



EDO BULLETIN

Feb-March 2009

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Ella Bay - Minister Garrett alerted to previously unknown turtle nesting sites

A small group of dedicated conservationists at Bramston Beach have conducted detailed surveys of previously unknown marine turtle nesting sites along a stretch of coast in North Queensland, including the yet-untouched Ella Bay, nestled in between two World Heritage Areas (the Wet Tropics and the Great Barrier Reef World Heritage Areas).

A large luxury resort has been proposed for Ella Bay, one of the only stretches of coast in North Queensland not yet spoilt by development of any kind, and is currently before Commonwealth Minister Garrett and Queensland's Department of Infrastructure and Planning for assessment of its environmental impacts. When the project was referred to the Commonwealth for assessment, little (if any) information was available on the existence of marine turtles in the area or their usage of the area for breeding or nesting. There are seven marine turtle species in the world; six are found in Australia and all are listed as both migratory and either endangered or vulnerable.



Green turtle. Photo Eva McClure

In light of the new survey results, EDO-NQ urgently wrote to Minister Garrett to provide this significant new information and a request that the assessment of the project consider its impact on listed migratory species and the Commonwealth marine area as matters of National Environmental Significance (NES). The community made a large number of submissions on EDO-NQ's request, overwhelmingly supporting a wider assessment of the impacts upon marine turtles and their marine environment. A new blog has been set up by the community under the title "Ella Bay Forever". You can view it at <http://www.ellabayforever.blogspot.com/>

For more information about EDO-NQ cases contact us on (07) 4031 4766 or edonq@edo.org.au.

WECA succeeds in appeal against ARIA Developments

On 11 February 2009 West End Community Association succeeding in its legal challenge against Aria Developments' proposed 17 storey tower on Edmondstone Street West End, Brisbane.

WECA instituted its appeal in the Planning and Environment Court after Brisbane City Council approved the tower. On its face, the proposal was in stark conflict with local planning laws. In a surprise move for a developer ARIA consented to allowing the appeal and having their development application refused. EDO Qld gave legal advice to WECA in the early stages of its appeal and congratulates them on their great win for the community.

Community Groups and Redland win round one against Barro Quarries

On 19 March the Planning & Environment Court determined that Barro Group's application to expand its quarry in Redland Shire was not properly made. In making its original application to Council, the Court found that Barro Group had failed to include evidence that the proposed expansion interfered with a State road. This failure was fatal to the development application. You can read the decision of Judge Searles in *Barro Group v Redland Shire Council [2009] QPEC 9* here:

<http://archive.sclqld.org.au/qjudgment/2009/QPEC09-009.pdf>

Concerns that the quarry expansion application

was invalid were raised after Barro Group started an appeal against Redland Shire Council's refusal of its development application. EDO Qld has been giving legal advice to a number of individuals and environmental groups who joined the appeal as co-respondents, and who played an active role in the preliminary point. Without a properly made application the Planning & Environment Court does not have the power to decide an appeal.

Barro Group has appealed to the Court of Appeal against the Planning & Environment Court's decision. If the Court of Appeal upholds the decision of the Judge Searles, Barro will be required to make a new development application.

Paradise Dam case update

Quick background...

This is a landmark case where a regional conservation council is challenging a dam operator, which is owned by a well resourced publicly listed company. The public interest issues are many: corporate accountability; enforcement of development conditions and the survival of the vulnerable lungfish species.

EDO's client, the Wide Bay Burnett Conservation Council ("WBCC") has launched a public interest enforcement action in the Federal Court for breach of a Commonwealth condition of approval requiring that a fish transfer device suitable for lungfish be installed and operated at the Paradise Dam on the Burnett River. The owner and operator of the dam, Burnett Water Pty Ltd, is a subsidiary of public company SunWater Limited, which itself is a corporation owned by the Queensland Government. Burnett Water argues that it has complied with its conditions of approval.

