

THE GREEN GAMES: THE LEGAL OBLIGATIONS THAT HAVE ARISEN FROM THE 'GREEN' BID

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I. INTRODUCTION

This year, Greenpeace filed proceedings in the Federal Court against the Olympic Co-ordination Authority (OCA) over the issue of the 'Green Games'. Those familiar with the rhetoric of the Sydney 2000 bid will know this slogan well. It carries with it the promise that the Olympics at Homebush will be the most environmentally sound games ever staged.

Greenpeace holds that the OCA has broken its promise of a green Olympics, specifically because of the installation of an ozone-depleting air conditioning system at the SuperDome multi-use arena. Greenpeace alleges that the OCA is responsible for misleading the public, and that this breach of public trust is also a breach of a legal obligation.

Greenpeace points to statements made by Olympic authorities since 1993, such as the promise that "no ozone depleting chemicals [CFCs, HCFCs, methyl chloroform and halons] will be used"¹ and "[t]he use of hydrofluorocarbons [HCFCs] and CFCs will be eliminated wherever practicable throughout the site".² Such promises have certainly been made. Indeed, the *Environmental Guidelines for the Summer Olympic Games (Environmental Guidelines)* specifically outline Sydney's commitment to "the use of CFC, HFC and HCFC-free refrigerants and processes". But to what extent can they be enforced in a legal context?³ Does the call for a Green Games have any legal grounding at all?

Developments on the Olympic site to date are already, by many accounts, paving the way to improved environmental standards, not just for future Olympics, but for future urban development generally, both locally and globally. So in many ways, Olympic authorities are upholding their promises. But still the question remains, is there any power to enforce such promises if they are broken?

* Mr McGeoch would like to acknowledge the research and other assistance given by Katrina Sanders and Erin Gough (Para Legals at Corrs Chambers Westgarth) in the preparation of this article.

1 Sydney Olympics 2000, "Australia's Bid for the Games", Media Release, 23 March 1993.

2 OCA, Homebush Bay Development Guidelines, Volume 1, *Environment Strategy* (September 1995).

3 The Federal Court has granted leave to discontinue these proceedings. This means that the issue has not been contested before the Courts and is still open to debate.

This article will examine the extent to which Olympic developments comply with the commitments pledged in Sydney's bid. It will assess the capacity of various accountability mechanisms, statutory, contractual or otherwise, to enforce compliance with the *Environmental Guidelines*. Finally, it will demonstrate that the environmental policies of our Green Games, whether legally enforceable or not, are setting a legacy for future games and future urban development.

II. WHAT ARE THE *ENVIRONMENTAL GUIDELINES* AND WHERE DID THEY COME FROM?

In 1992, before Sydney 2000 was a reality, a competition was launched by Sydney Olympics 2000 Bid Ltd. The challenge: to design an Olympic village. Among the five winning entries was a submission sponsored by Greenpeace Australia, and designed according to Greenpeace principles.

The *Environmental Guidelines* were released to the world at a press conference in Monte Carlo in September 1993. At the press conference, the *Guidelines* were supported by Paul Gilding, the then Chief Executive of Greenpeace, and the then Federal Minister for the Environment, Ros Kelly. To add to the event, thanks to ARK International, Nicole Kidman and Tom Cruise starred in a promotional video imploring support for these 'new' environment guidelines.

As a result of the ties developed through the 1992 competition, Greenpeace and the Olympic organisers worked in close association to develop the most environmentally comprehensive bid ever. The Environmental Committee was formed to prepare guidelines for the planning and management of the Games, comprising independent environmental practitioners as well as representatives from Clean Up Australia, the Environmental Protection Authority, the Water Board and, naturally, Greenpeace Australia.

The *Environmental Guidelines* express a commitment to the principles of ecologically sustainable development and a desire to integrate environmental considerations into all aspects of Games planning. Energy and water conservation, clean air and soil, waste management, preservation of local ecosystems, noise control - all of these and more are taken into account. The *Environmental Guidelines* specify design, construction, merchandising, ticketing, and catering systems that will meet environmental standards. The fact that they specify that tickets must be printed on recycled and recyclable paper, using non-toxic ink, illustrates how thorough they are. They also require that Sydney Organising Committee for the Olympic Games (SOCOG) staff and volunteers be trained to conduct their activities in accordance with the *Environmental Guidelines*.

