IMPACT

A QUARTERLY NEWSLETTER ON ENVIRONMENTAL LAW Nov 1990.

Environmental Defender's Office Ltd

8th Floor, 280 Pitt St., Sydney 2000 DX 722 Sydney Phone (02) 261 3599 Editor: Peter Comans.

ENVIRONMENTAL MANAGEMENT CHALLENGES IN ITALY AND AUSTRALIA

by David Robinson, Solicitor, Environmental Defender's Office

The Italian Government has recently completed a study of environment protection regimes in Australia, the USA, Canada and Japan. David Robinson, a solicitor employed by the EDO, reviews the study.

"Mondo paese" is Italy's saying for "world village". *Espresso*, Italy's largest selling weekly, has a regular column on the environment. In a recent issue, *Espresso* reported on three problems [1]. The first criticised the use of an old mine as a toxic waste dump rather than building a proper processing facility, allegedly because the latter would have been situated near the land of a powerful resident group who were lobbying for residential building approvals. Another article related to objections by transport environmentalists to further extensions to the Italian autostrada network. The final article lamented the failure of the Italian detergent industry to adequately label products so that the degrees of biodegradability could be independently assessed.

Allowing for different emphases due to land area (Italy has no wilderness) and industry structure (Australia's manufacturing sector is tiny by comparison), the Italian issues might easily have been the subject of enquires received by the EDO in its day to day advice work on the Australian environment. ""Mondo paese", indeed.

This paper discusses familiar environmental management problems from the perspective of the European Community (EC), and Italy in particular. It identifies increased community participation as an essential element in resolution of environment issues.

The European Community and Environmental Protection

A major catalyst for Italian legislative activism in environmental protection in recent years has been pressure from the EC.

While the member States formally acknowledged the need for Community environmental protection strategies at a meeting in Paris in 1972, the EC was not provided with a proper legal basis for involvement in environmental protection until 1987, when the **Single European Act** (SEA) came into force.

Since 1987 there is more legislative scope for action on the general principles enunciated in 1972, including the principle of polluter pays, the importance of pollution mitigation at source, and the need for common pollution control standards.

SEA amended the EC's constitution [2]. It enabled some legislation to be introduced by qualified majority of Council members (art. 100a), while the remainder still require unanimity (art. 130s). An example of the former is a proposal on waste, being a matter ultimately affecting production costs and therefore competitiveness within the EC. An example of the latter is an initiative on nature protection. Under article 130 of the amended Treaty, environmental protection requirements should now be a component of the Community's other policies [3].

The anachronistic powerlessness of Australia's Federal government with respect to the States in environmental matters has a counterpart in the EC. The extent of the jurisdiction of the European Community to bind the twelve member States in some environmental matters is disputed. A constitutional debate continues as to which "legal acts" [4] in relation to environmental protection must have unanimous support, and which can be imposed by a simple majority of the Council of Ministers [3].

Implementation and enforcement is the responsibilty of national agencies with regard to Community legislation on the environment. Deadlines for implementation of EC environmental regulations and directives have not always been met. By July 1990, some 362 cases against Member States for failure to implement Community environmental legislation had been initiated [3]. Only some Community legal acts in environmental matters have "direct effect", meaning that citizens possess rights enforceable in the national courts because the legal act in question is not dependent on any further action being taken by Community or national authorities [5].

Illustrative of delays in implementation is the Seveso case. In 1976 a tragic chemical plant explosion took place at Seveso, in northern Italy. La Roche had built the plant, which in emergencies would emit harmful gases into the atmosphere rather than into a special chamber, in Italy only after building licences had been refused in numerous other EC countries. The explosion in 1976 released trichlorophenol and dioxin over a large area, required evacuation of a large number of local residents and

Contents:

caused skin eruptions on exposed children. The resulting "made in Seveso" stigma resulted in long-term loss of business for the town's wooden furniture manufacturers. In 1982 the EC issued a directive "on the major accident hazards of certain industrial activities" [6]. The directive was not incorporated into Italian law, however, until a tortuous passage through both the Chamber of Deputies and the Senate in Italy in 1987 [7].

Other EC directives regulate the handling of waste and dangerous materials, and oblige the preparation of environmental impact studies to be prepared by companies planning large planning construction projects likely to have significant effects on the environment by virtue of their nature, size or location.

In addition, the European Commission has proposed legal acts with regard to rendering people who handle waste strictly liable for damage or injury to the environment [8].

Italy and the Environment

Italian town planning controls are exercised by mayors through the issuing of building and habitability licences. The Council of State, in its appellate capacity to review the decisions of Regional Administrative Tribunals (TARs), has allowed noise and pollution control and other ecological considerations as reasons for declaring building licences invalid. Since 1967 any person can challenge a building licence before a TAR. The Council of State has limited this open-standing provision to persons suffering direct damage, except with regard to natural environment questions. With regard to the latter, for example, an autostrada building licence has been invalidated at the suit of Italy's largest conservation group, Italia Nostra, on natural environment protection grounds [9].

Since the 1960s, Italian heritage questions have been debated under the popular, unitary concept of "cultural property", embracing both the natural and built environment and evidenced by "historic testimony". [10]

Environmental protection at a legislative and administrative level has remained fragmented and inadequate, however [11]. For example, while national parks have been created in recent years [12], they are largely unsupported by rangers or protective administrations.

As a result of the rapid industrialisation of the country during the "economic miracle" of the 1950s and 60s in which Italy was transformed from a predominantly rural to a major industrial society, rising material living standards through rapid industrial growth were the focus of public attention, and resulting environmental problems were never key issues in political debate. For example, the patron of a major law introduced in 1976, Gianfranco Merli, was not even re-elected to parliament after a watered-down version of his Water and Soil Pollution Act was passed in 1976 [13].

According to a number of recent surveys carried out pursuant to the 1982 Seveso directive of the EC, several hundred Italian factories were identified as at risk of causing serious environmental damage [14]. Industry pollution problems are caused by both the intensity of small and medium sized factories, and the impact of the key heavy industries along the coast. For example, petrochemical and steel works, water nutrient pollution from farming and inappropriate tourist and building development, have caused since the early 1960s serious beach pollution and erosion of approximately half of Italy's 8,000 km coastline.

Air pollution, congestion and noise from motor vehicles is a serious problem with approximately 25 million vehicles occupying a peninsular one third the area of NSW. The major difficulty with the "first generation" pollution control law, the anti-smog law No. 615 of 1966, was that enforcement was left to local authorities who, for lack of resources and absence of political support, were often inactive.