Site Visit and Discovery of Documents

A site visit to Paradise Dam was undertaken in December 2008, by barrister Dr. Chris McGrath, expert Jim Tait, Jo Bragg of EDO Qld and Roger Currie of WBCC. They observed the upstream fishway in operation but the downstream fishway was high and dry, so no lungfish could use the downstream fishway at that time.

In December 2008 Justice Logan dismissed an application by Burnett Water to have the case stayed, pending the outcomes of an investigation by the Commonwealth Dept of Environment. .

On 12 December 2008 on behalf of WBCC, barrister Dr Chris McGrath and EDO were successful in gaining an order from Justice Logan

for discovery of documents from Burnett Water Pty Ltd. Since that date EDO staff and supporters have reviewed and classified nearly 5000 relevant documents supplied by Burnett Water.

Timetable for Hearing & Expert Evidence

On 18 March 2009 Justice Logan gave directions in anticipation of a four week hearing in the Federal Court beginning 7 September 2009. Dr McGrath sought orders for "joint expert reports", whereby the fish experts for WBCC and Burnett Water prepare joint reports and only do separate reports on areas of disagreement. Justice Logan however preferred the more conventional approach of separate expert reports. Justice Logan also did not agree with the application on behalf of WBCC that Burnett Water provide discovery of water quality documents..

Fresh Statement of Claim & Rewriting Proposed Injunction

Barristers for Burnett Water argued on 10 March 2009 that WBCC had not provided sufficient particulars (i.e. details of the alleged facts) of how Burnett Water was said to have been "reckless" in breaching the condition of Commonwealth approval of the Paradise Dam. Justice Logan agreed and on 18 March 2009, ordered the Statement of Claim to be struck out, with leave for WBCC to refile the Statement of Claim by 3 April 2009.

Another application by Burnett Water was unsuccessful. Burnett Water argued in effect that WBCC be ordered to state how the fishway needed to be fixed so as to be suitable for lungfish. However his Honour accepted Dr. McGrath's argument that it would be enough that WBCC showed the current fishway was not suitable.

Wrapping up...

It has become apparent that Burnett Water and SunWater are devoting enormous resources to this case. WBBCC's resources are very modest in comparison but it has a dedicated team of lawyers and expert witnesses and a strong factual basis for its claims. The Court's order to reformulate the Statement of Claim presents an opportunity to incorporate many details obtained from the

documents disclosed by Burnett Water. The case will ultimately be stronger because of this step in the litigation.

If you'd like to donate tax deductible funds to help WBBCC with this case, contact Emma-Kate Currie: wbbconservationc@bigpond.com or 07 41 2333 61.

A more detailed version of this article is available on the EDO Qld website: www.edo.org.au/edoqld

OTHER CASES OF INTEREST

Mission Beach developer prosecuted for clearing native vegetation

On 5 February 2009 Mission Beach Investments and its project manager pleaded guilty in the Tully Magistrates Court to offences under the *EPBC Act 1999* for illegally clearing native vegetation. Clearing of native vegetation, particularly around Mission Beach, often causes catastrophic and deadly consequences for the nationally-listed endangered Southern Cassowary. The company was fined \$40,000 with the project manager receiving a fine of \$5,000. The EDOs applaud the prosecution, and hope that it will send a clear message to developers and others that clearing of native vegetation will not be tolerated and will be prosecuted.

"100% biodegradable" nappies found to be 'greenwash'

Federal Court of Australia has held that advertising claims by company SeNevens International Ltd that the Safeties Nature Nappy product is '100% biodegradable' constituted misleading conduct. The Director of the company, Ms Charishma Seneviratne had approved the advertising proposal, knowing the claims to be false, contravening sections 52 and 53 of the *Trade Practices Act 1974*

Final result in EDO NSW case *Walker v Minister for Planning*

The hearing for an application for special leave to appeal to the High Court of Australia (the Court of final appeal in Australia) in the *Walker v Minister for Planning* matter took place on Friday 13 March. Justices Gummow and Heydon heard the application for leave to appeal. The Judges determined that the matter did not have sufficient prospects of success on appeal to grant special leave, despite it being well argued. The High Court did, however, agree that there should be no order as to costs given the public interest nature of the proceedings.

