

e-Bulletin

No. 3 of 2016, 17 March 2016

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.

The EDO's legal advisory service can help with planning, pollution, biodiversity, heritage, natural resources management, public health, and other environmental issues. Just fill in the legal advice request form on the front page of our website and we will arrange an appointment with one of our volunteer lawyers. An administration fee of \$55 (\$25 concession) applies to this service.

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

With community support we will continue the fight for protection of our State's environmental assets. This is now more vital than ever as community donations are our chief source of financial support.

Please [join us](#) or [make a tax-deductible donation](#).

In the last fortnight we have;

- Provided advice to clients on energy regulation, native vegetation protection and fresh water pollution
- Worked with the environment sector to analyse and propose amendments to the South Australian government's Planning, Development and Infrastructure Bill

We are also on [Facebook](#). If you have any queries please phone us on (08) 8359 2222.

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NEWS AND EVENTS

South Australia

EDO Quiz Night Fundraiser

Silent auction, games, raffle & more!

Theme: Gold and Black

"Give us your gold to keep us in the black!"

BYO Basket Supper. Drinks for sale at the Bar

MC: Judith Barr – former ABC Adelaide presenter

TICKETS: \$20 per person; \$200 for a table of 10

We already have the following sponsors for our Quiz Night in Willunga:

- Rosey's Café, Aldinga
- Penny's Hill Wines
- Sophie Dunlop (Artist)
- Surf Esteem

- Kaz's Retro Retreat (accommodation in Aldinga Arts Eco-Village)
- Lou's Shack
- Qik Pix

We are looking for more so if you would like to sponsor the Quiz Night, please contact Karen Bubna-Litic on 0402348301.

Accommodation options

The quiz is being held over a long weekend. What better way of taking a break, staying at one of the B n B establishments overnight, followed by a leisurely tour of McLaren Vale wineries on the Sunday, or a swim at the many beaches along the coast? If you are looking for accommodation over the Quiz weekend, Kaz's Retro Retreat will donate 20% of the value of accommodation booked to the EDO. It accommodates 5 people in three bedrooms. The link to book is below.. Don't forget to mention this notice to trigger the donation.

<https://www.airbnb.com.au/rooms/4881659?preview>. There is also a very long list of further accommodation options on the McLaren Vale Visitor Centre website.

Bus option

For those who'd prefer not to linger and try out wineries the next day, there is an offer of a 24 seater bus from Adelaide for people going to the Quiz, the fare being \$10 return on the night. If the EDO gets enough people to fill the bus, then it can be provided, so anyone wanting a lift from two pickup points north and south of the City please email iris7@internode.on.net as soon as possible if you are interested.

When: Saturday, **23 April 2016**; arrive 6:30pm for a 7pm start

Where: Willunga Show Hall, Main Road, Willunga

Book: www.edosa.nationbuilder.com/quiz_night

For further info. contact edosa@edo.org.au or phone Iris on 0438 535 058

[EDO travelling to Mt Gambier to provide legal advice sessions](#)

EDO(SA)'s Coordinator/solicitor Melissa Ballantyne will be travelling in May to the SE Community Legal Service office in Mt Gambier as part of the EDO's Legal Outreach service. Melissa will be available to provide expert legal advice on environmental and development issues. Advice is provided for free, although there is an administrative cost recovery fee of \$55 (\$25 concession).

When: Tuesday A.M., **10 May 2016**.

Where: SE Community Legal Service, 9 Penola Rd, Mt Gambier SA.

Book: <http://www.edosa.org.au/requestlegaladvice> or ring Freecall: 1800 337 566

SA Government to repeal laws that prevent nuclear waste consultation

Following on from the 'tentative findings' of the Nuclear Fuel Cycle Royal Commission which strongly advocated for the development of a high level nuclear waste dump in South Australia, the State Government has introduced a Bill to set aside laws that prevent the spending of public money consulting on such a project. Section 13 of the *Nuclear Waste Storage Facility (Prohibition) Act 2000*, specifically states:

"Despite any other Act or law to the contrary, no public money may be appropriated, expended or advanced to any person for the purpose of encouraging or financing any activity associated with the construction or operation of a nuclear waste storage facility in this State."

Premier Jay Weatherill said that the repeal does not signal a shift in the Government's policy on nuclear storage, however it would remove barriers that prevent consultation with the community about the issue.

"Once the Royal Commission hands down its final report, there will be a period of extensive community engagement on this topic and I expect this will involve us committing public resources to this process," Mr Weatherill said. "Our legal advice is that the legislation as it currently stands may prevent the Government from advancing this conversation with the community – therefore it is important we remove this barrier before we receive the final report. The repeal would not pave the way for a nuclear waste facility in South Australia as any such policy decision would require further legislation to be brought to the Parliament."

The Royal Commission will deliver its final report to Government by 6 May. The Government says it will then consult on the report's findings before a position is reached by the end of 2016.

Reimagining Australia's Nature Laws – Adelaide Workshop

Our natural world provides us with life, livelihoods and beauty. We need to make sure that we have a strong and clear plan for protection of water, land, air, biodiversity and people in this country. But we're finding that time and time again the laws that are supposed to be there to protect and support us are failing to do so.

That's why we need a new vision for nature protection.

With their collective knowledge and expertise, the Australian Panel of Experts on Environmental Law has laid the foundations for this conversation.

Now they call on all people who care about strong protection of our places, wildlife and people to share ideas, stories and solutions needed for a new plan for strong nature protection.

Come along to the Adelaide workshop to:

- Share your stories and experiences about nature protection in your area and why it's important to you - helping bring real life experiences to the discussion
- Help generate the ideas and solutions needed for stronger protection of land, water, wildlife, people and the places you love.
- Learn how else you can contribute to the movement to ensure Australia adopts a next generation of #naturelaws

Together let's create a strong set of solutions for better nature protection in Australia so our air, water, wildlife and the places we love can thrive.

