

## **e-Bulletin**

### **No. 14 of 2016, 8 September 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 and participate in legal education activities for the South Australian community.

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 ( which can be accessed 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.

Over the last fortnight we have provided advice to South Australians concerned by proposed changes to our local built heritage laws. We have also been preparing our response to the State Government's Discussion Paper and will make our views known via the EDO website and facebook page (for a link to the Paper see note under Previous Notices – Reminders).

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

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

We are also on [Facebook](#).

#### IN THIS BULLETIN:

#### NEWS AND EVENTS

#### South Australia

- AAT decides against the release of BP oil spill modelling
- Reminder: EDO AGM – advance notice

## Commonwealth & Interstate

- Dissenting report takes Climate Change Authority to task
- Victoria bans fracking

## NOTICES AND INQUIRIES

### Commonwealth

- EPBC Act referral – Mitcham “community trails” in Randell Park Reserve
- Productivity Commission – draft report on marine fisheries and aquaculture released

## PREVIOUS NOTICES: REMINDERS

### EDO(SA) Recent Submissions

### EDOs of AUSTRALIA Recent Submissions

## NEWS AND EVENTS

### South Australia

#### [AAT decides against the release of BP oil spill modelling](#)

The Administrative Appeals Tribunal (AAT) has refused an application under the *Freedom of Information Act 1982* (FOI Act) by The Wilderness Society (SA) which was seeking access to the oil spill modelling undertaken by BP in preparation for its exploration drilling program in the Great Australian Bight.

The AAT, affirming the original decision by the Federal Department of the Environment to deny access, ruled that the oil spill modelling was of commercial value to BP and other resource companies and therefore fell within the exemptions under s 47 of the *FOI Act*.

The decision allows BP to keep from the public important information about what they are proposing in the Bight. BP was responsible for the world's largest oil spill in 2010 with the Deepwater Horizon catastrophe in the Gulf of Mexico. As we have reported before, that incident also occurred during an exploration drilling program, yet was conducted at shallower depths and in calmer waters than will occur in the Bight. Furthermore, the Gulf of Mexico is a hub for oil spill clean-up and response assets, almost none of which are known to be present in the Great Australian Bight.

BP now has 2 proposals before the national regulator NOPSEMA, the first of which is due to be decided by **19 September 2016**.

## **REMINDER: 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:** **Flinders University City Campus:** Room 1, Level 1, 182 Victoria Square (cnr Flinders St), Adelaide

## **Commonwealth & Interstate**

### **Dissenting report takes Climate Change Authority to task**

A report released this week by two dissenting Climate Change Authority members has criticized the Authority's recently released Special Review for supporting greenhouse emission policies that will be manifestly unable to achieve the carbon budget committed to by Australia as part of the Paris Climate Agreement last December.

Longstanding Authority members Prof. David Karoly and Prof. Clive Hamilton censured the main report for conducting an about-face on climate policy to support the current government's policy for an emissions-reduction trajectory for 2030 in the range of 26-28% below 2005 levels. This contrasts with the Authority's own earlier advice that Australia would have to drop 45-65% below 2005 levels in order to do our fair share of the worldwide effort to arrest dangerous climate change. The about-face came after the Federal Government parachuted in 5 new sympathetic Authority members in October last year.

The dissenting report states that under the Federal Government's current policies, more than 90% of Australia's carbon budget to 2050 would be used up by 2030. Australia's emissions would then have to decline precipitously and reach net zero by 2035. They said that the current policies lacked credibility, and that if pursued, was "...likely to lead to a policy crisis within a decade or less."

The dissenting report, as well as the original Special Review, may be accessed by following the above headline link.

### **Victoria bans 'fracking'**

Following on from its Parliamentary Inquiry into Onshore Unconventional Gas, the Victorian Government has announced that it will introduce legislation to permanently ban the exploration

and development of all onshore unconventional gas in the state, including hydraulic fracturing ('fracking') and coal seam gas. The Government stated that the decision was based on the best available evidence and acknowledges that the risks involved outweigh any potential benefits to Victoria - the nation's top food and fibre producer with exports worth \$11.6 billion.

The ban does not affect offshore oceanic gas drilling, and it does not permanently ban onshore conventional gas either, though the latter is currently subject to a moratorium that the government says it will extend to 2020.

In response to the announcement by his Victorian Labor colleagues, South Australian Minister for Mineral Resources and Energy, Tom Koutsantonis tweeted: "Very disappointed with Victoria's decision to ban unconventional gas. However that offers large opportunities for SA Oil & Gas explorers." He later encouraged disenfranchised fracking companies to come to South Australia to take advantage of the state's regulatory system, which he argued nevertheless could be trusted to protect the environment, the agriculture industry and communities.

South Australia's own parliamentary fracking inquiry is yet to report.

## **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 YourSAy consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

### **Commonwealth**

### [EPBC Act referral – Mitcham “community trails” in Randell Park Reserve](#)

The Federal Environment Minister has received a referral under the *Environment Protection and Biodiversity Conservation Act 1999* from the City of Mitcham in regard to their proposal for approximately 3km of “community trails” within Randell Park Reserve in the suburb of Belair/Torrens Park, approximately nine kilometres south east of Metropolitan Adelaide. The proposal is part of a strategy to create a network of recreational trails in the area for the use of mountain-bike riders, horse riders, hikers and walkers.

Randell Park Reserve is located in a densely populated area in the foothills of the Adelaide Hills. The referral states that the vegetation in the reserve is predominantly nationally threatened grey box grassy woodland with varying degrees of weed invasion mainly by olives, pines and boneseed throughout the understory. The referral also notes the presence, or potential presence, of over 20 listed threatened species that may occur within the development boundary.

Submissions are due by **9 September 2016**.

### [Productivity Commission – draft report on marine fisheries and aquaculture released](#)

The Productivity Commission was directed by the Federal Treasurer, Scott Morrison, in December last year to inquire into “...the regulatory burden imposed on the Australian marine fisheries and aquaculture sectors.” The Commission has now released its draft report and is asking for public feedback.

Amongst its findings and recommendations the Commission suggests that:

- Commercial fisheries should move as a default position to apply transferrable quota systems, resulting in fewer constraints on fishing practice and providing a more efficient and effective means of adhering to harvest limits.
- Recreational fishing needs greater recognition in fisheries management, and decisions on restrictions and facilities for fishers require development of a sound evidence base.
- Licensing for recreational fishers should occur where they are not presently used (such as in SA).

Submissions are due by **14 October 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**

### [Local Heritage Planning Reform Consultation](#)

- Submissions have been extended to **7 October 2016**.

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

- 2<sup>nd</sup> stage consultation to close '**late October**' 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:

- [Comment on Draft Native Vegetation Act Regulations 110816](#)

## **EDOs of AUSTRALIA Recent Submissions**

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

- [Productivity Commission's Regulation of Agriculture: Draft Report](#)