GREENLAW

NEWSLETTER OF THE
ENVIRONMENTAL DEFENDERS OFFICE
March 2000: No 13
Law Reform

Feature Articles

The EDO has responded to a growing number of proposed legislative changes to environmental and planning legislation. EDO submissions have been made on:

- The Development (System Improvement Program) Amendment Bill 1999
- Draft Petroleum Regulations 1999
- The Development (System Improvement Program) Amendment Bill 2000 & associated amendments to the Development Regulations 1993 and Native Vegetation Regulations 1991
- The Review of the Regulations under the native Vegetation Act 1991
- The Barossa and Clare Valley Draft Water Allocation Plans
- Native Vegetation Act Amendment Report 1999

Please contact the EDO if you would like further information on the EDO submissions. In the near future all EDO submissions will be available on the EDO(SA) web site.

Olive Litigation

In our last newsletter, we reported that we were involved in various matters concerning new olive grove developments. The last of these cases (*CCSA & Others v Tatiara District Council & Kangaringa Proprietors*), was set down for hearing in October 1999. Ultimately, the matter did not go to trial, because on 28th January 2000, the Court, with the consent of Kangaringa, cancelled the development consent that was the subject of the appeal.

The consent appealed against was for the division of 807 hectares into 19 allotments to establish an olive plantation on each allotment. The site adjoined Ngarkat Conservation Park and was in an area subject to a one year moratorium on groundwater use (due to Government concerns regarding the sustainability of the groundwater resources in the area). The main concerns of the CCSA were that:

> the olive plantations would not be managed in such a way so as to minimise or prevent the spread of feral olives into the Ngarkat Conservation Park; andthe proposed water use for the development (3870 megalitres per year) was unsustainable particularly in an area that is under a water use moratorium (imposed by the Minister for the Environment).

Due to amendments made to the Tatiara DC Development Plan on 18 February 1999, a loop-hole was created which allowed the development applications to be relodged and to be assessed and subsequently approved as a category 1,

"complying development". Applications for such developments do not require public notification nor are there community rights of appeal against such developments.

The CCSA and the EDO were aware of the creation of this loophole and lobbied the State Government and made submissions to the Parliamentary Environment Resources & Development Committee to close it. This was partially done by further changes to the Tatiara DC Development Plan in October 1999. These changes placed olive developments in Category 2 (adjacent land owners/occupiers to be notified) ?but did not restore community rights of appeal against such developments.

However, these changes were not made before Kangaringa had utilised the loophole to make a fresh application for development consent. This was approved by Tatiara District Council on 15th September 1999. Kangaringa then agreed to cancel the first consent and effectively end the Conservation Council's appeal.

One valuable ruling which came from a preliminary hearing in the Kangaringa case was that the issue of groundwater was a relevant planning consideration, even though the Minister for the Environment was responsible for water allocation.

Lessons from the case

The Kangaringa case highlights the need for local communities to carefully look at proposed changes to Development Plans - so that changes such as the ones that facilitated the approval of the Kangaringa development do not slip through unnoticed. Planning SA has an important role to play in the scrutiny of proposed changes to Development Plans. In this case Planning SA failed to pick up the potential (and in the Kangaringa case) the actual consequences of the changes to the Development Plan. If Planning SA had been more vigilant or local residents had appreciated the potential problems with the Development Plan whilst it was still in draft form, then the outcome of this matter may have been different.

The Kangaringa case also highlights a weakness in the Development Plan review process, which is undertaken by the Parliamentary ERD Committee pursuant to section 27 of the *Development Act 1993*. Under the Act, changes to Development Plans are referred to this Committee for its consideration, but only after the changes have come into force. The changes remain in force until either disallowed by Parliament or modified by the Minister on the Committee's recommendation. This process is, by its nature, political and time consuming. It cannot be used to quickly disallow changes to Development Plans that create loopholes similar to the one discussed above.

Clearly, the complexity and number of changes to Development Plans make it almost impossible for volunteer community organisations to properly scrutinise all proposed changes. The EDO believes that further safeguards need to be built into the system. One suggestion is that proposed changes to Development Plans should not come into force until after the ERD Committee has considered them under section 27.

The EDO has also urged the Government to provide funding for conservationist input into proposed changes to Development Plans and to assess the environmental implications of completed Plans. The EDO believes that such a proposal would very quickly pay for itself by creating a further safeguard against poor planning. So far, the State Government has not indicated its willingness to consider such an option.

