AUSTRALIAN SUIT

Ark Claim Survives Court Fight

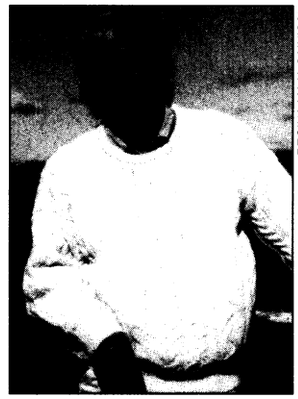
MELBOURNE—An Australian court has shot down a geologist's contention that a prominent creationist violated the country's trade laws by claiming to have found Noah's Ark. On 2 June, Judge Ronald Sackville ruled that ArkSearch Inc., the organization promoting the alleged finding in Turkey, did not constitute 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 lectures 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.

"I've spent the last 12 years dealing with creationists, and I'm ready [for] more."

—Ian Plimer



REGINA MAJA SAINISCH

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 lecturer "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 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.

RAISING THE ANTE

Member Country	Current Share (in millions of dollars)	5-Year Goal
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

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

Fifth Framework research program. Individual countries have also strongly backed the program. "I don't believe there will be problems in meeting the new commitments," says Bernard Bigot, director-general in the former French government's research secretariat. But not every country is feeling as generous. This year, Canada reduced its $720,000 contribution by half as part of a general belt tightening, and government officials say it may be difficult to maintain even that level unless the economic picture improves.

Whatever the program's budget, there is a consensus that the money is supporting top-notch science. "The people are really first-rate, and its reliance on peer review is seen as a model for how to do international collaborations," says Baldwin. That lofty reputation has generated formal applications for membership from Australia and Israel and spawned informal discussions with South Korea. The latest EU expansion also brought in countries such as Sweden, which also wanted to join the program. "For small countries with expertise in these fields, the collaborations offered by HFSP are invaluable," says Patrick Piffaretti, a Swiss government official.

Member countries have agreed to meet again in 2001, following another review of the scientific agenda. In the interim, officials at the program's headquarters in Strasbourg, France, will study the best way to beef up the grants portfolio without damaging support for fellowships.

–Nigel Williams

With additional reporting by Jeffrey Mervis in Washington, D.C., and Dennis Normile in Tokyo.

MARINE ECOLOGY

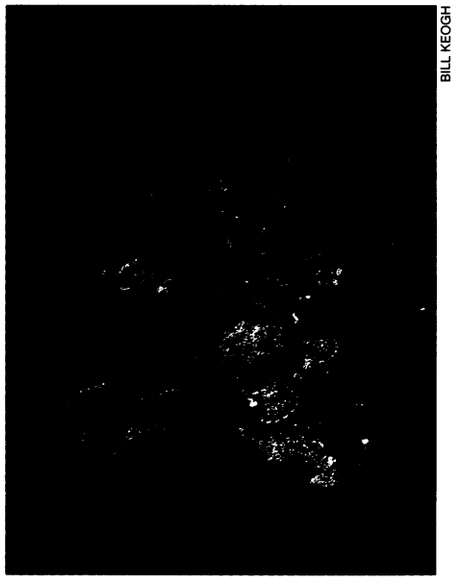
Scientists Launch Survey of Reef Health

Starting on 14 June, about 500 recreational scuba divers will become scientists for a day. Armed with measuring tapes and underwater writing slates, they will take to the shallow waters at tropical reefs around the world for the first of what many hope will be an annual event—a rapid assessment of reef health.

Kicking off on Kauai, Hawaii, the event, called Reef Check 1997, will be among the broadest ecological surveys ever undertaken. Over 100 reef scientists have agreed to train and supervise this volunteer army. Organizers acknowledge that the resulting data will not be detailed enough to provide a clear picture of the health of any one reef. But by providing a global snapshot, the survey should help scientists unravel what may be causing the decline of reefs, says Robert Ginsburg, a marine geologist at the University of Miami's Rosenstiel School of Marine and Atmospheric Science. Ginsburg is chair of the International Year of the Reef, which is sponsoring the survey. "We can think of the [volunteers] as scouts," he says. "If they turn up reefs that are in serious decline, then it will be up to us, the reef scientists, to go in and follow up."

The need for a global survey became obvious at a coral reef meeting in 1993 at the University of Miami in Florida, says coordinator Gregor Hodgson, a marine ecologist at the Hong Kong University of Science and Technology's Institute for the Environment and Sustainable Development Research Centre: "Here we had over 100 of the world's top reef scientists, and the best we could say was that reefs near population centers are not doing very well, whereas ones farther away are doing OK. That's a pretty lousy answer after about 30 years of work." The researchers agreed that many reefs surrounding Caribbean and Southeast Asian nations were in deep trouble: Runaway development has silted coastal waters already polluted by raw sewage. Dynamite fishing and overfishing also have taken a toll. But the scientists could not reach a consensus about the overall status of reefs worldwide.

Researchers have long wanted to get a global snapshot of reef conditions, but they have lacked the necessary funds and people power. So, Hodgson and several of his colleagues decided to put together an economy-class survey with scuba enthusiasts. Their approach is simple: In a 1-hour training session with a reef scientist, volunteers learn a basic surveying method and how to identify common species such as groupers and conchs. Then, the scientist escorts a small group out to a reef for a one-time survey. In addition to counting living things along transects, surveyors note the dead and dying—including bleached and diseased coral.



BILL KEOGH

Signs of sickening. This head of coral is beset by white plague disease.

In turning to volunteers, the Reef Check team is drawing on a long history of ecological surveying with citizen-scientists. Volunteers have helped conduct bird surveys in Europe for over 100 years. The U.S. Geological Survey's Biological Resources Division (BRD), once the National Biological Survey, marshals more than 2200 people for its annual breeding-bird survey. The economic advantage of enlisting volunteers is indisputable, says Sam Droege, a biologist with the BRD's Inventory Monitoring Program: "Collecting data on plants and animals is a time-intensive thing. If you paid someone to do that, you'd break the bank for most of the federal, state, or private groups." Droege further contends that when organizers put in place a rigorous system of data quality checks, and "where training is easy to accomplish, [volunteer] data often are indistinguishable from the professional."

Others, however, are less certain. William Allison, a research adviser with Sea Explorers Association in the Maldives, says even trained scientists don't always come up with similar tallies when surveying the same reef tract. Part of the problem is that scientists have not yet agreed on the best way to assess reef health, or standardized their surveying methods—such as whether to hold a transect line taut or drape it across the coral. "This does not bode well for the results of amateurs working under expert supervision," he cautions.

Hodgson says he has worked with other reef scientists to build error checking into every stage of the survey. For instance, he says, right after divers get out of the water, scientists will check the data to ensure that divers haven't double counted fish or misidentified species. Even so, "No doubt we're going to do some things wrong the first year," he adds.

But as John Ogden, director of the Florida Institute of Oceanography in St. Petersburg, says, no one is suggesting that these data be used to "rearrange the global furniture." Indeed, this seems to be the consensus of reef scientists. Says Ginsburg, "Scientists can shoot this thing full of holes. But because it's asking a simple question, it can still point the way."

–Barbie Bischof

Barbie Bischof is a science writer in New York City.