The water supply systems of some three hundred municipalities in northern Italy have been closed in recent years due to excessive use of pesticides. As the land area devoted to rural production decreases, use of the remaining land has become more intensive, exacerbating the pesticide and fertiliser problem.

Despite the Seveso experience and the introduction of environmental laws in the 1970s, Chernobyl became a turning point in public environmental awareness. Consumption of fresh milk and open-leaved vegetables was prohibited in Italy for a number of months as a result of the disaster. An anti-nuclear referendum was successful in 1987, with the result that Italy's nuclear power station construction program was blocked.

Of the 362 cases brought against Member States for failure to properly implement Community environment legislation, some 40 have been against Italy [15].

Industry has, nevertheless, seized the business opportunities offered by environmental regulation. The value of building and operating pollution abatement and treatment facilities was estimated at $2.8 billion in 1988. In the petrochemical industry, for example, pollution protection measures are seen as an opportunity for adding value and product differentiation to otherwise standard engineering services. Italy, through State controlled but publicly listed corporations such as the National Hydrocarbons Agency (ENI), has won turn-key and joint venture business, such as a refinery contract in Venezuela for lead-free petrol, using "environmental safeguards" features as competitive components of her offerings.

Regulatory Trends: An Italian Perspective on International Developments

A Ministry of Environment was not actually established in Italy until 1986. The establishment of the new Ministry prompted a four-country study by Italy of the environmental laws of industrial countries offering a more evolved regulatory framework. The countries chosen were the United States, Canada, Japan and Australia.

Italian researchers commissioned studies from each of the countries. The report to the Italian Ministry for the Environment submitted early in 1990 provides an interesting overview of regulatory trends from an Italian perspective [16].

The Italians saw a need for a strong environmental agency or ministry with overriding powers on environmental matters. The researchers were attracted by some aspects of the American Environmental Protection Agency experience in this regard, and noted the dissipation of authority and direction in Canada in Australia where

environmental initiatives had to contend with agencies and ministries which had no reason to give environmental protection any priority.

The Italian study noted that all four countries had summit political consultation bodies (the Council for Environmental Quality in the USA, an inter-departmental committee on environmental matters in Canada, the Australian and New Zealand Environment Council in Australia, and in Japan a conference presided over by the Prime Minister and comprising a Central Committee and a large group of environmental experts).

The joint study indicated that public spending on the environment had exceeded 2% of Gross Domestic Product in the US for a number of years, and that Canada, Australia and Japan spent between 1.1% and 2.2%. The total expenditure by central, regional and local governments on environmental protection in 1988 amounted to approximately 1% of Italy's GDP.

With regard to the question of incentives for pollution reduction, the Italian study noted that most revenue from pollution control was used to pay for the cost of regulatory authorities.

Whereas most countries had a well established system for the disposal of ordinary and industrial waste upon payment to local authorities, the Italian researchers noted that in the experience of many countries regulation, not incentives, appeared the key to environmental protection policies to date. Regulation should be adaptable to the requirements of severely degraded areas where, for example, a higher threshold for environmental safeguard such as application of the "best available control technologies" test, rather than those practicably or economically possible, should apply.

The researchers noted the technocratic approach to environmental protection in Japan where emphasis was placed on new anti-pollution technologies and on mediation between the various interests involved.

Community Participation in Environmental Management

The major finding of the Italian researchers in the four country study was that [17]:

> Recent trends in some industrialised countries outside Europe [linking planning with pollution control, and better coordinating the government agencies and ministries involved] indicate that such initiatives hang on a new concept of environment. That concept is that active management, not just safekeeping of environmental goods is required. Implementation of the new concept necessarily imposes a broadening of decision-making processes, involving the forces of production, private citizens and technical experts, including those completely removed from the administration. A mere re-arrangement of tasks within the bureaucracies will fail. Environmentalism today means the establishment of a new administrative model characterised by active relationships between citizens and the State.

Three aspects of community participation in the new environmentalism - standing, education and freedom of information - are now discussed.

a. Standing to Make, Implement and Enforce environment laws

The Italian study pointed particularly towards the need for the involvement of citizens in the creation and enforcement of environmental regulations.

With regard to rule creating, sections 71 and 75 of the Italian Constitution enable citizens to call for referenda to introduce laws. If half a million citizens petition for a referendum on a proposed law, and at least half the electorate bothers to vote, then on a simple majority of those voting the proposal becomes law. The antinuclear referenda in 1987, which blocked plans for the construction of further nuclear power plants, are examples of citizen-initiated law making in Italy.

The hammer provisions and petition for rule-making possibilities in the United States, which enable citizens to require regulations to be made where legislative principles have not been acted upon by administrative bodies, were noted as particularly effective community participation measures in the Italian study.

An interesting perspective from a society in which political debate is always active, if not furious, is the comment by the authors of the study that vigorous debate on environmental management issues ultimately strengthened public policy direction. Translated to the forests disputes in Australia, for example, the Italians might regard the campaigns, court cases and acrimony as characteristic of a process heading ultimately towards better forest management.

While recognising many limitations of the Japanese model, Japan offered an example of how pollution could be prevented through mediation and close contact between local communities, regulatory authorities and industry.

The citizen participation models in Japan, Canada, the USA and NSW constituted, in varying degrees, steps in the right direction towards the citizen - state relationship advocated by the Italian study.

Citizen participation plays an essential role in monitoring the performance of regulatory authorities and in educating the public of environmental issues. That participation is thus an essential ingredient in effective, long-term environmental management.

Of concern in New South Wales is the limited participatory role which the State Government has envisaged for the proposed Environmental Protection Agency (EPA). The discussion paper on the establishment of the EPA states [18] that "decisions to prosecute would be undertaken by, or under the supervision of, the board". An EPA which maintains exclusive control over enforcement will surely suffer the same institutional lethargy which has characterised the SPCC.

The following arguments in favour of their retention of exclusive control of pollution law enforcement are raised by bodies such as the SPCC and the Water Board:

1. Private citizens could hamper more informed prosecution by regulatory authorities. The *stare decisis* principle would prevent a regulatory authority from taking action if a half-baked citizen suit failed.
2. Technical data on pollution and its monitoring requires knowledge which ordinary citizens do not possess.
3. The cost of providing information to citizens and assisting them in enforcement of pollution control laws is high. Regulatory authority resources are better spent elsewhere.

