resulted in clarification of costs rules, and conditions imposed on projects to address other crucial environmental impacts. This article will trace this incremental development through these cases, and identify the final barriers remaining to a successful challenge to a mine on climate change grounds in Queensland. 515

Australian climate change litigation: Assessing the impact of carbon emissions
– *Kane Bennett*

A variety of statutory approvals at different levels of government are required for major resources projects in Australia. This has given rise to objections seeking judicial review of those approvals on climate change grounds. Objectors seek to establish a nexus between the approval of a project, the release of carbon emissions into the environment, and eventual environmental harm. This article seeks to provide an overview of the body of case law that has developed in Australia, principally in Queensland, addressing such objections. In particular, the “no net impact” analysis adopted by Queensland courts, which concludes that the demand-driven nature of the global coal market means that no individual mining project can increase carbon emissions, is considered. 538

Deepwater drilling off the coast of South Australia: Liability for offshore oil and gas pollution
– *Dr Alex Wawryk and Paul Leadbeter*

In 2011, the Australian Government awarded petroleum exploration permits to BP Exploration (Alpha) Limited and Statoil (Norway) to undertake drilling for petroleum in the Great Australian Bight off the coast of South Australia. As there is always a risk that an oil pollution incident may occur from offshore exploitation, it is crucial that the law adequately addresses issues of liability and compensation for oil pollution. This article examines the laws relating to civil and criminal penalties, liability for clean-up/removal costs, and civil claims made by individuals and entities against the offshore oil company, that may apply in the event of a pollution incident occurring in the Great Australian Bight. The article demonstrates that the law is complex, ambiguous in places and, in particular, provides uncertain and limited rights of recovery for pure economic loss. 555

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