

e-Bulletin

No. 6 of 2016, 12 May 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.

In the last fortnight our work has focussed on three issues of great significance to South Australia namely BP's plans to conduct exploratory drilling in the Great Australian Bight, proposals to extend the State's role in the nuclear fuel cycle and implementation of major planning reforms. In addition to educational activities on the how decisions are made about offshore projects we have provided a submission to a Senate Inquiry on BP's proposed activities in the Bight. We will be closely examining the report released this week by the Royal Commission in to the Nuclear Fuel Cycle particularly with respect to decision making and community consultation issues. In relation to the State's new planning system, we will be working on key issues such as the content of the Community Engagement Charter.

As we approach the end of the financial year community support is vital in helping us to maintain our role as South Australia's legal team protecting the environment. Please consider a donation- all amounts over \$2 are tax deductible. A big thank you to all who have donated this year and we look forward to your continued support.

Please click here to [make a tax-deductible donation](#).

We would also like to acknowledge, as part of International Week for Volunteers, the huge contribution by our volunteers to the work of the EDO. Our volunteers include members of our Management Committee, advisory service lawyers and law students- we thank you all.

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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.

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

IN THIS BULLETIN:

NEWS AND EVENTS

South Australia

- Quiz Night Fundraiser a great success!
- Nuclear Royal Commission releases final report
- SA Nuclear issues to be reviewed by Citizens' Jury
- Hawke Centre Forum: South Australia – a Nuclear State in a Global Solution
- Legal Aid Rally
- Conservation Council Planning Committee meeting on SA's new planning legislation
- AUIS SA Urban Briefing on SA's planning reforms

Commonwealth

- All incomplete parliamentary inquiries to 'cease to exist' under double dissolution
- Inquiry into the Register of Environmental Organisations issues final report

EVENTS: REMINDERS

NOTICES AND INQUIRIES

South Australia

- Major Development – American River resort and commercial harbor to be assessed by Public Environment Report

Commonwealth

- EPBC Act referral – American River resort and harbor development, Kangaroo Island
- EPBC Act decision – Kangaroo Island Golf Course approved

PREVIOUS NOTICES: REMINDERS

EDO(SA) Recent Submissions

EDOs of AUSTRALIA Recent Submissions

NEWS AND EVENTS

South Australia

[Quiz Night Fundraiser a great success!](#)

Thanks to all our supporters who turned up to Willunga on April 23! The night was a great success, with the hall filled with colourful tables, red chairs, balloons and a fantastic line up of goodies for the silent auction and raffle. EDO (SA) also had the added bonus of the band CARELESS RIVER turn up to pay at the door, have a go at the Quiz questions AND entertain us with great music during the quiz break! (Check them out on Facebook. Their new CD is a great present for overseas Christmas pressies - yes, the year is going fast) There were chair prizes at each table to start the evening, and the whisky toss had a lot of hopeful whisky drinkers throw their \$2 coins. Star of the night, our MC Judith Barr kept everyone on their toes all night with great flair. A big thank you to everyone who showed up, including Mark Parnell, MP and his family, Prof. Rob Fowler, and other notable EDO people including our hard working organisers. The event raised \$4,202 or thereabouts, and everyone seemed to have a really good time.

Thanks to the people who made this possible, especially Felicity Niemann (raffle), Karen Bubna-Litic (silent auction) and Brian Donaghy (Bar and wine organisation) and their helpers and friends.

For future events, please note the **18th August** next into your diary for a city based fundraiser - more on this later, and there will be another film night fundraiser at the Capri in November. All for the cause of keeping the EDO strong in morale, and functioning, albeit on reduced services. But we are still here, defending the environment. Do help us, by supporting our events.

Dr Iris Iwanicki,
Chair,
EDO (SA) management committee

[Nuclear Royal Commission releases final report](#)

The Nuclear Fuel Cycle Royal Commission has released its final report, which examines the potential for a significantly expanded nuclear industry in this state. Currently limited only to the mining of nuclear material, the Commission had been asked to investigate the possibility of South Australia moving into nuclear enrichment, nuclear waste storage and nuclear power generation.

Continuing on from its earlier 'tentative findings', the Royal Commission has found that the only lucrative prospect would be the creation of a high and intermediate level nuclear waste dump.

The final report gives support to expanded uranium mining, and recommends reducing existing regulation which it sees as "unnecessarily duplicative" to promote new mines. The report flatly rejects further uranium processing and enrichment due to the existence of an already

oversupplied market. The Commission then goes on to reject nuclear electricity generation in South Australia as being commercially unviable in current circumstances.