Policy Reforms from the Olive cases

Following EDO and CCSA representations to the Government on this issue the following changes have been implemented:

- A Planning Practice Circular (for planning authorities) on Olive Growing has

been produced;
- A Planning Bulletin on design techniques for olive plantations near native vegetation has been produced;
- A "Risk Assessment & Management of Olives" Paper has been finalised.

None of these "guides" have legislative teeth. The Minister for Planning, Diana Laidlaw has declined to meet with the EDO to discuss these matters. The Minister has declined to consider pursuing State wide uniform regulation of olive development through a Ministerial Plan Amendment Report.

As a consequence, the inappropriate siting of olive developments in close proximity to National Parks and other important natural areas is set to continue. As anyone who has ever walked or cycled or driven through the Adelaide Hills can testify, olives can very quickly invade and take over natural areas. This begs the question: what have we really learned about living with our environment over the last hundred or so years?

COMMUNITY SEMINARS

The EDO has been busy over the last few months speaking at many venues about the EDO and community involvement in the environment; eg, TAFE, Mitcham Council, Catholic Earthcare, Southern Districts Environment Group and the National Short Course on Environmental Health. EDO solicitors also gave lectures to visiting Indonesian Judges on the topics - Access to Information, Public Participation, and Freedom of Expression. We were also pleased to share with the judges our experiences in the Great Tuna Case, which several of them had witnessed from the public gallery.

The EDO will also be speaking at the forthcoming Development Assessment Commission annual conference on the implications of environment and planning appeals to the Supreme Court.

Tuna Litigation

An unauthorised tuna feed-lot in Louth Bay, Sept 1999.
photo: Mark Parnell

On December 16th last year, the EDO achieved a major victory in what was one of the longest ever environment cases in this State.

The case was an appeal by the Conservation Council of South Australia against the granting by the Development Assessment Commission of approval for up to 42 tuna feedlots in the waters of Louth Bay near Port Lincoln. In overturning the approvals, the Court determined that existing practices and management regimes under the Fisheries Act and the Development Act could not be relied on to ensure that the proposed developments would be ecologically sustainable. Issues raised by the Conservation Council in the case included the pollution of the water and seabed

from tuna waste, the proliferation of scavenging silver gulls, the potential for the introduction of exotic diseases from the use of imported tuna feed and the killing of dolphins trapped in feedlot netting.

The use of the Courts by conservationists to challenge inappropriate development is less common in South Australia than in other States. It is always a last resort, to be used when all other avenues of education and persuasion have been exhausted. Over the years, only a relatively small number of cases have gone to trial. These have included challenges to tourist resorts at Wilpena Pound and Kangaroo Island, oyster farming at Coffin Bay and illegal native vegetation clearance. The tuna case was by far the longest with the Full Bench of the Court hearing evidence from 16 witnesses over 3 weeks in both Port Lincoln and Adelaide.

The reaction of the State Government to the conservationists' win was swift and predictable. New Regulations were rushed into place just before Christmas which ensured that the defeated applications could be re-lodged and approved, without the need for public notification. The Development Assessment Commission duly approved the tuna feedlots in January, however the approvals were limited to 12 months rather than the permanent approvals sought by industry. This means that the fight is likely to continue next year unless the government either addresses the environmental issues or legislates to prevent public scrutiny of decisions. It is also expected that the other aquaculture operators will take advantage of the new laws to try to rush through controversial applications without public notification. This could include proposed tuna feedlots off Kangaroo Island or other pristine state waters.

Even though tuna feedlots will again be polluting the waters of Louth Bay this year, the decision of the Environment Resources and Development Court is still important for a number of reasons. Most importantly, it has provided useful guidelines as to what is meant by the term "ecologically sustainable development" or ESD. ESD is term that achieved currency in Australia around ten years ago, and since then has found its way into hundreds of Acts, Regulations, Planning schemes and policy documents. Mostly, it has been very unclear as to what the term really means in practice. Whilst there are definitions available which include concepts such as protecting biodiversity and applying the "precautionary principle", these definitions still leave unanswered important questions such as, "who has the burden of proof?" and "how do we handle scientific uncertainty?"