To what extent, then, are these commitments being fulfilled?

III. THE ENVIRONMENTAL GUIDELINES IN ACTION

A. Successes

Among the Olympic developments are numerous examples of the *Environmental Guidelines* already in action. Solar power and energy efficient design in the Athlete's Village, solar panels on the Stadium, SuperDome and Penrith Regatta Centre, the train line extension to Homebush Bay, use of recycled water and recycling of concrete have all attracted accolades to date.

Perhaps the most impressive feature is the Olympic Athletes Village, which is the largest solar-powered suburb in the world. A total of 665 homes will be connected to solar-powered electricity and hot water heating. Better still, after the Olympics these homes will be available for sale to the public. Around 32 000 trees have been planted at Homebush Bay, and many more locally occurring species will be transferred to permanent locations from their temporary pots after the completion of the Games. In 1998, Landcare Australia and SOCOG launched Olympic Landcare, a scheme aiming to plant more than two million trees at 600 sites across Australia in the lead up to the Games.

Construction projects within the Homebush Bay Olympic site have received recognition in the National Case Earth Awards for installation of gross pollutant traps and environmental engineering. Development of the Sydney 2000 Integrated Waste Management Solution has resulted in an integrated waste management scheme for all Olympic and Paralympic venues, to reduce, reuse and recycle waste. The relocation of the green and golden bell frog, which was discovered in the Homebush area and has been adopted as the unofficial Sydney 2000 mascot, also demonstrates commitment to the guidelines, specifically to the promise to protect the natural environment. There is a litany of wonderful achievements.

B. Pitfalls

Unfortunately not all of the preparations for Sydney 2000 have fulfilled the promises of the *Environmental Guidelines*. Greenpeace Australia's concern regarding use of CFCs, HFCs and HCFCs is but one example of apparent failings in relation to environmental commitments.

The 1999 Report compiled by Green Games Watch 2000 (GGW2000) examined whether the development of Olympic venues complied with the *Environmental Guidelines* and other public environmental commitments made in relation to each project.⁴

The Report highlighted a number of areas where commitments were said to be unfulfilled. Out of the eight venues selected to be examined, only the Olympic Village received a "good" rating, while there were three "fair" and four "poor" ratings. Instances of non-compliance include a lack of adequate public transport, the failure to provide recycling of treated stormwater and sewage effluent, and the inadequate clean-up of toxic sites.

4 GGW2000, *The Environmental Performance Review Report No 2*, 11 March 1999.

Indeed, there have been incidents of environmental pitfalls in Olympic planning. Despite major reductions of polyvinyl chloride (PVC) use in the Stadium and the Showground, it is still used extensively in smaller Olympic projects. Even the use of polyvinyl chloride (PVC) in the production of toy mascots for the Olympics has occurred.

Groundbreaking promises, such as the decision to avoid the use of PVC and CFCs, require full scale commitment to the environmental cause. To realise Sydney's green vision, environmental aspects must be considered integral, not additional to the Olympic project. Incidents of non-compliance such as those outlined above have led environmental groups to label Sydney's green focus a mere marketing ploy. Equally, whoever is the architect of such promises needs to understand the challenges being set for industries and building practices which hitherto were unaffected by such promises.

Given these circumstances, is it possible to enforce the *Environmental Guidelines*?

IV. WHAT ACCOUNTABILITY MECHANISMS ENFORCE COMPLIANCE?

In its proceedings against the OCA, Greenpeace embraced the task of enforcing the environmental promises of the Olympic organisers. Its approach was statutory based. Section 52 of the *Trade Practices Act* 1974 ensures that "a corporation shall not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive". Greenpeace argues that commitments made in the *Environmental Guidelines* to the use of CFC, HFC and HCFC-free refrigerants and processes constitute misleading and deceptive conduct, because the air-conditioning system of the SuperDome breaches this obligation.

