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NEWSLETTER ON PUBLIC INTEREST ENVIRONMENTAL LAW

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MINES ARE SUBJECT TO ENVIRONMENTAL LAWS - BATTING FOR OVERDUE RECOGNITION

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THE ENVIRONMENTAL CONFLICT

Yessabah Caves lies some 20km west of Kempsey. It consists of approximately 100 caves which have formed in a prominent, steep hill of limestone covered by dry rainforest. The area has unusual tropical karst features not found elsewhere in New South Wales.

The caves provide an important roosting area particularly for little bent-winged bats (Miniopterus australis) and support a rich and diverse insect fauna. Yessabah Bat Cave is an ancestral autumn - winter roost for these bats. "It is very likely that it has been used by Miniopterine bats as an autumn-winter roost for many centuries... there are no local alternatives which are comparable or superior to the Yessabah bat caves as an autumn-winter roost." [1]

The natural heritage value of the area was recognised early with its declaration as a reserve for public recreation in the late 19th century.

On the northern side of the hill, limestone mining has been carried on by David Mitchell-Melcann Pty Ltd ("The Company") and its predecessors in title since 1938. As at 3 February, 1986 the annual production rate of the mine was 18,000 tonnes of ground limestone. In 1990, the company planned intensification of its operations. A mining lease granted in January, 1991, purported to authorise a significant increase over the 1986 production rate and provided for an increase in the area the subject of the extraction.

THE THREAT TO YESSABAH

In 1990, scientists explained the threat posed by the continuation of the mining operation in the following terms:-

> "It is highly probable that continuation of mining will expose presently unexposed caverns, solution features, micro-caves, voids and probably (with time) increasing parts of an integrated cave system.
>
> It is also highly probable that further voids in close proximity to the major known caves west and south-west of the mine will be intersected ... There is a high probability that by such extensions further cavities and solution features will be breached....It is likely that some of those breached cavities will be physically connected to the major known caves.
>
> Extension of mining operations to greater depths may adversely affect the hydrology of the Yessabah karst. Lowering of the water-table in karst is likely to create air connections which previously did not exist."
>
> *Dr. Armstrong Osborne (Geologist)* [2]

"Changes in passage connections or the creation of a new entrance (for example, by breaching a cavity connected to the roost) is likely to alter the micro-climatic profile of the Yessabah Bat Cave and generate a new regime of air currents and thermal draughts.

The little bent-winged bat and the eastern horseshoe bat require very high humidities. Any decrease in the humidity of the Yessabah Bat Cave is likely to cause disruption to roosting patterns with consequent mortality.

In addition, such an entrance would provide a channel which previously did not exist for the transmission into the Yessabah Bat Cave system of sound generated by mine equipment and air blast shocks generated by blasting.

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> The undisturbed cave environment is characterised, in the absence of water flow, by nearly complete silence. Bats have very sensitive hearing and may well be disturbed by the noise generated by mine equipment to the extent that they may move from the roost. If air blast shocks occur while the bats are present, even greater disturbance may result and the blast may directly kill the bats."
>
> *Dr. Les Hall (Zoologist)* [3]

Accordingly, there seemed little doubt that mining was likely to have a significant effect on the environment.

In spite of this, no application had ever been made for consent to mine the land. No Environmental Impact Statement had ever been prepared and considered by the decision-makers - Kempsey Shire Council or the Minister for Minerals and Energy - responsible for approving the mining operations.

HOW COULD ENVIRONMENTAL HARM BE PREVENTED?

It was concern at the effect mining was having on the Yessabah environment that led Keir Vaughan-Taylor to challenge the right of the company to continue mining without regard to the environmental consequences of its operations. Although having the support of other speleologists it was Keir - then senior tutor in computer science at the University of Sydney, a former President of the Sydney University Speleological Society and international caving expeditionist - who took on the burden of public interest litigant.

From the company's point of view, it maintained its right to continue operating on the basis of existing use rights conferred by the various legislation. That is, the use of the land for mining predated the introduction of planning controls and was therefore permitted on the terms set out in the legislation for such uses.

FORMULATION OF THE LEGAL CHALLENGE

Mr Vaughan-Taylor relied on section 123 of the *Environmental Planning and Assessment Act 1979* ("EP & A Act") which enables any person to bring an action to remedy or restrain a breach of the Act. Originally, the alleged breaches of the EP & A Act were that the proposed expanded operations of the company were a breach of the Act to the extent that they exceeded the existing use rights as defined by the Act, being limited to the area "actually, physically and lawfully used before the coming into operation of the (planning) instrument." (Section 109(2)) That definition was introduced into the Act by way of amendments in 1985.

Mr Vaughan-Taylor also alleged a breach of the Mining Act 1973 on the basis that from the time of expiration of its Mining Lease in 1983 to the time proceedings were commenced, the company had been mining without a mining lease.

"Standing" to allege a breach of the Mining Act, and jurisdiction of the Land and Environment Court in this respect, was founded on s.25 of the *Environmental Offences and Penalties Act 1989* ("EOP Act") which at the time allowed any person to bring proceedings in the Land and Environment Court to restrain a breach, or threatened or apprehended breach of any other Act if the breach or threatened breach is causing or is likely to cause harm to the environment, providing the person has obtained a consent of the State Pollution Control Commission ("SPCC"). The section also required the Environment Minister to consult with the Minister responsible for administering the relevant Act, before proceedings are commenced.

In July, 1990, the SPCC issued a consent to Mr Vaughan-Taylor to bring this aspect of the proceedings.

It seemed likely that the proceedings under s.25 of the EOP Act would succeed. However, on 14 January, 1991, the Minister for Minerals and Energy purported to grant a new mining lease. Thereafter Mr. Vaughan-Taylor alleged that the mining lease had been granted in contravention of the environmental assessment provisions - Part 5 - of the EP & A Act, with no EIS having been obtained or examined before the grant of the lease. At the heart of this issue was the previously undecided question of whether an existing use is an activity for the purposes of s110 of the EP & A Act.

THE POLITICAL DIMENSION

Shortly after institution of the proceedings in March, 1990, Neil Pickard, then Minister for Minerals and Energy, gave an undertaking not to deal with the mining lease application before him, pending the outcome of the Court proceedings. However, the Minister gave notice of his intention to depart from the undertaking in late December, 1990, and granted a new mining lease in early January, 1991. As a consequence of that action the applicant moved to join the Minister in the proceedings.

Joinder was ordered and the Minister appealed that decision to the Court of Appeal. The Court of Appeal, comprised of Justices Meagher, Priestley and Mahoney (dissenting), dismissed the appeal.