The approach adopted by the Court in the tuna case was to hold that the onus is on the developer to show that the feedlots are ecologically sustainable rather than the burden being on the conservationists to show that they are not. It is sufficient for those challenging the development to show that there is "a prospect of serious or irreversible damage to the environment" in order to shift the burden of proof to the developers. The logic of this approach is clear given that opponents of a proposed development are rarely likely to be able to prove that harm will result. Proof often only emerges once the development is constructed, by which time it can be too late to reverse the damage. Often the best that conservationists can do is to show that there are serious unaddressed or unmanageable impacts if the development were to go ahead.

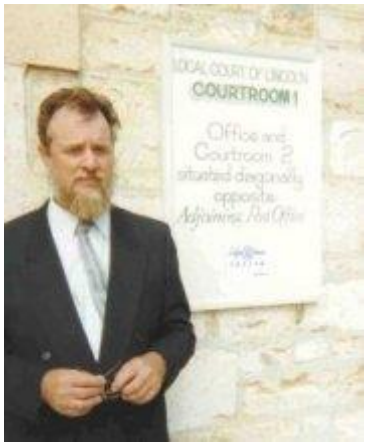
Whilst the decision is now the subject of an appeal to the full Supreme Court by the Tuna Boat Owners Association, the fact remains that this case has provided some useful judicial observations about how decisions affecting the environment need to be approached if they are to be ecologically sustainable. The challenge now lies with the tuna industry and the State government to address the substance of the Court's decision and not simply pretend that it was all a bad dream.

Citation: *Conservation Council of SA Inc. v Development Assessment Commission & Tuna Boat Owners Association of Australia (No.2)* [1999] SAERDC Judgement No. 86, 16 December 1999. The full text of the decision will (eventually) be found at http://www.austlii.edu.au.

In the meantime, the EDO has a "scanned" copy which we can e-mail to members.

Postscript: The main driving force behind the tuna appeal (and the 1998 snapper test case) was the Conservation Council's volunteer aquaculture spokes-person, Peter Marchant. A former lighthouse keeper, Peter has been a tireless worker for the marine environment for many years and was recently honoured with the annual "Jill Hudson Award for Environmental Protection". EDO solicitor, Mark Parnell, was awarded a Certificate of Commendation for his role in the ground-breaking litigation.

The EDO is now preparing for the Full Supreme Court appeal which is expected to be heard in about May.



Peter Marchant
(wearing a borrowed tie)
outside Port Lincoln Court House.

Native Vegetation Regulations

Amendments to the Native Vegetation Regulations were proclaimed on 16th December 1999. These Regulations create two new categories of exemption (from the need for consent to clear native vegetation) for specified locations in the County of Cardwell (South East of SA) and in the Counties of Flinders and Robinson (Eyre Peninsula).

The new categories (Regulations 3(1)(u) & (v)) have been created in response to the Native Vegetation Council's decision, on 6 December 1999, to refuse consent for certain clearance applications in these areas.

It is of enormous concern to the EDO that the Government considers that an appropriate response to refusals by the Native Vegetation Council (NVC) is to legislate by Regulation to allow the clearance.

Under the *Native Vegetation Act 1991*, the NVC is established as an expert body to consider and determine clearance applications. In considering applications for consent, the NVC must have regard to the Principles set out in Schedule 1 of the *Native Vegetation Act 1991.* It is not the role of Government in a democracy to arbitrarily overturn, by Regulation, decisions made by bodies such as the NVC. Such action is contrary to the doctrine of Responsible Government, under which the Executive is accountable to the Legislature.

The EDO strongly urges the recently appointed Minister for Environment & Heritage to immediately review and disallow these Regulations. The EDO has written to the Native Vegetation Council and the Minister to express its concerns.

Research Projects

The EDO has a large number of research projects in various stages of completion. If you are able to help with these projects in any way, please contact Mark Parnell. Some of these projects are on behalf of clients, whilst others are the EDO's own initiative.

- Threatened Species Laws in South Australia
- Sewerage Law Reform - urban use of grey water
- Environment Protection Act Review
- Transportation of nuclear waste through South Australia
- Review of the ERD Court Rules
- Protecting revegetation projects
- Model biodiversity laws for SA
- Fishing and the Precautionary Principle
- Access to information about development
- Relationship between Native Vegetation Act and other Acts
- Review of the Coast Protection Act 1972
- Making Native Vegetation Heritage Agreements more effective

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EDO Management Committee

The EDO welcomes the following new (and old) members of the management committee who were elected at the October AGM.

