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S ERVICE (SA) INC

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NEWSLETTER JULY 1995

Annual General Meeting and Dinner - Tuesday 8th August 1995

We will hold our AGM at 5.30 pm on Tuesday 8th August 1995 at the Earl of Aberdeen Hotel, 316 Pulteney Street, Adelaide. We hope that you will be able to attend the AGM and stay for the drinks and dinner following the AGM. If you wish to attend the dinner, please advise James Blindell (phone or fax - (085) 583545) by Monday 24th July. We have enclosed for you:

1. the Notice of the AGM
2. the Agenda for the AGM
3. the proposed amendments to the Constitution of ELCAS
4. a Nomination Form for election to the Management Committee
5. a Proxy Notice
6. a Membership Form
7. information about Bowden Brompton Community Legal Centre security system (for roster volunteers only)

If you are unable to attend the AGM would you please complete and return the Proxy Notice to ensure that we have a quorum for the Meeting.

Membership

Many of our volunteer legal advisers have neglected to become financial members of ELCAS in 1994/95. If you are one of those, we ask you to complete the enclosed membership form and return it (with the \$10 fee) to the Secretary of ELCAS prior to the AGM or bring it to the AGM. You cannot vote at the AGM if you are not a financial member. In addition, ELCAS is applying to the Commonwealth Government to become registered as an Environmental Organisation Eligible to Receive Tax Deductible Donations. One of the criteria for eligibility is that we have a minimum of 50 financial members. So, please make sure that you are a financial member. We will telephone you to remind you!

Would you like to be a member of the ELCAS Management Committee?

1995/96 is going to be a challenging and exciting year of change and progress for ELCAS. If we are successful in our funding applications, we will be establishing a full time ELCAS office with full time staffing and co-ordinating our activities with similar organisations interstate. This will be in addition to the volunteer roster and our community education activities. We are also considering the expansion of the roster service.

The ELCAS Management Committee meets once a month, usually on a Monday at 5.30 pm for two to three hours. Committee members other duties may take up four to five hours each month. We have a pro active, enthusiastic and committed Management Committee. To continue to expand the assistance ELCAS can provide to the community we need committee members with the time and the commitment to manage the challenges facing ELCAS in the coming year. Please nominate to join the ELCAS Management Committee if you have that time and commitment.

ELCAS involvement in Law Week

It was a wet, windy and cold Thursday 25th May on which ELCAS made its debut in the Law Society Campervan Advice Booth outside the Myer Centre in Rundle Mall. There was no heating but, in spite of that, the volunteer lawyers generated sufficient intellectual activity to heat the van as they grappled with such challenging questions as "Why doesn't the Government provide homeless youth with campervans?", "How much is the van worth?", "Why isn't there more home care services for hospital patients recovering at home?". Owing to some confusion amongst the public as to what type of advice ELCAS provides we did our best to assist with a wide range of non environmental issues such as drug convictions, car accidents, defacto relationships and child abuse. In addition, we advised on development matters, waste depot licences, pollution of metropolitan creeks and neighbour tree disputes. Thanks to all the volunteers who donated their time to promote ELCAS and provide advice.

Environmental Law Fact Sheets

ELCAS has researched and produced five Fact Sheets on various aspects of the development and planning system in SA. They have been widely distributed to politicians, community groups, councils, libraries and the ERD Court. They have also been provided to a group of planners from the Philippines. The research was undertaken by law students under the supervision of Committee members. Thanks to the Adelaide Office of the ACF for assisting in the publicising and distribution of the Fact Sheets. Three further Fact Sheets are being researched on the topics of the EP Act and emergency action to prevent environmental damage. ELCAS plans to produce a whole series of Fact Sheets on various aspects of environmental law to assist the community in understanding of its environmental rights and obligations. Copies of the Fact Sheets will be available at the AGM.

The Federal Justice Statement

On 18th May 1995, the Prime Minister issued the Justice Statement. Contained in the Statement are a number of elements relevant to the provision of environmental law advice to the community. These are;

seven environmental law-related grants of \$70000 per annum for the next four years. One grant to each State, except Queensland that is allocated two and the ACT that is allocated half a grant. The funding is intended to be spent on legal staff salaries and support services.