The transcript of the High Court proceedings can be accessed at <http://www.austlii.edu.au/cgi-bin/sinodisp/au/other/HCATrans/2009/50.html?query=Walker%20v%20Minister%20for%20Planning>

Farmer fined \$400,000 for bulldozing wetlands in NSW

On 11 February 2009 a farmer was found guilty of two breaches of the *Native Vegetation Act 2003* NSW and fined more than \$400,000 by the New South Wales Land and Environment court for bulldozing and flattening more than 486 hectares of Gwydir Wetlands. For a full copy of the judgment, visit www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWLEC/2009/4.html?query=HUDSON%20AND%20GWYDIR

Gunns to pay \$350,000 in costs

In a landmark win for free speech, Gunns Ltd agreed, on 16 March, to pay The Wilderness Society \$350,000 in costs and discontinue its legal action against The Wilderness Society and former TWS activists Alec Marr, Leanne Minshull and Heidi Douglas. Four years ago, when the Gunns20 lawsuit was filed, the logging giant claimed TWS owed them \$3.5 million in damages. The Gunns20 case continues against the remaining 6 individuals, and one organisation.

Gunns given Green light to start construction of Pulp Mill

The Federal Environment department has approved 13 of the required 16 permits that Gunns lawfully needs to obtain before it can begin operating the Bell Bay pulp mill. The current approvals effectively give Gunns the green light to start construction.

The three permits yet to be approved by the Federal Environment department, the subject of further studies and assessment estimated to take at least another 12 months, relate to the operation of the mill and, its marine impacts.

LAW REFORM - Queensland

Koala state regulatory provisions

In February, EDO Qld made submissions to the State government to increase the protection of urban koalas under the draft koala regulatory provisions. EDO Qld made the following seven recommendations:

- That the definition of “interim koala protection area” is expanded to include both mapped koala habitat and also areas that are in fact used by koalas or important to their species survival.
- That the agency to make decisions on any assessable development in the interim koala protection area ought to be the EPA, with adequate additional resources, not the Department of Infrastructure and Planning.
- That the definition of “domestic activity” is tightened by strictly limiting the gross floor area of the single dwelling and any area to be cleared due to construction needs and similarly limiting the GFA of any associated building or structure.
- That a building not requiring referral ought to be less than 300m² including any clearing needed for construction.
- That, in relation to *Table 1 Column 1- Assessable Development not requiring referral agency assessment*, that item 3 (a) and (b) be deleted, moving more matters to Column 2 for assessment.
- That the assessment criteria must not allow any development that clears more than 300m² of vegetation and must not allow any development to harm any mature koala trees. We referred to the koala conservation criteria tables in the *Nature Conservation (Koala) Conservation Plan 2005* and *Management Program 2005-2015* for further consideration for application in urban koala areas.
- That the cut off date for applications to escape assessment ought to be the earlier date when Premier Anna Bligh announced the set up of the SEQ Koala Task force.

This submission is available at <http://www.edo.org.au/edoqld/edoqld/lawreform/lawreform.htm>



Right to Information Bill 2009

In March EDO Qld and EDO-NQ made a joint submission on the public consultation drafts of the Right to Information Bill 2009 and Right to Information Regulation 2009. The EDOs made a number of detailed recommendations and suggestions for improving the proposed Bill. In short, while supporting aspects of the Bill and the Regulations, including the removal of the existing exemption from FOI for government –owned corporations and the inclusion of a public interest test for the release of information, the EDOs strongly opposed the blanket exemption from access for Cabinet documents. *This submission is available at <http://www.edo.org.au/edoqld/edoqld/lawreform/lawreform.htm>*

Exposure draft legislation for expanded renewable energy target scheme

In February, EDO Qld and EDO-NQ contributed to ANEDO's submission on the Federal Government's exposure draft legislation for the expanded renewable energy target scheme (and the discussion paper on EITEs). The submission expressly rejected providing assistance for emissions-intensive, trade-exposed industries (EITEs) or permitting their exemption from the RET scheme. Big thanks to Patrick at EDO-NQ for his valuable contribution to the RET law reform submission.

