Welcome to the Summer edition of the EDO (ACT) newsletter.

The recent months have been a busy time in the environmental law space with the passing of the Environment Protection Amendment Bill 2014 (ACT) and the soon to be passed Nature Conservation Bill 2014 (ACT). The EDO (ACT) has worked tirelessly throughout the year to provide the ACT Parliament with law reform and policy advice on both of these Bills as well as the Bilateral Approval Agreement signed with the Commonwealth Government (aka the 'one-stop shop'). It seems this environmental approval policy will continue to be a topic of debate as recent deals in the Senate may have resulted in blocking the policy.

We are also delighted to hear about the recent success the EDO (WA) had in putting a stop to the controversial shark cull policy and the victory at EDO (NSW) in preventing deforestation for the Leard Forest coal mine during the Winter and Spring seasons.

The ACT Environmental Defenders’ Office lost the bulk of its funding when the Commonwealth withdrew its support. Our doors stay open with the generosity of members and supporters like yourself. **Making a donation will help maintain a strong EDO in the ACT.**

Camilla Taylor
Principal Solicitor
Summer Newsletter

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- IUCN World Parks Congress

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Local News

New Conservator in the ACT
Dr Annie Lane has recently been appointed by the ACT Environment and Planning Directorate as the new Conservator of Flora and Fauna. Dr Annie Lane brings a wealth of experience to the position. She has previously worked as the Regional Manager of the South Australian Department of Environment, Water and Natural Resources and is a well-respected leader in the environmental conservation industry.

World Parks Congress
The principal solicitor of the EDO (ACT), Camilla Taylor, recently attended the IUCN World Parks Congress in Sydney. The World Parks Congress is a global forum on protected areas and occurs once every 10 years. The mission behind the global forum involved a promise to invigorate the public’s efforts
to protect important environmental areas, a promise to inspire the public to engage their hearts and minds with the conservation of the environment and a promise to invest in projects that help support the environment. For more information on the Congress' vision of Sydney, see the World Parks Congress website.

ANEDO News

To see what the Australian Network of Environmental Defender’s Offices have been up to nationally visit the ANEDO website.

Controversial shark cull policy is now dead in the water (WA)
We welcome the Western Australian Government’s decision to withdraw its proposal for a shark hazard mitigation baited drum line. The EDO (WA) battled throughout 2014 to see the end of the proposed program by seeking an injunction in the Supreme Court (WA) to put a stop to the 3-month trial back in February.

This decision comes in light of a recommendation made by the WA Environmental Protection Authority (EPA) stating that “it is the EPA’s opinion that there remains a high degree of scientific uncertainty as to whether the proposal can meet the EPA's environmental objective for Marine Fauna”. The recommendation also conceded there is a risk that the proposal “may compromise the viability of white sharks at the population level”. Visit the EDO (WA) website for more information.

Great Barrier Reef dumping case update (QLD)
The North Queensland Conservation Council v Minister for the Environment & Ors case (Sea Dumping Case) has again been adjourned by the AAT until 6 February 2015. This case is seeking a merits review of the Queensland Government’s decision to approve dredging and dumping in the Great Barrier Reef Marine Park. The case seeking judicial review of this decision, Mackay Conservation Group v Minister for the Environment (Dredging Case), has also been adjourned by the Federal Court to a date to be fixed. Visit the EDO (QLD) website for more information.

Leard Forest coal mine challenge update (NSW)
EDO (NSW) has represented the Maules Creek Community Council (MCCC) this year in a challenge that sought to prevent Whitehaven Coal from clearing the Leard Forest during the winter and spring seasons. 1664 hectares of the Leard Forest was set to be cleared to make way for a new coal mine. The forest is home to a number of threatened species including bats, koalas, reptiles and birds, including forest owls. In the winter and spring these species are most vulnerable due to their hibernation and breeding patterns.

As a result of the proceedings in the NSW Land and Environment Court, Whitehaven Coal has subsequently submitted a new Biodiversity Management Plan (BMP) in relation to the Leard Forest coal mine. The new BMP has been approved by the Department of Planning and the Environment with conditions that do not permit clearing of the forest in winter or spring. As a consequence of the new BMP, MCCC have discontinued their case as their original objective has been achieved. Visit the EDO (NSW) website to read more about the MCCC v Whitehaven case.
350.org and various other stakeholders are continuing the fight against the coal mine and have organised a blockade from Thursday 27 November until 1 December. Visit the 350.org website to learn more.