\$80000 per annum for four years to fund the appointment of two Community Development Officers within the National CLC Association (no funds specifically earmarked for community environmental law services).

\$2.9 million over four years to fund cases of national importance (including environmental law test cases).

\$10.5 million over four years for a National Disbursement Assistance Fund (which may provide assistance for environmental litigation).

a national civil litigation pilot project (involving three positions for three years) whereby CLCs' will have direct access to three barristers who will work as "in-house" counsel.

On 22nd May, following the ACEL Conference, representatives of ELCAS and representatives from interstate EDOs' (NSW, Vic., Qld) and representatives from states wanting to establish EDOs' (WA, Tas.) met with Peter Duncan MP to discuss the Justice Statement and its impact upon the provision of environmental law advice to the community. Guidelines are to be produced by the Federal Attorney-General's Department regarding the allocation of the funding and the application processes for the funding.

Following the meeting with Peter Duncan, the various representatives discussed the establishment of EDO type structures in WA and Tasmania and the need for a national network of EDOs' and the integration of resources and technology links. The coordination of applications for the available funding was discussed as was the desirability of an ongoing and a mutually supportive relationship with the wider CLC movement.

Given its ongoing commitment to the provision of environmental legal advice to the community, ELCAS is optimistic that it will be successful in its application for the \$70000 per annum grant allocated for SA. The funding allocated, in the Justice Statement, to the provision of environmental legal advice to the community is an exciting step forward in the battle to provide for the protection of the environment in Australia.

Professional Indemnity Insurance

Volunteers who provide advice on behalf of ELCAS and who are admitted to practice in the Supreme Court of South Australia, whether or not they hold a current practising certificate, are covered by ELCAS's professional indemnity insurance. Volunteer advisors who do not hold a current practising certificate may wish to examine what their obligations are, if any, under the *Legal Practitioners Act 1981*.

The Advisory Service at the Bowden Brompton Community Legal Centre

Business was a little slow after Xmas but is now averaging about two appointments per week. There is also a noticeable increase in the number of requests for help from people living in the country which has involved volunteers in providing advice during their working hours or over the telephone. ELCAS has produced a report setting out the number and nature of inquiries from mid 1992 (when ELCAS was formed) to 30 June 1994. A copy is available upon request from James Blindell (ph: (085) 583545).

ELCAS is considering expanding the volunteer Advisory Service so that in addition to the weekly service at Bowden Brompton CLC, it will also operate at one or more of the other metropolitan CLCs' once a month. The other CLCs' we are considering are Norwood and Marion to offer the Service in the eastern and southern suburbs. Whether or not ELCAS explores these possibilities further with the CLCs, depends upon whether our existing volunteer lawyers are able to commit two evenings every six months to providing advice rather than the current commitment of one evening every six months. If you are interested in volunteering more of your time and expertise to facilitate the proposed expansion of the Advisory Service, please fill out the form at the end of the newsletter.

ACEL Conference

The second *Defending the Environment* Conference, organised by the Australian Centre for Environmental Law (ACEL), was held at the University of Adelaide Law School on the Weekend of 20th and 21st of May. ELCAS was one of the sponsors. The topics covered many public interest aspects of environmental law including the proposed Federal National Pollutant Inventory, Community Right to Know, Constitutional reform and the environment, access to the courts - public standing and enforcement rights, the Federal Justice Statement and the right to protest. Papers were also given on specific environmental conflicts such as the Hindmarsh Island dispute, the defence of Hinchinbrook Island and the NSW logging disputes. Papers from the Conference are available from ACEL (Adelaide) Ph: (08) 303 5582, Fax: (08) 303 4344.

PROPOSED EXPANSION OF ADVISORY SERVICE

EXPRESSION OF INTEREST

Name:

Telephone: (w)

(h)

preferred venue (please tick):

preferred evening:

Norwood ()

Mon ()

Weds ()

Marion ()

Tues ()

Thurs ()

Please return to:

**The ELCAS Administrator
GPO Box 170
Adelaide 5001**

Or Fax to (085) 583545