

AUSTRALIAN SUIT

Ark Claim Survives Court Fight

MELBOURNE—An Australian court has shot down a geologist's contention that a prominent creationist violated the country's trade laws by claiming to have found Noah's Ark. On 2 June, Judge Ronald Sackville ruled that ArkSearch Inc., the organization promoting the alleged finding in Turkey, did not constitute a business and, thus, was not subject to laws governing fair trade practices. Sackville said that although the defendant had made misleading statements about his activities, such disputes should be resolved in other ways.

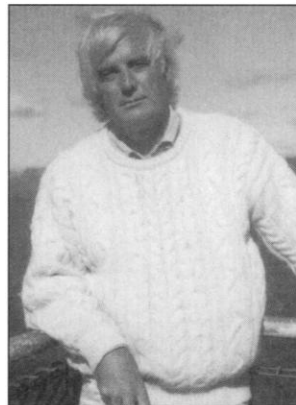
"The courts should not attempt to provide a remedy for every false or misleading statement made in the course of public debate on matters of general interest," Sackville said in his ruling. (The full text is available on the World Wide Web at www.austlii.edu.au/au/other/fca) "Some issues—no matter how great the passions they arouse—are more appropriately dealt with outside the courtroom."

The civil case pitted Ian Plimer, a Melbourne University geology professor, and author David Fasold against Allen Roberts, a pastoral elder of a creationist church in Sydney, and his group, which was originally called Noah's Ark Research Foundation

(*Science*, 18 April, p. 348). Plimer alleged that Roberts had breached the Fair Trading Act by engaging in "misleading and deceptive" conduct during a lecture tour to raise money for a dig in Turkey to obtain additional evidence of the biblical ark. Because he was using the lec-

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turer "did not bear the required trading or commercial character."

Plimer, who is on the verge of bankruptcy after having sold his home to provide part of the \$500,000 cost of the case, says he's beaten but unbowed by the ruling. "The law shouldn't just be there for one big bank to sue another; it should be there for the average [consumer]," he says. "I've spent the last 12 years dealing with creationists, and I'm ready to do a few more."

Roberts sees it as a vindication of his efforts. "The judgment has preserved free speech," he said on Australian radio. "In the future they'll not be harassed and pursued through the courts."

Plimer said he couldn't understand how the more than \$50,000 raised by

tures for fund raising, Plimer contended that Roberts was engaged in "trade or commerce." Fasold had also brought a copyright claim against Roberts for reproducing his drawing of a structure purported to be Noah's Ark.

Sackville found in favor of Fasold's copyright claim, although he awarded him only \$2500 on the basis that there was no evidence of financial loss. But he rejected Plimer's argument by ruling that Roberts's organization "lacked the necessary degree of system and continuity" to be considered a business and that Roberts's actions as a lec-

Roberts's organization does not constitute "trade and commerce." His lawyer, Stephen Walmsley, says that the interpretation of whether an activity is in "trade and commerce" historically is a contentious issue and that the "cases fall on either side of the wire." Plimer now faces paying the bulk of Roberts's legal costs, estimated at \$300,000. But he says he is planning an appeal, calling the ruling "a mistake in law."

—Elizabeth Finkel

Elizabeth Finkel is a free-lance writer in Melbourne.

INTERNATIONAL COLLABORATION

Partners Heed Japan's Funding Plea

For several years, Japan has chafed at paying for most of the Human Frontier Science Program (HFSP), an international research effort it initiated a decade ago. Last month, its entreaties paid off: Led by the United States, the partners in the program agreed to increase their contributions and move toward parity with Japan in 5 years.

Meeting on 20 May in Washington, D.C., the partners declared their strong support for the program, which awards grants and fellowships for high-quality collaborations in neuroscience and molecular biology (*Science*, 13 December 1996, p. 1832). Officials from the eight participating countries and the European Union (EU) also agreed to draw up guidelines for accepting new members, and to increase the amount spent on grants. The program now funds only 10% of the proposals from intercontinental teams of scientists.

The Japanese were seeking approval for a firm 5-year plan that would lift

the program's annual budget, now \$47 million, to \$70 million while holding Japan's contribution steady at \$37 million. In the end, the partners settled on a \$60 million target and "guidelines" on how to reach that level without upping Japan's contribution

(see table). "I wouldn't say we were extremely satisfied, but we're not dissatisfied," said an official at Japan's Science and Technology Agency who is involved in the program. Japan is "strongly hoping each country will follow the guidelines," he said, adding that there was still a feeling that the budget "is not enough to answer the needs" of the targeted research areas.

The United States, the largest non-Japanese partner in the program, has promised a 25% boost over 2 years in its \$4 million annual payment. The \$500,000-a-year increase would come from the National Institutes of Health (NIH), while the shares of three other federal agencies would hold level. "It's an indication of how positively everybody feels about how things are going," says NIH's Wendy Baldwin, one of two U.S. representatives on the program's governing board of trustees. "At the same time, we told them that we can't budget 5 years in advance."

The EU has drawn up plans to boost its \$1 million contribution to \$3 million over the same period, although a firm commitment hinges on approval later this year of its

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|--------------------------|---------------|----------------|
| Member Country | Current Share | 5-Year Goal |
| (in millions of dollars) | | |
| Japan | \$37.3 | \$37.00 |
| United States | 4.0 | 10.45 |
| France | 1.9 | 2.05 |
| Germany | 1.0 | 3.20 |
| European Union | 1.0 | 3.00 |
| United Kingdom | 0.7 | 1.50 |
| Switzerland | 0.6 | 0.45 |
| Canada | 0.3 | 0.80 |
| Italy | 0.2 | 1.55 |
| TOTAL | \$47.0 | \$60.00 |

SOURCE: HFSP