

WALZENBERG



Photos courtesy of the fabulous Bill Doyle

Environmental Defenders Office (SA) Inc.

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SA CLIMATE CHANGE BILL – OPPOSITON & INDEPENDENTS PROPOSE THE SETTING OF AN INTERIM EMISSION REDUCTION TARGET

The Government's Climate Change and Greenhouse Emissions Reduction Bill 2006 is now undergoing debate in the SA Parliament. The Bill passed through the Legislative Council of the State Parliament on the 29 March 2007 with several amendments the most important of which was the setting of an interim target.

The Bill has been widely criticised for failing to include compulsory emission reduction targets and is largely aspirational. The Bill's principal target seeks a reduction by 31 December 2050 of at least 60% to an amount that is equal to or less than 40% of 1990 levels. During the course of the debate it emerged that the Government's

target could allow for an increase in greenhouse gas emissions in the next two decades.

In the Upper House the Liberal opposition combined with independents to vote in favour of setting an interim target which seeks a reduction by 31 December 2020 of at least 20% to an amount that is equal to or less than 80% of 1990 levels. Whilst still a voluntary target it is clearly more useful than the Government's principal target given the widespread view that we have just 10-15 years to act in relation to the dangers of climate change.

The Bill also sets a related target namely to increase by 31 December 2014 the proportion of renewable electricity generated and consumed such that it comprises at least 20% of the total amount of electricity generated and consumed in South Australia.

The Bill will be reconsidered in May.

New EDO Management Committee Member

The EDO welcomes Andrew Hall, Solicitor at Jamie Botten & Assoc., as he has recently joined our committee

Thursday night Advisory Service.

Clients make appointments with our volunteer lawyers who are on a roster to give advice on environmental and planning issues.

There are usually times for two appointments starting at 6pm. Clients can ring 8410 3833 to book a time to see a lawyer

Some Client Satisfaction Survey results

How well did we treat you?
Excellent...very well...extremely well

How useful was the assistance?
First class...very useful...your office provides an excellent service...

Some of the issues from our evening advisory service...

On Planning & Development

The EDO does not promise to do any more than explain any options available to clients unless it is a public interest case where the staff solicitor might give some more assistance. In very few cases, depending on the time required, the staff solicitor may open a casework file.

A client is concerned about a housing development next to his housing estate. When buying his property, the owners of the land next door were going to build a small number of units, but now there is an application before council for a large number of units. What can be done about this?

A client is alleging that a sporting field is illegally taking water from an adjacent creek. Is this in contravention of the Water Resources Act?

The client lives at the back of a strata title block which has an old purpose-built asbestos fence. The strata group wants to pull this down and replace it, but wants the adjoining neighbour to share in the cost of asbestos removal. The client thinks that it should be the strata group's responsibility. Who should contribute to the cost of removal?

A Category 1 development was rejected by the council, but the developer is now appealing. How do we join the appeal process?

The neighbours house is being purchased by Housing SA and it is believed that it will be used for a rehabilitation purpose. How can the client have a say before this gets approval?

Client wants to have air quality testing done during car sporting events – she knows that she needs to approach EPA, but want to get some hints / advice before she contacts them.

The EDO Outreach programme Whyalla

Melissa Ballantyne is preparing to visit Whyalla in May. The EDO will shortly be advertising in that area, and offering free appointments to the community on any environmental or planning issues. We try to inform as many people as we can, via the local newspaper, TV and radio.

Melissa will also visit Edward John Eyre High School to talk about environmental law with Year 12 students.

If you want to make an appointment for **Friday May 11th** you can ring the EDO on the country Freecall number 1800 337 566.

The EDO Outreach programme Riverland, Mt Gambier, Pt Lincoln, Pt Pirie

Melissa also visits these communities at other times during the year.

Melissa Ballantyne

CASEWORK

WHYALLA RED DUST CASE

In the January edition of the news sheet I reported that we were negotiating with OneSteel as to how mediation could occur between our client group and the company. Unfortunately that process has broken down as the company has asked for our client group to meet half the costs. This is beyond our clients' resources and is obviously a disappointing state of affairs for them. We remain committed to our clients' plight through lobbying. In this regard we have taken steps to secure talks with both the EPA and Minister Holloway. We will be meeting with representatives of the EPA next month but we are yet to be granted time with the Minister.