Considering that this argument has not been contested before the Court, what other mechanisms - statutory, contractual or otherwise - hold government and industry organisations accountable?

A. Legislative Imperatives to Comply with the *Environmental Guidelines*

After Sydney was awarded the right to host the Games in 1993, the *Environmental Guidelines* were given effect under New South Wales legislation. As a result, SOCOG and the OCA both have a legislative responsibility to ensure that Olympic planning and development projects comply with the *Environmental Guidelines*. The following is an outline of the relevant legislation which confers environmental obligations on Olympic organisers.

(i) *SOCOG Act*

The *Sydney Organising Committee for the Olympic Games Act* 1993 states in s 11(d) that:

In exercising its functions, SOCOG must take into account, to the fullest extent practicable...all representations, warranties and covenants contained in the Bid Books, and all other commitments made by the Australian Olympic Committee, the Council of the City of Sydney or Sydney Olympics 2000 Bid Limited to the International Olympic Committee

This legislative imperative is supported by SOCOG's Environmental Policy, which states it will "be committed to, and will promote to others, the *Environmental Guidelines* for the 2000 Olympic Games".

(ii) *OCA Act*

The OCA also confirms in its Environmental Policy that it "is committed to the principles of ESD [Ecologically Sustainable Development]" and "will comply with all relevant environmental regulations including statutory planning instruments and meet the guiding principles of the *Environmental Guidelines for the Summer Olympic Games*". This undertaking is given legislative effect under the *Olympic Co-Ordination Authority Act* 1995, which states that the OCA must, before carrying out any proposed development, "consider...the consistency of the proposed development with the *Environmental Guidelines For the Summer Olympic Games*"⁵ and "the consistency of the proposed development with ecologically sustainable development"⁶.

(iii) *SEPP 38*

In addition to these statutory provisions, various planning instruments are established under the *Environmental Planning and Assessment Act* 1979 to facilitate compliance with Sydney's environmental commitments. State Environmental Planning Policy No 38 aims "to establish a planning process within which all Olympic Games projects and other development by the Olympic Co-ordination Authority can be considered and their impact assessed"⁷ and "to ensure that any such project or development is consistent with ecologically sustainable development".⁸ "Ecologically sustainable development" is defined under s 3 as "development which uses, conserves and enhances the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased".

State Environmental Planning Policy No 38 also provides specific mechanisms to facilitate compliance with the guidelines. For example, the Minister for Urban Affairs and Planning must consider the consistency of an application for development consent with the *Environmental Guidelines* and with ecologically sustainable development before making a determination.⁹ The Minister must also consider any submission made in response to the public exhibition of an application,¹⁰ and before granting consent must be satisfied that the OCA has

5 *OCA Act*, s 24(3)(d).

6 *Ibid*, s 24(3)(f).

7 SEPP 38, s 2(c).

8 *Ibid*, s 2(d).

9 *Ibid*, s 10(2).

10 *Ibid*, s 10(2).

fulfilled its environmental obligations by complying with s 24 of the *Olympic Co-ordination Authority Act 1995*.

(iv) *SREP 24*

Another planning instrument imposing environmental obligations on development of Olympic facilities is the Sydney Regional Environmental Plan No 24 - Homebush Bay Area, a plan which aims "to define objectives for the Homebush Bay Area which encourage coordinated and environmentally sensitive development".¹¹ It also sets up mechanisms to facilitate compliance with the *Environmental Guidelines*. For example, it requires that before determining a development application, the consent authority must consider "the extent to which the development encompasses the principles of ecologically sustainable development"¹² and "the impact of carrying out the development on environmental conservation areas".¹³ The plan also sets out specific planning objectives, for example "to protect sensitive natural environments, such as wetlands, woodlands and grasslands/wetlands...by identifying environmental conservation areas and ensuring that the ecological significance of these areas is not reduced"¹⁴ and "to enable the habitat of birds protected under international agreements for the protection of migratory birds to be conserved".¹⁵ It should be acknowledged that the NSW Government has shown commendable efforts in the introduction of this legislative provision to honour the commitment to the *Environment Guidelines*.

