police, and that the attempt to exercise such rights may be to a young person's detriment.

Other concerns raised in this collection of essays include the need for a critical appreciation of the manner in which statistics on the policing of youth are constructed by police, the call to recognise that young people are often the victims of crime, including violence at the hands of the police, and the need for new programs aimed at relations between police and youth to genuinely encourage consultation with and participation by young people.

*The Police and Young People in Australia* is one of several recent contributions to the literature on juvenile justice in this country, and there are several others currently in production. However, this book is distinctive in several ways. It considers gender, race/ethnicity and class seriously, as central to the analysis rather than relegated to the footnotes or a token chapter. The book moves beyond a simple catalogue of police abuses of power with respect to young people, and examines police-youth relations in the context of police culture and broader factors shaping police-youth interaction. It looks beyond legislation and policy to give due consideration to the informal nature of most encounters between police and young people. The book is of direct relevance to current debates in juvenile justice. It is an important collection which I am happy to recommend strongly. It is likely to be a useful student reference and an important resource for the future development of juvenile justice policy and practice.

JULIE STUBBS*

## PLACES WORTH KEEPING: CONSERVATIONISTS, POLITICS AND LAW IN AUSTRALIA by Tim Bonyhady, St Leonards, NSW, Allen & Unwin, 1994, 208pp, $19.95, ISBN 1 86373 448 1

Law and legal policy books are generally turgid affairs, a little above reading the Government Gazette. Most people open them to pluck out the references they need and put them back on the shelf where they belong. If, like me you tend to give book reviews a wide berth too, before you turn the page, please understand that *Places Worth Keeping* is a fascinating read. It should be a compulsory starting point for people developing an interest in the law and politics of defending the environment. *Places Worth Keeping* will also anger you.

The book is interesting for its analysis of individual disputes, including the battle for Fraser Island and for the bats in the Mount Etna caves. But perhaps more importantly the analysis makes it clear the way environmental decisions generally are made. It confirms the advice the Environmental Defender's Office always gives to people; the law is a tool, it can influence outcomes, it can be part of a campaign but it certainly does not determine outcomes.

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The book begins and concludes with a look at the history of the battle over Fraser Island. This saga is a microcosm of the issues which are still of concern in most environmental disputes today. These issues are enlarged upon in the chapter dealing with the hazards of participation.

Uppermost in these hazards is the cost of litigation and the potential for an adverse costs order. The Commonwealth's scheme of legal aid was inadequate in the 1970's and if anything is worse now. In the recent woodchipping case brought by the Tasmanian Conservation Trust against the Minister for Resources and Gunns Limited, it took 14 months and a complaint to the Commonwealth Ombudsman's office for Legal Aid and Family Services (LAAFS) to finally determine the legal aid application by refusing it.

An interim determination based on "specialist advice from the Australian Government Solicitor" had determined that the Trust would not be given standing in the Federal Court proceedings. An amateurish rehash of *ACF v The Commonwealth* formed the basis of this opinion, and of course the Federal Court begged to differ when it heard the case.

Because LAAFS is not an independent statutory authority, decisions to grant or refuse aid in cases which have the potential to be controversial are politically driven. Invariably grants assist disputes in States of opposite political persuasion.

Another hazard which is examined is being on the receiving end of strategic litigation against public participation (a SLAPP suit). Proceedings for defamation and conspiracy are still brought against individuals in the community who are advocating for environmental change and they still have the serious effect of silencing and intimidating those community leaders, as well as diverting their resources from the main issue. The Hindmarsh Island dispute and dozens of other less well known examples have been brought to public attention since publication of Tim's book.

Accusations of eco-terrorism are still being made even though all the hard evidence points to industry being the perpetrators of violence. The complicity of police in failing to act to prevent violence or to take steps to investigate threats and assaults is as deep as it ever was.

The Fraser Island case study is also a good example of paradigm shift and its slow evolution since the 1970's: "The Mining Warden's Court was far from an ideal forum for conservationists because most wardens were officers in the Department of Mines which was committed to mining wherever possible" (p5).

In the Warden's reasons for granting leases to Queensland Titanium, the Warden acknowledged that the State's mining regulations required him to find against Queensland Titanium if the leases would prejudice the public interest. Queensland Titanium had failed to show that the areas covered by its application were worth mining. He rejected submissions from the Fraser Island Defence Organisation (FIDO) because it simply represented "[t]he views of a section of the public" not the "public interest as a whole". Sinclair and FIDO successfully took the case to the High Court.

According to Bonyhady, mining Wardens across Australia responded to the High Court's decision in Sinclair's case. When the Queensland Department of Mines proposed to abolish the office of Warden in 1987 the Queensland Conservation Council stressed the strengths of the existing system. Even though the wardens traditionally had no expertise in environmental matters they had a capacity to sift evidence and draw reasonable conclusions.

Direction need not only come from the High Court. It can also come from strong objectives in the legislation that establishes decision-making bodies and frameworks. That direction has been lacking from key state and Commonwealth legislation. The framework for regulation of pollution licensing in New South Wales is still decades behind in its attitude towards involving the public. Commonwealth Environmental Impact Assessment (EIA) legislation is flawed because its objects are directed towards process, not outcomes.

Bonyhady's research has been thorough. He has made personal contact with many of the main actors in the battles he describes. He has taken the care to understand what was going on. He roams across each jurisdiction in Australia with examples to illustrate his points about methods used to reduce rights to participate in environmental decisions, the passing of special legislation, the granting of exemptions and the establishment of inquiries which are a charade. He notes that: "Members of the public may also never learn of their opportunity to exercise their rights because some notice provisions are designed to reduce rather than attract objections" (p31).

Publication in the Government Gazette is one such method of burying something. The Commonwealth Environmental Protection Agency had this to say to the Tasmanian Conservation Trust about the EPA's failure to tell them about Pasminco's recent application to continue to dump 170 000 tonnes per year of jarosite, which contains mercury, cadmium, zinc and so on, into the ocean:

> you or your legal advisers would be familiar with the Environment Protection (Sea Dumping) Act and would therefore be aware that the Gazette is the means by which the government informs interested parties of matters such as receipt of permit applications. One reason that route is chosen is to ensure that all parties are treated equally, and that we do not play favourites among groups on the basis of their real or perceived interest in the issue. (Letter from the Waste Management Branch (EPA) to the Tasmanian Conservation Trust, dated 20 April 1995.)

Sometimes you have to laugh. Otherwise you really would read the government gazette in your spare time.

The book concludes with the salutary reminder of the temporary nature of the protection environmental laws afford:

> Forests declared as national parks, buildings subject to heritage orders, even plants and animals classified as endangered, can be stripped of these protection by ministerial decision or act of Parliament. Because government cannot be trusted to protect even those areas identified as the common heritage of mankind, conservationists are destined to fight again and again for places they believe worth keeping (p146).

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