

## **e-Bulletin**

### **No. 17 of 2017, 2 November 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.

**If you are seeking advice on any environmental or planning issue please visit our website <http://www.edosa.org.au/> or email [edosa@edo.org.au](mailto:edosa@edo.org.au)**

**Our services are only possible with the support of the South Australian community. The need for community support to keep the EDO's services going is stronger than ever. Your donation will enable us to continue our fight to defend the environment using the law. Please consider a tax deductible donation - all amounts over \$2 are tax deductible.**

**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.**

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### South Australia

#### [EDO Chairperson's Report](#)

The 2017 AGM, held on the 23rd October was well attended. Business of the AGM resulted in the reappointment of members of the previous committee, and the retirement of Richard Cook, who was elevated to Life Membership for his decade of service on the committee, and ongoing role as editor of the EDO(SA) e-Bulletin. My congratulations to Richard for the well deserved acknowledgement of his outstanding support and consistency over the 10 years.

Our [AGM reports are accessible online](#), and provide an overview of the main achievements and challenges in maintaining legal environmental services and advocacy to the public and government.

The meeting also presented Certificates of Appreciation to volunteers who have contributed to the EDO's major research projects or assisted with fund raising events over the past 12 months. The management committee and staff rely so much on this help and thank all our volunteers for their support. As always, we welcome anyone who can spare a few hours a week assisting with office routines or specific research.

The future of EDO services is very topical, with a Memorandum of Understanding (MOU) currently being negotiated between all state EDO bodies regarding establishing a national EDO. Ultimately though our members will get to decide whether EDOSA becomes part of a national organisation. I agree with the comments from the meeting that continuing our services at the

state level would be a principal aim underlying the process and would be pleased to discuss any suggestions or ideas from any of our members. The next 12 months will be focused on improving what we can do to better share the work more efficiently given our financial situation.

Our guest speaker, Professor Norman Etherington as outgoing President of the National Trust, was thanked for providing a fascinating insight into the history of the National Trust, his five years in the role of President and the association's transition to a more involved organisation working with community groups in heritage advocacy and growing support from their membership.

One important decision of the meeting was to hold the **EDO(SA) Christmas picnic** for members, family and supporters on **Sunday, the 10th December 2017** at Heywood Park, Northgate St Unley Park from 12 noon onwards –look out for the EDO banner!. Please mark the date in your diary, and bring family and friends. It is a beautiful park, with barbecues, playground, shady trees, tables, toilets and open space for a petanque tournament. Bring a plate to share, chairs and drinks for a relaxing afternoon before the Christmas rush seriously gets underway.

Dr Iris Iwanicki

Chairperson, EDO(SA) Management Committee

### **No More Bad Investments – Public Forum – Act One for a Safe Climate**

*The first and easiest step in a Climate Emergency response by state/territory governments is to close the curtain on climate-damaging projects. South Australia continues to be a major focal point for the nation's current climate and energy debate. How can this leading state move beyond policy incrementalism and shift to a climate restoration approach? In this special forum we explore the dimensions of climate risk and examine new model legislation to end climate damaging investment, setting the scene for the restoration of a safe climate.*

Public Forum featuring ...

Ian Dunlop - Former Chair, Australian Coal Association

Philip Sutton - Climate Strategist & Writer

Craig Wilkins - CEO Conservation Council SA

Peter Owen - Director of Wilderness Society SA

Co-hosted by Conservation Council SA & Cedamia

**WHEN:**                   **23 November 2017** at 6:30pm – 8:30pm.

**WHERE:**                 Kerr Grant lecture theatre, Playford Building, UniSA City East campus

**REGISTER:**           \$10 entry, tickets via [Eventbrite](#)

## Commonwealth

### [Senate Committee recommends shake-up of EPBC Act before next election](#)

The Interim Report of the Senate's Select Committee on Red Tape has been released and contains a number of very concerning recommendations. The report specifically recommends:

- bringing forward the next mandatory review of the *Environment Protection and Biodiversity Conservation Act 1999* to 2018 (i.e. before the next federal election);
- removing the 'water trigger' from the EPBC Act;
- removing uranium mining from the category of 'nuclear actions' of the EPBC Act; and
- removing provisions in the Act that allow third parties to seek judicial reviews of EPBC decisions.

A copy of the interim report is available from the above link.

### [Productivity Commission calls for a “single effective price on carbon”](#)

The Productivity Commission has released its 5-yearly Productivity Review, which makes the explicit recommendation that Australian governments must “stop the piecemeal and stop-start approach to emission reduction, and adopt a proper vehicle for reducing carbon emissions that puts a single effective price on carbon” [Recommendation 5.1]. The report stated that “...in the case of Finkel, 49 out of 50 is not a pass mark...” – clearly backing that earlier study's proposed emissions intensity scheme – a scheme that was not taken up in the Government's recent 'National Energy Guarantee'.