(v) *Legislative Loopholes*

Despite extensive legislative provisions urging fulfilment of environmental undertakings, these do not operate to enforce absolute compliance with the *Environmental Guidelines*.

Firstly, although the provisions demonstrate considerable awareness of the importance of honouring our environmental pledge to the international community, they are worded in such a way as to encourage compliance rather than enforce it. SOCOG must endeavour to implement the *Environmental Guidelines* "to the fullest extent practicable". The OCA must "consider" consistency with the *Environmental Guidelines*. These terms indicate that compliance with the *Environmental Guidelines* is discretionary, not mandatory. Is this adequate? I believe so.

Although environmental impact assessment is imperative, it must be contextualised. The organisation of the Olympic Games is an immense task, which must be completed within a limited time frame and budget. The legislation does not compromise environmental commitments, it recognises the need for flexibility. Imposing absolute liability for compliance would be

11 SREP 24, s 3(a).

12 *Ibid*, s 13(e).

13 *Ibid*, s 13(f).

14 *Ibid*, s 12(j).

15 *Ibid*, s 12(1).

unworkable. Instead, legislative measures retain some level of discretion, while demanding a thorough consideration of environmental impact.

A second potential problem is that the operation of existing environmental legislation is circumvented by provisions enacted specifically to regulate Olympic development.

For example, s 23 of the *Olympic Co-Ordination Authority Act* 1995 states that “[a]ny development carried out by the [Olympic Co-ordination] Authority is not, despite anything to the contrary in the *Environmental Planning and Assessment Act* 1979, designated development for the purposes of that Act”. State Environmental Planning Policy No 38 prevails to the extent of any inconsistency between it and the *Environmental Planning and Assessment Act* 1979¹⁶ or any other environmental planning instruments.¹⁷ Specifically, a provision in any other environmental planning instrument that would require advertisement of an application or consultation with any person or group ceases to operate,¹⁸ and the Minister for Urban Affairs and Planning may grant consent for an Olympic project “despite any development standard under any other environmental planning instrument”.¹⁹ Sydney Regional Environmental Plan No 24 also prevails to the extent of any inconsistency between it and other environmental planning instruments.²⁰

Accountability was also reduced by an amendment to the State Environmental Planning Policy No 38 in 1995, which meant it was no longer possible to go to the Land and Environment Court if companies failed to comply with environmental regulations..

Further, the *Threatened Species Conservation Act* 1995²¹; *National Parks and Wildlife Act* 1974²²; *Darling Harbour Authority Act* 1984²³ and *Environmental Planning and Assessment Act* 1979²⁴ all contain an exclusion clause prohibiting the bringing of proceedings for a breach of the Act in connection with development carried out by, for or on behalf of the OCA.

However, these exemptions do not necessarily indicate a relaxation of existing environmental obligations. Rather, existing mechanisms were inadequate to regulate a development of such a large scale, and the enactment of provisions specific to Olympic development is evidence of a more comprehensive assessment of environmental impact than usual. Exemptions in other legislation are necessary to give effect to these additional environmental initiatives.

Perhaps the greatest problem with legislative accountability mechanisms is the tendency of organisations to respond either selectively or superficially to the documents which have been prepared by various government agencies. Although the *Environmental Guidelines* remains the central environmental

16 SEPP 38, s 14.

17 *Ibid*, s 8(b).

18 *Ibid*, s 10(3).

19 *Ibid*, s 10(4).

20 SREP 24, s 4(1).

21 Section 147(4).

22 Section 176A(4).

23 Section 282(4).

24 Section 123(4).

management document for the Olympics, the Department of Urban Affairs and Planning (DUAP) has prepared a document titled "Environmental Planning for ESD: Guidelines for Compliance with the *Environmental Guidelines for the Summer Olympic Games*" to assist Olympic developers. This document asserts that "if the principles of ESD as outlined in this document are met, a development proposal will be consistent with the *Environmental Guidelines*". However, GGW2000 asserts that its provisions are quite different from the *Environmental Guidelines*, and proposes new environmental initiatives for the development of Olympic facilities.²⁵