Upcoming Queensland law reform: SEQ Regional Plan 2009 - 2031

EDO Qld will be making submissions on the revised SEQ Regional Plan (now due 1 May 2009). Please contact EDO Qld if you would like to add your comments to our submissions.

LAW REFORM - National

National Carbon Offset Standard

In March 2009, ANEDO, with input from EDO Qld and EDO-NQ made the following recommendations on the National Carbon Offset standard:

- the development of a mandatory national carbon offset standard is supported;
- such a standard should exist in a robust legislative framework;
- voluntary offsets should be additional to both international obligations and domestic compliance schemes;
- offsets generated in uncovered sectors and counted towards Australia's Kyoto target should be made additional to Kyoto obligations through the Government cancelling AAU's equivalent to the credits;
- the definition of carbon neutrality under the standard should not be given an economy wide interpretation but instead be assigned only to individual entities that have zero net emissions after balancing the production and reduction efforts of their GHG emissions;
- an entity should not be able to profess to be carbon neutral under the standard purely as a result of it having its emissions covered by the CPRS;

- any entity attempting to calculate its carbon footprint under the Standard should provide information on both the scope of emissions it is including and excluding, as well the methodology implemented to calculate the figure;
- all reforestation activities wishing to sell credits should opt into the CPRS; and
- the proposed standard should be amended to better promote and communicate the 'avoid, mitigate, offset' hierarchy.

These national submissions are available at www.edo.org.au/policy/policy.html.

10 year review of EPBC Act

As mentioned in the January 2009 Bulletin EDO Qld and EDO-NQ gave input into the comprehensive law reform submission by the Australian Network of Environmental Defenders Offices (ANEDO) on the 10 year review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The submission concentrated on the broader role of the Commonwealth in achieving positive environmental outcomes and substantive protections. Recognising that the Act has failed to protect environmental values, the submission called for an audit to examine the Commonwealth's role in protecting the environment and in identifying ways of ensuring that ecologically sustainable development is not just considered and promoted, but actively *achieved*.

LAW AND POLICY WATCH - February to March 2009

Queensland environmental law and policy changes

Machinery of Government changes

Premier Bligh has announced that the 23 State Departments will be reduced to 13 super-departments, governed by 18 Ministers. Environmentally relevant new Departments are:

- Environment and Resource Management (encompassing the Environmental Protection Agency and Natural Resources and Water)
- Employment and Economic Development (encompassing Mines and Energy and Primary Industries and Fisheries)
- Infrastructure and Planning (encompassing Local Government)
- Transport and Main Roads
- Public works

The EDOs congratulate the new Ministers and Parliamentary Secretaries in the following environmentally relevant portfolios, and will be seeking meetings with these Ministers to brief them on EDO and the community's concerns in these areas:

- Kate Jones, Minister for Climate Change and Sustainability (Department: Environment and Resource Management)
- Sterling Hinchcliffe, Minister for Infrastructure and Planning (Department: Infrastructure and Planning)
- Stephen Robertson, Minister and Michael Choi, Parliamentary Secretary for Natural Resources, Mines and Energy (Departments: Employment and Economic Development, and Environment and Resource Management)
- Tim Mulherin, Minister for Primary Industries, Fisheries and Rural and Regional Queensland (Department: Employment and Economic Development)
- Rachel Nolan, Minister for Transport (Department: Transport and Main Roads)
- Robert Schwarten, Minister for Public Works (Department: Public Works)
- Desley Boyle, Minister for Local Government (Department: Infrastructure and Planning)

LAW AND POLICY WATCH continued

Bligh government's environmental election commitments

The following environmental commitments were made by Premier Bligh during the 2009 Queensland election campaign:

- Cut pesticide and fertiliser run-off to the Great Barrier Reef by 50% within 4 years, a target to be reflected in new regulations to be introduced to Parliament by June 2009 (www.qld.alp.org.au/01_cms/details.asp?ID=500)
- A 3 month moratorium on clearing endangered regrowth vegetation, while talks are held between farmer groups and the government on regulating regrowth clearing (www.qld.alp.org.au/01_cms/details.asp?ID=507);
- Progress with the federal government a World Heritage nomination for those parts of Cape York that have the agreed support of conservation and Indigenous interests (www.qld.alp.org.au/01_cms/details.asp?ID=509);
- Declare three south-west channel country rivers as Wild Rivers (www.qld.alp.org.au/01_cms/details.asp?ID=504);
- A Cleaner, Greener Buildings policy to:
 - * Fast-track new eco-friendly developments through a 'Green Door' by introducing green case managers into the Department of Infrastructure and Planning and granting Ministers the power to require faster decisions on quality green developments;
 - * Require new houses and major renovations to meet 6 star or equivalent energy efficient standards by the end of 2010, and new units to meet 5 star or equivalent energy efficient standards by the end of 2010;
 - * Stop Body Corporates and developers from banning energy efficient building materials such as lighter roofs and solar hot water systems;
 - * Require new units and office buildings to provide electricity sub-metering which will give office tenants and unit owners an incentive to reduce their power bills and cut greenhouse gas emissions by the end of 2009;
 - * Require end of trip facilities for cyclists and joggers – including racks, lockers and showers – in all new major developments around key activity centres.

* Establish a \$500,000 Green Building Skills Fund to boost sustainability expertise through 3000 green training places in accredited courses, with participants having 50% of the course costs subsidised.
(www.qld.alp.org.au/01_cms/details.asp?ID=482);

- Amend relevant laws to ensure that Queensland leasehold farmers have the same rights as freehold farmers in being able to earn carbon trading rewards for growing vegetation on their property, and extend eligibility from plantations to include regrowth vegetation (www.qld.alp.org.au/01_cms/details.asp?ID=508);
- A government bulk-buy of 200,000 solar hot water systems which will be sold to households over 3 years for \$500 each (\$100 for pensioners), with approximately 60,000 systems to be available by July 2009 (www.qld.alp.org.au/01_cms/details.asp?ID=505);
- \$57 million for a green army of over 3000 unemployed or school leavers for revegetation and cleaning the state's waterways, beaches, national parks and green spaces (www.qld.alp.org.au/01_cms/details.asp?ID=478); and
- Build a 2000 km Great Walk from Daintree River to the tip of Cape York within 3 years (www.qld.alp.org.au/01_cms/details.asp?ID=509).

The EDOs look forward to the prompt delivery of these commitments. We will continue to work with the conservation sector on the Reef regulations, and expect to be involved in crafting the vegetation regrowth regulations.

Water

- State government proposes to lessen the administrative burden on businesses by reducing the reporting requirements under Water Efficiency Management Plan. Under WEMP businesses provide quarterly reports of their water consumption. The new administrative arrangements will require business to report once a year only.

Climate Change

- The *Greenhouse Gas Storage Act* was enacted on 23 February 2009.

LAW AND POLICY WATCH continued

Nature Conservation

- Release of the Statewide Landcover and Tree Study (SLATS) has brought mixed responses from government and environment sector. The report reveals that 235,000 ha of bush was cleared in Queensland during 2006-7, representing a 37% decrease from previous year. While the State government heralds the news a success, conservation groups are shocked by the figure – 235,000 ha represents 60% of all land clearing in Australia. Land clearing continues to have a devastating impact on Queensland biodiversity, and drives us closer to dangerous climate change.
- Following a review of EPA's crocodile management plan the State Environment Minister has introduced new policies that will limit when crocodiles, captured for posing a threat to people, are released into the wild. See http://www.epa.qld.gov.au/nature_conservation/wildlife/living_with_wildlife/crocodiles/crocwatch/
- Queensland protected areas estate has increased, with two new National Parks, Binya NP and Kelvin NP, being declared in amendments to the *Nature Conservation (Protected Areas) Regulation*.

