



Environmental Defenders' Office
AUSTRALIAN CAPITAL TERRITORY

Newsletter SUMMER 2013

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BREAKING NEWS

EDO offices face closure after federal funding cuts

The Commonwealth Attorney-General's department has notified each Environmental Defenders' Office across the country that their funding has been cut, effective immediately, with no claims on the private profession to step up for the environment, and pre-empting the Productivity Commission's report on access to justice.

The decision will put real pressure on most of the offices currently operating in each state and territory and could result in some smaller offices, such as the EDO (ACT), closing.

"These cuts are an attempt by the Federal Government to silence the voice of communities who wish to stand up for their local environment. Many Australians who care about protecting the environment cannot afford private legal advice," EDO ACT CEO and Principal Solicitor, Camilla Taylor said.

This decision by the Federal Government demonstrates the hostility that this Government has for the many Australian communities who choose to use the law to stand up for the places they love. It is devastating that they are terminating a four-year funding agreement only six months into the term.

Across Australia EDOs provide thousands of clients, made up of individuals and community groups, with free legal advice on environmental laws relating to matters such as town planning and development, mining operations, marine protected areas, water law, pollution and heritage issues.

"These cuts are an attempt by the Federal Government to silence the voice of communities who wish to stand up for their local environment. Many Australians who care about protecting the environment cannot afford private legal advice,"

'It is a major blow that has taken away most of our funding overnight, but we can reassure our supporters that we remain committed to being the environment's legal team. The generous assistance of our supporters will help us be a strong and resilient voice for the ACT and its communities.'

'Access for to justice for people who wish to use the law to stand up for and protect their environment will be effectively lost if the EDOs have to close. Defending the environment, community amenity and cultural heritage will become unaffordable for many Australians as the local EDO is the only place many people can

afford to go for expert legal advice on public interest environmental law matters when they feel threatened or effected by a development.'

'This comes at a time when climate action in Australia is being dismantled, coal-seam gas developments are being opposed by threatened rural communities, when the Tarkine is at real risk, the Great Barrier Reef faces unprecedented threats and when the Federal Government is intent on handing back environmental powers to the states and territories. '

EDOs also make highly informed submissions on government policy proposals and this week criticised the Federal Government over its handover of environmental approvals for major projects to the states, known as the "one stop shop" process. This abdication of hard-fought for Commonwealth powers effectively delegates compliance with international obligations to sub-national entities with likely disastrous outcomes and threats to environmentally sensitive areas such as the environmental values of the national capital and world heritage areas like the Great Barrier Reef, ANEDO said.

The EDOs have also run a number of landmark court cases for community groups across Australia including high profile cases against new coal mines, pollution of rivers by power stations, over development in residential areas and the potential impacts of coal seam gas developments on local water resources. In the ACT the EDO and the Conservation Council won significant concessions from the ACT Government resulting in better protection for threatened species put at risk by a Molonglo Valley development.

In a recent high profile case, the residents of the Hunter Valley village of Bulga, represented by EDO NSW, won a court challenge earlier this year, to the expansion of a coal mine operated by a subsidiary of Rio Tinto, due to significant dust and noise pollution and the destruction of habitat for endangered plant and animal species. The case is currently on appeal. The EDO in WA was recently involved in the successful Court challenge against the approval given by the EPA in WA for a Gas Hub development at James Price Point in the Kimberley.

If you wish to learn more about the EDO ACT and to support its work by giving a donation please click [here](#) or sign our petition.

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ACT NEWS

EDO Annual Report 2012-13

The EDO (ACT) Annual Report is now available online. Click [here](#) to read the Annual Report, and to learn about the wealth of work completed by our part-time community legal centre for the period 2012-13.

Murray Cod season open for summer 2013

In order to maintain ACT Murray Cod stocks and allow the fish to spawn, the season closed on 31 August 2013 for a three month period. However, the Environment and Sustainable Development Directorate has advised anglers that the Murray Cod fishing season re-opened at midnight on Saturday, 30th November 2013.

As with previous years, there is a daily bag limit of two Murray Cod per person per day and a minimum legal length of 60cm, however anglers may have only one over 100cm in their possession.

Click [here](#) for more information.

