

e-Bulletin

No. 14 of 2018, 30 August 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.

In the last fortnight we have been working on many of the law reform matters referred to in this edition of the ebulletin including the roll out of the new planning system, the State Parliamentary Inquiry into Pest Species and proposals to reform natural resources management across SA.

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

NEWS AND EVENTS

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- EDO Annual General Meeting – advance notice
- UniSA Law Evenings Seminar - What is the balance between people and proponent power in Australian environmental debates?

- Reminder: EDO travelling to Mt Gambier to provide legal advice sessions in September

NOTICES AND INQUIRIES

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- Ongoing planning reform drop-in sessions

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- Senate Inquiry into a selection process for a national radioactive waste management facility in South Australia – Final Report

PREVIOUS NOTICES: REMINDERS

NEWS AND EVENTS

South Australia

[EDO Chairperson's Report](#)

This month is my last as Chairperson of the EDOSA management committee. Over the last 3 years I've initiated a number of fund raisers and events and would like to say a big thanks to our in kind supporters including the Capri Cinema, the Montagne Duo, Willunga Hall and Koppamurra Wines. Thanks also to all who have attended our hypothetical debates on heritage and energy, Quiz night, films, annual dinners, retro fashion parade, the City to Bay fun run etc,. Finally, a special thank you to my fellow committee members and EDO staff who have helped at each and every event. It has been fun in amongst working on the more serious aims of the organisation, which include to promote better laws governing the environment.

Best wishes for continuing grass roots support for a better world!

Dr Iris Iwanicki

[EDO Annual General Meeting – advance notice](#)

The Environmental Defenders Office (SA) will be holding its Annual General Meeting in October.

Drinks and nibbles provided. All welcome, but only members can vote.

If you are interested in nominating for the Management Committee please email Gabrielle Bond, EDO Administrator at edo@edosa.org.au.

When: Monday, **29 October 2018**, 6:00pm.

Where: **Flinders University City Campus:** Room 2, Level 1, 182 Victoria Square (cnr Flinders St), Adelaide

[UniSA Law Evenings Seminar - What is the balance between people and proponent power in Australian environmental debates?](#)

This talk looks at the laws that attempt to restrict protesting and communication of non 'growth first' environmental views. In particular, it considers the recent case of *Brown v Tasmania* and the decision by the High court to render parts of the *Workplace (Protection from Protesters) Act 2014* invalid for infringing the implied freedom of political communication in the Australian Constitution. It looks at laws in other States and their forms and develops a classification of these laws as *blatant* as in Tasmania, and *subtle* as in NSW, where three acts attempt to limit protesting.

WHEN: Wednesday, **5 September 2018**, 5:30pm to 7:00pm.

WHERE: Y1-70, Level 1, Yungondi Building, 50-55 North Terrace, Adelaide, UniSA City West Campus

REGISTER: [Here](#) by Friday 31 August.

[Reminder: EDO travelling to Mt Gambier to provide legal advice sessions in September](#)

EDO(SA)'s Coordinator/solicitor Melissa Ballantyne will be travelling to Mt Gambier in September 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

When: Tuesday, **4 September 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.

NOTICES AND INQUIRIES

South Australia

[SA Parliamentary Inquiry - Management of Overabundant and Pest Species in South Australia](#)

On 2 August 2018, the Natural Resources Committee resolved to inquire into, and report on the management of overabundant and pest species in South Australia with particular reference to:

- a) Efficacy of existing or novel regulatory, policy and partnering frameworks used to manage overabundant and pest species;
- b) Costs of managing overabundant and pest species;
- c) Impacts of overabundant and pest species on agricultural outputs, environmental values, tourism, road safety, and amenity;
- d) Any other related matters.

Submissions are due by **5 October 2018**.

[New SA planning system – Consultation on new ways of assessing development](#)

The South Australian Government is proposing a new assessment process under which a development application will go through when lodged under the *Planning, Development and Infrastructure Act 2016*. The Government claims that these assessment pathways “..will be more user-friendly, faster and efficient.”

A discussion paper has been released for public consultation and feedback. Workshops will also take place. Details at the above link.

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

[New SA planning system – Consultation on new ways to monitor development](#)

The South Australian Government is also introducing a new online system for reporting on and monitoring performance indicators that it claims will provide key insights for government, local councils and residents.

