

## Environmental law and local government in NSW

by Zada Lipman (ed.); Federation Press, 1991; paperback \$35.

When originally set up, local government authorities were little more than road building organisations. The role of local government has since undergone tremendous change. Community expectations and modern legislative requirements now place environmental planning and protection high on the local government agenda. A council's environmental services are no longer restricted to improving and protecting ratepayers' property, but must serve the wider community, and indeed the environment itself. However, in New South Wales, at least, local government is hampered by a legal regime which is fragmented, complex and problematic. The text under review goes a significant way in critically exploring aspects of that regime.

The book arose from a seminar on *Local Government and Environmental Control* conducted at Macquarie University in September 1990. As a result, it is essentially a series of six separate conference papers on related topics. It is far from being a comprehensive descriptive text on New South Wales environmental law in the local government context. Instead, it provides insights into problems and opportunities in selected aspects of the law and associated policies concerning local government. For this reason, I believe the book will have most appeal to those directly involved in local government, both lawyers and non-lawyers. It will also cater for a wider audience of people interested in effective environmental management at the local government level, although some chapters will be less accessible for those unfamiliar with the legal intricacies of the area and associated terminology.

The chapters are disparate. They differ in style, tone, approach and depth of analysis. There is little cross-referencing. Not all meet the objectives articulated in the *Introduction*. For example, the relationship between State and local government in relation to environmental management is not consistently examined throughout the book. While these point

to a lack of strong editorial direction, they do not detract from the worth of the book as a set of six well researched and insightful essays by experts in the field.

The first chapter, by Ben Boer, focuses on heritage law. It spans federal and State legislation but sensibly emphasises the interface between the State planning and heritage protection systems at the local level. Boer's warning against compartmentalising heritage from the overall environmental debate is telling. Recommendations are effectively made for a stronger local government role.

Donna Craig explores the concept of social planning and its legal framework in Chapter 2. Social planning often receives little more than lip service in local government circles. While highlighting legislative opportunities for social planning activity available to councils, Craig examines the root of the problem and calls for a more 'coherent and effective social planning process'. A regional approach to social planning is urged.

In Chapter 3, Patricia Ryan tells the story of urban consolidation. This story of State/local government interplay embracing law, politics and ideology, makes fascinating reading. The chapter is packed with perceptive commentary and impressive critical analysis. Ryan demonstrates how there is 'no consolidated policy on urban consolidation' and examines local government's poor record in urban environmental management.

The book's editor, Zada Lipman, systematically draws together a vast amount of material on councils and pollution control in Chapter 4. The chapter stands out in that its tone is refreshingly optimistic. It identifies various opportunities available to councils in pollution management but also calls for sweeping reform. Much of the material should inspire those committed to improved practices.

Chapter 5 was prepared by the Land and Environment Court's Justice Paul Stein. It examines community access to the court in the resolution of environmental disputes. This chapter is out of step with the others in that it does not focus on local government practice. Nevertheless, it provides a valuable insight into the practical operations of the law and contains thoughtful suggestions for future developments.

In the final chapter, Linda Pearson critically studies the proposed New South Wales local government legislation. The current *Local Government Act 1919*, devised in an era of municipal yesteryear, is only now being overhauled. The draft legislation has been revised since the book's publication so some of the material is now out of date. Despite this, much of the text is still relevant. It contains clear explanations and incisive comment. No doubt this chapter will be made redundant by Pearson's forthcoming text on New South Wales local government law.

In summary, *Environmental Law and Local Government in NSW* is a welcome addition to a dearth of books in a significant area. There is still important research to be done in other sub-areas, such as the protection of natural resources and local government structural reform. More attention should be given to the desirability of a fully integrated approach to environmental management at the local level. Nevertheless, as a collection of separate essays on selected aspects of local government law and policy, the book works well. The essays bring together good information with perceptive commentary and suggestions. The book makes a positive contribution to better environmental management at the local government level.

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## Travesty! Miscarriages of Justice

Kerry Carrington, Maryanne Dever, Russell Hogg, Jenny Borgen, Andrew Lohrey (eds), Pluto Press; Leichhardt, 1991; 277 pp; softcover, \$19.95.

The 12 chapters of *Travesty* consider the central theme of the 'wrongful conviction of individuals, and the legal and political processes and practices which lead to such a result'. The cynic may claim the authors have only identified an inertia in the legal system, that is, it is ultimately easier for the criminal justice system to continue with a prosecution