Responding to the above arguments in turn:

1. Cooperative enforcement would be possible and should be encouraged.

2. There is increasing public awareness of environment matters. Environmental groups are becoming more sophisticated and better resourced. Costs orders and the rigours of court procedure will temper the zeal of vexatious and ill-informed litigants very quickly.

3. Regulatory authorities will continue to be criticised for so long they operate a closed shop. The cost of providing information should be analysed in the light of benefits which would accrue from increased public awareness of environmental management and of the operations of regulatory authorities.

The trend of recent cases is that standing is being more liberally granted to obtain judicial review of administrative action [19]. New South Wales already allows any person to bring civil proceedings under the **Environmental Planning & Assessment Act** 1979, **Heritage Act** 1977, **Environmentally Hazardous Chemicals Act** 1975, **National Parks & Wildlife Act** 1974 and **Wilderness Act** 1987. Legislative intervention is required, however, to remove the express monopoly of the Environment Minister and the regulatory authorities to initiate suits against polluters under the **Clean Air Act**, 1961 the **Clean Waters Act**, 1970 the **Noise Control Act** 1975 and the **Environmental Offences and Penalties Act**, 1989.

Citizens should have their right to take action as part of a "marble cake federalism" approach to environmental protection in Australia [20]. This exists in the United States with a result that either citizens or financially interested parties or local, state or federal governments can initiate proceedings, overcoming the risk that political whim or bureaucratic lethargy thwarts the operation of protection laws in practice.

b. Education and Research

The Italian study pointed to the need for information on the state of the environment and on ways of protecting it. It appears the Italians will follow the approach of having a central agency to set standards and provide a data base on pollution control with local authorities assuming major responsibility for enforcement. Toxic waste disposal, nature conservation and environmental impact assessment would be led from the Ministry for the Environment to give a national coherency in line with the obligations under the EC directives.

On 22 June 1989 the Commission submitted a draft regulation for the creation of a European Environment Agency (EEA) to the EC Council. The proposed EEA would be a scientific and technical body to gather information and advise the EC Commission and Council.

On-going education initiatives in environmental issues enable more informed contributions to be made by community groups. Underpinning the thesis that active community participation, rather than consultation will achieve better environmental management is the "participation-awareness-action" link. Through participation, awareness is extended. Through awareness, grass roots action in support of safer environmental practices, for example with regard to diffuse source pollution, can take place.

A noteworthy education initiative in New South Wales is the institution of Legal Studies as a 2-unit course for Higher School Certificate Students, one-seventh of the course being devoted to environmental law. Another is the Environmental Trusts Acts, 1990 (NSW). Since 1 July 1990, these have diverted the Water Board's receipts from trade waste agreements in order to establish trust fund capital, the income from which will be used for environmental restoration and rehabilitation (60%), research (30%) and education (10%).

c. Freedom of Information

Standing to take action and awareness of issues resulting from environmental education initiatives enables community participation in environmental decision processes only if access to relevant information exists.

An example of open-standing and freedom of information provisions in operation is provided by s. 11046 of the **Emergency Planning and Community Right-To-Know Act** (EPCRTKA) of the United States. Citizens, state governments, local governments or the United States Government can bring civil action against owners of hazardous substance facilities, the administrator of the Environmental Protection Agency, or the State for failure to comply with the reporting and right-to-know provisions of this hazardous substance enactment. Indicative of the approach contained in a number of United States Acts, under s. 11046 of EPCRTKA action can only be commenced if sixty days notice has been given by the plaintiff of the alleged violation to the agency, government or operator concerned.

Freedom of information legislation in Italy is contained in the 1987 law pursuant to the EC Seveso directive. The presidential decree finally approved by both houses of parliament provides that "the data and information referring to industrial activity in the possession of the public authorities in application of the present decree can only be used for the purposes for which they have been requested. Any person authorised to examine the information is bound not to divulge it in order to safeguard for industrial secrecy. Exception is made for the obligation to inform the population [21]". The extent of Italy's FOI will thus be determnined by the extent to which the exception is upheld by the Italian courts.

The Commission of the European Community has submitted a proposal in 1990 for consideration by the Council of Ministers of the twelve Member States for a directive on the freedom of access to information on the environment [22]. The draft is not particularly exacting, in so far as Member States could provide for a request to be refused where it affects commercial and industrial confidentiality, with judicial or administrative review rights in accordance with the relevant national legal system, not Community judicial review standards. The Commission sought implementation of the proposed directive by the end of 1992, with a further review to take place four years later.

In Australia, Freedom of Information (FOI) enactments have been in force since 1982 (Commonwealth) and 1988 (NSW). The NSW FOI Act has the serious limitation that it extends to local government only where the personal affairs of an applicant are involved [23].

There are a number of exempt documents under the NSW FOI Act. Of relevance to pollution control records are documents exempt because they are the subject of either legal professional privilege, or contain confidential material or business affairs. The confidentiality

exemptions only apply to documents disclosing trade secrets or information of commercial value which, if disclosed, could have some adverse effect or prejudice the future supply of information.

Section 11042 of the EPCRTKA provides a strong example of how to handle trade secret claims. Companies must notify the central agency of substances held, but can request that those whose composition is a trade secret be not released or made available to the public. The public, however, can petition for a review of any trade secret claim. Civil and administrative penalties apply to any trade secret claims made to prevent disclosure of information where these are held to be unsubstantiated or frivolous (s. 11045).

Conclusion

Italy's meteoric economic ascendancy through industrialisation has come at an environmental cost. The country is beset by vast urban development, pollution and natural environment degradation problems. Fuelled by European Community environmental requirements as well as internal public opinion, Italy's environmental protection initiatives remain nascent. In its search for solutions, the Italian Government completed a study in 1990 of the experiences of the United States, Canada, Japan and Australia. A "new environmentalism" in industrial countries was identified. In the Italian perspective, active community participation in rule-making and enforcement is viewed as a key success factor for effective responses to escalating environmental challenges.

