Conclusion

There has been a movement away from anthropocentric morality to holistic morality within the general community. A holistic morality would require that all the environment be given intrinsic value not instrumental value. Intrinsic value carries with it a right. The law codifies the social morality but does not set the standards of that morality; however rights are protected by the law.

Given the political nature of the environmental debate and the potential *conflict of interest* of the Attorney-General and the unwillingness of the courts to grant standing to special interest groups, the right of the general environment is not represented in the codification of social rules that govern and limit our conduct. The law is the arbiter on matters of behaviour within the community. If the environment's intrinsic value cannot be represented in the courts and the political nature of obtaining a *fiat* creates difficulties for special interest groups, then only anarchistic behaviour can follow.

We argue that there is a need for administrative law to be enacted which would give the right to special interest groups to be defined as *friends of the environment* with special leave to appear before courts in matters concerning the environment. Such definition would enable a broader view of special interest to be interpreted and would minimise the potential for anarchistic behaviour by a group or individual who has genuine concerns but no legal capacity.

The effective thrust of such a law should be to overcome the difficulties encountered within the courts as to the conferring of special interest. This then leaves the court to adjudicate on matters of rights and enable friends of the environment to work within the law rather than against the law. It is argued that such a change in law would enable the law to reflect the moving ethical values within society.

References

1. Thomas, K., *Man and the Natural World*, Pantheon, New York, 1983.
2. Salt, H.S., *Animals' Rights Considered in Relation to Social Progress*, New York, 1894
3. Leopold, A., *A Sand County Almanac*, Oxford University Press, New York, 1949.
4. Morris, C., 'The Rights and Duties of Beasts and Trees: A Law Teacher's Essay for Landscape Architects', (1964) 17 *J of Legal Ed* 189–91.
5. Stone, C.D., 'Should Trees Have Standing? Toward legal Rights For Natural Objects', (1972) *Southern California Law Review* 45.
6. Jonas, H., *Philosophical Essays: From Ancient Creed to Technological Man*, Prentice Hall, Englewood Cliffs, U.S.A., 1974.
7. Gendron, B., 'The Viability of Environmental Ethics', in P. Durbin, and F. Rapp, (eds), *Philosophy and Technology*, Reidel, Dordrecht, 1983.
8. Suzuki, D. and Knudtson, P., *Genethics: The Clash Between the New Genetics and Human Values*, Harvard University Press, Cambridge, 1989.
9. Blackshield, A. R., 'Alcoa Decision on Standing: How Liberal', (1981) *Legal Service Bulletin* 274.
10. Bates, G., *Environmental Law In Australia*, Butterworths, Australia, 1992 pp. 364–6.

[**Editor's note**: Readers who are interested in the issues raised in this article are referred to (1991) 16(4) *Legal Service Bulletin* on 'Law and the Environment' and to our Legal Issues Resource Kit on 'Environment' which comprises 13 articles on legal issues relating to the environment published in past issues of the *Legal Service Bulletin/Alternative Law Journal*.]

Letter

Dear Editor

I am writing to clarify some of the issues raised in an article, 'Resolution or resoluteness?' in the April 1994 edition of the journal which commented on the mediation of a particular social security matter.

Whilst I do not wish to comment on the role of mediation in social security matters, it is apparent that the author of the article has misunderstood important legal issues related to the outcome of mediation. Her misunderstanding has given the wrong impression of the quality of reasons given by the SSAT.

As we are told in the article, the SSAT, to use the author's words, had 'found in favour of the client and decided to waive the debt. The DSS then appealed to the Administrative Appeals Tribunal'. We are also told that 'a resolution was finally made to vary the SSAT decision'.

When mediation at the AAT takes place the parties reach agreement and propose a decision which is endorsed by the Tribunal. The Tribunal then issues an order in the form of a decision only; there are no reasons given.

Your readers need to be reassured that the reasons provided by the SSAT are fulsome and sufficient and play no part in matters mediated at the AAT.

Anne Coghlan
National Convener, SSAT
Melbourne

References continued from p.167

1. Kavanagh, J., 'Government Back Home Equity Conversion Scheme,' *Business Review Weekly*, 20 8.93.
2. Information provided verbally by DSS.
3. Kendig, H.L., 'Comparative Perspectives on Housing, Ageing and Social Structure', in R.B. Binstock and L. George (eds), *Handbook on Ageing and the Social Sciences*, 3rd edn, Academic Press, San Diego, 1990.
4. Foster, C. and Kendig, H.L. (eds), *Who Pays? Financing Services for Older People*, Commonwealth Policy Co-ordination Unit and ANU Ageing and Family Project, Canberra. 1987.
5. Davison, B., Kendig, H.L., Stephens, F. and Merrill, V., *It's My Place: Older People Talk about their Homes*, Dept of Health, Housing and Community Services, Canberra, 1992.
6. Cook, D. and Norris, J., 'Needs and Profile of the Older Poplualtion in the 1990s and Beyond', in *Issues in Older People's Housing in the 1990s – Meeting the Challenges*, Department of Community Services and Health, Canbarra, 1990.
7. Kendig, H.L., and Stephens, F., 'Financing Housing Innovations for Older People: Public and Private Alternatives' in C. Foster and H.L. Kendig, above.
8. Storey, L., Wilson, P.L. and Kendig, H.L., *Home Equity Conversion in Australia*, AGPS, Canberra, 1994.
9. Storey and others, above.
10. Storey and others, above.