

**Official Launch of the Northern Rivers Office of the
Environmental Defender's Office**

on 15 July 2006

By

**The Honourable Brian J Preston, Chief Judge,
Land & Environment Court of New South Wales**

The Environmental Defender's Office (EDO) is a remarkable organisation. It has pioneered access to environmental justice in Australia.

Founded in 1985, the EDO was the first public interest, environmental legal centre in Australia. It has been the model upon which other EDO offices have been founded in the other States and Territories of Australia.

Now, it is once again the pioneer in establishing the first regional office of an EDO in Australia.

The EDO has as its mission, the empowerment of the community to protect the environment through law. In doing so, the EDO recognises:

- The importance of public participation in environmental decision making in achieving environmental protection;
- The importance of fostering close links with the community;
- The EDO has an obligation to provide representation in important matters in response to community needs as well as areas the EDO considers important for law reform; and
- The importance of indigenous involvement in the protection of the environment.

This mission is achieved through the EDO providing a variety of services:

- Policy and law reform;
- Community legal education;
- Technical and scientific advice; and
- Litigation and advice.

More effective delivery of these services will be able to be achieved by the EDO having a regional office, staying closer in touch with the community of the region.

The EDO's current operational approach exhibits, amongst other things, four key elements:

- Early engagement in issues;
- Rural and regional outreach;
- Improved case management; and
- A merits focus.

Early engagement of the EDO, with its multi-disciplinary skills, is crucial in achieving sound environmental outcomes. Early engagement initiatives traverse the functions of the EDO, including policy and law reform, community legal education, and advice work, both legal and scientific.

Early engagement is hampered by distance between the office and the community in which the issues arise. Having a regional office will assist in breaking down this barrier of distance.

The EDO has had for a number of years a rural and regional program. This valuable program is a recognition that rural NSW often does not have equitable access to environmental legal and technical services, due to distances and lack of local infrastructure. Yet, demand for such services runs high. Around 60% of enquiries to the EDO are from rural and regional locations. Furthermore, serious environmental issues abound in rural and regional NSW.

The work of the EDO in rural and regional NSW helps to address these disadvantages.

The EDO is able to work in a non-partisan way. The EDO is able to play an important 'circuit-breaker' role in achieving better environmental outcomes. The EDO can act as a facilitator of dialogue between different stakeholders in disputes in rural and regional NSW.

The activities organised by the EDO in country areas have helped to build consensus and reduce conflict and hostility by bringing people together and working through issues.

The EDO is able to improve management of cases brought by community and conversation groups. Community and conservation groups are frequently under resourced and over committed. They find it difficult to garner the resources to deal effectively with environment disputes. Ready access to the EDO can redress this disparity in access to resources. Ready access is

facilitated by having a regional office of the EDO for community and conservation groups in the region.

The EDO has in its work been giving greater attention to the merits of environmental disputes, as an adjunct to its traditional supervisory function regarding civil enforcement and judicial review. After all, the merits are at the heart of the concerns of stakeholders in environmental disputes. Challenging decisions or conduct for legal error by way of civil enforcement or judicial review is but a surrogate for an underlying concern with the merits of the decisions or conduct.

The multi-disciplinary skills the EDO now has makes it better able to achieve a merits focus. The closer proximity of a regional office to the area in which disputes arise will allow the EDO to be more involved and provide greater assistance so as to achieve better merits outcomes for disputes.

The establishment of a regional office of the EDO can be seen, therefore, to enable the EDO to better fulfil its mission and the key elements of its current operational approach.

The establishment of a regional office of the EDO offers a number of opportunities.

First, a regional office expands the reach of the EDO and allows for systematic delivery of services in the chosen location and the defined outreach areas.

Secondly, a regional office offers the EDO the opportunity for a new mode of engagement with the community. It allows the EDO to work closely with the community and other partners (such as the local community legal centre) on environmental issues, plans and projects. It allows the EDO to be involved in community development work where environmental issues are but one of a range of issues faced by rural communities.

Thirdly, a regional office would be ideally placed to engage more directly with rural landholders and encourage the “take up” of private conservation initiatives, property planning and community participation in natural resource management. The achievement of sustainability requires the involvement of all stakeholders, including private property owners. The workshop to be held later today on conservation on private land is a good illustration of the way in which the EDO can engage directly with rural landholders.

Fourthly, a regional office helps to build trust and relationships in rural areas and a heightened appreciation of local issues. It mitigates the distrust that can arise from Sydney-based entities “parachuting in” at particular times for particular purposes. A regional office would work with the local community on an on-going basis to identify and resolve problems. A regional office of the EDO will be, and will be seen to be, part of the community it is assisting.

The Northern Rivers region has been chosen as the location of the first regional office of the EDO. This region was considered to be suitable for many reasons:

- There is an established environmental need. The Northern Rivers region is the most bio-diverse region in New South Wales and the third most bio-diverse region in Australia. Yet, it is faced with coastal development, forestry, natural resources and marine development pressures. The region is an area of increasing population and development. The Northern Rivers Catchment Management Authority estimates that over 6 million people visit the North Coast each year. The region is rich in agricultural production, timber production, commercial fishing and tourism, with major industries being beef production, dairying, horticulture and the nursery industry. The major use of waters is from unregulated rivers for town water supplies, followed by irrigation. The region is therefore, a region where the challenge of achieving ecologically sustainable development is acute.
- There is an established social need with high levels of social disadvantage and lack of access to legal services. The Northern Rivers region has around 30% of postcodes in the top 30 areas of social disadvantage in New South Wales. The region also heads the New South Wales list in unemployment and social disadvantage.
- The EDO already has a high profile in the area, largely as a result of its case and advice work in the past.
- There are a number of active and established conservation groups in the area, including the North Coast Environment Centre, the North East Forests Alliance, the Big Scrub Environment Centre, the Nambucca Valley Conservation Association and an offshoot of the Total Environment Centre.
- The area provides an established clientele of the EDO.
- There is already an established infrastructure at the Northern Rivers Community Legal Centre in Lismore and the Southern Cross University, as well as local support.
- A number of high profile pilot projects are already taking place in the region, including the co-operative legal service delivery model, the urban planning strategy and the far and mid North Coast regional strategies.
- There is a close convergence between the EDO's identified priority areas and environmental issues in the Northern Rivers area, including:
 - Biodiversity conservation and development pressures;

- Natural resource management, water allocation and land clearing;
 - Environmental justice, including effective engagement with the proportionally large aboriginal communities and addressing the high levels of unemployment and social disadvantage;
 - Climate change, energy and development pressures (demand-side).
- The Northern Rivers Community Legal Centre has established relationships with local conservation groups, into which relationships the EDO can tap.
 - It should be relatively easy to attract and retain quality staff in the area having regard to the area's desirable climate, scenic and other attractions.
 - There is a strong pool of locally qualified practitioners, paralegals and other professionals to assist the office.

The Northern Rivers office will provide a variety of services, both individually and in conjunction with the Sydney office of the EDO. These will include legal advice and case work, a workshop program, policy and plan making, profile raising and an evaluation of the success of the regional office, enabling other regional offices to follow in the future if successful.

The EDO is to be commended for its pioneering initiative in establishing a regional office. The reasons for establishing a regional office and for selecting the location of the Northern Rivers region for the regional office are compelling.

I have no doubt that the Northern Rivers office of the EDO will serve a vital role in promoting access to environmental justice, good governance and ecological sustainability in the region.

I wish it every success.

I am delighted to officially launch the Northern Rivers office of the EDO.