

## By Brendan Sydes

**E**nvironmental law is a broad field. It has developed in parallel with increasing public awareness of environmental issues over the past 20 to 30 years. The articles in this edition focus on environmental law from a range of perspectives, covering cutting-edge examples of the issues and challenges facing practitioners, lawmakers and the community.

Water, or the lack of it, is regular front-page news, so the contributions by Garry Smith and Greg Leslie on sustainable water use and water recycling respectively are timely.

If it is not water on the front page, it is climate change. Adam Shepherd and Eric Knight provide a comprehensive overview of the international and Australian legal context for the development of emissions trading, one aspect of the regulatory response to this challenge.

But environmental regulation is not the only route that environmentalists can pursue. John Gordon demonstrates the potential of common law remedies, such as nuisance and negligence, particularly where governments and corporations damage aspects of the environment enjoyed by individuals or communities.

Rosemary Martin takes a practical approach, writing about the particular challenges of using potentially contaminated industrial land for residential development.

Chris McGrath examines litigation in the Federal Court under the *Environment Protection and Biodiversity Conservation*

*Act 1999*, which has used the Act's broad standing provisions to challenge administrative decision-making. Vanessa Bleyer analyses the latest in this line of cases, *Brown v Forestry Tasmania*.

But challenging the administration of environmental laws requires lawyers with expertise and commitment. Jessica Wood's article provides an overview of the work of the NSW Environmental Defenders Office, a community legal centre specialising in public interest environmental law. It is part of a network of EDOs that performs similar work throughout the country.

Finally, Brian Walters SC considers the nexus between environmental campaigning and the aims of organisations like the Australian Lawyers Alliance, which works 'to promote justice, freedom and the rights of the individual'. As his article on SLAPP suits demonstrates, legal threats and court action can be used to intimidate individuals and stifle public debate about environmental and other public interest issues. We need to reform our laws so as to defend and protect the public's rights to engage in debates about such important issues. ■

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