LAW REFORM

NATURAL RESOURCES MANAGEMENT ACT 2004 REVIEW

The SA Natural Resources Management Act has operated since the 1 July 2005. It sets up an integrated system with the aim of ensuring South Australia's natural resources are managed in a sustainable way. As the Act incorporated several other pieces of legislation it has recently undergone a review to identify any inconsistencies and areas where integration issues could be improved.

The EDO provided a submission to this review. Some of the concerns raised included the adequacy of public involvement in planning processes, the ability of the public to access information, the need for ESD criteria to be included and problems with the Act's civil remedies provisions. We will shortly post the full submission to our website.

COMMUNITY LEGAL EDUCATION

PUBLIC PROTEST SEMINAR AT STRATHALBYN

On the 11 April staff solicitor Melissa Ballantyne and Greens MP Mark Parnell conducted a seminar on the law and public protest for community members living in and around Strathalbyn. The seminar was prompted by community concerns on a range of issues including mining in the local area, a proposed new residential development on Hindmarsh Island and the SA Government's proposal for a weir at Wellington.

Approximately 40 residents attended and were provided with information on how defamation law and the criminal law can affect those who seek to defend the environment through public protest. Mark Parnell spoke particularly about his Public Participation Bill which seeks to further reform the law of defamation.

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 - SEMINAR ON THE 2006 AMENDMENTS

The EDO was recently asked to present a critique of the amendments to a forum of marine and coastal workers. Many of the amendments passed by the Federal Parliament in 2006 came into operation on the 19 February 2007 and will have a profound impact on several of the Act's processes. In particular there are significant changes to threatened species and heritage listing, compliance and enforcement and the referral process. Whilst we applaud changes to improve corporate and landholder liability there are other changes which in our view reduce the level of environmental protection under the Act.

These changes include the introduction of themes to deal with threatened species listing (and heritage listing), rather than solely concentrating on the conservation status of a species or heritage nomination. Other changes effectively mean that many actions are not subject to the referral system as they are part of an accredited plan, program or policy and as such are specifically exempted from requiring approval. For a full analysis of the amendments please refer to; EDO NSW website: www.edo.org.au.

FACT SHEETS

We are in the process of expanding the topics covered by our Fact Sheets. Some of the topics we are working on include spray drift, fisheries law, the Natural Resources Management Act, Significant trees and lobbying. We are hopeful that the new fact sheets will be available on our website by the end of the year.



OUR WONDERFUL VOLUNTEERS

The EDO has terrific support from a large number of volunteers who work in a variety of areas including on our Management Committee, the Thursday night legal roster, conducting legal research and providing administrative support. We thank all those who generously give their time to our organisation.

If you are interested in volunteering please feel free to contact us to find out more.

A note from Stuart;

As a volunteer with the Environmental Defenders Office I provide assistance to the solicitor. This assistance could involve reading and summarising cases on issues as varied as defamation and protective costs orders. I also research legislation and, when required, provide administrative assistance involving the re-organisation of hard copy legislation and facts sheets. Volunteering with the EDO gives me the opportunity to apply my knowledge of environmental and planning law in a practical context.

Thanks Stuart! We would also like to particularly acknowledge legal research volunteers Robyn Walter, Tamara Sinkinson, Purdie Bowden and Selina Kelly. All have committed at least half a day a week on an ongoing basis to the EDO. Their assistance greatly expands our ability to service clients.

Contact Us

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Visit our Web Site

View www.edo.org.au/edosa

Farewell to Sandra

Sandra came like a whirlwind into the lives of the EDO staff early last year. She had wonderful skills—she helped us to keep our website updated, she was good with databases, she had all the good ideas on starting our new look News Sheet, and she was just good to talk to about some of the organizational and financial challenges facing the EDO. Sadly, Sandra is moving interstate, and I guess she will arrive on some other worthwhile group's doorstep in a similar fashion. Good luck Sandra.

STUDENTS ON PLACEMENT

The EDO is actively involved in assisting the professional development of law students and graduates. We regularly take on students from the University of Adelaide Clinical Legal Education course and the Law Society's Graduate Diploma in Legal Practice. Students obtain invaluable experience in the workplace and at the same time provide wide ranging assistance to the solicitor.