Marine protection

- Substantial penalties exist under Queensland and Federal law against the captain and owners of the Pacific Adventurer, the cargo ship that spilled up to 250 metric tons of bunker oil, and 61 containers of ammonium nitrate, into Moreton Bay. Preventing accidents like this is the priority, however with shipping the principal means of transporting cargo to and from Australia, with about 8000 commercial vessels passing through the Great Barrier Reef region each year alone, rapid response to accidents of this kind is imperative to protecting our coastal ecosystems. EDO supports conservation group calls for:
 - * Expanding Moreton Bay marine park, improved management and strengthen emergency response capacities;
 - * Creation of a Moreton Bay Commissioner to oversee and coordinate government policy on Moreton Bay; and
 - * new Federal regulations on volatile cargoes passing through marine and coastal waters

- New fishing laws restricting the size of the opening of crab pots to a maximum of 45 cm, will be reviewed after concerns raised by commercial and recreational fishers.

Planning and Development

- All documents filed in the Planning and Environment Court are now available electronically via the Courts website. "eFiles" is accessible here <http://www.courts.qld.gov.au/142.htm>
- FNQ Regional Plan and Regulations were released on Friday 13 February 2009. EDONQ will undertake legal education in the coming months to help the community gain a greater understanding of the how the FNQ2031 Regional Plan impacts on land use and planning throughout the FNQ Region. See www.dip.qld.gov.au/regional-planning/regional-plan-4.html
- IDAS forms have been updated to reflect changes flowing from the FNQ Regional plan, the draft SEQ regulatory provisions (contained in draft SEQRP), and the draft Koala regulatory provisions. See www.dip.qld.gov.au/forms-templates/assessment-checklist.html
- Amendments to the *Acquisition of Land Act* have been passed through Parliament. The changes include, amongst others, clarifying who can claim compensation, 3 year time limit for serving claim for compensation (from time land is taken), and clarification of the purposes for which land may be taken (in an improved schedule). Amendments to *Integrated Planning Act* were subsequently required.

Environmental Protection

- A new regulatory regime to limit fertiliser and pesticide runoff into the Great Barrier Reef will be finalised by June. EDO will work with the conservation sector to lobby for a regulatory framework that is well funded, permits public enforcement of non-compliance, and is implemented within a short, 2-3 year, time period.
- EPA is investigating 10 mines in central and northern Queensland for possible liability for environmental harm after on-site contaminated waste wells overflowed following this year's heavy rains.

