

BOOK REVIEWS

Diekman, C (1998)

Butterworths' Student Companions: Environmental Law

Butterworths, Sydney. ISBN 0-409-31167-7. 99pp. (Price not stated).

This short book is a useful supplement to the Butterworths' series of case summaries that cover all areas of law. Designed primarily for undergraduates in Australian universities, the series as a whole constitutes a valuable collection of key judicial decisions, ranging from administrative through criminal law to torts. As such, there is much to interest students of environmental law, as these other subjects make important contributions to its theory and practice.

The Environmental Law Companion recognises the importance of these links, and draws on cases from other areas of law. These include constitutional, international and property law as well as administrative law, criminal law and torts. The book presents significant cases from all of these areas alongside laws for environmental planning and protection. This illustrates the need for environmental law students to have a broad understanding of the law as a whole.

The cases have been brought before the entire range of courts in the Australian judicial system and elsewhere. Decisions of the specialist environmental courts such as the Land and Environment Court of New South Wales and the Victorian Planning Appeals Board, the Administrative Appeals Tribunals, the Supreme Courts of the States, and the Federal and High Court of Australia are all discussed, together with earlier precedents of the Court of Appeal and House of Lords in the United Kingdom.

Over 100 cases have been chosen, which cover the broad range of environmental matters that have been before the courts. They include the common law decision of *Burnie Port Authority v General Jones Pty Ltd*, the general UK administrative law decision of *Associated Provincial Picture Houses Ltd v Wednesbury Corporation*, and more specific issues of standing in relation to environmental litigation such as *Australian Conservation Foundation Inc v Commonwealth of Australia*.

Recent cases included have tested the relationship between State and Commonwealth environmental laws - *Botany Municipal Council v Federal Airports Corporation*, considered the relationship between laws for environmental planning and protection - *Brown v Environment Protection Authority (No 2)*, have discussed the precautionary principle - *Leatch v National Parks and Wildlife Service*, and have considered the liability of company directors - *State Pollution Control Commission v Kelly*.

The implementation of international obligations in Australia, (and the significance of this for environmental law), is discussed with reference to *The Commonwealth v Tasmania*, *Queensland v The Commonwealth* and, more recently, *Minister for Immigration v Teoh*. In future editions it would be helpful to see cases cited from the international environmental law tribunals, such as decisions of the Law of the Sea Tribunal. Overall however, the companion is a very useful student collection of environmental case law, and a helpful first reference for all of us that at times have difficulty remembering important cases!

Simon Marsden