

## OVERVIEW OF THE BOOK

*From the Foreword by Justice Peter RA Gray, Federal Court of Australia*

“There was a time when someone like Dr Edward (“Ted”) Christie would have been described as a “renaissance man”. That term was used to designate someone whose interests and accomplishments spanned a variety of academic and practical disciplines. In the 21st century, we need a new term, not only expressed in language that is gender inclusive, but apt to cover the talents of a person who has the ability to combine the most up-to-date developments in several fields of thinking, so as to establish a new standard.

As its title suggests, 'Finding Solutions for Environmental Conflicts: Power and Negotiation' is a book about process in resolving disputes of particular kinds. It is more than merely that. It blends skilfully and entertainingly a number of themes.

At one level, this book is a legal textbook. It examines thoroughly a number of aspects of the way in which disputes about development proposals that will affect the environment are handled in three major common-law jurisdictions, the United States of America, the United Kingdom and Australia. This exercise in comparative law is useful in itself, because it assists policy choices when questions arise of the process to be adopted in relation to particular disputes, or disputes of particular kinds.

As a legal text, the book is also an excellent resource on the options available for alternative dispute resolution, and how to select from among those options. It enables the reader to understand fully the alternatives to traditional dispute resolution. It arms policy-makers with the information to choose more effective processes than legal proceedings that usually lead ... to judgments in which the court can deal only with the issues in the case and can only rule in favour of one party or the other in relation to each of those issues.

At another level, the book can be read as a scientific treatise. It provides valuable advice on the types of knowledge that are essential for making good decisions about development and the protection of the environment. It therefore promotes good outcomes, rather than outcomes based on “junk” science, supposition, rumour and ignorance.

Most of all, the book is a practical manual of how to produce optimal outcomes in environmental disputes. It offers advice about the steps that need to be taken to put in place procedures that are fair, rigorous and effective in producing those outcomes; procedures that leave no parties feeling that their points of view have not been considered, no viable option unexplored, and no room for lengthy and costly legal challenges to the outcomes.

*If this book is read, and its contents are heeded, as widely as is justified, then the days of the application of traditional dispute-resolution procedures to environmental disputes should be over in the 21<sup>st</sup> century. Gone will be the days of steamrolling objectors, in order to push through development proposals at all costs; of withholding information unless forced to reveal it after costly legal proceedings; of announcing that, of course there will be “consultation”, but the project will go ahead in any event... and of winner-take-all judgments that end up satisfying nobody.*

It will be a compulsory item on the bookshelves of every community organisation aiming at the protection of the environment from excessive destruction by development. It will never gather dust on those bookshelves.

Bureaucrats and those whose task is the resolution of environmental disputes will ignore it at their peril; they will realise that it offers advice that will save time and money in processes that are currently too long and costly.

Lawyers who act for parties to environmental disputes will find it invaluable as a source of authorities on the law, and of practical guidance.

Developers will find that they need to read it before making applications for approval of projects, lest they make those applications without understanding what will be required of them, if they are to succeed

*To describe this book as revolutionary  
is not to resort to hyperbole.*

*It will bring about significant change.*

*Ted Christie, renaissance man (or its 21<sup>st</sup> century equivalent),  
deserves acclamation for having written it.*