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### Law Reform and Policy Watch

**Nature Conservation Bill 2014 (ACT): Update**

The EDO (ACT) is relatively optimistic about the upcoming legislative changes being introduced with the Nature Conservation Bill 2014 (ACT). However, there are still a number of additional changes that the EDO (ACT) would have liked to have seen introduced. Primarily the EDO (ACT) wishes to see more transparency surrounding administrative decisions where the Planning Authority has gone against the advice provided by the Conservator as well as more input from the Conservator into strategic environmental assessments, land management agreements and environmental impact statements. The EDO (ACT) is currently waiting to see if the Legislative Assembly takes these further concerns on-board.

The Nature Conservation Bill 2014 (ACT) is currently scheduled for debate in the Legislative Assembly on 27 November 2014.

**Environment Protection Amendment Act 2014 (ACT): Update**

The Environment Protection Act 1997 (ACT) is an important piece of legislation as it regulates activities which may have a harmful environmental impact. The Act also provides for mechanisms to reduce or eliminate pollution discharges into the air, land and water. The recent review of this Act has now been finalised and the result has given the Environmental Protection Authority more effective powers to deal with polluters as well as to actively intervene in situations where there is not only actual harm, but also a potential for harm to the environment. In this regard the EDO is pleased with the results of the review, however the improvements are too late to affect the activities of Koppers Wood Products whose timber treatment activities were found to poison groundwater in Hume. To read more about the Koppers matter, the Canberra Times has recently reported on it.

**'One-stop shop' environmental approval policy blocked in the Senate**

In late September, the Australian Greens announced that they had secured a deal with the Palmer United Party and the Australian Labor Party to block the Federal Coalition’s ‘one-stop shop’ policy that would have given the state and territory governments decision-making powers in planning approval decisions impacting on matters of national environmental significance (MNES).

The EDO (ACT) has previously recommended against the ACT and Commonwealth Governments entering into a bilateral approval agreement. See the EDO (ACT) submission on the ‘one-stop shop’ environmental approval policy for more information.

**ANEDO report highlights concerns over the ‘one-stop shop’ policy**

In related news, the Australian Network of Environmental Defenders' Offices (ANEDO) has recently released a report on the Assessment of the adequacy of threatened species & planning laws. The report
was commissioned by the Places You Love Alliance of more than 35 environmental groups. The report highlights that the Government is determined to hand over assessment and approval powers to the States and Territories despite the fact that the ‘gap between the environmental standards in state/territory laws and national standards is widening, not aligning’. ANEDO is of the opinion that the approval bilateral agreements and implementation of the ‘one-stop shop’ policy is another retrograde step for environmental protection. Effective implementation of the EPBC Act is the most essential element of meeting Australia’s international environmental obligations and this can only be achieved by the Australian Government retaining direct responsibility for key functions under the EPBC Act.

**Asia-Pacific Rainforest Protection Plan**

The Asia-Pacific Rainforest Summit was held in Sydney on 12 November. The EDO (ACT) Welcomes the Minister for the Environment, Greg Hunt’s announcement of the Asia-Pacific Rainforest Recovery Plan. The plan aims to ‘halve the rate of loss of natural rainforests in the Asia-Pacific region by 2020’ and to ‘end natural rainforest loss in the region by 2030’.

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**Events**

**Spring Mingle**

The Conservation Council is holding a Spring Mingle to celebrate their environmental achievements. This event will be a fantastic networking opportunity to connect with other Canberrans who are passionate about the environment. There will be a cash bar, a beautiful view, music, entertainment and a silent auction. A feast of canapés and a gourmet grill will also be provided.

**When:** Friday 28 November 2014 at 5:30pm.

**Where:** Conservation Council, 26 Barry Drive Canberra.

**Eco Elves Night Market**

The Canberra Environment Centre is relaunching the Eco Elves Night Market for 2014. The market will feature 45 stalls of local, handmade and ethical gifts, delicious food, and a local wine bar. Don’t miss the opportunity to support local and eco-friendly businesses from Canberra!

**When:** Friday 5 December at 5:00pm until 9:00pm.

**Where:** Canberra Environment Centre. Corner of Lawson Crescent & Lennox Crossing, Acton (by the National Museum).

**‘Surviving Earth’ screening at ANU**

The independent documentary, Surviving Earth, will be screened at ANU on the 8th of December. Surviving Earth is about ‘trying to prevent the mass suicide of humanity from a human induced resource depletion, environmental degradation and climate change’. The goal of the documentary is to raise awareness on how to ‘avoid killing humanity by not killing its host, the Earth’. Surviving Earth has been directed by Peter Charles Downey. Watch the Trailer on the Surviving Earth website.
When: Monday 8 December 2014 at 6:30pm (for 7:00pm screening and 8:40pm panel discussion).