Office bearers

Chairperson	Mark Griffin	Barrister
Treasurer	David Cole	Cole Solicitors

Committee members

Anthony Flaherty	Marine & Coastal Community Network
Judy Goode	Dept of Water Resources
Duncan Hartshorne	University of South Australia
Rodney Johnstone	Community Representative
Leonie Paulson	Solicitor, Thomson Playford
Heather Scholz	Rural community member
Craig Tidemann	Solicitor, Finlaysons

New Ministers

Following a cabinet reshuffle recently, the EDO now looks forward to working with the recently appointed Minister for the Environment and Heritage, Hon. Iain Evans MP and Minister for Water Resources, Hon. Mark Brindal MP.

EDO NETWORK NATIONAL MEETING

In October, James Blindell jetted off to Sydney to attend an EDO (NSW) conference on the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The following day James attended the annual National EDO get together. The EDO Network is rapidly becoming a recognised force at the national level. The Network is now adopting a more coordinated approach to a number of issues, including the

sharing of information and expertise between the EDOs. The Network is actively involved in commenting and advising upon the EPBC Act (see Don Anton's article in this newsletter) and strategies were put in place at the meeting to continue that process.

All the state and territory EDOs are experiencing increasing demand for their services and are all pursuing strategies to fund expansions of their services. As always, it was very valuable to exchange (in person) experiences and ideas with legal and administrative staff from all the EDOs.

All EDOs participate in a Network phone link up every 3-4 months to update information and discuss current issues.

Fundraising

Deferred Giving

In an attempt to raise money for our future, the EDO has developed a new brochure and postcard, aimed at encouraging our supporters to consider leaving money to the EDO in their wills. This obviously is a long term project, where such monies would be put into a trust account and only the interest used for operations. The EDO is struggling to meet all the demands placed on us, so, please, if you want to do more for the environment, contact us to get information about putting the EDO in your will.

Lottery

The lottery that the EDO ran in 1998 was very successful, but it seems that, in general, lottery sales in shopping centres are not the flavour of the month and are not getting the rewards for organisations such as ours.

The Management Committee is looking into other avenues of fundraising as we have an urgent need for more funds.

Rural Outreach Program

The Program continues to attract a lot of media attention in rural areas and, more importantly, a lot of clients. The program includes regular visits to the Riverland, Port Lincoln, Mt. Gambier, and the Port Augusta. Occasional visits are made to other regional areas including Whyalla and Kangaroo Island.

In April, the EDO will be convening a public meeting in Port Pirie on the subject of the recently announced class action against lead-smelting giant, Pasminco. The meeting is sure to be fiery, with representatives of Pasminco and class action lawyers invited to speak. The EDO is pleased to be working with the new Pirie-based Spencer Gulf Community Legal Centre on this project.

The outer metropolitan outreach program that was funded, on a trial basis by the Department for Environment, has been a great success. The EDO visited Gawler and Victor Harbor with a good turn out for the community seminars and enough clients to keep us busy. Unfortunately the Department is not providing funds for the outer metropolitan outreach program to continue. The program will be suspended until the EDO can obtain funding to continue it.

GRANTS

We were pleased to learn that the State Government has approved an additional grant of $1,500, (making $14,000 total for 1999/2000) so that the EDO can fully fund its Rural Outreach Program.

The EDO received a grant of $5,000 from the Native Vegetation Council Research Funding Program to fund publication of a guide to protecting revegetation projects in South Australia.

The EDO received $4,165 for three new computers from a Law Foundation Grant.

AGM and DINNER

This was a very successful event held at the Astor Hotel in December. Our special guest and speaker was Dr John Coulter, former leader of the Australian Democrats, former President of the Conservation Council of South Australia and current "environmentalist-at-large".

VOLUNTEERS

Thank you to Jenny Kalionis, who was waiting to enrol at the University of Adelaide and assisted in administrative work for one half day a week over the summer holidays. Also thanks to Ruth Talbot who is doing a half day a week of administrative work.

Paul Burger has been assisting the office develop a web site, thanks Paul. Long standing volunteers, Toula and Graham are still with us, helping with the newsletter and account balancing, thank you both. Thank you to all the legal volunteers over the last few months: Chad Reich, Adam Taylor, Maria Frangoulis, Julia Davey, Michelle Crichton and Peter Whimpress.

TREASURER NEEDED

Do you have accounting skills? Do you have a bit of spare time? Can you ring/email/fax? If you answered yes to all of these, then, please, please call the EDO.