The Royal Commission instead strongly promotes the prospect of a combined mid and high-level nuclear waste dump, arguing that it would be capable of earning \$100 billion over 120 years (based on a number of assumptions). Associated with the dump, the findings also push for the idea of leasing, rather than selling, all nuclear fuels mined in Australia. This push is explicitly stated to be an effort to guarantee a market for the nuclear waste dump, presumably protecting it against other countries with more lax environmental protections setting up in competition later at lower cost.

The final report sees no barriers to the transportation of high-level nuclear waste through South Australia, arguing that such transport elsewhere in the world is routine, and that management of the risks is not particularly onerous.

[SA Nuclear issues to be reviewed by Citizens' Jury](#)

In response to the issues raised in the Nuclear Fuel Cycle Royal Commission's final report the Premier will be inviting over 25,000 randomly selected South Australians to take part in a Citizen's Jury to consider and discuss the key questions raised. The process will involve the creation of a 50-strong initial Citizens' Jury to determine what the primary issues are. This will be followed by a broad public consultation on those issues. Finally, a new 350-strong Citizens' Jury will then attempt to produce a report outlining the Community's position.

Questions about how the 25,000 will be whittled down to 400, and the issue of who will direct and be allowed to give evidence to the Jury remain unclear.

Letters to the 25,000 should arrive in the post on Friday this week.

[Hawke Centre Forum: South Australia – a Nuclear State in a Global Solution](#)

Rear Admiral Kevin Scarce, Commissioner for the recent Nuclear Fuel Cycle Royal Commission, will be keynote speaker at a Hawke Centre Forum discussing some of the issues that arose from the inquiry:

“Internationally, predictions of nuclear’s demise in a carbon constrained world seem implausible. South Australia is uniquely placed to contribute to a world seeking energy from nuclear sources because of its abundant uranium resources, and the particular combination of geological, political and technical factors required to safely undertake permanent used fuel disposal. The benefits from being a Nuclear State would be game changing.”

When: 1 June 2016, from 6.00 - 7.15 pm.

Where: Allan Scott Auditorium, Hawke Building, UniSA City West campus, 55 North Terrace, Adelaide.

Register: [here](#)

Legal Aid Rally

The Law Council of Australia, in concert with all of the Law Societies and Bar Associations around Australia, are instituting a campaign to bring to the attention of the public and politicians the crisis affecting legal aid throughout the country. Cuts to legal aid and cuts to Community Legal Centres (including the total Commonwealth defunding of EDOs) are leading to a crisis in the justice system, causing many to go unrepresented.

When: Monday **16 May 2016**, 1 pm.

Where: the lawned area opposite the Sir Samuel Way Building

Conservation Council Planning Committee meeting on SA's new planning legislation

The new planning legislation has passed in Parliament. With much of the detail yet to come by further legislation and regulatory changes, a meeting of the Planning committee will be held to update people on the current state of the legislation. The meeting will examine some of the implications of the changes thus far- in terms of implementation and how they will affect development and public participation.

When: Tuesday, **17 May 2016**, from 5.30 - 7.00 pm.

Where: The Joinery in Franklin Street (the old bus depot)

Register: email Iris on iris7@internode.on.net to book a seat on the night (free admission)

AUIS SA Urban Briefing on SA's planning reforms

Urban briefing No 3: SA's planning reforms is a networking event by the Australian Institute of Urban Studies SA, to bring together those with a professional or personal interest in South Australia's new planning reforms. Speakers will include Andrew Greer and Anita Allen from the Department of Transport, Planning and Infrastructure; as well as Mark Parnell MLC, who was heavily involved in debating and amending the Bill in the Legislative Council. Mark, Andrew and Anita will share their thoughts on the changes in store for SA's planning system and its anticipated effects on urban development and the quality of our urban life.

When: **25 May 2016**, from 5.30 - 7.00 pm.

Where: Pranzo - 46 Exchange Place, Adelaide, SA 5000

Register: [here](#) (\$15 members, \$20 non-members)

Commonwealth

All incomplete parliamentary inquiries to 'cease to exist' under double dissolution

One of the lesser known, yet crucially important, effects of a double dissolution election is that it terminates all parliamentary inquiries that are currently under way. Whilst House of Representatives (and Joint) Inquiries have always suffered this fate at a general election, Senate Inquiries are generally immune. This is because, with their 6 year term, at least some Senate Committee members continue through a general election unaffected, and the inquiries are permitted to endure. This is not the case with a double dissolution, which resets all positions.