Footnotes

1. *Espresso*, 14 October 1990, pp. 68-69.
2. The Treaty of Rome, 1957 (EEC Treaty)
3. EC Commission, **The European Commission's Environment Policy: Background Report**, 19 July 1990
4. EEC Treaty Article 189 describes three different legal acts which may be adopted by the EC Council or Commission: regulations, directives and decisions. Regulations are generally binding at the Community and national level. Directives are addressed to Member States and are binding as to the result to be achieved with national authorities having discretion as to how to achieve it. Decisions are addressed to private citizens and are binding in their entirety. See Hartley TC, **The Foundations of European Community Law**, Oxford, Clarendon Press, 1981, Ch 4 "Community Acts".
5. See Hartley **op. cit.** Ch 7 "Direct Effect and the Supremacy of Community Law".
6. EC Directive 82/501/EEC.
7. "The Seveso Directive", **VIA**, Milan, L'Arca Edizioni SpA, No. 6: June 1988, pp 101-102.
8. See footnote 3. See also Stanbrook and Hooper (Brussels), "Community Law and the Environment", Report prepared February 1990 pp. 17-20)
9. See Certoma GL, **The Italian Legal System**, Sydney, Butterworths, 1985, Ch 11 "Environmental Law", pp. 488-9.
10. Article 9(2) of the Constitution, 1948 declares that the Republic shall protect the landscape and the historical and artistic patrimony of the nation.
11. Pollution control obligations are contained in the **Legge Merli** 1976 (with regard to water and soil pollution), the **Antismog Law** of 1966, the **Criminal Code** 1930, the **Civil Code** 1942 (with respect to the protection of private interests similar to our common law rights), the far-reaching **Labour Law** of 1970, the **Health Law** 1934 and the **Public Safety Law** 1931.
12. Australian national parks constitute about 3.9% of our land area, and if nature reserves are included, the figure cited by the Prime Minister in his Statement on the Environment of 1989 is 5.5%. This compares with figures varying between 3 and 5% of total national territory in Italy dedicated as national parks (*Cederna A, "Parks in Reverse Gear", Espresso*, 29 July 1990, pp 54-55).
13. Liberatore A and Lewanski R, "The Evolution of Italian Environment Policy", 32 **Environment** No 5 (June 1990),p11 ff at p37).
14. Figures range from 187, discussed in **VIA , op. cit.** to 2,600 in Liberatore and Lewanski, **op. cit.**).
15. Enforcement of Community law against national governments takes place either through action by private individuals in the national courts or, particularly where the provisions are not "directly effective", by action of the European Commission against the Member State in the European Court of Justice. Hartley **op. cit.** pp 283-284.
16. Capria A and Spagnolo C, **Introduction to Studies on Environmental Legislation and Administration in the United States, Canada, Japan and Australia**, Milan, Italian Centre for Research and Information on the Economics of Public and Public Interest Organisations (CIRIEC), December 1989.
17. **Op. cit.** at p. XV.
18. At para. 7.1.
19. See **Boyce v Padddington Borough Council** (1903) 1 Ch 109 at 114, **Australian Conservation Foundation v Commonwealth** (1980) 146 CLR 493, **Onus v. Alcoa** (1982) 149 CLR 27, **Sydney City Council v. BOMA** (1985) 2 NSWLR 383 at 389G, **US Tobacco Co v Minister for Consumer Affairs** (1988) 83 ALR 79, Pain N. "Third Party Rights..."(1989) 6 EPLJ 26 & Thompson AJJ "Locus Standi in Environmental Matters" in **Environmental Law News** (NELA (NSW)), Winter 1990, pp.16 - 21, **Australian Conservation Foundation and Harewood v. Minister for Resources and Harris-Daishowa**, Decision of Davies J of Federal Court handed down 20 December 1989 at p.5: "the tests for standing prescribed by ss. 3 and 5 of the **ADJR Act** are wide and flexible as are the tests of *locus standi* for both legal and equitable remedies in public law".
20. For a description of marble-cake federalism see Taberner J, "Industrial Waste Regulation: Tightening the Rules", paper presented to I.I.R. Waste Management Conference 29 and 30 March 1990 at pp. 16-18.
21. Quoted in **VIA**, op.cit, pp 101-102.
22. Official Journal of the European Communities No L 158, pp56-58, 23 June 1990.
23. See Prineas P, "The Fredom of Information Act", **Impact**, June 1989.

SEMINAR AND CONFERENCE REPORTS:

Water Quality Seminar 9th October 1990

On 9 October a conference on "Water Conservation: pricing policies and clean waters" was held at Sydney University Law School and convened by the EDO.

The conference was the second for 1990 in the EDO series on water quality. Proceedings for the first seminar on total catchment management, held in June 1990, are available from the EDO.

The EDO is indebted to the Water Board for its financial assistance and to Sydney University Law School (Bernard Dunn).

George Bautry of the Water Board pricing and policy section described the evolution of Sydney's water supply infrastructure. The Department of Public Works with great vision established the major dams in the South Western region of Sydney in the 1920s. Broad catchment areas were at that stage set aside for water purposes. However there was a series of bad policy decisions made on the basis that water is a free good. For example in 1924 a tax to pay for the provision of water and sewerage services was based on the value of real estate, not on the quantity of consumption.

Until recent years, and indeed until now to a lesser degree, there has been a totally unjustifiable cross subsidy by business of household water consumption. Business accounts for 5% of the customers of the Water Board but provides 44% of the revenue. Business only is responsible for 23% of the Water Board's costs. A cross subsidy of business to households is estimated at about $140,000,000.00 each year.

Urban sprawl problems have compounded the water supply problem. About $200.00 per year per household is subsidised by business and other users to enable the urban sprawl towards the Hawkesbury Nepean Catchment.

Progress has been made in introducing a consumption based water pricing system. Experience in the Hunter Catchment has shown that consumption based pricing is a great catalyst for more efficient use of water and a drop in household usage. Only 10% of total Water Board income is now exacted on the anomalous property value method. The free good allowance is being reduced by the Water Board so that consumers feel in their pockets the effects of excessive water consumption.

The plan of the Water Board assumes a 10% reduction in demand. In other words, the Board has not planned to build new dams but has predicated its planning in the 1990s and beyond on the achievement of a 10% reduction in demand to cater for increased population. This is a conservation strategy of the Water Board to try to stop the ever increasing demands on water flowing from inadequate pricing under the old "free good" regime. The Water Board's strategy is to fund its water quality programs, including the problem of Sydney's beaches, from the environmental levy and, more importantly, its consumption based pricing mechanism. The alternative would be to use that money to build new dams but this is not addressing the fundamental problem, which is of abuse of water because we're not paying for it properly.

