



## **e-Bulletin**

### **No. 6 of 2018, 26 April 2018**

#### ***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. 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.**

#### **UPDATE ON EDO WORK**

Our submission to the Senate Inquiry regarding siting of the national nuclear waste facility in South Australia is now up our website. Another submission to the Murray Darling Basin Royal Commission will be uploaded shortly.

[Submission to the Senate Committee Inquiring into Site Selection for the National Nuclear Waste Facility](#)

#### **NEWS AND EVENTS**

South Australia

- Tonight! – EDO Public Seminar – An update on ICAC
- EDO travelling to Mt Gambier to provide legal advice sessions
- Case Summary - Native Title - Agius v State of South Australia (No 6) [2018] FCA 358

## NOTICES AND INQUIRIES

### South Australia

- Banned in QLD, Underground Coal Gasification gains environmental approval in SA

### Commonwealth

- South Australian Beach-cast Marine Algae Fishery - Agency application 2018
- National Energy Guarantee initial design paper released

## PREVIOUS NOTICES: REMINDERS

## NEWS AND EVENTS

### South Australia

#### [TONIGHT! - EDO Public Seminar – An update on the Office of the Independent Commissioner Against Corruption](#)

**Michael Riches ICAC CEO**, will provide an overview and update on the workings of the Independent Commissioner Against Corruption since its inception in SA. Michael will review the procedures and ethics addressed. His presentation will be followed by a panel discussion and question time.

*Light refreshments will be available prior to the seminar.*

**WHEN:** Thursday **April 26, 2018** at 6pm - 7:30pm

**WHERE:** Flinders University City Campus, Room 1, level 1, 182 Victoria Sq, Adelaide.

**BOOK:** [Here.](#) \$5, all tickets.

### **EDO travelling to Mt Gambier to provide legal advice sessions**

EDO(SA)'s Coordinator/solicitor Melissa Ballantyne will be travelling in June to Mt Gambier as part of the EDO's Legal Outreach service. Melissa will be available to provide expert legal advice to the public on environmental and development issues. Advice is provided for free, although there is an administrative cost recovery fee of \$55 ( \$25 concession) .

**When:** Friday, **15 June 2018**, during the morning.

**Where:** [8a Commercial St West, Mt Gambier](#)

**Book:** <http://www.edosa.org.au/requestlegaladvice> or ring Freecall: 1800 337 566 and leave a message for us to contact you.

### **Case Summary - Native Title - Agius v State of South Australia (No 6) [2018] FCA 358**

On 21 March 2018 the Kurna people succeeded in their claim for native title rights 18 years after the lodgement of their application in 2000. The decision was handed down by Justice Mortimer and heard in the Federal Court sitting in Adelaide. It recognised the Kurna People as the traditional owners of 7,000 square kilometres of land and water running from Myponga to Lower Light and from the foothills to Adelaide's coastline.

The decision was a consent determination, which hinges on the agreement of all parties regarding the existence, nature and extent of the native title rights. It outlined that an Indigenous Land Use Agreement would be established allowing for pragmatic discussions and flexibility to suit the specific circumstances in question.

The parties involved in the proceedings included the native title claim group as the applicants, and the State of South Australia, people with commercial fishing interests, Telstra, SA Power Networks, water license holders and 27 relevant local councils as the respondents. The decision marks the first positive finding of native title rights within an Australian capital city.

## **NOTICES AND INQUIRIES**

### **South Australia**

## **[Banned in QLD, Underground Coal Gasification gains environmental approval in SA](#)**

As reported in an earlier edition of the eBulletin, the former Marathon Resources, now trading as Leigh Creek Energy, is seeking to build a coal gasification demonstration facility utilising Alinta Energy's old coalfield, 550 km north of Adelaide. The company has now gained environmental approval to develop the project. This occurred on 12 April 2018 when the South Australian Minister for Energy approved the Leigh Creek Energy Statement of Environmental Objectives in accordance with Part 12 of the *Petroleum and Geothermal Energy Act 2000*.

Coal gasification involves the heating of coal to very high temperatures and pressures underground, which converts the coal to gas – mainly methane and hydrogen. The leaking of various pollutants during and after the process is common. The process is now banned in Queensland following serious contamination near Chinchilla, 300km east of Brisbane, with toxic chemicals including hydrogen sulphide and carbon monoxide working their way into the air, soil and water of the area. The Queensland Environment Minister went on to name the episode "...the biggest pollution event probably in Queensland's history".

Only one underground coal gasification plant has ever reached operation beyond the demonstration phase, a plant in Uzbekistan developed by the Soviet Union.

With environmental approval now gained, the company now only requires an 'Activity Notification and Approval' before it can commence on-ground activities. No further public consultation is required.

## **[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 SCAP](#)

[Current Ministerial Development Plan Amendments](#)

[Current YourSAy consultations](#)

[Current EPA license applications](#)

[Current DSD mining proposals](#)

[Current DSD petroleum proposals](#)

## Commonwealth

### [South Australian Beach-cast Marine Algae Fishery - Agency application 2018](#)

The South Australian Department of Primary Industries and Regions SA (PIRSA) defines beach-cast marine algae as "...specific plant species that detach from the seabed, wash up and accumulate on the shoreline. This is collectively referred to as wrack. This marine algae cannot reattach and will eventually desiccate and die." Harvesting includes the removal, clearance, movement, re-location or disturbance of any part of a wrack.

The current export approval for the South Australian (SA) Beach-cast Marine Algae Fishery is valid until 18 May 2018 and the fishery is now due for assessment for ongoing export accreditation by the Commonwealth Government. An application has now been made, and will be used to assess the operation of the fishery for the purposes of Part 13 and Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Submissions are due by **17 May 2018**.

### [National Energy Guarantee initial design paper released](#)

The Federal Government's Energy Security Board has released a high level design of the Guarantee to the COAG Energy Council on 20 April 2018 following a two month consultation process and the review of more than 150 submissions received from a broad range of groups and individuals.

The paper is available from the above headline link.

### [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**

[Murray-Darling Basin Royal Commission Issues Paper consultation](#)

- Submissions are due by **30 April 2018**.

[Accredited Professionals Scheme discussion paper](#)

- Submissions are due by **30 April 2018**.

[Review of the Lake Eyre Basin Intergovernmental Agreement](#)

- Submissions are due by **2 May 2018**.

[Product stewardship consultation - action on environmental impacts of products](#)

- Submissions are due by **4 May 2018**.

[Review of National Gene Technology Scheme – Preliminary Report consultation](#)

- Submissions are due by **24 May 2018**.

[EPBC Act “Targeted Review”](#)

- Submissions due date unspecified.