Conference

Environmental Law Conference in the Asia-Pacific Region, Darwin and Kakadu 16-19 May 2000 - conducted by LAWASIA - The Law Association for Asia and the Pacific.

The conference program will be an intensive package delivering a sound overview of environmental issues, with particular emphasis on scientific and policy backgrounds. Sessions on air pollution, water pollution, land degradation and biological diversity will be complemented by keynote speakers from a range of legal and scientific

backgrounds.

Recycle

You can recycle any plastic. Take items to Omnipol, 5 Browning Street, Gillman Phone 8447 7750. Open 6:30 am to 4 pm weekdays.

The New Commonwealth Environmental Law: *Environment Protection and Biodiversity Conservation Act 1999* (Cth)

By Donald K Anton, Solicitor
EDO Victoria

Introduction

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) represents the most fundamental revision of Commonwealth environmental law since its inception in the early 1970s. Nearly all interested parties - what ever their point of view - agreed that time and experience had demonstrated a need to modernise the law in light of contemporary circumstances. Beyond that, however, there has been little agreement about the substantive content of the EPBC Act. It has been both praised and criticised from a number of points of view.

This article outlines the major changes in the law brought about by the EPBC Act. It canvasses the major beneficial reforms ushered in by the new law. It then outlines additional areas in which the continued need for reform remains.

A more complete analysis of the Bill has been prepared by the NSW EDO and is available from our website at: http://www.edo.org.au/edovic/policy/policy.htm

Progressive reforms

While a variety of deficiencies remain, there are a number of true reforms contained in the EPBC Act that will help promote better environmental decision-making. Whether this will translate into greater environmental protection remains to be seen, but at least the procedural potential is there.

Environmental objects of the Act

Unlike the *Environment Protection (Impact of Proposals) Act* 1974 (the "EPIP Act"), the EPBC Act sets itself a large number of salutary environmental objectives. For instance, the Act makes clear that it is designed to, amongst other things, provide for the protection of the environment, promote ecologically sustainable development (ESD), and promote the conservation of biodiversity. These objectives will be important because they will generally shed favourable light on any judicial interpretation of the Act that may be required.

Principles of ecologically sustainable development

While Australia has had a *National Strategy for Ecologically Sustainable Development*since 1992 (and eight earlier Commonwealth Acts refer generically to ESD), the EPBC Act is only

the second time that detailed principles of ESD have been enshrined in the body of a Commonwealth statute. Section 21 of the *Natural Heritage Trust of Australia Act* 1997 ("NHTA Act") first set forth principles of ESD in law. Unfortunately, the NHTA Act set forth ESD principles that contain core objectives that promote economic development ahead of the protection of biodiversity. The EPBC Act reverses this by including ESD principles that emphasise key environmental consideration over economic ones.

Another key development in connection with ESD under the EPBC Act is that all Commonwealth Departments must file annual reports with Parliament outlining how its action accord or contribute to ESD. Up until this time, only Research and Development Corporations under the *Primary Industries and Energy Research and Development Act* 1989 had a duty to report on activities related to ESD.

Requirements for Commonwealth approvals and assessment

Commonwealth responsibility for approving and assessing proposed actions likely to have a significant impact on the environment has been significantly transformed under the EPBC Act. As discussed below, in most respects this transformation has not gone nearly far enough and aspects of the new law, *especially the ability to delegate responsibility*, have the potential to greatly, if not entirely, undermine favourable reform.

However, the favourable developments should be noted. Absent delegation, under the new law all actions likely to have a significant impact on World Heritage sites, Ramsar wetlands, and a range of listed species and communities will require Commonwealth assessment and approval regardless of where the proposed action is to take place. In other words, Commonwealth assessment and approvals in relation to these matters will be required for all actions proposed within States and Territories, not only in Commonwealth areas.

Environmental impact assessment (EIA) process

The EPBC Act has improved the existing EIA process under the EPIP Act. Again, absent delegation, the Minister for the Environment can trigger the EIA process and will make the final EIA decision. The Minister is also empowered to impose conditions and revoke EIA approvals.

Conservation of biodiversity

In addition to the developments in connection with assessment and approvals mentioned above, the EPBC Act contains a number of positive developments in relation to the conservation of biodiversity. These include: new requirements for bioregional planning, an increase in categories of species and communities eligible for listing as threatened, new protection for migratory species and critical habitat, the creation of a whale sanctuary, and improvements in requirements for protected area management plans.

Beware! Remaining problems and dangers

While the developments listed above are encouraging, all is not rosy with the EPBC Act.