Extra protection for four threatened species in the ACT

On 15 November the ACT Conservator of Flora and Fauna, Alan Travers, announced that four threatened species will get extra protection with the finalisation of action plans for their continued conservation.

“Action plans for the Glossy Black-Cockatoo, Little Eagle, Smoky Mouse and Murrumbidgee Bossiaea have been made legislative instruments, providing another way for the Government to protect native flora and fauna,” Mr Traves said.

Action plans outline strategies to ensure the appropriate identification, protection and survival of protected species to give them the best chance of surviving in the region.

Click [here](#) for more information. Click [here](#) to read the ACT Government factsheet on the vulnerable Glossy Black-Cockatoo.

New Holland Mouse – returning to the ACT

The New Holland Mouse has been re-introduced into the ACT after its disappearance over 100 years ago. The rare species was released to the Mulligans Flat Woodland Sanctuary in October 2013.

The New Holland Mouse (*Pseudomys novaehollandiae*) is a small native mouse similar in size and appearance to a house mouse. However its behaviour and ecology are quite different to the house mouse. For example, it does not enter houses.

Click [here](#) for more information.

ENVIRONMENTAL LAW NEWS - ACT

90% Renewable Energy Target Made Law

In November, the ACT Minister for the Environment, Simon Corbell announced the formal establishment in law of the 90% renewable energy target (RET) for the ACT to be achieved by 2020. This RET had been foreshadowed in the ACT climate change policy, AP2.

Mr Corbell said that the renewable energy target will see “90% of electricity used in the ACT in 2020 coming from renewable energy sources, such as solar, wind or biomass, reducing our greenhouse gas emissions by around 1.5 million tonnes in that year”.

Click [here](#) for more information.

Nature Conservation Bill 2013

The long-awaited exposure draft for the Nature Conservation Bill 2013 was tabled in the Legislative Assembly on the 31 October, with submissions officially accepted until Friday 13 December 2013.

The Nature Conservation Bill 2013 is part of the review of the *Nature Conservation Act 1980*, which, for more than thirty years, has been the chief legislation for the protection of native plants and animals in the ACT and for the management of the conservation reserve network.

Click [here](#) to view the exposure draft of the Bill. Click [here](#) for more information on the review of the Act.

The ‘Review of the Roles and Functions of the Conservator of Flora and Fauna’ conducted by PriceWaterhouseCoopers in 2011 has now been released. Click [here](#) to read the Review and its recommendations.

ENVIRONMENTAL NEWS - COMMONWEALTH

‘One Stop Shops’ for environmental approvals

The Council of Australian Governments (COAG) held its 36th meeting in Canberra on Friday 13 December 2013. It was the first COAG meeting for Prime Minister Tony Abbott. The Governments signed a memorandum of understanding (MoU) agreeing to hand states and territories responsibility to assess and approve major projects likely to impact on nationally protected species and ecologies.

Victoria, South Australia, Western Australia, Tasmania, the Northern Territory and the ACT joined New South Wales and Queensland, which had already signed similar MoUs. The Federal Government also signed with Queensland a new bilateral [agreement](#) under the *Environment Protection and Biodiversity and Conservation Act* (EPBC Act) allowing Queensland to begin assessing projects on its behalf, “a significant next step in the establishment of a comprehensive one-stop shop for environmental approvals”, Abbott said in a statement.

The EDO has adopted a strong policy against such proposals and has expressed this opinion to Minister Hunt. Click [here](#) to read our objections for your information and distribution.

Environment Legislation Amendment Bill

The Federal Environment Minister, Greg Hunt, has introduced a Bill in to parliament to amend the *Environment Protection and Biodiversity Conservation Act 1999* to ensure that any failure by an Environment Minister to have regard to “approved conservation advice” as required under the Act, shall not render an environmental approval invalid. The Bill has been constructed so as to also apply retrospectively to earlier environmental decisions.

This Bill signifies a further dismantling of environment protection laws.

Click [here](#) to visit the website for the amendment bill. The page contains links to the explanatory memoranda, second reading speeches, and the proposed amendments of Adam Bandt, MP, and Senator Larissa Waters.

Environment Minister’s Council Abolished

Australia’s environment ministers will no longer meet as a group to tackle common environmental issues.