The Court rejected the Minister's submission that because the Land and Environment Court had no power to declare the mining lease invalid, it had no power to inquire as to whether it was invalid. Confirming previous decisions of the Court, the Court held that: "The Land and Environment Court,..in resolving a claim that is properly brought within its jurisdiction (such as under s.25 of the EOP Act), has the power and the duty to decide all questions of fact or law that need to be decided in order to deal with that claim." [4]

The Minister also sought to challenge Mr Vaughan-Taylor's standing to bring that aspect of the proceedings relating to the breach of the Mining Act. It argued that the consent obtained from the SPCC was invalid, because there had been no consultation on the application between the Minister for the Environment and the Minister for Minerals and Energy as required by the Act. Counsel for the Minister submitted that consultation had not occurred. However, there had been no evidence on the point before Mr Justice Hemmings at the time the order for joinder was made. A majority of the Court decided that the issue went to the validity of the cause of action rather than to the propriety of joining the Minister as an additional party to the proceedings. It would be open to the Minister to argue at trial whether or not there had been consultation.

Due to the doubt raised as to whether there had been Minister to Minister consultation, application was made to the SPCC in mid April for issue of a new consent. Election writs were issued soon after. Determination of the application was further stalled after the election due to the uncertainty created as to who would form the next government. The new government sat for the first time on the day before the date fixed for hearing. A new consent issued and the Minister for the Environment certified that there had been consultation with the Minister administering the Mining Act. Mr Vaughan-Taylor had standing to allege breaches of the Mining Act.

THE TRIAL

The trial proceeded on 14 June. This was after several days of solid negotiations between the parties, the result of which was an agreed statement of facts. Included in the statement was the fact that mining pursuant to the new lease was likely to significantly affect the environment.

Agreement had been reached between the parties at other stages during the proceedings. There had been the key question of what mining would be allowed on the site pending the trial on the substantive issues. In October, 1990, the company gave an undertaking to only remove and crush stockpiled material. By February, 1991, stocks had been depleted and the company sought to be released from that undertaking. The hearing of the application was adjourned for a week during which time a negoatiated settlement was reached. The company was successful in a further contested application made in late March to permit blasting before commencement of the moratorium provided for in the new lease which ran from April to October.

It had taken fifteen months to get to trial. Apart from the preparation required to deal with the procedural and political skirmishes along the way, there had been much time spent by the parties on the collation of lengthy affidavit material on the substantive matters. The trial itself was comprised almost solely of legal argument, which took no more than a day.

The end result caused Mr Justice Hemmings to note in his judgment that if it had not been for the "the diligence and pragmatism of the parties and their respective Counsel the matter could have occupied a very large part of the Court's time and the parties could have been involved in more substantial costs than they are at present. All the parties should be commended for the way in which issues and matters of dispute were resolved prior to hearing." [5]

LAND AND ENVIRONMENT COURT DECISION

His Honour Mr Justice Hemmings delivered his judgment on 27 June, 1990. The key findings related to the question of existing use rights and the application of Part 5 of the Act.

Existing Use Rights

Continuation of the mine's operations depended on the interpretation of the existing use provisions of the Act. Were the operations permissable under s.109(2)? That section allows for the continuance of the use of the area "actually physically and lawfully" used immediately before the relevant planning controls come into existence.

In this instance, the date for the relevant planning controls was 3 February, 1986. The company conceded that any proposals to extend the operations beyond the 1986 rate of 18,000 tonnes per annum would be an intensification of any existing use rights, for which development consent would be required.

But what land was to be included in the area of the existing use as at 3 February, 1986?

In interpreting the phrase His Honour said the term "physically", was flexible and it was necessary to "take into account the nature of the particular use in question. Whilst the restrictions in ss.107(2) and 109(2) in my opinion undoubtedly intended to exclude notional reserves...they were not intended to restrict a use such as the working quarry site and its winnable material;..In my opinion it must be accepted that in a quarry or mine not every part of the area would or could physically be used...Some winnable material must be included provided it is attached and has sufficient nexus to the workings of the mine...A lawful existing use such as a mine or quarry, whilst not including merely notional or proposed reserves, must at least include in the area sufficient winnable material to enable that use to continue." [6]

The next question was how to apply that conclusion to the facts of each case. "(It) is a most difficult question of fact and somewhat arbitrary if it contains as I believe, undisturbed winnable limestone." [7] In this case, His Honour found the area actually disturbed or physically used since 3 February 1986 was a "reliable indicator" of the extent of non-winnable material to be included in the area of the existing use.

However, His Honour was satisfied that the area proposed to be used pursuant to the January mining lease was in excess of the area actually physically and lawfully used as at 3 February, 1986, which included the land which had been actually disturbed or physically used since that date.

Mining outside that area was unlawful without consent and therefore a breach of the EP & A Act. Also, to the extent the mining lease purported to authorise mining in excess of existing use rights and thus required development consent, there was a breach of the Mining Act. Accordingly, His Honour was prepared to grant injunctions restraining the expansion or intensification of the mine.

Application of the environmental assessment provisions - Part 5 - of the EP & A Act

Does the grant of a mining lease nevertheless attract the environmental assessment provisions of the Act because it is approval of an "activity" as that term is defined in Part 5? From the applicant's point of view the Part 5 issue had taken on critical importance because his advice was that mining even at present rates to greater depths within the area of the mine would unearth caves running underneath the mine. Unfortunately,

His Honour found that existing uses were not an activity. There was therefore no need for preparation of an EIS before the grant of the mining lease.

COURT OF APPEAL DECISION

The applicant was dissatisfied with both the existing use and Part 5 aspects of His Honour's judgment and appealed to the Court of Appeal. The Court (Mahoney, Priestley and Meagher JJA) unamimously upheld Vaughan-Taylor's appeal from the Land & Environment Court decision and dismissed a cross appeal by the mining company.

Existing Use Rights

The applicant submitted that by including in the area actually, physically or lawfully used as at 3 February, 1986, areas disturbed after that date, Hemmings J's interpretation led to uncertainty in the application of the planning law and perpetuated the mischief which Parliament had sought to do away with by the 1985 amendments. The Court of Appeal upheld the applicant's submissions.

Justice Meagher found that the real question was how to apply Section 109(2)(b) to the facts of the case.

