

## LITERATURE

### Discrimination

Mulcahy, Nicholas, 'Conciliation and race complaints', (1992) *Aust. Dispute Res. J* 21.

### Environment

Beloff, Michael, 'The injunction in environmental law', (1992) *New LJ* 428.

Buckley, Ralf, 'Green taxes; legal and policy issues in using economic instruments for environmental management', (1992) *Revenue LJ* 27.

Palmer, Geoffrey, 'New ways to make international environment law', (1992) *Am. J of Int. Law* 259.

### Feminism

Charlesworth, Hilary, and others, 'Feminist approaches to international law', (1992) *Am. J of Int. Law* 613.

Harrison, Kate, 'Pregnancy and the EEC', (1992) *New LJ* 462.

### Homosexuals

Seabrook, Mike, 'Homosexuality and the police', (1992) *New LJ* 325.

### Lawyers

Wilkins, David, 'Who should regulate lawyers?', (1992) *Harv. LR* 799.

### Legal aid

Gardner, Julian, 'An awareness of the legal aid community', (1992) *Vic. Bar News* 52.

Logan, Alistair, 'In defence of legal aid', (1992) *New LJ* 309.

### Medicine

Ferguson, Pamela, 'Liability for pharmaceutical products: a critique of the "learned intermediary" law', (1992) *Oxford LJ* 59.

### Prisoners

Easteel, Patricia, *The Forgotten Few: Overseas Born Women in Australian Prisons*, Bureau of Immigration Research, 1992.

**BETH WILSON**

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## CASE LAW

### Ecology: standing

*Reese & others v Alberta (Minister of Forestry, Lands & Wildlife)* (1992) 87 DLR (4th) 1 — Alberta Court of Queen's Bench — McDonald J.

In this action, Mr Reese, a local farmer and lover of the outdoors, Alberta Wilderness Association, Peace River Environment Society and the Sierra Club of Western Canada applied to quash a ministerial decision to enter into a Forest Management Agreement with Daishowa Canada Co Ltd. The *Forests Act* 1980 (RSA) provided for such Agreements to be made with a person who would pursue a forest management program providing 'perpetual sustained yield'. The Plaintiffs maintained that the Minister's Agreement with Daishowa did not provide for perpetual sustained yield.

Justice McDonald held that the Plaintiffs had standing to maintain the action, following Canadian principles of standing relevant to constitutional challenges -

... any 'public spirited' individual could mount a challenge to the validity of legislation if he or she could establish the following criteria:

(a) the issue before the court is justiciable;

(b) the issue is serious;

(c) the applicant is directly affected by the issue or has a genuine interest therein as a citizen, and

(d) there is no other reasonable and effective manner for the issue to be brought before the court. [at p.6]

Applying these principles to administrative decisions, Justice McDonald found the issues of lawful use of statutory authority in the case to be (a) justiciable and (b) serious. The plaintiffs did not have a direct interest (c) but had a genuine interest. The conservation organisations had a genuine interest through '... their demonstrated interests in issues relating to the preservation of forests and wildlife ...' (p.19). There was no person with (d) a more direct interest than the applicant who was likely to raise the issue promptly. Justice McDonald found for the respondent on the substantive issue of whether the Agreement made sufficient provision for 'perpetual sustained yield'.

### Equal opportunity: standing

*Mark v Australian Broadcasting Tribunal* (1991) Federal Court (GD No. NSW 320/91).

In this case Justice Davies held that the President of the Anti-Discrimination Board for New South Wales had no standing to apply for review of a decision made by the Australian Broadcasting Tribunal concerning failure to comply with radio standard RPS3.

### Land rights

*Northern Land Council v Aboriginal Land Commissioner* (1992) 105 ALR 539 — Federal Court.

Northrop, Hill & O'Loughlin JJ considered the circumstances in which people may be adopted into a 'local descent group', composing the 'traditional Aboriginal owners' in s.3(1) of the *Aboriginal Land Rights (Northern Territory) Act* 1976 (Cth). They accepted that in some cases it may be that the people concerned have adopted a matrilineal principle of descent, or some other principle.

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