The COAG Standing Council on Environment and Water was abolished at the council’s meeting on 13 December, the first since the federal Coalition was elected. “Too much bureaucracy and red tape has grown up around COAG,” the meeting communiqué said. COAG decided 22 standing committees “should be streamlined and refocused on COAG’s priorities over the next 12-18 months”. Of the eight new committees none will deal with environment, water or climate change issues.

Ranger Uranium Mine – join investigation and review

Following an incident on 7 December when a tank holding more than a million litres of radioactive slurry burst at the Ranger Uranium Mine in the Northern Territory, an investigation and review has been announced.

While the Environment Department said the surrounding Kakadu National Park was not damaged by the incident as the spill was contained within the mine site, the accident prompted traditional land owners to describe the Ranger uranium mine as a “hillbilly operation” with too little regulation. The mine has a history of safety breaches and unions have raised concerns about maintenance standards at the 33-year-old operation.

On 13 December, the Australian Minister for Industry, Ian Macfarlane, and Northern Territory Minister for Mines and Energy, Willem Westra van Holthe, issued a joint media release outlining the terms of reference for the joint investigation and review into an incident. Click [here](#) to read the media release.

Marine parks ‘open for business’

On 13 December, federal environment minister Greg Hunt and agriculture parliamentary secretary Richard Colbeck scrapped what they called the “flawed” management plans for the ocean sanctuaries. Hunt and Colbeck said the Abbott government was “delivering a key election promise by scrapping [the former Labor government’s] plan to lock out recreational fishers from key coastal areas around the country”.

Regarding the decision, Sydney Environment Institute co-director Iain McCalman said that, given the exclusion zones would have applied only to areas “well outside coastal fishing zones [5km to 50km off shore], commercial fishers can hardly believe their luck”.

Governor-General Quentin Bryce has “reproclaimed” the new marine reserves, and the fishing exclusion zones that would have come into play next July will no longer come into operation. Click [here](#) to read the joint media release.

LAW REFORM AND POLICY

GBRMPA will make dredge decision

On December 10, Federal Environment Minister Greg Hunt [approved](#) the massive dredging and dumping project in the Great Barrier Reef World Heritage Area at Abbot Point. The dredging project is to make way for Adani Mining Pty Ltd's three new terminals to export millions of tonnes of coal from Galilee Basin mines every year, also approved. Before the work can start, the proponents need permits from the federal authority specifically created to manage the reef's conservation – the Great Barrier Reef Marine Park Authority (GBRMA). The authority issues dredging and dumping permits under the *Great Barrier Reef Marine Park Act 1975* and *Environment Protection (Sea Dumping) Act 1981*.

[Click here](#) to contact the GBRMA or to read more information.

If you are concerned about any or all of these matters, click [here](#) to contact Minister Hunt or your local member.

EDO ACT Submissions

Draft ACT Water Strategy

The EDO (ACT) office made a submission on the *Draft ACT Water Strategy 2013*. The submission took a long-term view of water resource planning in the ACT, considering all water sources and the needs of urban areas, the environment, industry and commercial development. It also gave guidance for the development, integration and implementation of management plans prepared by water service providers and agencies involved in activities and works in the catchment, as well as planning and development agencies operating within the ACT and region.

Click [here](#) to read the submission.

National Water Commission

The EDO (ACT) recently contributed to the Australian Network of Environmental Defender's Officers (ANEDO) submission to the National Water Commission. The submission formed part of the 2014 triennial assessment of water reform progress under the National Water Initiative (NWI).

Under the *National Water Commission Act 2004* (NWC Act), the Commission conducts regular assessments of progress by all governments in achieving the objectives and outcomes of the NWI. Since the 2011 assessment, important developments have had implications for the way water is managed in Australia. These include: the commencement of the Murray–Darling Basin Plan; increased focus on whole-of-water-cycle management in urban environments; the expansion of water use associated with mining and coal seam gas extraction; and renewed consideration of the potential for large-scale development of water resources for agriculture in northern Australia.

The ANEDO submission focused on the issues raised under Part 3 of the discussion paper – 'water supports a healthy environment'. Click [here](#) to read the submission. Click [here](#) to visit the National Water Commission website.