Dr Sharon Beder was critical of the proposed new classification system under the Clean Waters Act 1970. She said the new system would be characterised by increased flexibility in classification, which would enable polluters to argue their ways around the strict liability and prohibition on pollution provisions which were the philosophy of the present Clean Waters Act. She viewed the new system as an extension of the assimilative capacity theory of pollution control, whereas the best practicable technology standard ought to be used. Dr Beder criticised the quantitative standards tests to be used in the new classification system. For example, faecal coliform levels will be a quantitative standard measured in the new classification system. That standard is inadequate because viruses can still exist even after faecal coliform bacteria die. Dr Beder criticised the present and proposed arrangements administered by the State Pollution Control Commission (SPCC) with regard to the Clean Waters Act as offering too much discretion for economic considerations of polluters.

The SPCC then responded to Dr Beder's criticisms. Geoff Neuman, the Manager of the Water branch of the SPCC, and Russell Cowell, Deputy Manager, gave an overview and an analysis of the proposed classification systems respectively. The new classification system will be the subject of a discussion paper to be released at the end of October 1990.

The SPCC officers described the process of selection of a water body then the comparison of the water body with a number of protection categories and criteria relating to each of those categories (for example, water for swimming, water for fishing, water for crustacean production, water for drinking etc). The next step was to then establish specific goals for each water body. There would be pollutant limits, both qualitative and quantitative for each category. Objectives would be set for each protection category. The role of catchment management committees was fundamental so that local communities would describe how much they were willing to let the water in their own area be polluted, balancing economic considerations with ecological considerations.

The bench mark for pollution control is the "best available technology economically achievable" test.

Lively discussion followed the seminar. In the round table discussion instances of Water Board and SPCC capture were sighted. For example Richard Gosden of the Stop the Ocean Pollution group, quoted from a facsimile he had received on the day of the seminar in which a Water Board field officer instructed his officers that the lowest of any three consecutive days testing with regard to pollution levels could be used as the standard of water quality achieved for that week. In other words, the environmental awareness which is apparent in some sections of the Water Board has not flown through to the officers at the coal face who are still finding it expedient to understate water pollution problems where possible.

Approximately sixty people attended the seminar.

Proceedings of the presentations by the four speakers are currently being prepared and shall be available from the EDO Conference Organiser, Jackie Wurm, shortly.

Mediation Conference, 10 October 1990

James Johnson reports on a seminar organised jointly by the EDO and the Family Mediation Centre

Sir Laurence Street gave the opening address for the seminar. He pointed out that international treatment of environmental issues is a comparatively recent matter. The environment had earlier been given some protection, but only as a by-product of human rights treaties and other treaties. This changed with the introduction of treaties to do with Antarctica and the marine environment.

The Brundtland report was a major milestone with the concept of sustainable development defined as "meeting the needs and aspirations of the present generation without compromising those of future generations". Elaborations on this theme since have highlighted the need for citizen participation in decisions affecting the environment.

Many issues concerning non-government offices working towards sustainable human progress had been fragmented. The need for consultation and the need to work together culminated in sustainable development as a concept. However the implementation of the concept has been different in Australia and internationally. In Australia we are concerned with our atmosphere, our waters and the proximity of Antarctica because we are so geographically isolated. In Europe there has been true multilateralism on an international scale, not just multilateralism among diverse interest groups.

Sir Laurence highlighted the importance of mediation in various areas of dispute. Besides commercial disputes and family mediation he highlighted neighbourhood disputes which can be very disruptive to life and peace of mind. Mediation has had a role in the United States in labour law disputes and he foreshadowed its usefulness in defeating discrimination, by way of identifying prejudices and educating rather than punishing the proponents of discrimination.

In environmental disputes, Sir Laurence placed the blame squarely with lawyers. Royal commissions and other enquiries are held under a procedure that closely follows court procedure: there is an adversarial approach introduced, there is cross examination, a summation at the end and a report in private. These procedures are irrelevant and inappropriate to public interest matters involving the environment.

By contrast, mediation in the US has been shown to work by way of round table discussion, prior access to information, as opposed to sole access, and participation where necessary. A decision reached at by this process is likely to be least offensive to the greatest number and is thus more likely to be implemented. Multilateralism is best advanced through properly constructed mediation.

Christopher Moore led the discussion on mediation. Originally an advocate, he had thought that it was important for strong democracy that cases be litigated. On reflection his opinion is that it is easier to create conflict that to solve it. The centre he works with aims at dispute systems design within companies. This means encouraging alternative dispute resolution as the first option, while recognising that litigation is still there as an option and educating all employees down to middle level management in order that they be aware of the principles and implement them.

Litigation is not suitable for broader public interest disputes. Mediation is proposed as not as expensive as litigation, and is easier than direct action which requires considerable time, energy and motivation. The structure of the negotiation leads to participation. The underlying needs and interests are identified and addressed, as opposed to the issue nominally in dispute. It is also helpful for government because politicians don't have to make hard decisions. Industry has found that slower means faster. That is, taking more time in working through the initial decision means that implementation is easier.

The audience was split into groups of two in order to partake in a negotiation exercise. Each took a role as assigned by a fact sheet which was handed out. The negotiation was allowed to continue for about fifteen minutes and then the audience related the results of the negotiation in the individual cases. There was a huge range of responses indicating the tremendous scope for negotiated settlement even on a common set of facts. The following general points were made:

1) There should be an attempt to build rapport. Negotiators should remember to be soft on people and hard on the issues. It is important not to equate the person with the point of view. One method that Chris used with a very diverse group of people was to get each to relate an experience that changed their lives. What this did was to establish some common ground or bridging values. It is also important to be aware of restimulated feelings where a response is prompted because someone looks or acts like someone else.

2) It is important to define the boundaries of the negotiation.

3) There are important procedural matters to be attended to. For example, in order to make any negotiated settlement work there may well need to be provision for independent monitoring or a performance bond which makes trust irrelevant. It is important that there be a process of ratification of any decision made and this must be addressed in the initial structural stages. There should be a protocol adopted early on for addressing each other and for speaking with the media. And of course there needs to be a forum or process to start the mediation which must usually involve a third party seen as independent by all parties.

Negotiation

"Position based" negotiation is often characterised by the following attitudes:

1) Resources are limited (what one wins the other loses).

2) The other party is the enemy.

3) The situation is win or lose.

4) There is one right solution and that is mine.

The characteristics of negotiation include bluffing and or threats, incremental concessions, low disclosure, initial high demand and some degree of compromise.

Negotiation must push parties to assess the alternatives carefully. Too high a demand on a party may result in that party leaving the process.