The report went on to say:

*It is a principle of every properly-designed pricing system that the charge should reflect its harms. Thus carbon emission intensity is necessarily a matter to be reflected in the regulated pricing system. The compromises necessary to do this are much-debated, but what should be accepted is that low carbon technologies (such as solar and wind generation) are inherently part of the properly-priced future... Governments need an emissions target to provide certainty for the sector about the trade-offs allowed between emission reduction and cost.*

The 5-yearly Productivity Review is available from the above headline link.

## NOTICES AND INQUIRIES

## South Australia

### [SA Planning - Community Engagement Charter – Consultation Stage 2 opens](#)

As previously reported in the eBulletin, a Community Engagement Charter is being developed by the new State Planning Commission. The Commission is now conducting Stage 2 of their consultation which is seeking feedback on the final draft of the Charter (as opposed to the discussion draft of Stage 1).

The Charter is being developed under s 44 of South Australia's new *Planning, Infrastructure and Development Act 2016* which requires the establishment of a Community Engagement Charter which should provide that "...members of the community... have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposals to introduce or change planning policies and to participate in relevant planning processes..."

It remains worth pointing out - as the eBulletin has noted before - that the Charter only applies to policy development and **not** to assessment processes. This is a key concern of the EDO. We are of the view that community members most strongly want to have a say when a development is actually proposed in or around their community.

A copy of the Draft Community Engagement Charter can be found by following the above headline link.

Submissions are due by **8 December 2017**.

### [Linear Parks \(Miscellaneous\) Amendment Bill 2017](#)

The Linear Parks (Miscellaneous) Amendment Bill 2017 has been recently introduced into South Australia's Legislative Council.

Concerns have been raised that the Bill proposes to amend the *Linear Parks Act 2006* (the LP Act) in a number of respects. Firstly, it expands the scope of the Minister's powers under the existing LP Act; and secondly it expressly provides that a Council is not required to comply with any other Act or law - including the *Local Government Act 1999* - when making a submission to the Minister about whether a linear park should be established.

The Bill can be viewed by following the headline link above.

### [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 – Water use by the extractive industry](#)

On 18 October 2017, the Senate referred the following matters related to the Environment and Communications References Committee for inquiry and report by 27 March 2018:

The adequacy of the regulatory framework governing water use by the extractive industry, with particular reference to:

- the social, economic and environmental impacts of extractive projects' take and use of water;
- existing safeguards in place to prevent the damage, contamination or draining of Australia's aquifers and water systems;
- any gaps in the regulatory framework which may lead to adverse social, economic or environmental outcomes, as a result of the take and use of water by extractive projects;
- any difference in the regulatory regime surrounding the extractive industry's water use, and that of other industries;
- the effectiveness of the 'water trigger' under the Environment Protection and Biodiversity Conservation Act 1999, and the value in expanding the 'trigger' to include other projects, such as shale and tight gas; and
- any other related matters.

Submissions are due by **15 December 2017**.

## [EPBC Act referral – Bird in Hand Gold Project, Woodside](#)

The Federal Environment Minister has received a referral made under the *Environment Protection and Biodiversity Conservation Act 1999* from Terramin Exploration Ltd in regard to their proposal to construct an underground gold mine approximately 2km east of the town of Woodside in the Adelaide Hills, South Australia. The proposed mine would be located in a predominantly rural area, adjacent to several wineries.

The mine seeks to utilise the historic Bird-in-Hand gold deposit, which has not been mined since the 1880s. The mine has a predicted resource of 233,000 ounces of gold, which the proponents say would require of mining life of 6 years to extract – possibly more if additional resources are found.

The company itself has conceded that “a major concern for all stakeholders, particularly Terramin, is the impact a mining operation will have on the regional groundwater and possible effect on groundwater users.” The referral also lists 13 listed threatened species and 9 listed migratory species which may potentially be impacted by the operation of the mine.

Submissions are due by **3 November 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.

### [EPBC Act Public Notices and Invitations to Comment](#)

### [Department of the Environment and Energy - Public Consultation Notice Board](#)

## **PREVIOUS NOTICES: REMINDERS**

### [Consultation on proposed changes to the River Murray Salinity Zoning Policy](#)

- Submissions due by **20 November 2017**.

### [Commonwealth Water - Investing in Environmental Activities: Discussion Paper](#)

- Submissions due by **30 November 2017**.