> "When land is, and when it is not, in actual physical use for any purpose will always raise difficult factual questions for a Court to evaluate. In a case like the present, for example, it will always include land actually dug, but it may well be more extensive than that..... But I cannot see how a discrete parcel of land, undisturbed by any current

activity, and simply held in reserve for some future activity, can be considered presently to be "actually and physically used", for that activity. " [8]

Justice Priestley referred to the dicta of Hemmings J. that to limit the area of the existing use to that actually, as opposed to potentially, disturbed would make vast numbers of mining and quarrying operations unlawful, and that the legislature could not have had such an intention. His Honour found that

> "Section 109(2)(b) not only seems to me to have the meaning rejected by Hemmings J., but quite deliberately to be intended to have that meaning. It cannot be the case that the legislature, by the addition of section (109)(2) was unmindful that the provision would affect mining and extractive operations;... what the new provision achieved was entirely consistent with growing awareness in New South Wales, reflected in the Environmental Planning & Assessment Act itself... of the need to control changes and possible harm to the environment. Thus the legislature achieved the result, in my opinion, in cases of use of land predating the commencement of planning controls inconsistent with such use, of restricting the enlargement of such use to situations where a control authority exercised a power to consent to such enlargement after appropriate investigation of any environmental issues." [9]

This approach of looking at the overall "philosophy" of the Act, was also reflected in the Court's reasons in the application of the environmental assessment provisions of the Act.

Application of Part 5 of the EP & A Act

Justice Meagher framed the question for decision as being whether a miner who can claim the benefit of the existing use under section 109 (and accordingly, for which development consent will not be required), is also under an additional obligation to comply with section 112. [10]

The Court found that mining was an "activity" within the meaning of Part 5. Justice Meagher stated:

> "It seems clear enough that the whole purpose of Part 5 is to subject each and every activity to its own particular and precise evaluation. ... The clear purpose of Part 5 is the protection of the environment, and it must be construed so as to further that purpose; and it would be ludicrous to pretend that an activity does not need environmental control simply because a local council's consent was unnecessary." [11]

ENVIRONMENTAL "EFFECT" OF THE DECISION

It is clear that the decisions of the Land & Environment Court and the Court of the Appeal reflect stark differences in interpretation of the effect of the Act.

The decision of the lower Court enables the area of the existing use to be defined by reference to what is required to enable the use to continue. The practical question of ensuring mines are able to continue operating is given overriding importance. By contrast, the Court of Appeal, recognises that because existing uses are a dispensation from the general planning law, the literal meaning of the words of the statute should be applied. The "exception status" should not be defined by what is required to enable the exception to be maintained, rather the exception should be strictly interpreted, because it is an exception. Any change from the use excepted at the time of introduction of planning controls should be subject to the same controls to which all other types of development are subject.

The latter view is now the law. It is also the preferable view. The limited privilege that attaches to existing uses can be tolerated, but its boundaries should not be expanded indefinitely or perpetually without regard to the environment. It is a basic principle of planning that in the long run conformity with the chosen planning controls is desirable. Clearly, there are cases where the privilege should ultimately be extinguished.

Perhaps of greater impact, is the consequence that an EIS must be prepared for the grant or renewal of a mining lease if the relevant mine has not already obtained development consent.

Since judgment was delivered on 15 November, 1991, there has been considerable discussion on the implications of the decision on other mining operations in the State.

Some writers have surmised, that the effects will be far-reaching. Many land uses will be operating unlawfully in increased areas of use. Additionally, the renewal of mining leases will require an EIS. Operations will be unlawful if an EIS is not obtained prior to issue of the renewal. In sum:

"The case will ensure all mines are subject to environmental laws." [12]

The net effect of the decision is that there needs to be consideration of the environmental impact of mining operations, either by the Council at the time application is made for development consent, or when the Minister grants a mining lease or renewal of a lease. Whenever a mine, which has never been the subject of an environmental assessment for the purpose of obtaining development consent, requires a renewal of its mining lease, it will be faced with the choice of applying for development consent and thereby coming within mainstream planning controls or complying with Part 5.

Clearly, the decision will provide a desirable incentive towards conformity with mainstream planning controls. The specific example of the small mine at Yessabah highlighted the issue that mining operations of any size should not be allowed to continue indefinitely without regard to, and despite the environmental consequences of the operation.

It would seem that the case simply gives long overdue recognition of the need to consider the environmental impact of mining operations. It gives practical effect to the raison d'etre of the Act - environmental planning and assessment.

The case is also of interest because it encompassed a similar factual, if not legal conflict, to that in the Queensland "Bats" case. There, legal proceedings were instituted to protect a small colony of rare ghost bats (Macroderma gigas) at Mt. Etna, near Rockhampton. The bats roosting cave, "Speaking Tube" was blasted after the proceedings had been aborted as a result of an unmet order for security for costs. [13] Those proceedings were based on provisions of the Queensland *Fauna Conservation Act* 1974. It is of note that parallel provisions in the New South Wales *National Parks and Wildlife Act* were relied on in the successful Chaelundi litigation. [14]

It has been interesting to see the application of environmental laws of another jurisdiction to a similar conflict. The results have been very different and confirm the importance of key provisions of the EP & A Act, like section 123, which were non-existent in Queensland.

The case has also shown that the effect of the EP & A Act, though enacted in 1979, is still often not complied with or imperfectly understood. This resistance to the operation of the Act, highlights the essential role of public interest civil

enforcement proceedings.

Although it may have taken a long time for a fuller understanding of the EP & A Act to emerge, an important outcome has been that the natural value of Yessabah Caves and their inhabitants will be considered in future decision-making processes. The miniopterine bats will hopefully fare much better than their northern cousins.

Notes

1. Dr Les Hall, Report, 25 July 1990, Page 2.
2. Dr Armstrong Osborne, 6 August 1990, pages 12-13.
3. Dr Les Hall, Report, 25 July 1990, Page 10.
4. Meagher JA. CA 40080/91 *Minister for Minerals and Energy v Vaughan-Taylor & Anor*, 14 May 1991, p.5; confirming *National Parks and Wildlife Service v Stables Perisher Pty Ltd* (1990) 20 NSWLR 573).
5. Hemmings, J., Land and Environment Court No.40059 of 1990, *K.G. Vaughan-Taylor v David Mitchell-Melcann Pty Limited and Anor*, Judgment on Discretion, p.3.
6. Hemmings, J., Land and Environment Court No.40059 of 1990, *K.G. Vaughan-Taylor v David Mitchell-Melcann Pty Limited and Anor*, Final Judgment, p.11.
7. ibid p.12.
8. Meagher JA, CA 40403/91, *K.G. Vaughan-Taylor v David Mitchell-Melcann Pty Limited and Anor*, p.6.
7. ibid per Priestly JA pp.3-4.
8. ibid per Meagher JA, p.7. Section 112 requires a determining authority to examineand consider an environmental impact statement in respect of an activity that is likely to significantly affect the environment.
11. ibid per Meagher JA, p.8.
12. "New Obstacles for Industry in NSW", *Australian Environment Review*, Vol.7, 1 January 1992, p.9.
13. See "Batting for Non-Pecuniary Interests," by Maria Comino, *Impact*, June 1989, Page 5.
14. See *Forestry Commission of New South Wales v Corkill & Ors*, CA 40575/1991, 1 November 1991, and *Forestry Commission of New South Wales v Corkill & Ors*, LEC 40169/1991, 25 September 1991.