The process is one of drawing out interest. The mediator needs to ask questions in order to shift parties from a "position based" bargaining position where their position is the solution that meets the needs to an interest based bargaining position where the interests need to be addressed. Once the parties have moved to an interest based bargaining position their attitudes can be addressed towards win/win approaches considering multiple solutions as possibilities and considering needs before solutions. This emphasises a focus on the issues.

In order to achieve this the following points need to be worked through:

1) Rapport needs to be established with the group.

2) Each party must identify their own needs clearly.

3) Each party should speculate on what the other party's needs are.

4) There is a period during which each party educates the others about their interests.

5) There should be joint agreement at least on the problems to be solved.

6) Objective principles, standards and criteria should be used.

7) The parties should be encouraged to be creative and generate multiple options.

8) The criteria of decision should be that of joint gain for all parties.

9) Once this criteria has been developed the options discussed above should be modified or selected in order to reflect the interests.

Chris then led a simulated mediation. As mediator he pointed out the following guidelines to the parties to the mediation:

1) State your mind.

2) Refrain from put-downs.

3) Stay on the topic.

4) Listen and allow others to speak.

5) Check out your motivations before making judgement.

6) Look for options before locking into a specific solution.

He also suggested an agenda which consisted of:

1) Introductions.

2) An explanation of the facilitators role.

3) The goal of the meeting.

4) Suggested guidelines (mentioned above).

5) A process of identification of issues and concerns.

6) A discussion of the issues.

7) Generation of options.

8) Exploring agreements.

9) Proposal of next steps after this meeting.

10) Feedback on this meeting.

He made the point that the best way to conduct a mediation is to "ride the horse in the direction it is going". It is also important to point out to the parties that there is no obligation to arrive at a result within a fixed period. If the issues can't be fixed, so be it. Often the information exchange that takes place as a result of negotiation will resolve some issues.

As the simulated mediation took place each person was given a chance to bring up one issue at a time so that the meeting wasn't "dumped on" by one person. These issues were listed as they were raised, as were heads of agreement. The mediator then raised a particular issue for discussion, listed the concerns of the group, listed the possible solutions, and after discussion of the solutions asked if the group was willing to adopt these.

The facilitator can raise concerns that he is aware of if the group doesn't do so, saying he wants a durable agreement and an informed decision. He or she should ask whether there are any groups missing who should be represented. Any disagreement on the facts should be focussed on and resolved, if necessary by hiring an expert to be at the service of the group as a whole. As to resourcing the negotiation process, this can be either proportional or, more commonly, by way of a pool to fund public interest participation or payment in kind by public interest groups (ie, they cater for refreshments at the meeting etc).

If one group walks from the process, there may still be strong consensus. Sometimes a group may have to walk because its constituency would not agree to a compromise. Sometimes participation is simply to gain information to use in another forum, or because participation will allow some control in the decision that will go ahead. Generally for parties to come to a negotiation there must be some doubt that they will win in another forum.

The EDO has retained some useful notes that accompanied this seminar which are now available for reference by all EDO solicitors.

The last edition of IMPACT was beset with editorial and printing gremlins, from the masthead down. Hopefully, this edition will not be similarly afflicted! Part 2 of "The Greening of Australia's Politicians" has been held over to a future edition.

Editor.

International Environmental Law Workshop, Cairns, August 1990

Nicola Pain attended the workshop which looked at the new field of international environmental law now developing. Her notes were somewhat spasmodic. An outline of some of the matters discussed is set out to provide some idea of the wide ranging nature of the discussions. This review is certainly not exhaustive of all the matters raised and not all speakers are referred to.

By way of general comment:

Warren Lindner, Director of the Centre for Our Common Future, attended for most of the program and gave some interesting background into the preparation for the major United Nations conference to be held in June 1992 in Brazil. This will be the major United Nations conference on the environment for the 1990's and will determine the direction the United Nations will take for this decade. There are extensive consultations and Preparatory Committee meetings being conducted. A major issue in the lead-up to the conference will be the extent to which non-government organisations will be able to participate either as observers or as players.

It is to be hoped that the major environment groups in Australia are putting pressure on the Australian government so that it supports moves to have greater NGO involvement at the 1992 conference. NGO involvement has traditionally been very limited in United Nations forums and is non-existent unless you are a body with consultative status.

A new publication which will be interesting to read is "Signs of Hope: Working Towards Our Common Future" by Linda Starke of the Centre for Our Common Future, 1990 Oxford Press. This is a follow-up on developments since the release of the Brundtland Report "Our Common Future".

The conference consisted of five sessions dealing with different aspects of international and domestic environmental law.

Session One: Sustainable Development – The path for Australia?

The first session was about Australia's environmental laws in the international context. David O'Donnell of Mallesons (and EDO convenor) made two important points: 1) there is a need for civil enforcement rather than criminal enforcement of pollution laws, and 2) there is a need for expansion of tax incentives to encourage companies to be environmentally aware and sound managers eg deduction of EIS preparation costs.

Session Two: Role of International Institutions

This session ranged very broadly and consequently few notes were kept. There was some interesting discussion about whether or not the inter-governmental bodies on issues such as climate change were solely government policy driven or were also accessible to NGOs. Dominique De Stoop of the Department of Foreign Affairs and Trade referred to the inherently limited role of international law in its operation through nation-states. Issues raised included damage to the global commons and the need to pay compensation for such damage.

The role of UNEP was discussed and there was some query about the extent to which it had been allowed to coordinate the environment program within the U.N. system. The piecemeal approach with the sectoral development of international environmental law clear. For example, the South Pacific regional environmental convention has recently been ratified by many countries in this area of the globe. Reference was made to the recent decisions on climate change and the call for a high level committee to work on the inter-governmental panel on climate change.

Session Three: Developed v Developing Nations

In the funding of projects in developing countries the problems of: 1) additionality, 2) conditionality, and 3) transfer of technology are important. Robert Fowler of Adelaide University had an interesting paper on these matters.

Lindner noted the relationship between the governments of developed and the developing countries with the responsibility lying on developed countries to understand the problems of developing countries where the debt is tied to certain criteria.

A particular example, the proposed Bio-Diversity Convention was considered. This raises important issues between developed and developing countries such as the transfer of technology, funding of development and the nature of institutional structures which are appropriate. The role of the AIDC was raised and particularly what environmental standards it should apply.

Session Four: The Atlantic Treaty and Climate Change Protocols

Dominique De Stoop discussed Antarctica. This had been an opportunity to forge new links with France following a period when there had been considerable tension due to France's Pacific nuclear test policies. Some of the general developments in international law have taken place because of concern about Antarctica and the perceived need to preserve that environment, ozone depletion and the need to phase out certain substances and the perception that the London Convention was inadequate, and concern about dumping of radioactive waste at sea. Australia has been the conduit for negotiations with France and the contribution of scientists from Australia has been well recognised.