The Government says that the proposed online system for performance indicators will illustrate the overall ‘health’ of South Australia’s planning system by capturing statistics about how many developments have been applied for, have been approved, or are in progress.

A discussion paper has been released for public consultation and feedback. Workshops will also take place. Details at the above link.

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

[New SA planning system – Consultation on the Accredited Professionals Scheme Draft](#)

Consultation is now open on the Accredited Professionals Scheme Draft which comprises the Accredited Professionals Regulations, the Accredited Professionals Skills and Experience Requirements, and the Accredited Professionals Code of Conduct. The Government says that the Accredited Professionals Scheme aims to enhance the reliability, flexibility and accountability of decision-makers in the planning system and give development applicants greater confidence in the way that their development applications are assessed.

A discussion paper has been released for public consultation and feedback. Details at the above link.

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

[Ongoing planning reform drop-in sessions](#)

The Department of Planning, Transport and Infrastructure is holding Open House Drop-in sessions to provide clarification and information on the development and implementation of the Planning Reforms brought about by the *Planning, Development and Infrastructure Act 2016*.

New dates and sessions have been added covering various topics. Further information may be found by following the above headline link.

The next drop-in session will discuss the Accredited Professionals Scheme and new Assessment Pathways. It will take place in the ground floor meeting room at 50 Flinders Street, Adelaide on **7 September 2018** from 10:00am-1:00pm.

To register, email DPTI.PlanningEngagement@sa.gov.au

[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

[Productivity Commission consultation – Murray-Darling Basin Plan 5yr Assessment](#)

In February this year the Federal Government instructed the Productivity Commission to undertake an inquiry into the effectiveness of the implementation of the Murray-Darling Basin Plan and the associated water resource plans. This is to be the first of the five-yearly assessments that are required under s 87 of the *Water Act 2007*. The Productivity Commission has now released a Draft Report, and is calling for public submissions.

Overall, the Inquiry is aiming to assess progress towards implementing the actions required under the Plan within the legislated timeframes, as well as assessing the extent to which the current framework for implementing the Basin Plan, including the framework for monitoring, compliance, reporting and evaluation, is likely to be sufficient.

The Draft Report can be downloaded by following the headline link above.

Submissions are due by **10 October 2018**.

[Senate Inquiry into a selection process for a national radioactive waste management facility in South Australia – Final Report](#)

On 6 February 2018, the Senate referred an inquiry into the selection process for a national radioactive waste management facility in South Australia to the Senate Economics References Committee for inquiry. The Committee has now released its final report on the matter, which is available for download from the headline link above.

This proposal is a Federal initiative seeking to permanently store Australia's low-level nuclear waste as well as temporarily store the medium-level waste that comes primarily from Sydney's Lucas Heights reactor. This proposed nuclear waste dump is not the same facility that was proposed – and then discarded – by the South Australian Government to create a commercial nuclear waste dump that would attempt to profit from storing nuclear waste from all over the world.

Heading the terms of reference for this inquiry was the question of the appropriateness and thoroughness of the site selection process for the proposed Federal nuclear waste facility at Kimba and Hawker in South Australia. The Federal Government has stated that it will not impose such a facility on an unwilling community.

Note that the Federal Department of Industry, Innovation and Science is currently running a further consultation on this issue, details of which may be found in the 'Previous Notices: Reminders' section at the end of this eBulletin.

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 - Australia's faunal extinction crisis](#)

- Submissions due date extended to **10 September 2018**.

[SA Parliamentary Inquiry into Heritage](#)

- Submissions are due by **14 September 2018**.

[Consultation - River Murray Water Allocation Plan 2018](#)

- Submissions are due by **14 September 2018**.

[Consultation on the draft State Planning Policies](#)

- Submissions due date extended to **21 September 2018**.

[Consultation on a National Radioactive Waste Management Facility being located in SA](#)

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

[NRM Act to be replaced by 'Landscape South Australia Act' – discussion paper released](#)

- Submissions are due by **15 October 2018**.

[Planning and Design Code: Transport and integrated movement policy consultation](#)

- Submissions are due by **3 December 2018**.

[Planning and Design Code: Environment and natural resources policy consultation](#)

- Submissions are due by **3 December 2018**.