



## **e-Bulletin**

**No. 18 of 2016, 24 November 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 assistance, engage in law reform and participate in legal education activities for the South Australian community.

The EDO is currently working on two major projects - a response to the State Government's review of mining laws and a review of public participation provisions in South Australia's environmental laws. Please contact Melissa Ballantyne at the office if you have any comments, recommendations ( or war stories !) in regards to these projects.

**Our annual Environmental Law Update is on next Tuesday 29 November – there is still time to register- please see details below.**

### **THANK YOU AND CALL FOR VOLUNTEERS !**

As the end of the year approaches we thank everyone who has supported the EDO either through donations or by giving us a hand with all the tasks required to keep the organisation running.

However we are in need of volunteers in a couple of areas.

If you have some time to spare on a regular basis to help out with routine office work ( half to one day per week ) we would love to hear from you. Ideally, a retired legal secretary, or departmental clerk who wants to help out would be particularly appreciated. Please call Iris Iwanicki (Chair of the Management Committee) to discuss possibilities. Iris's number is 0438 535 058.

We are also on the lookout for volunteers to help with fundraising events in 2017. We have a number of events in mind including a film night, seminars and a dinner. If you can help please call Iris.

Thank you!

**To enable us to continue providing our unique services to the SA community and it's precious environment please consider becoming a member and/or making a donation - all amounts over \$2 are tax deductible. Perhaps your donation could be in lieu of a present to a family member or friend?**

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

We are also on [Facebook](#).

**Please feel free to share this eBulletin with your networks.**

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## NEWS AND EVENTS

### South Australia

**[EDO Annual Environmental Law Update – Next Tuesday](#)**

We hope you can join us on Tuesday the 29<sup>th</sup> of November for our annual Environmental Law and Policy Update. The event is open to all, and it qualifies for CPD purposes.

**Topics and speakers:**

To be opened by Environment Protection Authority Chief Executive Tony Circelli

*Future directions in nature conservation policy* - Jody Gates (Department of Environment, Water and Natural Resources)

*Environment Protection Air Quality Policy 2016* - Steven Mudge (Environment Protection Authority)

*Waste Reform Bill* - Tiana Nairn / Sally Jackson (Environment Protection Authority)

*Planning Reform Update* - Felicity Niemann (Wallmans Lawyers) / Dr Iris Iwanicki (Planner)

**Tickets are \$50 (\$25 concession) - morning tea included.**

**When:** Tuesday, **29 November 2016**, 9am-12noon.

**Where:** **Flinders University City Campus:** Room 10.1, Level 10, 182 Victoria Square (cnr Flinders St), Adelaide

**Book:** [online here](#)

**[Advance notice – EDO film night fundraiser – Saturday 4<sup>th</sup> February](#)**

EDO(SA) will be hosting a film night fundraiser in February screening **'The Lion'** at the heritage listed Art Deco Capri Theatre on Goodwood Rd.

The movie is based on a true story: "A five-year-old Indian boy gets lost on the streets of Calcutta, thousands of kilometers from home. He survives many challenges before being adopted by a couple in Australia; 25 years later, he sets out to find his lost family". The film stars Nicole Kidman, Dev Patel, Rooney Mara and David Wenham.

Please support the EDO and save the date. Tickets will be \$25 (includes nibbles). For prebooking enquiries, please email [iris7@internode.on.net](mailto:iris7@internode.on.net)

**When:** **6:30pm on Saturday, 4<sup>th</sup> February 2017**

**Where:** **Capri Theatre, 141 Goodwood Rd, Goodwood**

## NOTICES AND INQUIRIES

### South Australia

#### [Review of the SA Mining Acts – Discussion Paper No.1 now released](#)

The Mineral Resources Division of the Department of State Development has commenced a review of the *Mining Act 1971* as well as the *Mines and Works Inspection Act 1920* and the *Opal Mining Act 1995*. The Department says that the review will allow for "...the modernisation of these laws to ensure South Australia stays a leader in adopting modern and efficient practices for exploration and mining activities."

Discussion Paper 1 on the *Mines and Works Inspections Act 1920* and Regulations has now been released for public consultation. This is the first in a series of three discussion papers to be released as part of the Leading Practice Mining Acts Review. The *Mines and Works Inspection Act* is now nearly 100 years old. The government says that its original intent was set around the protection of property and amenity, the prevention of nuisance and the health and safety of mine workers and of the general public who may be affected by mining operations. However, the functions of this Act have now been largely replaced by more modern legislation offering updated protections. The Discussion Paper discusses a number of options for reviewing this legislation.

Discussion Paper No.1 may be downloaded by following the above headline link.

Submissions are due by **21 December 2016**.

#### [Draft Aboriginal Heritage Regulations and Guidelines – public consultation](#)

The draft Aboriginal Heritage Regulations have been released for community consultation to allow for public input and contribution into shaping the Aboriginal Heritage Regulations and Guidelines that will support the recent amendments to the *Aboriginal Heritage Act 1988*. Those amendments were aimed to be more inclusive of Aboriginal people in decision-making about Aboriginal heritage in South Australia.

The changes introduce an agreement making scheme enabling land use proponents and Recognised Aboriginal Representative Bodies to directly agree on the management of Aboriginal heritage. The changes are prescribed by the *Aboriginal Heritage (Miscellaneous) Amendment Act 2016*. The amendments have been passed by Parliament and the entirety of

the amendments will come into operation once new Regulations and Guidelines that provide practical assistance on the operation of the new arrangements come into effect.