THE FIRST ALL-ASIAN PUBLIC INTEREST LAW CONFERENCE

Sri Lanka 1-7 December 1991

The following two articles present different perspectectives on the conference.

AN EDO VIEW—

In December 1991, about 40 people from 15 countries gathered for the first event of its kind, the All-Asian Public Interest Environmental Law Conference. This was held about 180 kilometres from Colombo in the Sri Lankan tea country in a place called Nuwara Eliya. The Sri Lanka Environment Foundation Ltd organised the event, which was sponsored by the Asia Foundation. I was able to attend thanks to the sponsorship of the Australian International Development Assistance Bureau (AIDAB). The Environment Foundation Ltd is a full-time, independent legal office in Colombo which does public interest environmental work.

The public interest lawyers and scientists who gathered together for the conference had an impressive range of experience. The event was very inspiring, and humbling, for somebody who practices in relative safety in Australia. Several lawyers were either personally the subject of threats or had colleagues killed or threatened as a result of their human rights and environment work in countries such as the Philippines and Sri lanka. The link between human rights and environment was very strong because of the kinds of problems communities suffered in many of the countries represented.

The Programme commenced on Sunday the 1st of December with a stirring traditional Sri Lankan ceremony. This was described in the programme as follows:-

> "Sri Lankans have been traditionally mindful of auspicious times or moments for important occasions - be it weddings, opening ceremonies or even the laying of foundations for buildings. It is generally believed that any venture undertaken at an auspicious moment is bound to be successful. Auspicious moments are decided on the basis of both astronomical and astrological calculation. For the purposes of this conference the auspicious time for integration is 9.10 am on Sunday 1st December 1991. The integration shall be symbolised by the lighting of the traditional oil lamp, accompanied by beating of traditional drums (Magul Bera) and the blowing of the conch shell. The auspicious moment that we have been given is believed to be favourable for activities such as tree planting, programmes for the conservation of natural resources and the furtherance of education."

With an opening such as this the conference could only be a success and indeed it was.

The first session was concerned with the issue of environment and human rights. Experiences in Sri Lanka, the Philippines and India were particularly highlighted by the lawyers present as these countries have experienced several cases where human rights abuses were linked with environmental catastrophes.

The next session considered issues raised by the Bhopal litigation in India as it concerned litigation against corporate entities. Anand Grover of the Lawyers Collective in Bombay, a group of lawyers who have been extremely active in acting for the victims of Bhopal, spoke at length on the problems encountered in trying to bring the Union Carbide company and its subsidiaries to task under the law in India.

Another session was an extremely interesting comparative discussion of the constitutional arrangements and other possibilities for action against governments in countries around the region. Some countries of the region still have Crown immunity from suit making it very difficult to sue the government. Examples were given from Sri Lanka and elsewhere of the possibility for action against the government. Australians have limited rights to take action against the government, compared to several other countries in the region, because of our more limited standing laws based on restrictive English common law principles.

Two sessions during the week were devoted to E-LAW, the Environmental Law Alliance Worldwide - which the EDO is a host to in Sydney. The E-LAW US lawyer Bern Johnson and E-LAW US Director John Bonine attended the conference for the whole week. They provided much enthusiastic presentation of the E-LAW network, its aims and objectives and the operation of electronic mail within that network. Lawyers at the conference expressed great interest in the network. It is hoped that links have been established with lawyers in India, Japan, Thailand and Korea to the extent that E-LAW offices can open in these countries in the next few months. Another response to the conference from the US ELAW office is also published.

On the third day of the conference issues discussed included what sort of incentives are available for foreign and local companies to implement environmental protection measures. The presenter from US AID is involved in development projects in Sri Lanka and their funding by foreign aid programmes. Some of his ideas were disagreed with by the participants in the conference who perceived that US AID and like programmes did not adequately consider community needs.

A session was also held to discuss the United Nations Conference on Environment and Development (UNCED), its relevance to the public interest lawyer and its significance for the international environmental agenda. The facilitator for the session Uchita De Zoysa has been a very active participant in the NGO community and the Preparatory Committee meetings. Several other lawyers present had also been heavily involved in UNCED so that my contribution in a paper was able to be dealt with in general discussion. The views of NGOs from developing countries are likely to be quite different to those from developed countries and there is healthy scepticism about UNCED and its possible results.

Another session was held on the work of the International Water Tribunal. (This held its second hearing in February 1992.) Ten cases from developing countries are to be heard including projects from India, the Phillipines and Ecuador. The Tribunal is not a formal international organisation and its findings are not binding in any way. The tribunal is a successful way of highlighting problems and very useful in focussing international attention on the problems. Jose Borrero from Colombia spoke about his work in the Tribunal together with Rula Abu-kishk from Israel, an engineer.

One day was taken to walk in a national park area called Horton Plains about two hours away by road from Nuwara Eliya. This walk took the group to an area called Worlds End, a spectacular drop from high mountains to a mist covered valley floor.

Other issues considered in the remaining two days included how to provide suitable interaction between scientists and other disciplines and lawyers in order to exchange information and data. Environment Foundation Limited in Sri Lanka, for example, employs a staff scientist who conducts pollution testing which can be used in court cases.

Another issue discussed was how to maintain a private and a public interest law practice. This session included discussion of the practical and ethical dilemmas for lawyers trying to combine both and for lawyers who are engaged principally in public interest work.

The last day was spent entirely on a workshop session considering alternate dispute resolution. A North American expert Dr Chris Moore of CDR Associates gave an interesting presentation for the day. It was clear however that systems of dispute resolution developed in North America are less relevant to issues which are literally life-threatening as occurred in several of the countries lawyers at the conference came from.

It was also decided during the conference that an ecology law quarterly, to be called the Asian Journal of Environmental & Human Rights Law, should be established. The bulk of law journals are focussed on disciplines and writers in the northern hemisphere leaving the jurisprudence of southern lawyers largely uncovered. A southern journal can try to redress this imbalance.