Invitation for public comment: EPBC Referrals

Invitations for public comment made under the EPBC Act that may be of interest to readers are:

- The Australian Government is currently seeking public comment on its draft referral guidelines for the Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory). The public comment period closes at 5pm on **7 February 2014**. Click [here](#) for more information.
- The Australian Government and the Queensland Government are undertaking a comprehensive strategic assessment of the Great Barrier Reef World Heritage Area and adjacent coastal zone in accordance with section 146 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Public comment closes on **31 January 2013**. Click [here](#) for more information.

Opportunities to Comment

Abbot Government's Direct Action Plan

The Senate referred the Abbot Government's Direct Action Plan to the Environment and Communications References Committee for inquiry and report. Click [here](#) to see the terms of reference of the inquiry and further information on the submission process.

Public comment closes on **20 January 2014**.

ACT Trails Strategy

The community is invited to provide feedback on the draft ACT Trails Strategy which aims to develop a consistent policy framework to improve the management and use of recreational trails on public land.

Public comment closes **20 December 2013**. Click [here](#) for more information.

Evaluation of 40 km/h precincts in City, Belconnen and Tuggeranong town centres

In June 2013 the ACT Government introduced 40km/h speed precincts in the City, Belconnen and Tuggeranong town centres to help improve safety for pedestrians, cyclists and other road users. The precincts have now been in place for six months operating on a fulltime basis (24 hours a day, seven days a week).

The evaluation of the 40 km/h speed limits is now underway to determine their effectiveness. As part of this process community feedback is invited from traders, shoppers and road users.

Click [here](#) for information on how to make a submission. Public comment closes on **31 January 2014**.

Australian Heritage Strategy

In November, the Federal Government announced the re-starting of the Australian Heritage Strategy as one of Australia's key heritage priorities, with the purpose of providing a common framework and priorities for Australia's heritage and to help ensure that heritage is recognised and protected for future generations.

The Government says that all Australians are encouraged to participate in the development of the Strategy. A draft Strategy will be released for public comment during Australian Heritage Week in **April 2014**. Click [here](#) for more information.

Exposure Draft of the amendments to the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009

The Australian Government has released an exposure draft or proposed amendments to the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*. The amendments seek to clarify the regulation of environmental management of offshore petroleum and greenhouse gas storage activities, implement the outcomes of the recent review of the Regulation, and facilitate streamlining of EAs.

Public comment closes on Friday **20 December 2013**. Click [here](#) for more information and to have your say.

'Have Your Say' website

[Have Your Say](#) is the National Capital Authority's consultation website. It allows Australians to talk about the way Canberra is developed and managed as the National Capital. The website makes Consultation Reports and Consultation Reports in Progress available for the public.

EVENTS AND COMMUNITY NEWS

EVENTS

Wednesday walks

Acton Walkways has regular Wednesday walks from 12-1pm, exploring scenery around the Acton Peninsula, Sullivans Creek and the many trails of the ANU Campus. Meet at The Street Theatre, corner of Childers St. & University Ave. Click [here](#) to view the Acton Walkways calendar.

COMMUNITY NEWS

Community Resources: resilience to extreme weather events

The Red Cross has been working with community services in the ACT to build their readiness to support the people they work with to cope with extreme weather events and disasters. There are a number of resources available to support individuals and organisations. As we head into summer, all community organisations need to be prepared to respond to the increased risk of heat waves and severe storms.

The following resources are available to support good planning and responding well.

Click [here](#) to view the **preparedness resource page**, which contains links to the **4 steps to preparedness book** and a **heat advice for seniors document**. Click [here](#) to view the ACT Health Directorate guide to summer safety.

Home Energy Assessment Services

Are you interested in a professional service to help you make your home more energy efficient and sustainable? SEE-Change has put together a list of home energy assessment services in Canberra.

Click [here](#) to see the compiled list of home energy assessment services.

The EDO ACT wishes thank its members and supporters for their continued support throughout the year and wishes you all a safe and restful Christmas and New Year.

The Environmental Defender's Office

The Environmental Defender's Office is a non-profit community legal centre based in Canberra.

We advise on environment and planning law and aim to increase public awareness of environmental law and available remedies.

We advise on questions of Commonwealth and Australian Capital Territory law.

We offer a free telephone advice service on environmental law questions.

Appointments with our solicitor are also available.

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