The draft documents may be downloaded by following the above link.

Submissions are due by **18 December 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 – Environment Plan decision-making guidelines consultation**

The National Offshore Petroleum Safety and Environmental Management Authority is the Australian regulator for offshore petroleum activities. As part of its environmental approvals process, NOPSEMA requires a titleholder to prepare an environment plan prior to undertaking offshore petroleum activities. That environment plan will then be either accepted or refused by NOPSEMA.

NOPSEMA says that it recognises that increased transparency in the approvals process and its decision-making on environment plans is necessary to address feedback from titleholders, environmental non-governmental organisations, public engagements, parliamentary processes, and stakeholder consultation. Currently, there is no open public consultation with offshore petroleum proposals – the regulator is only required to consult “relevant” bodies.

NOPSEMA has now prepared a series of decision-making guidelines describing how it considers submissions against the decision-making criteria for acceptance specified in the

Environment Regulations. This information has been prepared and released for public comment as part of an ongoing Strategic Compliance Improvement Program aiming to improve transparency and stakeholder engagement.

The purpose of the public comment period is to receive feedback about:

- the usefulness of the guidelines in providing greater transparency and insight into NOPSEMA's deliberative processes;
- the clarity of the guidelines and any suggestions for improvement to aspects not understood or in need of further explanation;
- any significant absences or omissions that stakeholders can identify

Submissions are due by **14 December 2016**.

### **[MDBA proposes cuts to River Murray environmental flows](#)**

The Murray-Darling Basin Authority has proposed amendments to the Murray-Darling Basin Plan which would cut water recovery targets from the Northern Basin from 390 gigalitres to 320 gigalitres. The amendments come after the Authority conducted a 3 year review which found higher levels of unemployment and socio-economic stress in the northern region following the finalisation of the Basin Plan in 2012.

The move has been heavily criticised by the South Australian Government, as well as environmental advocates, who argue that River Murray environmental water flows under the plan were already only marginally sustainable, and an additional reduction would only degrade the river ecosystems even further. Premier Jay Weatherill has not ruled out launching a legal challenge to the proposed cuts, and the State Government is now assessing its options after the surprising announcement.

The amendments to the Basin Plan also include a proposal to increase the amount of groundwater that can be extracted in the Basin by 160 gigalitres per year.

Details on the Basin Plan amendments may be found by following the above headline link.

Submissions are due by **10 February 2017**.

### **[EPBC Act referral – Smith Bay wharf development, Kangaroo Island](#)**

The Federal Environment Minister has received a referral under the *Environment Protection and Biodiversity Conservation Act* in regard to a proposal by Kangaroo Island Plantation Timbers Ltd (KIPT) to build a deep-water wharf at Smith Bay on the north coast of Kangaroo Island, approximately 18km northwest of Kingscote. The company owns and manages approximately

19,500 ha of timber plantations on Kangaroo Island, and is seeking the wharf in order to export harvested plantation timber to overseas markets. The company says there is no such facility on the island at present.

The proposal consists of a hardstand causeway extending approximately 200 m into the sea to a floating pontoon berth whose outer edge will be positioned at the 10 m depth contour (i.e. approximately 230 m from shore). It is not anticipated that specialised equipment will be required at the wharf as logs will be loaded by ships' cranes.

Timber will be stockpiled on-shore adjacent to the wharf facilities over an area of approximately 5.6 ha. Ancillary services will include power, water, septic/sewerage facilities, telecommunications and security.

Harvested timber will be transported to the wharf via public roads using semi-trailer trucks. The proponent intends to develop the wharf as a multi-user, multi-cargo facility. Other freight, which is likely to be containerised and/or carried as deck cargo, will also be loaded using ships' cranes. It is anticipated that log ships would use the wharf for about 50 to 75 days a year and would have priority over other vessels.

The referral identifies 41 listed threatened species, 57 listed migratory and marine species, and one listed ecological community (the Kangaroo Island Narrow-leaved Mallee Woodland) as present, or potentially present, within the vicinity of the proposed development area.

Submissions are due by **25 November 2016**.

### **[Senate Inquiry – Carbon Risk Disclosure Inquiry reopens](#)**

On 2 February 2016, the Senate referred an inquiry into carbon risk disclosure to the Senate Economics References Committee for inquiry and report by 22 June 2016.

That inquiry lapsed at the end of the 44th Parliament due to the double dissolution.

The Senate has agreed to the committee's recommendation that this inquiry be re-adopted in the 45th Parliament. The committee has now re-opened submissions for this inquiry.

Submissions are due by **19 December 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.

## PREVIOUS NOTICES: REMINDERS

### [EPA consultation – Draft regulations under the \*Local Nuisance and Litter Control Act\*](#)

- Submissions are due by **2 December 2016**.

### [SA Arid Lands 10-year Regional NRM Plan 2017-2027 – public consultation](#)

- Submissions are due by **8 December 2016**.

### [Radioactive waste storage and disposal guides – invitation to comment](#)

- Submissions are due by **9 December 2016**.

### [Senate Inquiry – Great Australian Bight Environment Protection Bill 2016](#)

- Submissions are due by **13 January 2017**.

### [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 submissions, which are available for download:

- [Submission on the inquiry into the impacts of climate change on marine fisheries and biodiversity](#)
- [Submission on Senate Inquiry into retirement of coal fired power plants](#)
- [Submission on the reports of the independent Commonwealth Marine Reserves Review](#)
- [Proposed Trans-Pacific Partnership Agreement](#)