Matter of national environmental significance (MNES)

Under the new Act, the Commonwealth has responsibility for assessing actions likely to have significant effect on six specified MNES. Beyond that responsibility remains with the States. This list is inadequate and far short of the constitutional power that the Commonwealth has with respect to the environment. In particular, MNES do not include matters relating to climate change, vegetation clearance, land degradation, forestry operations, and water allocation. Moreover, the new Act is retrograde in the sense that it eliminates the existing funding "trigger" found in the EPIP Act.

Delegation of EIA responsibility

As indicated above, the most serious flaw in the new EPBC Act is the ability of the Commonwealth to delegate its new assessment and approval powers back to the States under

bilateral agreements. Due to the Act's failure to condition this delegation of power on the existence of "best practice" environmental laws within States, the use of delegation has the potential to seriously undermine the Act. Moreover, delegation of EIA responsibility is not limited to bilateral agreements. Under the Act, the Environment Minister can also delegate his or her assessment and approval powers to a relevant "Action" Minister and create the very situation under the old EPIP Act that the new law is intended to remedy.

The EIA process

Four major problems remain, in addition to delegation, in connection with the EIA process:

- Actions in Regional Forest Agreement areas entirely escape the need for assessment and approvals under the Act, which potentially eliminates large portions of Australia for the Acts ambit.
- While all economic and social effects must be considered in the EIA process, consideration of environmental effects are limited to the MNES that triggered the assessment, so that other significant impacts outside the MNES must be ignored.
- "Significant" is not defined in the Act so that it appears that there are very few limits on the Ministers power to decide that assessment and approval is not required.
- The public is still not entitled to trigger the EIA process.

Elimination of another independent statutory authority

Under the new Act, the Director of National Parks is retained with diminished powers, but one of the consequential amendments to the law brought about by the new Act, is the death of the National Parks and Wildlife Service (NPWS). This means that the Director will have little or no resources in the performance of his or her responsibilities to manage protected areas and protect wildlife.

Enforcement of the Act

The new Act has wholly inadequate provision for third party appeal rights in relation to a host of matters, including assessment and approvals, permits, and bilateral agreements. It is also extremely disappointing that the Act fails to provide open standing for "any person" to sue to restrain and remedy breaches of the Act.

Environmentally dangerous activities permitted in all reserves

Despite adopting the IUCN categories for protected areas, nothing in the Act prevents mining or other environmentally dangerous activities from taking place within high protection categories such as national parks.

Conservation agreements

The Commonwealth can enter a conservation agreement with any person for the conservation of biodiversity. These agreements can cover both private and public land (although not a Commonwealth reserve). Leaving aside the propriety of putting public land in private hands, there is nothing in the new Act to stop a conservation agreement being reached with persons to manage public lands that have environmentally ulterior agendas.

ACKNOWLEDGEMENT

The EDO wishes to thank Microsoft for its donation of License Agreements in respect of 3 copies of Microsoft Office 97 Professional Edition under a Community Assistance Initiative. The EDO is most appreciative of their assistance.

Chris Hales, Mark Parnell, and James Blindell

James Blindell
Not an Obituary!

The EDO is sad to be losing the services of founding solicitor, James Blindell. After 4 years with the EDO, James is moving to private practice with Jamie Botten & Associates, where he will continue to work in the field of environmental and planning law. James originally joined the EDO back in 1994, when we were a small voluntary service using borrowed premises at Bowden and operating under the banner of ELCAS (Environmental Law Community Advisory Service). James was initially employed half a day per week to maintain client files and organise the volunteer lawyer roster. When ELCAS was awarded the "Access to Justice" grant for South Australia in late 1995, James teamed up with ACF conservation campaigner and solicitor, Mark Parnell to fill the newly created position of EDO solicitor.

Some of the highlights of James' time at the EDO included running our first ever civil enforcement action in the Environment Resources and Development Court. Despite the imposition of restrictions on "litigation-related activities", James continued to press important cases before the Courts. Most recently, he has led the push against inappropriate olive developments and also assisted with the tuna cases (both reported in this issue).

James has also made a valuable contribution to law reform and community legal education. His hypotheticals rivalled those of Geoffrey Robertson (although he did come unstuck once when a high school student nominated the home of a local drug supplier for cultural heritage listing).

On behalf of staff, management committee, members and clients of EDO, we wish James well in his new job and fatherhood.

GREENLAW

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