THIS WORKSHOP IS CO-HOSTED BY THE WILDERNESS SOCIETY AND THE CONSERVATION COUNCIL OF SOUTH AUSTRALIA.

Free dinner will be provided during the workshop.

When: Monday, **21 March 2016** from 6:00 PM to 8:30 PM

Where: The Joinery - 111 Franklin St, Adelaide SA 5000, Australia - [View Map](#)

Commonwealth

[ALRC 'Freedoms Inquiry' releases final report](#)

The Australian Law Reform Commission (ALRC) has released the 600-page Final Report from its 'Freedoms Inquiry', which was instigated by the Commonwealth Attorney-General, George Brandis in 2014. The ALRC was asked to review Commonwealth laws that encroach on traditional rights, freedoms and privileges. Traditional rights include such fundamental freedoms as freedom of speech, religion, movement and association; and other important rights and privileges such as property rights, client legal privilege, the right to a fair trial, and access to the courts, to name a few. The Terms of Reference listed 19 such rights, freedoms and privileges to consider.

The Inquiry argued that some Commonwealth laws may be seen as interfering with real property rights, particularly provisions in environmental laws imposing restrictions on the use of land and water. The inquiry found that the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) only interferes with the right to use land to a limited extent. It recommends that both the EPBC Act and the *Water Act 2007* be reviewed periodically to determine where they do encroach on property rights, and suggests compensatory mechanisms could be established to recompense for the loss of any such rights.

The full report can be viewed by following the above headline link.

NOTICES AND INQUIRIES

South Australia

[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 DEWNR consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

Commonwealth

[NOPSEMA - BP resubmits Great Australian Bight environmental drilling plan](#)

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has received a resubmitted application from BP Developments Australia Pty Ltd which proposes to drill four exploration wells in Commonwealth marine waters of the Great Australian Bight. The drilling area has water depths ranging between 1,000 and 2,500 m. At the closest point, the drilling area is located approximately 395 km west of Port Lincoln and 340 km southwest of Ceduna in South Australia. The purpose of the drilling program is to determine whether the target formations have commercially recoverable volumes of oil and natural gas.

On 16 November 2015, NOPSEMA made a decision that it was not satisfied that BP's originally submitted environment plan for the exploration drilling had met regulatory requirements. It allowed BP time to modify and resubmit the plan, which it has now done.

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

Nevertheless, a Senate Inquiry is currently taking place on this issue and public comment is welcome there. Particulars of the Inquiry are available under *Previous Notices: Reminders*, below.

[Draft EPBC Act referral guidelines for the vulnerable Murray cod](#)

The Australian Government is developing referral guidelines for the Murray Cod to provide further guidance to proponents as to whether a proposed action that is likely to have an impact on the species will need to be referred to the Minister for the Environment for assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Murray Cod was listed as a vulnerable species under the EPBC Act on 3 July 2003. A vulnerable species listed under the EPBC Act is a matter of national environmental significance.

The draft guidelines have been developed in consultation with scientific experts on the species, including the National Murray Cod Recovery Team and state and territory government representatives. Feedback is welcomed on all aspects of the guidelines and the Department says that all comments received will be considered in the finalisation of the document.

Submissions are due by **6 May 2016**.

[Vehicle emissions discussion paper – consultation open](#)

The Vehicle Emissions Ministerial Forum has released a Discussion Paper for public comment to examine ways to reduce the health and environmental impacts from motor vehicle emissions. The Vehicle Emissions Discussion Paper seeks views on measures to achieve the Australian Government's greenhouse gas emissions reduction targets, air quality objectives, and improvements in energy productivity in the context of road vehicles.

In December 2015, the Ministerial Forum met with stakeholders including vehicle manufacturers and consumer, environmental and health groups to canvass possible ways government could help reduce the impact of vehicle emissions.

The views put forward have all informed the preparation of the Discussion Paper which explores issues associated with:

- mandatory noxious emissions and fuel efficiency (CO₂) standards;
- education and information for consumers;

- alternative fuels and electric vehicles;
- financial incentives;
- fleet purchasing policies; and
- emissions testing arrangements.

A range of questions feature throughout the Discussion Paper to assist stakeholders and the public in providing comment.

Submissions are due by **8 April 2016**.

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

[Planning, Development and Infrastructure Bill consultation](#)

- Parliamentary debate is continuing. Submissions can still be made directly by contacting Minister Rau's office, the Department of Planning, Transport and Infrastructure (DPTI.Planning@sa.gov.au), or your local MP.

[Nuclear Royal Commission – “Tentative Findings” released; public consultation](#)

- Submissions due by **18 March 2016**.

[Major Development – Nora Creina Golf Course PER released for public consultation](#)

- Submissions due by **21 March 2016**.

[Senate Inquiry – Carbon risk disclosure](#)

- Submissions due by **31 March 2016**.

[Productivity Commission Inquiry – Marine fisheries and aquaculture Issues Paper](#)

- Submissions due by **31 March 2016**.

[Senate Inquiry – Oil or gas production in the Great Australian Bight](#)

- Submissions due by **1 April 2016**.

[Improving the River Torrens from the foothills to the sea – consultation open](#)

- Submissions are due **30 June 2016**.

[The next generation of Australia's environmental laws – public consultation](#)

- Due date unspecified.

EDOs of AUSTRALIA RECENT SUBMISSIONS

EDOs of Australia has recently released the following completed submission, which is available for download:

[Senate Inquiry into the Water Amendment \(Review Implementation and Other Measures\) Bill 2015](#)