Everyone at the conference found it valuable for their work in defending the environment. Conferees were able to share effective strategies and build relationships that will enable them to continue working together. I found useful and thought provoking several ideas colleagues had about toxic tort claims and the use of personal injury actions to pursue environmental claims. We all supported a second All-Asian Public Interest Environmental Law Conference and tentatively agreed to hold this conference in the Philippines in the spring of 1993.

Despite my initial misgivings about how appropriate it was to have an Australian lawyer as part of an Asian public interest conference (there was on-going debate about what the terms "north" and "south" actually mean) I found it very valuable. A better understanding of the kinds of problems faced by Asian neighbours and colleagues, the scale of those problems and the creative legal mechanisms used to deal with these was gained.

Some of the people in attendance at the All-Asian Public Interest Environmental Law Conference (descriptions compiled with the help of John E. Bonine, E-LAW US) included Toshiro Ueyanagi, a lawyer from Tokyo. He greatly assisted a colleague in Malaysia, Meena Raman, who was taking court action against the Mitsubishi company over radioactive waste from one of its subsidiary's plants in Malaysia. Toshiro found a book by the plant manager, saying that the process was too dangerous to be done in Japan and would have to be done abroad - very embarrassing stuff on the witness. Finding that book in Japan, he said, "was the most important event in my life (apart from the marriage to my wife)".

Also in attendance from Japan was Professor Kazuo Sumi, a professor of international law, who has spent a great deal of time gathering information about and lobbying the Overseas Development Agency (ODA), Japan's foreign aid office, about its funding of environmentally unfriendly overseas aid projects. Due largely to Professor Sumi's efforts, Japanese funding of the controversial Narmada Dam project in India was stopped. At the end of the conference in Sri Lanka Professor Sumi went to visit a major dam site which was causing environmental problems and received ODA funding. Information gained was to be used in lobbying efforts on his return.

One of the lawyers from India, M.C. Mehta has been pursuing a giant case for the last couple of years to clean up pollution harming the sacred Ganges River. He has faced 600 lawyers on the other side. Searching for some scientific proof that the river was polluted, he journeyed to a city on the Ganges and knocked on the door of a researcher. "Go away, Mr. Mehta," the researcher told him. "I have heard of your case and I cannot help you." "But you must," M.C. Mehta replied. "I have heard that you might be able to provide crucial evidence to protect the river." "I cannot, Mr. Mehta," came the answer. "I have nowhere else to turn, and the court requires that I present my evidence on Tuesday morning or morning or the case will be dismissed."

"Go to such-and-such a restaurant on Monday morning at 11.00am," the man finally said. Mehta did not know if anything would come of that, and had the whole weekend to worry that all was lost. At exactly 11.00am on Monday, as he sat at a table, the researcher walked by and quickly dropped a packet on the table then disappeared. It was an unreleased government report documenting extensive contamination of the Ganges. By Tuesday, Mehta had an injunction against 143 companies.

From Afghanistan by way of Pakistan came a scientist. He fled for his life from Afghanistan three years ago, with his wife and children, disguised as peasants, when a government agent came to campus asking for him, the day after they had killed his assistant. Also from Pakistan came a co-founder of the first women's law firm in that country, who now works in environmental education, training, and lobbying.

Further west, from the occupied West Bank, came a Palestinian engineer who works with a water pollution and water resources environmental group. She took care to list her address as "via Israel". From Thailand came an attorney whose corporate law firm is setting up an environmental law center, an American Luce Fellow who works with him, and a program officer from the Asia Foundation. From Korea came an environmental law professor at a university in Seoul.

From Nepal came the head of a non-governmental organzation (NGO) dedicated to bringing sound environmental laws into effect in that newly democratic country.

The conference was absolutely captivated by the Deputy Director of the Homemakers Union and Foundation, from Seoul. This housewife-activist un-wrapped her sewn napkin with holder for non-disposable chopsticks and non-throwaway spoon, showed slides of how they are getting recycling going in Taiwan, talked about the children's parade for the environment and explained how government officials have been drawn to support their work.

The Environment Foundation is publishing the conference proceedings. These can be obtained from the Foundation at 29 Siripa Road, Colombo 5, Sri Lanka.

Nicola Pain
Principal Solicitor
Environmental Defenders Office

AN E-LAW VIEW—

The All-Asian Public Interest Environmental law Conference was a complete success, both for E-LAW's work and for the benefits to the rest of the participants. The power of E-LAW - an alliance dedicated to helping public interest environmetnal lawyers work together across borders - is most apparent when people see it work. The conference offered the opportunity to demonstrate to some of the most skilled public interest environmental lawyers in Asia the power of working together with colleagues in other countries.

Using the Environmental Foundation Limited's computer and several portable computers, we set up an internal eloctronic mail system that operated thoughout the conference. Shortcomings in Nuwara Eliya's telephone system prevented us from linking with external networks, but the internal system enabled participants in the conference to sent message to each other and post requests for assistance during the conference.

This demonstration made participants realize the power of linking public interest lawyers around the world through electronic communications. Many participants left the conference determined to join electronic mail networks and we already have begun hearing from them. We want to continue working with conferees and their colleagues to help them overcome the barriers that invariably arise when trying to navigate international electronic communications networks.

We devoted one afternoon session of the conference to helping public interest environmental lawyers actually work together with colleagues in other countries. Participants in the conference divided into working groups of eight or nine people, including a facilitator with a computer in each group. Members of each working group then discussed cases or issues on which they were working, and other people in the group offered suggestions of how they could help. The facilitator in each group entered these projects into a computer database, thus compiling a list of projects on which participants in the conference will help each other. Facilitators then rotated among groups, so that everyone was able to offer their insights on the projects.

Lawyers from outside a particular country often have experience with legal or factual issues similar to those which lawyers in that country are facing. By addressing real projects in these working groups, participants were able to see how E-LAW can help bring this experience to bear across borders to make environmental attorneys all over the world more effective. For example, a Nepalese lawyer litigating against a quarry for environmetnal damage is collaborating with lawyers from Sri Lanka handling similar litigation against a quarry; a lawyer from Japan helped an Indian lawyer seeking to limit excessive jet noise near airports in India; and a lawyer in the United States, India, Nepal and Japan regarding legal protection for tribal lands. This working session produced mort than 20 such projects on which conference participants will reach across borders to help each other. The participants will reach across borders to help each other. The US office of E-LAW is providing information on many of these projects, while lawyers within Asia are working together on others.

Working together across borders on these projects will build lasting alliances that make environmental lawyers all over the world more effective. Many conferees indicated their interest in working with the E-LAW network and opening E-LAW offices in their countries. E-LAW representatives met with lawyers from Japan, India, Thailand and Nepal about affiliating with E-LAW. The entire E-LAW network must approve adding new offices so E-LAW has not added new offices yet, but new E-LAW offices in Asia will emerge from the conference.

