e-Bulletin

No. 6 of 2015, 8 April 2015

*The environment’s legal team since 1992 - protecting the public interest - evening the odds*

The EDO is an independent community legal centre specialising in public interest environmental law. We offer professional legal advice and (in a small number of cases) representation, law reform and policy work and community legal education.

Please feel free to forward this e-Bulletin within your networks.

**EDO Overview:**

*In the last two weeks, your EDO has been "evening the odds" by:*

- Lodging a submission on the review of the Native Vegetation Regulations that regulate native vegetation clearance;
- Lodging a submission to the SA Biodiversity Parliamentary Inquiry;
- Making a number of grant applications and meeting with EDO supporters and potential project partners;
- Liaising with the Australian Network of EDOs on national law reform submissions;
- Advising on: ocean pollution; maladministration; civil enforcement and 3rd party planning appeal rights.

**Your generous gifts supporting your EDO:**

- In the last fortnight, we received $674 in gifts, via the [Givenow](#) website and other donor sources - thank you!
- **Remember** - your EDO needs $6900 per fortnight to continue our current services!!
- **Remember** - your EDO has 13 weeks of funding left from the 2014 Law Foundation grant until the money runs out and your EDO services are cut.

Help your EDO stay strong in 2015, make a gift to our SA environment, to your children and your grandchildren – [join us](#) or make a tax-deductible donation.

**Thank you for your valuable contribution.**

To join the EDO or to donate - please visit our [website](#). We are also on [Facebook](#). You can phone us on (08) 8359 2222.
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NEWS AND EVENTS

South Australia

**SA Government releases response to the Planning Review final report**

The SA Government has released its response to the final report of the Expert Panel on Planning Reform. The Government’s response outlines its position on each of the 22 recommendations made by the Expert Panel and draws up a framework for either implementing them or “undertaking further investigation”. The Government gives full support to 6 of the 22 proposals. It gives qualified support to most of the remainder. In regard to the Panel’s recommendations on Major Developments (including the reinstatement of judicial review rights),
the Government considers that further investigation is required before the Government can confirm its position on these reforms.

The Government intends to have legislation before the parliament by July this year. Planning Minister John Rau said: “...the first step in achieving this significant suite of reforms will be the development of new planning legislation that will replace both the Development Act 1993 and the Urban Renewal Act 1995. It will also incorporate relevant components of our transport and infrastructure laws. Drafting of the new legislation will commence immediately, in consultation with key interested parties.”

The Government says that it will provide avenues for consultation and engagement as the new legislation is developed, during parliamentary debate and to inform implementation.

The Government’s response can be viewed by following the above link.

Commonwealth

Funding to most Community Legal Centres restored – EDOs specifically excluded

Community groups wanting to protect the environment may be unable to access legal advice after the Federal Government refused to restore funding to Environmental Defender's Offices around Australia.

Federal Attorney General, Senator George Brandis, has announced the restoration of $25.5 million in funding to Legal Aid Commissions, Community Legal Centres and Aboriginal Legal Services, but expressly excluded EDOs from his decision.

The Attorney General’s original decision to cut funding to community legal centres, including the four-year $10 million to EDOs, was announced the week before Christmas 2013.

“We are very happy that the Attorney General has decided to restore funding to Community Legal Centres but we are absolutely stunned that he has made an exception of funding EDOs of Australia,” said EDOs of Australia spokesperson Jess Feehely.

“There is no basis to distinguish between EDOs and other community legal services delivering access to justice. In fact, the Attorney General’s decision contradicts recent recommendations of the Productivity Commission to restore EDO funding in light of our critical role in protecting public health and matters of national environmental significance.”

The funding cuts have greatly reduced environmental legal services to communities across Australia, with offices in the Northern Territory, ACT, South Australia, Tasmania and North Queensland particularly affected.
**National Pollutant Inventory latest dataset released**

The Commonwealth Department of the Environment has released its latest National Pollutant Inventory data - for 2013/14 - which details the emissions of over 90 pollutants from over 4,300 industry facilities (as well as those from diffuse sources such as domestic households). Significant media attention has been given to the dramatic rise in fine particulate emissions identified in the dataset, particularly those from coal mining. The recent rapid expansion of coal mining activity appears to have triggered a near doubling of fine particulate matter emissions nationally over a period of just 4 years – an outcome that may potentially come with serious health consequences. The data may be viewed at the above link.

**NOTICES AND INQUIRIES**

**South Australia**

**Zero Waste Strategy 2015-2020 consultation draft**

Zero Waste SA is inviting the public to comment on its recently released draft of *South Australia’s Waste Strategy for 2015–2020*. Zero Waste SA has a statutory requirement to develop a waste strategy for South Australia. Section 18 (4) of the *Zero Waste SA Act 2004* requires the organisation to gather views and submissions and to take these into consideration before developing and adopting a waste strategy for the State.

The draft waste strategy establishes waste reduction goals and targets for South Australia and sets out a range of strategies and steps to achieve these goals and targets.

Submissions are due by **11 May 2015**.