Australia has lobbied for the principle of State liability for extra-territorial damage to the environment but this has not been successful yet. There is some reluctance in the nuclear area to have international rules. For the future laws are likely to focus increasingly on air pollution issues.

Australia takes a long time to ratify international treaties in many cases because it is necessary for each state to approve the ratification. There is better cooperation on ratification now than in the past and conventions are generally ratified more quickly. The Australian States do not agree that the Commonwealth government's interpretation of treaties should be final. This can lead to different interpretations of the treaties between states.

Peter Shannon, also from the Department of Foreign Affairs, spoke of Antarctica as a good example of international cooperation. Australia had previously supported the Convention on Mining in Antarctica but due to substantial lobbying by NGOs this policy was changed. This effectively happened because the government by-passed scientists and bureaucrats and looked to the NGOs and its political advisers.

James Cameron, of the Centre for International Environmental Law (CIEL), noted that Australia's arguments in relation to Antarctic had been used to try, unsuccessfully, to oppose the U.K. Antarctic Minerals bill.

The Antarctic Treaty is not exclusive - a country can have consultant status if it does scientific work. Article 4 of the Treaty suspends the sovereign claims of States. James Cameron's view was that individuals should play a greater role in enforcement of public duties.

Session Five: A Review of the Brundtland Report's Legal Principles

The last session of the conference involved a review of the Brundtland Report. Brian Preston, barrister of Sydney, opened with some useful criticisms on the proposed legal principles enunciated in the Brundtland Report for its implementation. One important point he made was that these principles were still anthropocentric rather than ecocentric. This did not lead to evaluating the environment for the environment's sake but rather tended to rely on the relationship of man to the environment. The Report's recommendations provided no base-line study requirement, did not adequately promote public participation mechanisms and/or public enforcement mechanisms.

Professor Goldie from New York talked about enforcement and strict liability with compensation as a principle of just law. Increased use of the liability concept was appropriate in international law.

James Cameron of CIEL referred to two principles which could be used: 1) the polluter-pays principle and 2) the precautionary principle. The latter is now in common parlance in international regulations, for example the Montreal Protocol countries now often say they are obliged to apply precautionary principle. This appears to be emerging as the legal norm.

Sustainable development is not the same as sustainable yield. Genuine access is necessary for NGOs, it is currently lacking because of lack of funding (overall there is a need to re-evaluate international law and existing structures).

EDO NEWS

Principal solicitor **Nicola Pain** is now in Washington DC with the Centre for International Environmental Law (CIEL). CIEL was established to contribute to the promotion of International Law as a means of restoring and protecting the global environment through teaching, research and legal advice. CIEL provides assistance to individuals, non-government organisations and governments, especially the economically disadvantaged, through a global network. CIEL is based at the School of Law, King's College London and in Washington DC. Three investigations and cases already begun relate to global warming, protecting the environment and endangered species. For example CIEL has advised Greenpeace on the application of European community law to the regime established by the Antarctic minerals convention. Nicola is initially assisting Professor Durwood Zaelke in the development of curriculum materials for teaching International Environmental Law to undergraduate law students.

We received a fax from Nicola on September 18 reporting that she is assisting Durwood Zaelke in an administrative review procedure relating to a decision by the US Fish and Wildlife Service under the Endangered Species Act concerning a review to the status of kangaroos now listed under that Act as threatened.

EDO is pleased to have Brisbane solicitor **Maria Comino** as locum for Nicola until Nicola's return in March 1991. Maria has had several years experience in public interest litigation, and was employed since April 1990 by the Environmental Defender's Office in Queensland, to write submissions on environmental matters the subject of numerous legislative reviews, now in full swing in Queensland. The office made submissions advocating a broad definition of environment. On 19 September, we were advised by the Department of Housing and Local Government (QLD), that the **Local Government (Planning and Environment) Act,** incorporating the suggested definition, had been passed. Definitions of environment in legislation are not just academic. For example, under the Environmental Offences and Penalties Act (NSW) the question arises as to what is "environmental harm". Unless you can prove environmental harm you can't bring proceedings. Does environmental harm mean "harm to ecosystems generally" or does environmental harm mean harm to the immediate surroundings of a drain for polluted waters taking into account the fact that the immediate environment is already dirty and unable to support many forms of life because of discharges normally within the bounds of a licence to pollute? Another problem with some definitions of environment, including that under the Environmental Planning and Assessment Act, is that definitions are anthropocentric rather than eco-centric.

EDO solicitors James Johnson and David Robinson attended the National Environmental Law Association Annual Conference in Queensland recently. James Johnson delivered a paper on **Sustainable Development.** David Robinson convened a meeting of environmental lawyers interested in public interest questions. Following several years of informal discussions, the **National Environmental Defender's Offices Steering Committee (NEDOSC)** was formed at the meeting. NEDOSC was established to coordinate and assist in the establishment of Environmental Defender's Offices throughout Australia and to secure funding for that purpose. Initial activities of NEDOSC include the preparation of a discussion paper on funding possibilities at State and Commonwealth levels.

The current members of NEDOSC are:

South Australia:	Rob Fowler (Chairperson)
Queensland:	Tony Woodyatt
Northern Territory:	Michael Neil
ACT:	Richard Arthur
Victoria:	Simon Molesworth
Tasmania:	Jeremy Bates
NSW:	David Robinson

During the course of the conference James and David made a visit to the office of the Brisbane EDO. The Environmental Defender's Office is currently without a full time solicitor, as it is awaiting notification of the success of further applications for funding, which would enable the employment of a solicitor on an ongoing basis. Previous funding allocations have only permitted the employment of solicitors for limited periods.

In July, James Johnson made a submission to the State Attorney General, in relation to the need to record details of public notices given under section 104A of the **Environmental Planning and Assessment Act 1979.** As a result of the submission, the Minister for Local Government and Planning, the Hon. D.A. Hay, has agreed to amend the regulations made pursuant to the Act, to provide that details of such notices be recorded in the register of consents maintained by councils, as required under section 104 of the Act.

The office receives increasing quantities of promotional literature on **conferences and expositions** relating to environmental law and environmental technology. For example the Environmental Technology Expo (ETE) which will be held in Chicago April 8–11, 1991 will focus on the pollution control industry's total response to the issues of air and water pollution, hazardous waste management and recycling. Further information can be obtained from Bernadette Newman on 211 3144.