Most of the conference sessions were marked by vigorous debate and hard work. Rather than listening passively to speeches, participants actively discussed issues before them. Virtually everyone participated in discussions, both during scheduled sessions and in numerous impromptu sessions early in mornings and late into nights. The sessions where people made more structured presentations, such as Malcolm Baldwin of US AID and Chris Moore of CDR Associates, seemed less valuable than these working sessions, though conference participants found many issues to address in thes presentations. The trip to Horton Plains offered a welcome break from formal sessions and the opportunity to see some incredible country.

In short, it was great conference. We enjoyed it and accomplished a great deal. Since we returned, we have been working on many of the projects initiated at the conference and communicating with the dedicated people that we met there.

John Bonine
Board member
Environmental Law Alliance Worldwide (US Office)

Bern Johnson
Attorney
Environmental Law Alliance Worldwide (US Office)

Easing the Way for Hazardous and Offensive Development—SEPP 33

Rinke Schoneveld
Planner

On Friday 13 March 1992 the State Environmental Planning Policy No. 33 - Hazardous and Offensive Development was published in the New South Wales Government Gazette No. 36. Its publication follows a two year lag since the release of the draft version of the Policy for public comment.

The SEPP introduces a completely new approach to planning for offensive and hazardous industry. The new SEPP:

- is applicable to the whole of NSW;

- prevails where there is any inconsistency between it and any other environmental planning instrument so that it overrides local environment plans and regional environment plans;

- provides definitions of potentially hazardous industry and potentially offensive industry;

- provides definitions of hazardous industry, offensive industry, and hazardous and offensive storage establishments. These definitions must be substituted for any similar definitions which appear in any town plan; and

- enforces mandatory use of current Department of Planning circulars and guidelines when an authority determines whether a development is a hazardous or offensive industry, or a hazardous or offensive storage establishment.

Because of the way the SEPP is drafted there are several issues of concern. These are—

1. Councils are now required to determine development consent for all industry which may be potentially hazardous and potentially offensive developments and storage facilities. Councils must also monitor and police these industries after development consent has been granted. There is no longer a presumption that an industry is offensive and hazardous by its nature. All industry must be analysed on the basis of several tests before it can be found to be offensive and hazardous. These tests include whether after the taking of all measures proposed to reduce or minimise impact on the locality including measures to isolate development the industry poses a significant risk in the locality to human health, life or property or the biophysical environment. Few Councils have the resources or expertise to deal with the issues and techniques associated with assessment of these developments and their monitoring.

2. Councils are now forced to adopt what amounts to major amendments to their own town plans because the new definitions of hazardous and offensive (HAZOF) industries and the methods of assessment of these industries are prescribed by the SEPP.

3. The public has no right of appeal to the Land and Environment Court after granting of development consent for a HAZOF industry, unless the development is designated development.

4. The geographical area of assessment by a Council of the impact of a HAZOF industry is limited by the SEPP to the "locality". Impacts outside the "locality" need not be considered by a Council when determining development consent.

5. When a Council determines whether to grant development consent for a proposed "potentially offensive industry" the test is whether that industry poses a "significant adverse impact". There are no guidelines from the Department of Planning about the words "significant adverse impact".

6. There is often considerable uncertainty in the results produced by the technique of quantitative risk assessment. The SEPP, however, makes the technique a major determinant of the impact of a proposed HAZOF industry development.

Recommendations

If this SEPP is not to prove disasterous for the management of offensive and hazardous industry then the following must be pursued—

1. Councils should be properly funded and provided with adequate resources to be able to properly determine consent for HAZOF industries and to properly monitor these industries. This includes:

- expertise to determine development applications;

- funds to allow Councils to monitor developments which have been granted development consent; and

- funds and legislative power to enable Councils to prosecute breaches of conditions of development consent.

2. The public should be given the right of appeal in the Land and Environment Court when consent to develop a HAZOF industry or storage establishment is granted.

3. The use of the word "locality" should be replaced by the word "environment" in the definitions of HAZOF industries and storage establishments. The effect of this amendment would be to protect the whole environment and not just the locality of an allowed development.

4. The Department of Planning should produce guidelines to assist Councils and developers in the assessment of potentially offensive industry and potentially offensive storage establishments. These guidelines should particularly address the issue of what constitutes a "significant adverse impact" in relation to the assessment of a potentially offensive industry.

5. The uncertainty of the technique of quantitative risk assessment should be made clear in the Department of Planning's literature. The technique should be limited in use to assessment of developments where there is a very high degree of confidence in the results. The methods and techniques used in any quantitative risk assessment should be open to vigorous debate by all affected parties so it may be adequately tested.

Action Needed on SEPP 33

If you think that your community may face (or is now facing) industry you believe is offensive and hazardous it is important to alert your community and your local council to SEPP 33's provisions.

The SEPP places a significant burden on local councils. The Local Government in its submission on the draft SEPP in 1990 expressed concern about the impact of the SEPP.

Community awareness about SEPP 33 needs to be raised and a comparison developed to alert the Minister for Planning, Robert Webster, to the problems it presents.

Action

1. Write/ring the Department of Planning to request a copy of the SEPP and the Department's circular and guidelines referred to in the SEPP.

2. Contact your local councillors and alert them to the problems presented by SEPP 33 in your local area.

3. Write to Robert Webster, Minister for Planning, to express your concern about SEPP 33.

Contact the EDO if you would like more information about SEPP 33 and its operation.

Death of Dr Peter Hunt

The EDO was shocked by the loss of Peter Hunt on 18 March 1992. Peter, a radio journalist with the ABC Science Unit, has been a dedicated member of the Board for several years. He brought humour, drive and intellect to the Board. It was only at his funeral on 24 March 1992 at his mud brick home in Arcadia, which he built with his wife Evelyn, that we fully realised the extent of his interests and activities. As well as being the best environmental journalist in Australia, Peter was a keen musician and played in two orchestras, one of which he helped establish. We were only one small part of his world and yet he had given so much.

EDO NEWS

T.R.E.E.S. INCORPORATED

The EDO recently acted for TREES Inc. in an appeal in the Land & Environment Court to restrain a major subdivision on the north coast of New South Wales at Evans Head. The subdivision site, which is directly opposite a national park, contains littoral rainforest and wetland communities. It also contains several endangered species. If allowed to proceed in its current form, the subdivision would approximately double the area and the population of Evans Head.

The development includes an access road which was to be constructed to link the subdivision site, through a designated wetland, with Evans Head. The development application was split into two, with only the access road being designated development.