**Regular SA Government Consultations**

Below are links to a number of SA Government agencies and bodies who undertake regular environmental audits or assessments open for public consultation. Whilst there are too many such consultations for us to list them all fully in the e-Bulletin, the links are included here as they may nevertheless be of interest to readers. The e-Bulletin will publish consultations in these categories where we deem them to be of wide public importance.

- [Current Crown Developments and ‘Category 3’ Developments before the DAC](#)
- [Current Ministerial Development Plan Amendments](#)
- [Current EPA license applications](#)
- [Current DMITRE mining proposals](#)
Commonwealth

House of Representatives Inquiry – tax deductible status of environment groups

On Thursday 26 March 2015 the House of Representatives Environment Committee adopted an inquiry referred by the Minister for the Environment, Greg Hunt, asking the Committee to inquire into and report on the Register of Environmental Organisations. The Committee has stated that the purpose of the Inquiry will be to scrutinise tax-deductible donations made to hundreds of environmental groups.

The terms of reference empower the committee to inquire into and report on “…the administration and transparency of the Register of Environmental Organisations (the Register) and its effectiveness in supporting communities to take practical action to improve the environment.” Of particular interest is the Inquiry’s focus on establishing whether an environmental organisation’s activities involve “on-ground environmental works”. This focus may be of concern to organisations who provide support services for the community, such as environmental education or legal advice.

Submissions are due by 21 May 2015.

Public consultation on Australia’s post 2020 greenhouse gas emissions target

As part of Australia’s preparations for the United Nations Framework Convention on Climate Change (UNFCC) Paris Conference in December 2015, the Commonwealth Government has begun a public consultation on Australia’s post-2020 emissions reduction targets. The Government has stated that Australia will announce its post-2020 emissions reduction target in mid-2015. This issues paper is inviting submissions to particularly address the following issues:

- What should Australia’s post-2020 target be and how should it be expressed? In responding to this question you could consider the base year (e.g. 1990/2000/2005), the end year (e.g. 2025/2030), the type of target and why the suggested target is preferred.

- What would the impact of that target be on Australia? In responding to this question you could, for example, consider the impact on our economy, jobs, business and on the environment.

- Which further policies complementary to the Australian Government’s direct action approach should be considered to achieve Australia’s post-2020 target and why?

The Issues Paper and consultation homepage may be found by following the above link.

Submissions are due by 24 April 2015.
**Senate Inquiry into bill allowing farmers to refuse mining**

The Senate has referred the Landholders’ Rights to Refuse (Gas and Coal) Bill 2015 for inquiry and report. This is a Private Members Bill which would give Australian landholders the right to refuse gas and coal mining activities on their land without prior written authorisation.

The Bill would also set out the requirements of this prior written authorisation, provide for relief which a court may grant a land owner when prior written authorisation is not provided, and prohibit hydraulic fracturing for coal seam gas, shale gas and tight gas by corporations. It would also provide for civil penalties.

Submissions are due by **29 May 2015**.

**Senate Inquiry – Stormwater resources in Australia**

On 16 March 2015 the Senate referred to the Environment and Communications References Committee an inquiry into stormwater resources in Australia, for inquiry and report by 25 June 2015. Terms of Reference for the inquiry, and details for making submissions, may be found by following the above link.

The closing date for submissions is **24 April 2015**.

**NOPSEMA Assessment – OtwaySPAN Multi-Client 2D Marine Seismic Survey**

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has received an application from GX Technology Corporation (associated with ION Geophysical) wishing to conduct a marine seismic survey in Commonwealth waters adjacent to South Australia, Victoria and Tasmania. The activity would involve a total survey line length up to 11,000 km long, covering an area of ~665,000 km², and coming within 44km S of Port Lincoln, and 85km S of Kingscote.

As is standard practice for NOPSEMA assessments, there will be no general public consultation for this proposal. Consultation is to be restricted only to relevant government agencies, and to those persons or organisations considered to be either ‘affected’ by the proposal or otherwise ‘relevant’.

**Regular Commonwealth Government Consultations**

Below are links to Federal Government agencies and bodies who undertake environmental audits/assessments that may be open for public consultation. Whilst there are too many such consultations for us to list them all in the e-Bulletin, the links are included here as they may nevertheless be of interest to readers. The e-Bulletin will publish consultations in these categories where we deem them to be of wide public importance.

[Department of Environment Public Notices and Invitations to Comment](#)
PREVIOUS NOTICES: REMINDERS

Consultation on the National Clean Air Agreement
- Submissions are due 17 April 2015.

Assessment Bilateral Agreements – draft conditions policy
- Submissions are due 15 May 2015.

EDO (SA) RECENT SUBMISSIONS

The South Australian Environmental Defenders Office has recently released the following completed submissions, which are available for download:

Native Veg Regulations Review EDO Submission 26032015
EDO Submission re Biodiversity Inquiry 24032015

EDOs OF AUSTRALIA RECENT SUBMISSIONS

EDOs of Australia has recently released the following completed submissions, which are available for download:

ANEDO submission on Marine Reserves Review, 31 March 2015
ANEDO submission on Draft Regulation Impact Statement on dredge dumping ban in GBR marine park 27 March 2015