Federal environmental law and policy changes

- Waratah Coal have made a new EPBC Act referral of their Galilee Coal Project after their first referral was refused by Peter Garrett as “clearly unacceptable” because of the proposal to build a rail link and shipping port in the Shoalwater and Corio Bay Ramsar Wetland. There is, again, no analysis of the greenhouse gas emissions associated with the mine in the referral despite the proponent stating there is an inferred resource of 4.355 billion tonnes of coal, to be mined at 50 million tonnes per annum. See www.environment.gov.au/cgi-bin/epbc/epbc_ap.pl?name=current_referral_detail&proposal_id=4737
- Eastern Australian population of **gemfish** (eastern gemfish) and **school shark** have been placed in the *conservation dependent* category on the national threatened species list.
- Federal Environment Minister has approved the expansion of Xstrata’s McArthur River zinc mine. The new approval, required after the Federal Court ruling that former Environment Minister Ian Campbell had failed to follow the correct procedure, places new monitoring obligations on Xstrata.
- Department of Climate change has released a report that sets out the details of the process it will use to assess the eligibility of potential EITE activities and how industry on the steps it needs to take to engage in the EITE assessment process
- Australian households will be eligible for a rebate of up to \$500 each for the purchase of a rainwater tank or a greywater system under the *National Rainwater and Greywater Initiative*. Apply here <http://www.environment.gov.au/water/programs/nrgi/index.html>
- Free ceiling insulation is being offered under the Federal Energy Efficient Homes Package. Full details are available here <http://www.environment.gov.au/energyefficiency/index.html>
- Federal government has notified new additions to its list of threatened species and ecological communities under EPBC Act. Two Queensland shrubs, Cooneana olive and Mt Berryman *Phebalium*, have been listed as critically endangered. Due to ongoing threats from commercial fisheries Leatherback turtles, previously listed as vulnerable, have been uplifted to endangered. See www.environment.gov.au/biodiversity/threatened/
- Federal agriculture department will invest \$32 million in soil carbon programs to measure the levels of carbon in the soil across a variety of farming systems, while storing carbon in soil and bidding to reduce emissions. The Federal Government has excluded agriculture from its emissions trading scheme until at least 2015 and will make a final decision about its future inclusion in 2013.
- The federal government has provided \$2million, through its Coastcare program, to help the clean-up of Moreton Bay, following the oil-spill last month.
- Queensland’s East Coast Inshore Fin Fish Fishery will operate as a Wildlife Trade Operation, after an announcement by the Federal government in late February. The fishery will be able to continue exporting sharks for another 3 years, subject to 18 new management conditions, and 14 recommendations, imposed by the Commonwealth.
- Approximately \$26 million will be given to local Councils across Queensland’s northern Gulf (\$7.7 million) and western regions (\$18million) over 5 years under the Federal government’s Roads to Recovery program
- Federal agriculture department has announced it will direct \$26.8 million to support research to reduce greenhouse gas emissions from livestock – Australia’s third largest source of GHG emissions.
- Amendments have been made the *Ozone Protection and Synthetic Greenhouse Gas Management Regulations* to introduce new offence provisions for unlicensed work or breaches of licence conditions and provide for new record keeping requirements.

OPPORTUNITIES TO COMMENT

- Consultation on the draft revised SEQ Regional Plan 2009 – 2031 has been extended until **1 May 2009**, see www.dip.qld.gov.au/regional-planning/draft-regional-plan-2009-2031.html.
- The State Planning Department has also extended the time for public comment on the terms of draft North East Gold Coast land use and infrastructure study. Comments are due **1 May 2009** www.dip.qld.gov.au/regional-planning/north-east-gold-coast-study.html

OPPORTUNITIES TO COMMENT continued

- The federal government's consultation paper on Australia's tax system is open for comment until **1 May 2009**. Section 13 of the consultation paper seeks submissions on tax transfer impacts on the environment, the ways that taxes can improve environmental amenity and how the tax system can detract from environmental outcomes. <http://taxreview.treasury.gov.au>
- As part of its promised reform of the Commonwealth *Freedom of Information Act 1982* (FOI Act), the Federal Government has released two draft Bills: the Information Commissioner Bill 2009 and the Freedom of Information Amendment (Reform) Bill 2009. Public comment on these draft bills is invited until **15 May 2009**. See http://www.pmc.gov.au/consultation/foi_reform/index.cfm
- DNRW is inviting public comments on its proposal to declare the Wenlock River area a wild river area under the Wild Rivers Act. Submissions close **29 May 2009**. www.nrw.qld.gov.au/wildrivers/wenlock.html
- Public comment on the draft Australia's Biodiversity Conservation Strategy 2010–2020 has been invited until **29 May 2009**. The draft strategy will guide how governments, the community, industry and scientists manage and protect Australia's plants, animals and ecosystems over the next ten years. See <http://www.environment.gov.au/biodiversity/strategy/review.html>

OTHER NEWS

ANU Environmental Litigation Course

The Australian National University is offering a course titled, 'Environmental Litigation', exploring the theory and practice of environmental litigation in Australia. The course can either be done as part of a degree, as a single subject or as a professional development short course. It will be taught at the ANU in Canberra from **Wednesday 27 May 2009 to Friday 29 May 2009** and will be facilitated by Queensland barrister Dr Chris McGrath. For more information, visit <http://law.anu.edu.au/scripts/class.asp?unitID=1174>