The 1998 GGW2000 Report²⁶ found that the documentation developed to facilitate compliance with the *Environmental Guidelines* actually impedes it, by creating new and often less stringent requirements. The situation may arise where a development which complies with the *Environment Strategy*, prepared by the OCA, or the *Environmental Planning for ESD*, prepared by the Department of Urban Affairs and Planning, only partially complies with the *Environmental Guidelines*. The Report states that the

additional environmental provisions...do not assist developers of Olympic facilities to address a complex problem in a practical way to achieve real environmental improvements. They simply create a maze of requirements from which proponents can shop to obtain development consent.²⁷

Selective compliance tends to produce only the most superficial responses to environmental responsibilities, as an organisation will sometimes only comply with the least stringent set of commitments available in order to secure development consent. The GGW2000 Report cites the example of an organisation complying with superficial obligations, such as the establishment of an advisory panel, but neglecting more comprehensive obligations such as life cycle costing.²⁸ The fact that organisations are able to adopt only some measures might demonstrate the inadequacy of a discretionary approach to compliance.

Regulatory complexity is perhaps the greatest impediment to compliance with the *Environmental Guidelines*. Organisations cannot be expected to comply with the *Environmental Guidelines* unless they are provided with clear technical guidance, and not a multitude of conflicting requirements. In this area the implementation of accountability mechanisms is seen by some to be inadequate.

B. Contractual Obligations

The Host City Contract was signed between the IOC and the City of Sydney on 23rd September 1993. This states in cl 15 that:

25 GGW2000, *The Environmental Performance Review Report No 1*, 16 July 1998, para 4.1.

26 *Ibid.*

27 *Ibid* at para 6.1.1.

28 *Ibid.*

The City and the NOC [National Olympic Committee] acknowledge and agree that respect for the environment is an important consideration and undertake to carry out their obligations and activities under this Contract in such a manner that they comply with applicable environmental legislation and, whenever and wherever possible, serve to promote the protection of the environment.

The Host City Contract is governed by Swiss law. Clause 55 states that any dispute concerning its performance shall be decided by the Court of Arbitration for Sport in Lausanne, Switzerland. The contract is also given effect under New South Wales legislation. Section 9(1) of the *Sydney Organising Committee for the Olympic Games Act 1993* (NSW) states that:

The primary objective of SOCOG is to organise and stage the Games of the XXVII Olympiad in Sydney in the year 2000, in accordance with the rights and obligations conferred and imposed under the Host City Contract.

Section 11(b) requires that “[i]n exercising its functions, SOCOG must take into account, to the fullest extent practicable...the Host City Contract”.

Even though the environmental provision in the Host City Contract is thus legally enforceable, what real impact can it have? The parties may “acknowledge” that environmental protection is an “important consideration” and should be taken into account “whenever and wherever possible”, but there is no compulsion to act.

Importantly, cl 8 of the contract deems that “[a]ll representations...contained in the City’s bid documents...shall be binding”. Because the *Environmental Guidelines* formed part of the representations made by Sydney Olympics 2000 Bid Ltd to the International Olympic Committee (IOC), they therefore supplement the Host City Contract. Accordingly, Sydney is under an obligation to the international community to implement the *Environmental Guidelines*.

C. The Environmental Responsibilities of Sponsors

The sponsors of the Games also have an environmental responsibility. The *Environmental Guidelines* suggest that Sydney’s environmental commitments extend to the activities of its sponsors. For example, they state that “Sydney is committed to the co-operation of sponsors and service providers in developing responsible corporate purchasing and waste management policies”. Whether Olympic sponsors are classed as top partners, team millennium Olympic partners, supporters or providers, the contracts between SOCOG and its sponsors all require that sponsors comply with the *Environmental Guidelines*.

But regardless of these obligations, the commitment of sponsors to the Green Games is flexible, and despite GGW2000 reports upon sponsor progress in the environmental realm, and the incentive to maximise the marketing potential associated with being a green sponsor of the Green Games, it is difficult to find any real obligation for sponsors to take environmental concerns into consideration in the running of their businesses. The events relating to McDonald’s in Newcastle early last year demonstrate this.

