Scenario

Your client is a small-scale developer. They have cleared some trees on a block of land in rural NSW in preparation for building. They are now being prosecuted in relation to illegal land-clearing & possible threatened species in the area. There is no evidence that an environmental survey was undertaken before the clearing took place.

Your starting point is the LAW115 LibGuide

Develop your keywords:

<table>
<thead>
<tr>
<th>Concept 1</th>
<th>Concept 2</th>
<th>Concept 3</th>
<th>Concept 4</th>
<th>Other possible terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>trees</td>
<td>threatened species</td>
<td>land clearing</td>
<td>environmental survey</td>
<td>zoning</td>
</tr>
<tr>
<td>plants</td>
<td>protected species</td>
<td></td>
<td>environmental impact assessment (EIA)</td>
<td>Australia</td>
</tr>
<tr>
<td>native vegetation</td>
<td>endangered species</td>
<td></td>
<td>environmental impact statement (EIS)</td>
<td>New South Wales</td>
</tr>
<tr>
<td>native flora</td>
<td>conservation biodiversity</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Tip: Check the Assignment Help page for assistance with this step

Getting Started

Action 1:

Search or Browse a legal encyclopaedia for some background information on the topic:

Access Library website > Research > Assignment & study support > Subject & research guides > Law > Encyclopaedia & Dictionaries > Legal encyclopaedia

Select Halsbury’s Laws of Australia > select Search > in the Search Terms box type native vegetation and land clearing > run search and view results

Go back to the Law LibGuide > Encyclopaedia & Dictionaries > Legal encyclopaedia > select Laws of Australia > use the Table of Contents to Browse > 14. Environment and Natural Resources > choose a chapter, e.g. 14.5 Environmental Impact Assessment > Sources and Legal Status of Environmental Impact Assessment Requirements > click a paragraph heading to read it.
Finding Legislation

From our background reading we have already identified some key legislation, including:

- *(Cth)* Environment Protection and Biodiversity Conservation Act 1999
- *(NSW)* Native Vegetation Act 2003

**Action 2:**

Find a copy of the *(Cth)* Environment Protection and Biodiversity Conservation Act 1999:

Access [Law LibGuide > Legislation > Find legislation by > Title > Federal Register of Legislation OR](#)

Access [Law LibGuide > Legislation > Legislation databases > Cth](#)

In the Federal Register of Legislation select Acts > Current > browse to *EN* < select *Environment Protection and Biodiversity Conservation Act 1999*.

You can either read the Act online or download a copy of the section you require.

**Action 3:**

Find the 2nd reading speech for the *(NSW)* Native Vegetation Bill 2003:

Go back to the [Law LibGuide > Legislation > Bills & extrinsic material > Second reading speeches > Parliament of New South Wales](#)

On the Parliament website select Bills > Assented bills 1997+ > use the Filter options or the Search tab and type in *native vegetation* > run search & select the *Native Vegetation Bill 2003* from the results.

This Bill homepage includes detailed information about the Bill’s passage through Parliament, explanatory notes, as well as links to download the Bill and its 2nd reading speeches.
Finding cases

Our research is also starting to uncover some key cases and concepts.

**Action 4:**

Find the case Brown v Forestry Tasmania (2007) 167 FCR 34:

Access [Law LibGuide > Cases > Finding cases by > Citation > CaseBase](#)

In CaseBase in the **Citation** box type 167 fcr 34 > run search

View the CaseBase record – it includes a range of information:

- Citations & details about the case – note symbol indicating if case is still good law
- Appeal proceedings
- Cases referring to this case (there is one for this case)
- Journal articles
- Cases considered by this case (including the symbols & treatment indicators)
- Legislation considered by this case
- Catchwords & Digest

**Action 5:**

Find cases on native vegetation and land clearing:

Go back to the [Law LibGuide > Cases > Finding cases by > Topic > FirstPoint](#)

In FirstPoint in the **Free Text Search** box type “native vegetation” and clearing > run search then view results.

**Note** the hyperlinked subject headings – click on one to view cases on the same topic (i.e. those that have been assigned the same subject heading)

Select a case to view it’s record and note the information compared to a CaseBase record:

- Citations and details about the case – note flag indicating if case still good law
- Digest
- Litigation history (unique to FirstPoint)
- Cases citing (separated into treatment type)
- Cases cited
Finding articles

Once you have a better understanding of your topic and the primary resources, you may want to do some more focused reading.

Action 6:

Find articles relating to clearing of native vegetation under the Commonwealth Act

Access Law LibGuide > Commentary > Commentary Databases > AGIS

In AGIS click on Change Database and choose Select by Full-text Database Name > AGIS plus Text

On the Advanced Search page type > “native vegetation” in Subject field and type “environment protection and biodiversity” in Legislation field (this is a drop-down option under All fields > choose Exact phrase for both terms > run search and view results.

Some articles will be available in full-text, others will have an Article Linker button – this will take you to Multisearch for links to the databases where you can get the full text article.

Action 7:

Are there any articles analysing the Brown v Forestry Tasmania case?

Go back to the Law LibGuide > Commentary > Commentary databases > LexisNexis AU

In LexisNexis AU, in the Citation field type 167 FCR 34 > view record for case

Scroll down to the section Publications referring to this case > there are two articles listed. We’ll use ‘Fauna v Forestry: The Wielangta Forest Litigation - Case Note; Forestry Tasmania v Brown’ (2009) 28 U Tas LR 125

There is no link to the full-text article, so we need to find it elsewhere.

If you don’t know what the abbreviated journal title stands for, access Law LibGuide > Cases > Abbreviations box > Cardiff Index to Legal Abbreviations.
In Cardiff select *By Abbreviation* > in the search box type *u tas lr* > run search and view results > full title is *University of Tasmania Law Review*.

Go back to the [Law LibGuide > Commentary > Commentary databases > Multisearch](#)

In the search box type *university tasmania law review* > select the correct link from the results and then choose a database to get the full-text article.