

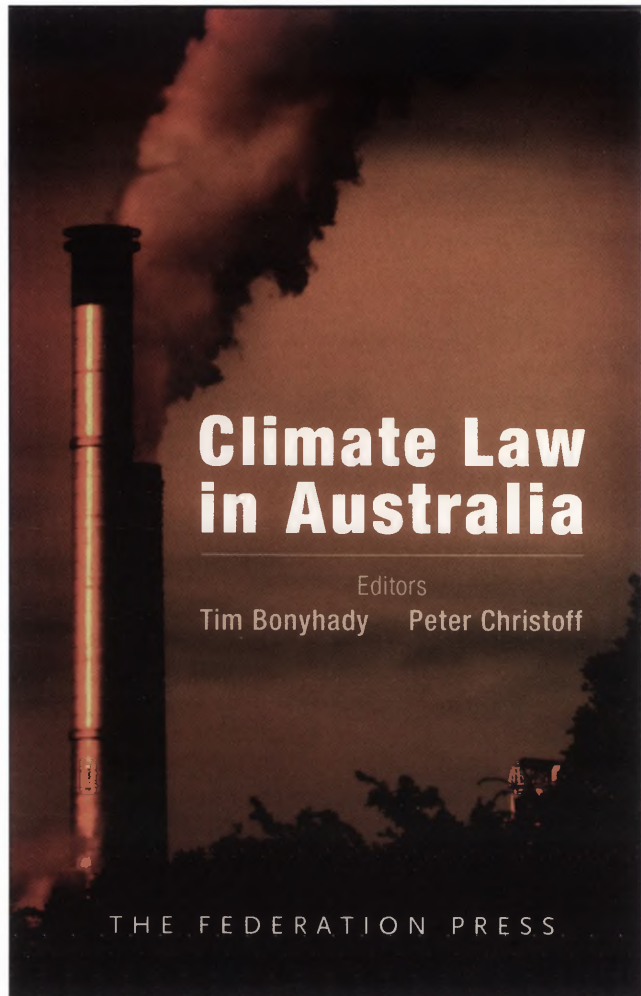
Climate Law in Australia

By Robert Guthrie

As the editors of *Climate Law in Australia*, Tim Bonyhady and Peter Christoff, point out in their introduction to this thought-provoking and timely collection of papers, this book grew out of the first major conference on climate law in Australia, held in Canberra in April 2007. That conference explored a range of issues, including the application of constitutional, criminal, administrative, property, contract, tort, corporations, trade practices, insurance, human rights and civil liberties laws to environmental concerns and issues. While there has been a steady growth in the literature relating to climate change, this book gives an especially Australian perspective on these global issues.

At a time when the Australian government is pressing forward with plans and policies for carbon-trading, and there appears to be support in principle for government intervention to stem the tide of global warming, very little is actually known about the mechanics of carbon-trading, emissions targets and clean development. Chapters by Christoff, Wilder and Miller discuss not only the legal considerations of these issues but also the social and political issues at stake. This analysis is backed up by some reflections by Eckersley and Christoff in their chapter, suggesting that Australians' past inaction in dealing with climate change (thanks to climate change sceptics) may have put Australia in breach of United Nations conventions. Certainly these big issues get a thorough airing in this artfully arranged collection of papers, which includes a comprehensive index, list of statutes, case citations and useful list of references. But this is not just a book for the highbrow climate buffs. It is a very accessible text which covers not only climate change issues, but provides some very nuts-and-bolts information on some of the heroic legal challenges that have been mounted against the inappropriate development of power stations, the battles for wind farms and the fights against development on waterfronts. A range of legal practitioner pieces discusses the strategies for fighting developer excesses, and provides some excellent analyses of a spectrum of cases in the environmental courts.

If you are not familiar with the terminology of *intergenerational equity* and you haven't picked up on the notion that some courts are already factoring in climate change as a planning requirement, then the sections by McGrath, McDonald and Prest will give you some comfort. These provide coherent discussions of the key legal issues involved in such cases and explore the very practical issues of litigation in such matters. David Farrier's chapter (reviewing



decided cases in the Land and Environment Court) is a measured and enlightening discussion of the *precautionary principle*.

The editors and Federation Press are to be congratulated on this book. One hopes it is sitting on the desks of both the minister for climate change and the prime minister, because it provides a wealth of information and collates the key issues in the current debate. That said, it will be of use to many legal practitioners embarking upon this growing field of litigation. Above all, this book is an excellent student text and teaching aid. Its range of topics and bringing together of some of Australia's top writers on climate change, make this book an accessible and invaluable reference. ■

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Tim Bonyhady and Peter Christoff (Editors)

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