(i) *Disposable Versus Re-useable Dinnerware at McDonald's*

McDonald's Australia, one of Sydney 2000's major sponsors, refused to accept a condition of development consent imposed by Newcastle City Council requiring it to use non-disposable dishes and utensils at its Mayfield outlet.

GGW2000 expressed disappointment concerning McDonald's reluctance to implement environmental initiatives, but had no power to compel McDonald's to comply with the Council's condition. This was despite the fact that the *Environmental Guidelines* require "minimum packaging of foodstuffs", "best practice reduction and avoidance" and "the co-operation of sponsors and service providers in developing responsible corporate purchasing and waste management policies".

The problem is that the environmental responsibilities of sponsors only extend as far as activities related to the games. Therefore, sponsors undertaking activities which do not deal specifically with the Olympics are not under any duty to comply with environmental obligations. Reusable cutlery at McDonald's is a matter of general business practice and not Olympic related.

Newcastle City Council eventually withdrew the reusable cutlery condition when McDonald's informed the Council of its intention to launch its national environmental management program, and a desire to use Newcastle to trial products, systems and processes for the 2000 Olympics. This conclusion demonstrates some positive effects of 'Green Games' influence, but at the same time, reflects the ease of non-compliance with the *Environmental Guidelines*. The new McDonald's processes to be trialed do not include the use of washable plates and cutlery, and regardless of the environmental consequences this condition cannot be enforced.

D. Freedom of Information

Under Sch 1, cl 22 of the *Freedom of Information Act* 1989 (NSW), any document prepared or received by SOCOG, the OCA or the Olympic Roads and Transport Authority which contains matter that is confidential to the IOC or the AOC is exempt from the operation of the Act. Because of this provision, unsuccessful tenders are unavailable for public scrutiny. This limits the efficacy of bodies such as Greenpeace and GGW2000, who are unable to compare current developments with unsuccessful tenders, which may have included superior environmental submissions.

Accordingly, freedom of information can be made ineffective as an accountability mechanism.

E. Extra-legal Mechanisms

In its Environmental Policy, SOCOG states that it will "work co-operatively with the public, community groups, businesses and government agencies to achieve its environmental objectives". This undertaking reflects a limited legislative obligation to consult the public and special interest groups on environmental matters.

Under the Sydney Regional Environmental Plan No 24 the consent authority must consult whichever bodies it considers appropriate before determining a development application.²⁹ It must consider, if relevant, “the views of the public and other authorities which have been consulted”.³⁰ Also, in the case of a major public facility or an environmental conservation area, it must advertise and publicly exhibit any application for development.³¹

State Environmental Planning Policy No 38 requires that an application for consent to developments must be publicly exhibited prior to its determination.³² However, this does not apply to all proposed developments, only to those deemed “likely to have a significant impact”. Further, under s 10(3), a provision in any other planning instrument that requires advertisement of an application prior to its determination has no effect, nor does any requirement that the consent authority consult or notify any person or body, or take into account their views, or obtain their concurrence before determining an application.

Despite these limitations, pressure from special interest groups is effective. A good example is the \$12 million upgrade of the remediation strategy for the Olympic site in response to extensive pressure from green groups. This package includes the establishment of a Homebush Bay Environmental Reference Group to oversee ongoing management of environmental, community and scientific interests, and the establishment of a community geographic information system, to provide public access to site environmental data.³³

Also, advice from Greenpeace to the Homebush Bay Authority in 1994 led to the government accepting the Millenium Park concept (agreeing to build the railway line to Olympic Park) and re-designing the precinct away from the bay area due to contamination around the bay edge.

These examples demonstrate that while public interest groups cannot enforce compliance with environmental obligations, the pressure they exert operates as an influential accountability mechanism.

V. WHO IS WATCHING? THE ROLE OF GREEN GAMES WATCH 2000

GGW2000 acts as a further extra legal mechanism, in its role as the community’s environmental watchdog for the Olympic Games. GGW2000 is a coalition of the Australian Conservation Foundation, National Parks Association, National Toxics Network, Nature Conservation Council of NSW and Total Environment Centre. It is funded by Environment Australia and OCA.

