

## **e-Bulletin**

### **No. 11 of 2016, 28 July 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. We provide legal advice and where possible court representation, engage in law reform activities and participate in legal education activities for the South Australian community.

**To help us to continue our work we ask that you please consider a donation - all amounts over \$2 are tax deductible.**

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

We are also on [Facebook](#).

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## NEWS AND EVENTS

### South Australia

#### [EDO AGM – advance notice](#)

EDO(SA) will be holding its Annual General Meeting in October. Guest Speaker will be the Federal Shadow Minister for Climate Change and Energy, Mark Butler.

**When:** Monday, **24 October 2016**, 5:30pm

**Where:** Room 1, First Floor, Flinders University City Campus, Cnr Flinders St & Victoria Square, Adelaide.

#### [EDO Heritage Hypothetical, Thurs 18<sup>th</sup> August](#)

Come along to a lively session debating the value of both natural and built heritage - what's it worth?

Brian Hayes QC will create imaginary heritage situations and seek responses from our panel of passionate advocates including parliamentarian Mark Parnell, lawyer David Cole, planner/historian Dr Iris Iwanicki and environmental policy maker Kathryn Bellette.

Attendees will receive a complimentary drink and nibbles on arrival.

We will also be having an art auction to raise much needed funds for the EDO. Donations of art for the auction are most welcome!

**When:** Thursday **18 August 2016** - 5:30pm for 6pm start. Event concludes 8pm.

**Where:** **1<sup>st</sup> floor, Room 1, Flinders University City Campus, Victoria Sq, Adelaide**

**Tickets:** **\$20** (waged), **\$5** (student/concession)

Tickets can be purchased on the night or book online [HERE](#)

### [EDO travelling to Kangaroo Island to provide legal advice sessions](#)

EDO(SA)'s Coordinator/solicitor Melissa Ballantyne will be travelling in August to Kangaroo Island 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, **23 August 2016**.

**Where:** Call or book below to organise a time and venue on the island.

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

### [EDO to speak at the Our Island Home – Our Future – Community Forum on K.I.](#)

EDO lawyer, Melissa Ballantyne will be one of the speakers at this important forum which will focus on BP's risky plans to explore for oil in the Great Australian Bight.

**When:** Monday, **22 August 2016**, 6:30 - 9:30pm.

**Where:** Kingscote Town Hall

**Info:** <https://www.facebook.com/events/1739982356289707/>

### [Nuclear Royal Commission Report state-wide public consultation](#)

The second stage of public consultation following the release of the Nuclear Fuel Cycle Royal Commission's final report is now under way. This stage will involve a 3 month tour of the state at over a hundred different locations. The Nuclear Fuel Cycle Royal Commission Consultation and Response Agency will begin visiting communities around the state from late July to explain the Royal Commission's report and gather feedback.

The visits are designed as informal "face to face sessions", where you can drop in at any time between 11am and 7pm to discuss your concerns, learn more about the Royal Commission's Report and its recommendations, and look at the issues raised by the first Citizens' Jury (which was Stage 1 of the public consultation).

Stage 3 of the Consultation (a second Citizens' Jury) will take place in late October. Feedback gathered throughout the consultation process will contribute to the State Government's response to the Nuclear Fuel Cycle Royal Commission Report which is to be delivered by the end of the year.

There appears to be no formal process for written submissions during the public consultation. Public input is to be gathered from online forums conducted [HERE](#) , or through the informal face-to-face sessions outlined above.

A list of all the sessions on the 3 month tour are available at the above headline link. The first session will be held this Friday **29 July 2016**, at Rundle Mall in the Adelaide CBD.

## NOTICES AND INQUIRIES

### South Australia

#### [SA Government to consult on removing 'outdated' or 'unnecessary' legislation](#)

The South Australian Government is proposing a 'Simplify Day' where the parliament moves "...to amend or abolish laws which are counterproductive to business or redundant..."

*The State Government has heard, loud and clear, that business and community members are annoyed by red tape and want change. To address this we will get rid of, in partnership with South Australians, obsolete, cumbersome and counterproductive rules and administrative procedures that hinder growth, investment and innovation in the South Australian economy. This will be known as Simplify Day.*

A public consultation is now under way with the Government putting forward a series of questions asking for the thoughts of business owners in particular.

Nevertheless, a concern should be raised during a business-focused deregulation drive that simplicity is not pursued merely for its own sake. Whilst there may be much merit to removing legitimate government inefficiency, it can be forgotten in the rush to remove obstacles to business that it is rarely the objective of law to simply maximise profits. Rather the law is frequently structured to constrain the more rapacious instincts of commerce in order to maximize what is in the community's best interests. Environmental laws in particular need to remain robust. We currently have limited protections over the air, soil, water and biodiversity upon which we all rely and enjoy. It is neither efficient, sensible, nor profitable to society, to undermine those protections if the intent is simply to make it easier for business.

Submissions are due **13 August 2016**.

#### [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 YourSAy consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

## **Commonwealth**

### **[NOPSEMA – extension of time for BP drilling proposal in the Great Australian Bight](#)**

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) has again allowed an extension of time for a resubmitted Environment Plan from BP Developments Australia Pty Ltd. The Environment Plan is a necessary step in the approvals process in regard to their proposal to drill four exploration wells in Commonwealth marine waters of the Great Australian Bight. The regulator was ‘not reasonably satisfied’ that either the first or second submitted versions of their Environment Plan met the criteria set out in regulation 10A of the Environment Regulations. BP has now been given an extension of time to modify the plan and resubmit it a third time by **31 August 2016**.

The purpose of BP’s drilling program is to determine whether the underwater target formations of the Bight have commercially recoverable volumes of oil and natural gas. Drilling would take place in water depths ranging between 1,000 and 2,500 m. At its closest point, the drilling area would be located approximately 395 km west of Port Lincoln and 340 km southwest of Ceduna in South Australia.

As is standard practice for NOPSEMA assessments, there will be no general public consultation on the proposal or on the Environment Plan. 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’.

### **[Productivity Commission – draft report into regulation of agriculture released](#)**

The Productivity Commission was tasked by the Treasurer, Scott Morrison, in November 2015 to undertake an inquiry “...into the regulatory burden imposed on Australian farm businesses.” The Commission has now released its draft report and is seeking public submissions on its findings. Amongst those findings, the Commission has come to the view that:

*Some regulations lack a sound policy justification and should be removed. Examples include restrictions on the use of land held under pastoral lease arrangements, state bans on cultivating genetically modified crops, recent changes to tighten foreign investment review requirements for the agricultural sector, barriers to entry for foreign shipping providers, mandatory labelling of genetically modified foods, and statutory marketing legislation relating to rice in New South Wales and sugar in Queensland.*

The Commission would also like to see changes to regulation of agricultural and veterinary (agvet) chemicals; better defined community expectations on animal welfare; and for environmental regulatory decisions to also take into account economic and social factors.

Submissions are due by **18 August 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**

### [EPA consultation – River Murray shack wastewater management planning](#)

- Submissions are due **1 August 2016**.

### [Proposed changes to SA's wildlife regulations – public consultation](#)

- Submissions are due **8 August 2016**.

### [SA's native vegetation regulations set to change as well – public consultation](#)

- Submissions are due **15 August 2016**.

### [Glenside Hospital Site – Development Plan Amendment public consultation](#)

- Submissions are due **17 August 2016**.

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

- Due date unspecified.