

e-Bulletin

No. 2 of 2017, 16 February 2017

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.

We are 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 suggestions or recommendations or in regards to these projects.

If you are seeking advice on any environmental or planning issue please visit our website or email edosa@edo.org.au

You could also consider making a donation to the EDO - all amounts over \$2 are tax deductible. All donations are vital in helping us to continue providing our services to the SA community.

Click here to [join us](#) or [make a tax-deductible donation](#).

We are also on [Facebook](#).

Please feel free to share this eBulletin with your networks.

IN THIS BULLETIN:

NEWS AND EVENTS

South Australia

- Message from the EDO Chair
- Public Lecture – Trump and the Demise of US Environmental Law

NOTICES AND INQUIRIES

Commonwealth

- Senate Inquiry – The adequacy of current mine rehabilitation in Australia
- House of Representatives Inquiry - Water use efficiency in Australian agriculture
- Productivity Commission Inquiry – National Water Reform
- Better Fuel for Cleaner Air – Discussion Paper
- Invitation to comment on a national phase-down of mercury
- Draft Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Species

PREVIOUS NOTICES: REMINDERS

EDO(SA) Recent Submissions

NEWS AND EVENTS

South Australia

[Message from the EDO Chair](#)

FILM NIGHT

The EDO Film Night screening 'Lion' was a great success, with a total of around \$3,500 raised when expenses were deducted from the \$6000 income. Many thanks to the Capri for the use of their beautiful Art Deco State Heritage listed theatre, and Capri volunteers as well. We raised about \$450 from the raffle, and thank Fiona very much for taking on the job of organising it. As well, Richard Hamilton wines' sponsorship was a big boost, and we will be featuring their wines for our next function. A very special thanks to all our helpers on the night: Melissa, Alex, Tom, Rob, David, Yvonne, Brian, and Gabrielle. Well done everyone.

FUNDING

A comparison with other EDOs interstate reveals that EDOSA's state government support is well down towards the bottom of the scale in supporting our services. With the 2018 state election just over 12 months away we will be canvassing for a higher and wider level of funding. We will also be asking all elected state members about their stance on legislation and policy relating to viable state and local heritage, native vegetation, marine parks, biodiversity, alternative energy priorities, and climate change. We will be canvassing and looking to score the levels of environmental commitments of all candidates in the months before the state election next year.

Our next main event is a Public Participation seminar on the 13th April next. Please save the date! This will be a worthwhile event at a city venue that summarises just how democratic our legislation is in involving the community in environmental legislation in terms of transparency and effective participation.

VOLUNTEERS

Thank you to those people who have put their hand up to help out in the office. I am impressed with the skills and qualifications of many volunteers that have expressed interest. Melissa and Gabrielle will be contacting the volunteers, but if your name hasn't come up - your details will be kept on file for reference when changes occur (for example, a volunteer gets a job offer).

Dr Iris Iwanicki
Chairperson, EDO(SA) Management Committee

[Public Lecture – Trump and the Demise of US Environmental Law](#)

The School of Law of the University of South Australia will be holding the inaugural lecture of their Visiting Scholar Lecture Series entitled 'Trump and the Demise of US Environmental Law' to be presented by Professor Robert L. Glicksman of George Washington University Law School.

The advent of modern environmental law in the United States beginning in 1970 was made possible because of a bipartisan consensus on the importance of protecting the public health and preserving the nation's natural resource heritage. Over the ensuing decades, several efforts by Presidents or congressional leaders to alter those basic commitments did not succeed. Attacks on core environmental legislation such as the Endangered Species Act failed, and laws such as the Clean Air Act were strengthened, even under Republican Presidents.

The election in 2016 of Donald Trump as President dramatically changed this landscape. The bipartisan consensus in favor of environmental protection has been shattered and the likelihood of radical reform that fundamentally weakens U.S. environmental law is significant. This presentation will review the steps that President Trump's Administration, backed by Republican majorities in both houses of Congress, have already taken and have promised to take. If they succeed, U.S. environmental law will be unrecognizable to anyone familiar with its substance and process over the past half century.

When: 5:30pm for a 5:50 start; Wednesday **8 March 2017**.

Where: UniSA Law School LB1-30, City West Campus [[map](#)]

RSVP: lawrsvp@unisa.edu.au by Friday 3 March.

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](#)

[Current DSD petroleum proposals](#)

Commonwealth

[Senate Inquiry – The adequacy of current mine rehabilitation in Australia](#)

On 8 February 2017, the Senate referred the following matters to the Environment and Communications References Committee for inquiry and report by 23 August 2017:

The rehabilitation of mining and resources projects as it relates to Commonwealth responsibilities, for example under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), with regard to:

- a) the cost of outstanding rehabilitation obligations of currently operating projects;
- b) the adequacy of existing regulatory, policy and institutional arrangements to ensure adequate and timely rehabilitation;

- c) the adequacy and transparency of financial mechanisms, including assurances, bonds and funds, to ensure that mining and resources projects are rehabilitated without placing a burden on public finances;
- d) the effectiveness of current Australian rehabilitation practices in safeguarding human health and repairing and avoiding environmental damage;
- e) the effectiveness of existing abandoned mines programs, with regard to repairing environmental damage and safeguarding human health;
- f) whether any mining or resources companies have engaged in conduct designed to avoid fulfilling their rehabilitation obligations;
- g) the potential social, economic and environmental impacts, including on matters of national environmental significance under the EPBC Act, of inadequate rehabilitation;
- h) the potential social, economic and environmental benefits of adequate rehabilitation, including job opportunities in communities affected by job losses in the mining and resources sectors;
- i) international examples of effective rehabilitation policy and practice;
- j) proposals for reform of rehabilitation of mining and resources projects; and
- k) any other related matters.