GGW2000 ensures government and industry accountability through its annual audits of their performance. It is required to “review and report to the Olympic Co-ordination Authority on progress on implementation of *Environmental*

29 SREP 24, s 14(e).

30 *Ibid*, s 13(h).

31 *Ibid*, ss 21(a), 22(5)(a).

32 SEPP 38, s 9(2).

33 GGW2000, *Newsletter Issue 7*, Autumn 1998, p 1.

Guidelines for the Sydney 2000 Olympic Games" and to "provide independent advice to...the community, government and business sector on the achievement of an environmentally responsible Olympic Games in Australia".³⁴ GGW2000 fulfils these conditions by developing proposals for government agencies and industry on environmental protection and ecologically sustainable development. It commissions a range of research projects, and measures progress on implementation of proposals through annual reviews. It also provides a community consultation program to ensure public participation in the Olympic Games.

GGW2000 is influential because it monitors the environmental responsibility of Olympic developments and reports its findings to the public. It demonstrates how extra legal accountability mechanisms complement legal obligations, and together function to create an environmentally sound Olympics.

VI. THE LEGACY LEFT BY THE GREEN GAMES

One way to assess these mechanisms for enforcing compliance with environmental pledges is to examine the environmental legacy that Sydney 2000 will leave. Is it necessary, after all, to compel compliance with the *Environmental Guidelines* in order to arouse environmental awareness?

The legacy demonstrates that although compliance is not strictly enforced, Sydney has taken its environmental pledge seriously and is conducting one of the world's most significant environmental feats ever.

Regardless of whether or not the environmental policies of our Green Games are legally enforceable, Sydney 2000 is undoubtedly setting a precedent for future games and future urban development by show-casing innovative environmental technologies and practices. It is the hope of the OAC and the IOC that these innovations will also improve the practices of the global bodies associated with the Games. One way that Australia's Olympic developments are being displayed to the international business community is through the inclusion of technological innovations at Homebush Bay in the Australian Technology Showcase.

Sydney's green bid marks a new era of increased environmental awareness around the globe. On 22 and 23 October 1999, the third bi-annual World Conference on Sport and the Environment was held in Rio de Janeiro. The objective of this conference is to establish an action program allowing the Olympic Movement to participate in the global program of sustainable development. This would involve the implementation of concepts developed during the United Nations Conference on Environment and Development in 1992.

Environmental measures are becoming increasingly important in the IOC's choice of host city. The IOC includes in the specification lists of the bidding cities, a chapter relating to new requirements dealing with environmental

34 Conditions of Grant between GGW2000 and the New South Wales State Government.

protection. These measures ensure that the planning of infrastructure and facilities include environmental protection policies from the outset. This demonstrates that Sydney's initiatives are now an integral aspect of any future games bid.

The environmental policy of SOCOG includes the intention to "set a new standard of environmental excellence for organising and staging an Olympic Games or any other large sporting event and to leave an environmental legacy that will mark the beginning of the next millennium". This entails a commitment to share its environmental experience with the Olympic Movement, to promote its guidelines to the rest of the world, and to encourage environmentally friendly practices, leading by example. The environmental standard that the 'Green Games' advocates has the potential to leave its mark on the broader community by way of upgraded public transport facilities, improved waste management and reduction, improved air and water quality and other developments.

A new report by Andrew Myer "Raising Environmental Benchmarks in the Olympic City"³⁵ for GGW2000 examines how the environmental initiatives set in motion by the Olympics can be applied to urban planning across Australia. For example, the experience of planning the Olympic Athletes Village has already set a new Australian standard of environmental performance for residential developments. The village houses use only 50 per cent of the energy currently required to maintain a typical Australian house, and the use of solar power is unprecedented on such a large scale. Myer also recommends that a comprehensive record of environmental Olympic initiatives be maintained and used as a reference point to further enhance ecologically sustainable development in NSW. This would enable the wider community to benefit from the lessons learnt through the staging of the Games.

The real impact of Sydney's environmental pledge remains to be seen, but progress to date in the environmental arena indicates an impressive commitment, irrespective of legal enforceability. Sydney can be proud of its dedication to a Green Games.

35 Note 8 *supra* at 3.