The upshot of this is that several highly important inquiries currently under way have been terminated. Whilst it may be possible to restart such inquiries under the new post-election Senate, this is not guaranteed and the Senate has to resolve to do so. This may not happen, for example, if the composition of the Senate is significantly altered at the election.

Notable inquiries that have lapsed include:

- Oil or Gas Production in the Great Australian Bight
- Environmental, social and economic impacts of large-capacity fishing vessels commonly known as 'Supertrawlers' operating in Australia's marine jurisdiction
- Carbon Risk Disclosure
- Response to, and lessons learnt from, recent bushfires in remote Tasmanian wilderness
- Inquiry into political donations

Inquiry into the Register of Environmental Organisations issues final report

The House of Representatives Environment Committee has released the final report of its Inquiry into the Register of Environmental Organisations. The Report makes a number of recommendations including abolishing the Register and handing administration of Deductible Gift Recipient applications to the ATO. The Report also recommends that no less than 25% of all expenditure by such organisations be committed to environmental remediation work, even if the organisation has no such expertise or focus.

It can be strongly argued that environmental NGOs like the EDO provide critical support for the environment by helping to ensure that damage to the environment is avoided in the first place through ensuring that environmental laws are strong, comprehensible, and applied. Creating an artificial standard where organisations that engage in environmental fieldwork are the only ones judged worthy of gift recipient status therefore appears not only arbitrary, but counterproductive to the overarching goal of protecting the environment.

The report can be downloaded from the above headline link.

EVENTS: REMINDERS

[‘Let’s Talk About Consumption’ – 1 Day Interactive Workshop](#)

When: 8:30 for a 9am start, Friday **27 May 2016**.
Where: The Joinery, 111 Franklin St, Adelaide.
Book: At the above headline link.

[Australian Earth Laws Alliance Conference 2016 – call for papers](#)

The call for papers closes **1 June 2016**.

NOTICES AND INQUIRIES

South Australia

[Major Development – American River resort and commercial harbor to be assessed by Public Environment Report](#)

In July last year the South Australian Minister for Planning, John Rau, exercised his powers under s 46 of the *Development Act 1993* to declare a proposed tourist resort and commercial harbor operation at American River on Kangaroo Island to be a Major Development due to its “major economic importance” to the State. The proposal includes the construction of a new ferry terminal at the American River Wharf and the expansion of the current marina to encompass new retail shops and restaurants. The plans also include the building of a 209 bed four-star hotel resort on a separate 80 ha parcel of land away from the marina. A new ferry service is also proposed.

The Development Assessment Commission (DAC) has now determined that the development will be assessed through means of a Public Environment Report (PER), to be prepared by the proponent. The DAC has published guidelines for the preparation of that Report, which are

available under the above headline link. Once prepared, the Development Report will then be released for public comment.

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

EPBC Act referral – American River resort and harbor development, Kangaroo Island

The Commonwealth Environment Minister has received a referral under the *Environment Protection and Biodiversity Conservation Act 1999* in regard to the proposed resort and harbor development at American River on Kangaroo Island. This is the same project that is currently being assessed at the state level, as detailed earlier in this eBulletin.

The referral lists a total of 2 listed threatened ecological communities; a nationally important wetland; and over 150 listed threatened species, listed marine species, or listed marine species that are either present, or may be potentially present, within the proposed development area.

Submissions are due by **20 May 2016**.

EPBC Act decision – Kangaroo Island Golf Course approved

The Commonwealth Environment Minister has granted approval to Programmed Turnpoint Pty Ltd to construct their Kangaroo Island Golf Course Resort development. The project is a links-

style golf course with associated infrastructure on Kangaroo Island to be located along the narrowest part of the island, approximately 8 km SE of American River.

The development has now gained all Commonwealth and State approvals and is set to proceed, although it must comply with a number of conditions set under both approvals. The Commonwealth conditions may be found by following the above link. Conditions of the SA state approval are [here](#).

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

[EPA public consultation: Guidelines for closure and post-closure plans](#)

- Submissions due by **20 May 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.

EDO(SA) Recent Submissions

EDO(SA) has recently released the following completed submission, which is available for download:

- [Response Revised Air Quality EPP](#)

- [Response Senate Inquiry - Great Australian Bight](#)

EDOs of AUSTRALIA Recent Submissions

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

- [National Standard for Environmental Risk Management of Industrial Chemicals](#)
- [Consultation and Transparency Requirements for Offshore Petroleum Activities in Commonwealth Waters](#)
- [Submission to Senate Inquiry into oil and gas production in the Great Australian Bight](#)