No specific due date for submissions has yet been announced.

[House of Representatives Inquiry - Water use efficiency in Australian agriculture](#)

On Thursday, 9 February 2017 the Minister for Agriculture, The Hon Barnaby Joyce MP, requested the Committee inquire into and report on water use efficiency in Australian agriculture.

The Terms of Reference require the Committee to inquire into and report on water use efficiency in Australian agriculture, with particular regard to:

- adequacy and efficacy of current programs in achieving irrigation water use efficiencies
- how existing expenditure provides value for money for the Commonwealth
- possible improvements to programs, their administration and delivery

- other matters, including, but not limited to, maintaining or increasing agriculture production, consideration of environmental flows, and adoption of world's best practice.

Submissions are due by **31 March 2017**.

[Productivity Commission Inquiry – National Water Reform](#)

The Productivity Commission has been tasked by the Federal Treasurer to undertake an inquiry into the reform of Australia's water resources sector. The inquiry will assess progress in achieving the objectives and outcomes of the National Water Initiative (NWI) and the need for any future reform.

The Commission is required to:

- assess the outcomes of the NWI and related water reform efforts
- consider the potential and realised benefits of NWI implementation
- consider the scope for improving the NWI
- make recommendations on future reform priorities.

This is the first of the Productivity Commission inquiries required by the *Water Act 2007*. The NWI-related inquiry will be undertaken every three years.

The inquiry is now open for general submissions with no specific due date. A draft report is due to be issued by August 2017 when a more formal call for public feedback will be issued.

[Better Fuel for Cleaner Air – Discussion Paper](#)

The discussion paper, *Better fuel for cleaner air*, is seeking industry and community views on policy options and legal instruments to improve the quality of our fuel to reduce noxious emissions. Input provided from stakeholders will inform the final set of policy alternatives to be analysed and costed by the Department of Environment and Energy in 2017.

The *Fuel Quality Standards Act 2000* provides a legislative framework for setting national fuel quality and fuel quality information standards for Australia. Fuel standards are in place for petrol, diesel, biodiesel, autogas and ethanol E85.

Without appropriate fuel quality, the emission control technologies within vehicles do not operate as intended. Fuel quality may also influence which engine and emissions control technologies are available to the Australian market.

There are two fuel parameters of particular concern: sulfur and octane in petrol. Sulfur clogs vehicle catalytic converters making them less effective. Higher octane fuels can be used in high compression petrol engines which are more fuel efficient and produce less greenhouse gas emissions.

The discussion paper considers five policy approaches for updating existing fuel standards with a view to improving air quality and health outcomes while reducing greenhouse gas emissions from Australian vehicles.

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

[Invitation to comment on a national phase-down of mercury](#)

The Department of Environment and Energy has released an Exposure Draft - Final Regulation Impact Statement (ED RIS) and costs and benefits (CBA) on the ratification of the Minamata Convention on Mercury, and is seeking views on the options and impacts on Australia of meeting the obligations of the Minamata Convention.

Mercury significantly damages human and environmental health. In Australia, an estimated 18 tonnes of mercury is emitted to the air or released to land or water every year. On a per capita basis, Australia's mercury pollution is high, at approximately double the global average. Australia's mercury pollution occurs despite existing regulatory controls, partly because State and Territory laws limit the concentration of mercury in emissions to air (for example, metal manufacturing) or releases to land and water (for example, in fungicide sprayed on sugar cane), but there are few incentives to reduce the absolute level of current emissions and releases over time.

Mercury pollution also occurs because there is little regulation of the importation, sale and disposal of many products that contain mercury, such as fluorescent lights. These products end up in landfills around the country, unless recycled.

Submissions are due by **17 March 2017**.

[Draft Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Species](#)

The Department of the Environment and Energy has released the draft *Threat abatement plan for the impacts of marine debris on vertebrate marine species* (2017) for public comment.

Marine debris, particularly plastic, is harmful to marine wildlife, with impacts caused through entanglement, ingestion and contamination. This complex problem is increasing globally.

Marine debris impacts have been documented for seabirds, marine turtles, cetaceans, sharks and other Australian marine wildlife, including many species listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999*.

The draft Threat abatement plan for the impacts of marine debris on vertebrate marine species provides a national strategy to abate the threat posed by marine debris and guide investment and effort by the Australian Government, jurisdictions, research organisations and non government organisations in addressing the impacts of marine debris on native species.

Submissions are due by **13 April 2017**.

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

[Independent review into the future security of the National Electricity Market](#)

- Submissions are due by **21 February 2017**.

[Review of the SA Mining Acts – Discussion Papers 1, 2 & 3](#)

- Submissions date extended and now due by **24 February 2017**.

EDO(SA) Recent Submissions

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

- [EDO Submission on Mines and Works Inspection Act Review 230117](#)