Consent for the subdivision was given in October 1988. A twelve month extension for commencement was granted by the council so that the developer had a total of 3 years from the date of consent within in which to have physical commencement of the development. It was a condition of the consent that the access road be constructed prior to commencing the development.

On the last day for commencement, only small amounts of vegetation had been cleared. TREES argued before Judge Bannon in the Land & Environment Court that there has been no physical commencement of the work of a building construction or engineering nature and even if His Honour found that there had been commencement the developer ought not be allowed to rely on this commencement because it was illegal. To allow the developer to rely on its own illegal actions and to gain some benefit would be contrary to public policy. The matter was heard from the 4-6 December 1991. His Honour gave reasons for decision on 20 December 1991, finding that the development consent had lapsed.

Victory was short lived. On Saturday 21 December 1991, the developer moved on-site with five bulldozers and commenced clearing the rainforest. Representatives of TREES contacted EDO on Saturday afternoon late. Early on Sunday morning, after drafting an affidavit and restraining orders in the chambers of Patrick Larkin, Barrister, an application was made to Judge Bannon at his home. One of the orders made was that service of a faxed copy would be sufficient to constitute proper service.

The order was faxed immediately to a member of TREES and was driven to the site where under police escort the order was served on the workers. Further orders were made the following morning by His Honour restraining the developer from clearing any more vegetation on site.

The developer has appealed to the Court of Appeal and the matter was heard on 27 March 1992. We will keep you posted about the result in the next issue of IMPACT.

ENDANGERED FAUNA CONFERENCE

The EDO conducted a conference on 26 March 1992 entitled "The Endangered Fauna Act in Action". The purpose of the conference was to explain the recent amendments of the law relating to fauna in New South Wales and how these amendments were implemented.

The Endangered Fauna (Interim Protection) Act 1991, as amended by the Timber Industry (Interim Protection) Act 1992 provides that any development or activity which is likely to "take or kill" (which includes modifying the habitat of) endangered species must get a licence from the Parks Service. An application for such a licence must be accompanied by a Fauna Impact Statement, a document not unlike an Environmental Impact Statement which concentrates on the impact of the development on fauna.

Councils too play a greater role at the moment in assessing the ecological significance of development. The NSW Government introduced amendments last year to section 41A of the Environmental Planning & Assessment Regulation 1980 which required councils to take into account the effect of the development on any protected fauna or endangered fauna and their habitat, the means to be employed to protect the fauna or habitat and whether the development will endanger any species of flora.

Determining authorities are obliged to take into account any impact on the habitat of any protected fauna or endangered fauna.

Diane Campbell, Head of the Threatened Species Unit of the National Parks & Wildlife Service, spoke about how the Service was dealing with applications for licences and the requirements for Fauna Impact Statements. Ian Cranwell, from the Department of Planning, spoke of the Department's role in advising to date and its future role in determining the EISs of the Forestry Commission.

A further aim of the conference was to discuss some of the adequacies of the law as it currently stands and what we should be looking to in the future. Both the Endangered Fauna and the Timber Industry Acts are expressed as being

"interim protection" measures. Both the Government and the Opposition have indicated they will be working towards legislation to protect all threatened species not just fauna.

David Farrier delivered a paper entitled "What's Not in the Act" which addressed these issues. In his opinion, NSW should be looking to native vegetation clearance legislation, examples of which have been introduced in Victoria and South Australia.

Hal Cogger of the Australian Museum delivered a paper prepared by Dan Lunney of the National Parks & Wildlife Service and himself. He spoke of the methods adopted in arriving at the new Schedule 12 to the National Parks & Wildlife Act which lists all endangered, rare and vulnerable fauna.

One of the main thrusts of the conference was that more needs to be known about the distribution and extent of species and communities. At the same time as requiring Councils to have some expertise on staff, the State should be working hard to provide the information which Councils need to make informed decisions about the significance of a development from an ecological point of view.

The conference was a tremendous success. Participants included local councils from as far as Byron Bay and Dubbo, government authorities and departments, lawyers, corporate representatives and interested individuals. The ecologists present stressed the importance of their involvement in the drafting of any new legislation to ensure that it made sense in both terminology and practical effect. We look forward to reviewing comprehensive threatened species legislation in our next edition of Impact.

INQUIRIES RECEIVED BY THE EDO

The EDO offers free initial advice to members of the public on environmental, planning and pollution law questions. In the last four months we have had a particularly busy time in responding to enquiries. We had over 300 inquiries, many of which were related to the ECO '92 Public Forum.

EDO solicitors and staff respond to approximately 120 inquiries each month. About half of these are responded to in telephone calls of 5 to 15 minutes duration. However 30% require more than 30 minutes to provide advice requested. Most of the cases in which EDO provides ongoing legal representation begin as telephone inquiries.

We are experiencing increased requests from the media to comment upon environmental laws - for example in March 1992 we had 19 media inquiries from a total of 148 inquiries.

The location of the environmental problems continues to be evenly balanced between metropolitan (Sydney-Newcastle-Wollongong) inquiries on one hand and country and other areas of New South Wales on the other. A small but continuing number of inquiries have been received relating to interstate and international environmental protection law problems.

VOLUNTEERS AT THE EDO

Legal Aid and other funding to the staff salaries and overheads of the EDO goes a long way due to the network of volunteer solicitors and students who help us research, provide paralegal and clerical support. In the period January - March 1992 635 hours were logged up by volunteer students and solicitors at the EDO. We have thus been fortunate enough to be able to count on the support of 50 hours of volunteer labour each week.

As employment and academic commitments arise, we find that the availability of volunteers fluctuates.

Please call the office if you are interested in volunteering with us - you'll get most out of it if you have a regular period each week which you can attend, or a block of time available (say several days).

ALTERNATIVE DISPUTE RESOLUTION TRAINING

EDO solicitors Maria Comino and David Robinson attended a four day training course run by Lawyers Engaged in Alternative Dispute Resolution (LEADR) 1 - 4 April 1992. The course promoted mediation and assisted dispute resolution techniques as a method of preventing expensive litigation if this is possible. See the September 1991 issue of IMPACT for a description of the LEADR mediator training programme and for James Johnson's article "Applying Mediation Techniques to Environmental Issues".

The EDO thanks the **Law Foundation of New South Wales** for funding the registration fees for the LEADR training.

The EDO is committed to resolving conflict through mediation in appropriate cases. One of the take messages of the LEADR course is that the success of litigation is much broader than the legal determinations contained in the court judgment. An important consideration is the satisfaction of the disputants in the dispute resolution process. Mediation can provide a forum for people to be heard and for agreements to be arrived at mutually without the restrictions of processes, adjudications by outsiders and rules of evidence.

