

e-Bulletin

No. 20 of 2017, 14 December 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.

In the last fortnight we have provided advice on issues such as underground coal gasification, unconventional gas extraction in the SE, Glenthorne Park, proposed OTR facility at Fullarton and a proposed disposal of crown land on Kangaroo Island to facilitate the development of a cliff edge golf course. For more information on this last item please see details under Notices and Inquiries – South Australia.

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

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.

Christmas closure

After a very busy year we advise our office at the Flinders University City Campus will be closed during the holiday period from **5pm Thursday 21 December**. We will reopen on **Thursday 18 January**. We wish to thank everyone who has supported us in some way this year – without you we could not provide our vital services. Best wishes for a happy and safe festive season and we look forward to taking up the fight again next year to protect our precious environment.

NEWS AND EVENTS

South Australia

- Bill allowing for the suspension of any law by the State Government dropped

Commonwealth

- Federal Government backs down on proposal to restrict operations of conservation groups receiving tax deductible donations

NOTICES AND INQUIRIES

South Australia

- Public Consultation – Sale of waterfront public land on Kangaroo Island to golf course developer
- EPA consultation - Energy from Waste

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PREVIOUS NOTICES: REMINDERS

NEWS AND EVENTS

South Australia

[Bill allowing for suspension of any law by the State Government dropped](#)

As reported in the previous eBulletin, the South Australian Government had recently introduced, and passed through the Lower House of Parliament, the Research, Development and Innovation Bill 2017. The Bill was designed to attract foreign investment from overseas technology giants like Google, Amazon and Tesla, by allowing for the Governor to suspend the operation of any State law (with the single exception of the *Aboriginal Heritage Act 1988*) in order to "...facilitate opportunities for research and development".

Following significant public criticism and the presentation of a petition with 10,000 signatures to the Upper House, the Bill has now been dropped for the immediate future. During the public debate, the Law Society of South Australia had stated that it was fundamentally opposed to "...

any legislation which would allow the Government of the day, by way of delegated legislation, to declare that a law of the Parliament does not apply... [and that] ...for a Bill conferring such broad powers to the Government, it lacks sufficient safeguards.”

The Attorney-General and Minister for Planning, John Rau, said "Given the blatant misinformation and resulting community concern about the bill, the Government has decided not to progress today."

Commonwealth

[Federal Government backs down on proposal to restrict operations of conservation groups receiving tax deductible donations](#)

The Federal Government has announced that the push to undermine the tax deductible status of conservation groups, including EDOs, will not proceed. The Commonwealth Treasury had been investigating a proposal to force conservation groups to use up to 50% of their donations to fix 'on-ground' environmental damage i.e. damage that had already done.

This would have significantly hampered organisations such as the EDO, whose focus is on public advice, education, and advocating for strong laws able to prevent environmental damage from occurring in the first place. As one commentator put it, it would have required organisations like the EDO to "...pick up the dead fish instead of advocating to stop the poisons going into the stream." Effectively, it would have required conservation organisations to spend their members' donations to become free clean-up crews for polluting corporations.

Following the backdown, Australian Conservation Foundation CEO Kelly O'Shanassy said that advocacy "...makes Australia a better place. It has kept oil rigs off the Great Barrier Reef, and given us Landcare, clean energy, air and water, and a Franklin River that flows."

"Limiting environmental advocacy is the agenda of coal lobby groups, especially the Minerals Council of Australia. By putting these changes on the agenda in the first place the Turnbull government was doing the bidding of big polluters.

"It is interesting this back down follows a statement by BHP opposing the changes, and even a retreat by the Minerals Council in recent weeks."

NOTICES AND INQUIRIES

South Australia

[Public Consultation – Sale of waterfront public land on Kangaroo Island to golf course developer](#)

A consultation on the sale or lease of waterfront public land to the developer of ‘The Cliffs’ golf resort on Kangaroo Island is now underway. The course has been characterised as an 18 hole championship links course, with a 180 bed hotel, luxury clubhouse/lodge and associated tourist facilities - to be located at the narrowest point of the island, adjacent to Pennington Bay.

In June this year, the South Australian Planning Minister approved a significantly updated development authorisation for the golf course - designated a Major Development under s46 of the *Development Act 1993* in February 2014. The updated authorisation allowed the golf course to be sited much closer to the coastline and the cliff edge than was originally proposed, consulted on and approved.

An application to purchase the waterfront Crown land to enable this latest alteration to the course has been now been received and is being considered by the Minister for Sustainability, Environment and Conservation. The land is described as Section 507 Hundred of Dudley and Allotment 1 in Deposited Plan 76540. [You can view a map of the land here.](#)

The public is being invited – over the Christmas period - to provide feedback on the potential sale of this land. The South Australian Government can dispose of Crown land to an adjoining owner if it has been declared ‘surplus’.

Submissions are due by **15 January 2018**.

[EPA consultation - Energy from Waste](#)

The South Australian Environment Protection Authority (EPA) is currently conducting a consultation around its discussion paper: *Enhancing resource recovery and discussing the place of energy recovery*.

The Government is formulating initial waste reform priorities, including the need for Energy from Waste policy guidance. The objectives of the current discussion paper are to:

- Outline Energy from Waste (EfW) technologies and relate them to the regulatory framework in SA in order to develop a regulatory position on the potential development of EfW in the state.
- Help the EPA by sharing your views on considerations for an EfW position statement.

The Discussion Paper may be downloaded from the headlink link above.

Submissions are due by **12 January 2018**.

[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 - United Nations Sustainable Development Goals](#)

On 4 December 2017 the Senate referred the following matter to the Foreign Affairs, Defence and Trade References:

The United Nations Sustainable Development Goals (SDG), with particular reference to:

- a) the understanding and awareness of the SDG across the Australian Government and in the wider Australian community;
- b) the potential costs, benefits and opportunities for Australia in the domestic implementation of the SDG;
- c) what governance structures and accountability measures are required at the national, state and local levels of government to ensure an integrated approach to implementing the SDG that is both meaningful and achieves real outcomes;
- d) how can performance against the SDG be monitored and communicated in a way that engages government, businesses and the public, and allows effective review of Australia's performance by civil society;
- e) what SDG are currently being addressed by Australia's Official Development Assistance (ODA) program;

- f) which of the SDG is Australia best suited to achieving through our ODA program, and should Australia's ODA be consolidated to focus on achieving core SDG;
- g) how countries in the Indo-Pacific are responding to implementing the SDG, and which of the SDG have been prioritised by countries receiving Australia's ODA, and how these priorities could be incorporated into Australia's ODA program; and
- h) examples of best practice in how other countries are implementing the SDG from which Australia could learn.

Submissions are due by **29 March 2018**.

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

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

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

[Review of the National Gene Technology Scheme – Phase 2](#)

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

[Feral Pigs – policy draft consultation](#)

- Submissions due by **7 January 2018**.

[Feral Deer – policy draft consultation](#)

- Submissions due by **7 January 2018**.

[Consultation on a Disaster Resilience Strategy for South Australia](#)

➤ Submissions due by **31 January 2018**.