On 19 September David Robinson delivered a paper at a seminar convened by the Young Lawyers section of the Law Society on "Pollution Control Laws; Recent Commonwealth and NSW developments".

The EDO has commenced work in preparing a resource book on **Environmental Law for High School Certificate** students thanks to a grant of $27,500.00 from the Law Foundation of NSW. Legal Studies is a 2 unit course for Years 11 and 12 in NSW. The Environmental Law option occupies approximately 6 weeks of class time in the Legal Studies curriculum. The EDO is working with a committee of high school teachers from the Curriculum Implementation Consultative Group so that a topical, readable, informative and stimulating resource book can be written. EDO is pleased to have the support of CCH as publisher. The book is scheduled for publication in the second half of 1991.

The EDO has become a member of the **Australian Council for Overseas Aid**. This umbrella group on government organisations had it's annual meeting with the government aid agency, the Australian International Development Assistance Bureau (AIDAB). As discussed in the May issue of IMPACT, the EDO has proposed a training project for non-government offices from South East Asian and Pacific countries with regard to environmental law and policy. The initiative results from the recognition that the environmental problems discussed in Australia, for example with regard to logging of timber and conditions on restricting development, must be seen in an increasingly international and regional perspective. The aim of the training project is to develop the human resources of island and less developed countries in the region, so that community groups are better able to handle pressures for development both from within their countries and in particular, from foreign companies.

Abseiling Law – an emerging field

The office recently handled two cases which arose in relation to the hanging of environment related banners from buildings in the central business district. In both incidents those involved were charged under s.4(1) of the **Inclosed Lands Protection Act 1901.**

The offence created is one of entering the inclosed lands of another, or remaining on the inclosed lands of another, after being requested to leave by a person in charge or apparently in charge of the building.

The first incident occurred during the election campaign on 21 March 1990. The defendants abseiled from the top of the Commonwealth Bank building just above the Dendy Cinema, and hung a banner saying "Save the Forests Now". They then hung beside the banner for five hours before returning to the roof of the building. On 11 September, the charges against the two were dismissed by Magistrate Henderson in Waverley Local Court. This was after it was submitted that the section could not apply to the Commonwealth Bank building because there was an equivalent section (s.89) under the **Commonwealth Crimes Act** 1914 which "covered the field" with respect to public authorities under the Commonwealth which includes the Commonwealth Bank. As a result the Commonwealth Act "covered the field" and the state Act could not operate by virtue of s.109 of the Constitution. The charge was dismissed and the defendants were not re-charged under the Commonwealth Act.

The second incident was similar, involving 2 abseilers hanging a banner from Goldfields House on the 19 June. On 7 September the charges against the two defendants were again dismissed. The abseilers who were hanging off the building had been asked "Are you going to come up?" to which they replied "No". On the basis of this evidence it was held that they had never been asked to leave the inclosed land and hence the charges were dismissed.

Many thanks to John Stratton of Forbes Chambers who appeared on behalf of the defendants in both cases.

FORTHCOMING WORKSHOP

A weekend workshop **"Legal Aspects for Environmental Campaigning"** is planned for 16-17 March 1991. Topics to be covered include:

- Freedom of Information laws;
- Preparing a brief for lawyers; What information is required and how to get it;
- Designated development rights;
- Participation in Local Government planning processes;
- Pollution Law;
- Defamation Law.

SUBSCRIPTION FORM

I wish to become a **Friend of the EDO** which allows me to receive IMPACT, attend seminars held by the EDO and support the work of the office.

Name

Address

Phone

Individual	$ 35 per annum
Concession	$ 17 per annum
Groups	$125 per annum

IMPACT Subscription Only
1990 calendar year subscription to IMPACT only

Institutions/law firms	$ 50 per annum

Cheque enclosed for $

Please make your subscription cheque payable to the Environmental Defender's Office Ltd.:

Environmental Defender's Office
8th Floor
280 Pitt Street
Sydney NSW 2000
DX 722 Sydney
Telephone 261 3599

Join now and your "friendship" will remain current till 31 December 1991.

DONATION FORM

In addition to becoming a Friend of the EDO or subscribing to IMPACT, you can make a separate tax deductable donation through the ACF.

Please make your cheque payable to the Australian Conservation Foundation, sign the statement of preference below and post this donation form to the Australian Conservation Foundation, 340 Gore Street, Fitzroy, Vic 3065.

"I prefer that this donation be spent for the purposes of the EDO."

Signed

Name

Address

Cheque enclosed for $

Environmental Defender's Office

Endangered Species Legislation Seminar

"Here Today – Gone Tomorrow?"

Monday 10 December 1990

Maiden Theatre Royal Botanic Gardens

2.00 Introduction, Jeff Angel, Member EDO Board

2.05 Opening address, The Honourable Tim Moore MP, Minister for the Environment

2.15 "An International and National Perspective on Endangered Species Legislation – What is Needed" Michael Kennedy, National Co-ordinator, Threatened Species Network

2.45 "Flora and Fauna Guarantee Act 1988 – The Victorian Experience", Phillip Sutton, Former Team Leader Flora and Fauna Guarantee Unit, Victorian Department for Conservation and the Environment

3.15 "NSW Endangered Species Legislation – A National Parks and Wildlife Service View", David Papps, Manager Natural Heritage Division, NSW National Parks and Wildlife Service

3.45 Afternoon Tea

4.15 "Habitat Protection: Lessons from New South Wales", Dr Paul Adam, School of Biological Sciences, University of New South Wales

4.45 "Conservation of Koalas in Port Stephens: A Role for Endangered Species Legislation?", Dr John Clulow, Department of Biological Sciences, Newcastle University

5.15 Discussion

Registration: $80.00/$35.00 Concession
MCLE accreditation applied for
Papers will be on sale for $12.00

Enquiries to: Jackie Wurm.
Conference Organiser
Environmental Defender's Office
280 Pitt Street, Sydney NSW 2000
Ph (02) 261 3599
Fax (02) 267 7548

The Environmental Defender's Office acknowledges the assistance of the Ministry for the Environment, the Royal Botanic Gardens and the World Wide Fund for nature Conservation (previously the World Wildlife Fund).

IMPACT is published by the Environmental Defender's Office Limited, an independent public interest legal centre specialising in environmental law. IMPACT is printed on 100% recycled paper.