MAKING SUBMISSIONS TO COUNCILS

We are often asked to assist clients to make submissions to councils regarding development applications. For example at Tuncurry a six hectare lakeside site was the subject of the development application for use as a filling and sand disposal area in 1991. The local residents were concerned that levelling of the site 2.2 metres above the natural ground level would have adverse environmental effects. On behalf of the client the EDO made a submission to Great Lakes Shire Council. The development consent ultimately granted required removal of the stockpiled sand within six months, not two years as was originally proposed.

Similarly a group of residents concerned about damage to the Ingalba Nature Reserve near Temora contacted us about the affect of a rock concert planned for Easter 1992 near the site. The proposal was to accommodate more than a 100,000 people for a number of days. Armed with our advice that the development consent may be illegal, the residents made submissions to the council, which ultimately took a more stringent approach on enforcing the development consent conditions which it had imposed.

In many cases, convincing submissions to councils can be a powerful and persuasive tool for citizens concerned about inappropriate developments.

ENVIRONMENTAL LAW AND POLICY TRAINING PROJECT WITH SOLOMON ISLANDS DEVELOPMENT TRUST FIELD WORKERS

The EDO has been funded by the **Australian International Development Assistance Bureau** to carry out a training project for Pacific in environmental law and policy (24 *Impact* 9-10).

In January and February two field workers from a major NGO in the Solomon Islands, Solomon Islands Development Trust, attended the second stage of the training project in Sydney.

Anna Luvu has worked with a mobile field team visiting villages on the west coast of Guadalcanal Island for a number of years. The major issues the field teams discuss with village people are forestry, the costs and benefits of moves away from the subsistence lifestyle and family

planning. In particular, Anna's team talks with land owners about forestry agreements and increases their awareness that agreements are voluntary, can be negotiated and can be enforced.

Placid Baenisia came to us with a more extensive formal education, having studied at a seminary before undertaking the environmental policy training course. Placid hopes to work with youth groups on environmental education. Primary school education is the natural for initiatives, with over half the Solomon Islands population being under the age of 15.

Anna and Placid had participated in forestry workshops which examined the agreements required under the Solomon Islands legislation. These workshops had been conducted by EDO solicitor James Johnson in October 1991.

During the Sydney stay of six weeks, Anna and Placid studied basic concepts of common law, of statutory interpretation and of legal procedure. Fundamental issues such as sustainable living, environmental impact assessment and community involvement in environmental decision making were emphasised. Twenty hours of formal teaching sessions were scheduled for each week. As well as the four EDO solicitors, guest speakers were involved. These included Ebohr Munoz-Figueroa of Friends of the Earth; Lalanath de Silva of the Sri Lanka Environmental Foundation; Robin Mosman of the Community Action Network based on the Central Coast; John Delany, a New Zealand expatriate lawyer who recently spent six months as legal adviser to the Western Province of Solomon Islands; Tania Leary, who has spent two years as an environmental consultant in the Solomon Islands. Others involved included Rob Thorman of consultants Manidis Roberts; Judith Bennett of the Centre for Plain English; Kathleen Bresnahan and Libby O'Reilly of the Legal Information Access Centre at the State Library; Juliet Hunt, a consultant in development project planning and appraisal; Andrew Ingles and Alf Johnson of the Forestry Commission; Jennifer Pearce of the National Parks and Wildlife Service and Rob Garnsey of Pactok (South Pacific Community Computer Networking Project).

Field visits were made to areas administered by the Forestry Commission and the National Parks and Wildlife Service.

Anna and Placid particularly enjoyed the forestry and fishing law components of their Sydney stay. However, we are to adapt the future stages of the ongoing training project. It is generally agreed that it is more productive to carry out the training in the Solomon Islands as more people can participate and the costs and disruptions of accommodating people in Sydney are avoided.

The final stage of the current project will consist of further workshops on forestry issues for land owners and Solomon Islands Development Trust workers, probably to take place in July in Honiara.

After July we will be continuing the South Pacific Environmental Law and Policy Training Project with SIDT and other South Pacific NGOs.

If you are interested in becoming involved or in further information, please contact the office.

EDO VISITS THE HUNTER

45 people attended the EDO workshop at the New Lambton Community Centre in Newcastle on Saturday 14 March.

More than 26 local environment groups, reflecting the diversity of concerns in the Hunter region were represented at the workshop.

Jackie Wurm, Conference Organiser, welcomed the participants and introduced the chairperson for the day Margaret Henry, President, Newcastle Hill Residents' Group.

EDO solicitors, James Johnson and David Robinson led the sessions, providing an introduction to environmental law and responding to questions and comments from participants.

The lively exchange of information was important for informing local residents and aldermen of the way the law can be used for the environment and gave the EDO a better picture of developments in the Hunter.

Over half the participants filled in evaluation forms providing useful feedback. As a result EDO is developing audio-visual materials to aid the presentation of information in future.

This was the first in a series of five workshops for citizens who work voluntarily for the environment being held outside Sydney city, assisted by the **NSW Government Environmental Trusts.** See below for further details.

COMING EVENTS

ENVIRONMENTAL DEFENDER'S OFFICE-NATIONAL ENVIRONMENTAL LAW ASSOCIATION (NSW DIVISION) 1992 CONFERENCE

supported by the Environment Institute of Australia (NSW Division)

A two day conference on current issues. Day 1 looks at the progress of Environment Protection Authorities at state and Federal levels, including the Intergovernmental Agreement on the Environment. Day 2 covers the Local Government Bill 1992, Update on the Land and Environment Court and Land Acquisition.

Dates: 8.45-4.45pm Thursday 18 June - Friday 19 June 1992

Venue: Earth Exchange Museum, The Rocks, Sydney

Cost: $350 for both days, $185 for one day, limited concession places available

Environmental Law for Citizens: Saturday Workshops

One day workshops to held out of Sydney city. These workshops provide an introduction to environmental and planning laws for people who work for the environment in a voluntary capacity, including local environment and resident groups, elected councillors, teachers and young people. We hope to run future workshops in other areas.

Locations: 2 in Liverpool (11.00am-3.30pm at the EG Whitlam Centre: May 16 aimed at councillors and May 30 for youth), Dubbo (July 25), Nowra (August 8).

Cost: $20.00/$10 concession

This project is assisted by the NSW Government Environment Trusts.

NB Due to limited resources the workshop Hands on Environmental Law - Legal Aspects of Environmental Campaigning will not run on 28-29 March as previously advised. We still hope to schedule this in the future and would like indications of interest from campaigners.

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