Reports released

- **2007-8 National Pollutant Inventory** has been released. Annually, the NPI reports on the emissions to Australia's air, land and water See <http://www.npi.gov.au/overview/index.html>
- An assessment of the health of Australia's wetlands of international importance has highlighted the need for active intervention to ensure these areas are preserved for the future. Read the federal government's **Ramsar Snapshot final report** here www.environment.gov.au/water/publications/environmental/wetlands/ramsar-snapshot-study.html
- Tasmania's Clarence City Council has released an assessment of the risks of climate change on coastal areas within its jurisdiction. The report identifies opportunities to adapt and mitigate climate change impacts: www.ccc.tas.gov.au/site/page.cfm?u=807
- US Sierra Club has released a summary of 2008 US climate change cases in which 24 coal-fired

power plants were defeated or abandoned: www.sierraclub.org/coal/downloads/2008-yearend.pdf

- Local Governments for Sustainability (ICLEI) has released a climate change adaptation toolkit for local governments See www.iclei.org/index.php?id=adaptation-toolkit
- The first report of the Senate Standing Committee on the operation of the *Environment Protection and Biodiversity Conservation Act 1999* has been released. The committee makes 10 recommendations in the report, all of which ANEDO called for in its submission to the inquiry and at a parliamentary hearing attended by ANEDO. Most importantly, the committee calls for a greenhouse and land clearing trigger and an expansion of the merits review process currently available under the Act. See www.aph.gov.au/Senate/committee/eca_ctte/epbc_act/report/report.pdf
- Is your super destroying the environment? The Wilderness Society's Super Activist campaign can help you find out: https://secure.wilderness.org.au/cyberactivist/cyberactions/08_10_superactivist-cyberaction.php
- New edition of EDO NSW's **Rural Landholder's Guide to Environmental Law** now available. The guide explains NSW legislation on vegetation management, protected species, fire management, water management, construction and development, pollution, agricultural chemicals, crops and stock, mining and quarrying, heritage protection, conservation on private land and trading and offsetting agreements. Contact education@edo.org.au or call (02) 9262 6989 for your free copy.

EDO NEWS

New project officer for EDO-NQ

EDO-NQ has a Project Officer as part of its team until mid July 2009, to help with important Community Legal Education and to attend to some important law reform projects.

Naomi Wakelin is a final year law student who joins us from Tasmania, where she has volunteered for EDO Tasmania for many years. Welcome aboard Naomi! We hope you enjoy your time in North Queensland!

Naomi joins EDO-NQ's current staff in its Cairns office: Adam Millar (Principal Solicitor & Coordinator), Patrick Vuleta (Solicitor) and Angela Strain (Administrator).

EDO-NQ seeks volunteers

EDO-NQ is now seeking volunteer law students to assist with the preparation of community legal education materials.

Please contact Patrick Vuleta, at pvuleta@edonq.org.au, if interested.

New computers & desks for EDO Qld

The Queensland Government's Gambling Community Benefit Fund provided \$5,519 to EDO Qld to purchase new desks and computers for use by our student volunteers.

With more desks and faster computers, we have been able to extend our roster. EDO Qld now has twice as many volunteers attending every week.

EDO Qld sincerely thanks the GCBF for their support.



Gambling
Community Benefit Fund
Queensland Government

YOU CAN HELP US DEFEND THE ENVIRONMENT

This Bulletin is sent directly only to people who have asked to be subscribed.

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If you've found what you've read useful, **please make a donation**, so we can keep defending the environment.

To donate to EDO Qld, use our new secure online facility: www.ourcommunity.com.au/edo

To donate to EDO-NQ, please call the office directly on (07) 4031 4766.

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email edoqld@edo.org.au or edonq@edo.org.au

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Environmental Defenders Office (Qld) Inc.

30 Hardgrave Road, West End 4101. Ph: (07) 3211 4466, Fax: (07) 3211 4655, e: edoqld@edo.org.au

Environmental Defender's Office of Northern Queensland Inc.

1st Floor, 96-98 Lake St, Cairns 4870. Ph: (07) 4031 4766, Fax: (07) 4041 4535, e: edonq@edo.org.au

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