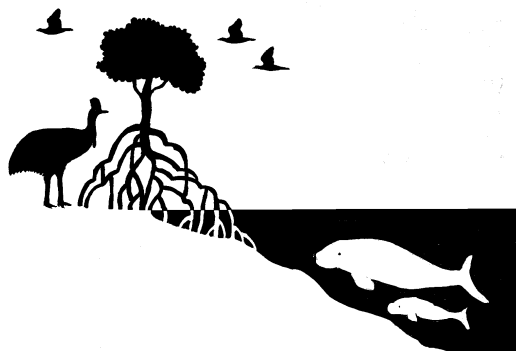


# Environmental Defender's Office of North Queensland Inc.



## Monthly Newsletter: August 2009

*Current matters of public interest environmental law and how they affect  
the community in north Queensland*

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## ***False Cape Approval Suspended for Another Year***

The Reef Cove Resort development at False Cape has been suspended for another 12 months. According to a media release from Commonwealth Environment Minister Peter Garrett, appropriate measures to address the erosion and sediment problems at the site have not been put in place.

Readers will recall that Minister Garrett first suspended the False Cape EPBC Act approval on 4 September 2008 because of the developer's failure to comply with approval



*Photograph by Steve Nowakowski [www.stevennowakowski.com](http://www.stevennowakowski.com)*

conditions, particularly relating to sediment and erosion control, and concerns of damage that was being caused to the adjacent marine environment including the Great Barrier Reef World Heritage Area.

For more than the last 12 months, the developer has seemed either unwilling or unable to undertake any remediation or rehabilitation of the site to comply with approval conditions. The development company, Reef Cove Resorts Limited, was placed in external administration in July 2009 amid speculation that it is continuing to experience dire financial difficulties.

Unfortunately, reports are that the site is essentially in no better state than it was 12 months ago when Minister Garrett first suspended the approval, despite reports that the Cairns Regional Council spent more than \$100,000 of ratepayers' money in an attempt to improve the site before the last wet season.

### ***New Factsheets Available***

We published several new factsheets in August. The first is on obtaining funding for environmental law litigation through the Commonwealth Public Interest and Test Case Scheme ("PITCS"). The PITCS is provided by the Commonwealth Attorney-General to provide financial support to court cases involving an important point of Commonwealth law. The PITCS is not exclusively for environmental law matters, but where an environmental law case involves an important point of Commonwealth law, funding from the PITCS may be available. Our new factsheet describes the scheme and how to make an application.

We also now have a range of factsheets on the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*. These factsheets cover how the Commonwealth assesses significant environmental impacts, how members of the public can make submissions on these assessments, and what options there are for seeking review of the Commonwealth's decisions.

These factsheets can be found on our website, at:

<http://www.edo.org.au/edonq/website/general/factsheets.html>

## ***Law Reform - Cassowaries and Biodiscovery***

### **Endangered Southern Cassowaries**

EDO-NQ made submissions to the Commonwealth Government on their proposed Significant Impact Guidelines for endangered Southern Cassowaries. The Guidelines will be used to determine the affects of impacts on Southern Cassowaries from projects which are assessed under the *Environment Protection and Biodiversity Conservation Act 1999*.



EDO-NQ welcomes the Guidelines as a positive step forward. It is vitally important that the Southern Cassowary be protected as best as possible. The Southern Cassowary is a keystone species in tropical rainforest (i.e. one whose conservation is crucial to other species within an ecosystem). It is a key species in the dispersion of many rainforest plant seeds, and the only long distance seed disperser of some species with large fleshy fruits.

However, whilst the draft Guidelines are a positive step forward, they could be better. In our submissions we suggested many improvements that could be made to better recognise the Southern Cassowary's importance when assessing impacts from development, and better ensure that the species and its habitat are protected from potential negative impacts from inappropriate development.

### **Review of *Biodiscovery Act 2004* (Qld)**

EDO-NQ and EDO Queensland lodged comprehensive submissions in the recent review of Queensland's *Biodiscovery Act 2004*. This Act provides a framework for granting permits to those that wish to collect animals and plants for research purposes in industries such as medicine, agriculture and genetics.

Our main concerns are with the Act's lack of focus on ecological sustainability, and poor public notification and community engagement provisions. A full copy of our submissions are available on our website. EDO-NQ has been identified as a relevant stakeholder in the review and will be attending a roundtable discussion on the review in Cairns on Wednesday 16 September 2009.

## ***Come Along to the EDO-NQ AGM***

We are holding our Annual General Meeting on October 15, 2009. At the AGM will be Dr Andrew Dennis, who is one of North Queensland's leading research biologists. Dr Dennis will be presenting a talk on threatened species in Queensland.

You are invited to come along to hear this informative talk, and then stay for the AGM which will be held afterwards. The time, date and location will be:

**5:30p.m. Thursday 15 October 2009**  
**Canopy Artspace, 124 Grafton Street Cairns**

Please RSVP for catering purposes to EDO-NQ, adminnq@edo.org.au or 07 4031 4766.

## ***Sustainable Planning Bill Debated***

The *Sustainable Planning Bill* commenced its second reading speech in Parliament on 18 August. Debate is set to continue during September. The community must keep the pressure on the Premier ([premier@ministerial.qld.gov.au](mailto:premier@ministerial.qld.gov.au)), Minister Hinchcliffe ([infrastructure@ministerial.qld.gov.au](mailto:infrastructure@ministerial.qld.gov.au)) and Minister Jones ([ccs@ministerial.qld.gov.au](mailto:ccs@ministerial.qld.gov.au)) to amend the Bill to improve community rights, to make the planning system fairer and more representative of the entire community and to better protect our environment. In our June Newsletter we listed several flaws in the Bill, including:

1. there is no extra time for public consultation, so community groups may still find it difficult to comment effectively;
2. there is no mandatory requirement for environmental information to be included with development applications, so the burden is still on the public and local government to seek such information; and
3. developers still have the power to refuse to supply information during the assessment of their application, which can make it difficult for environmental impacts to be properly assessed.

EDO Queensland and EDO-NQ have drafted amendments to the Bill to overcome these flaws. On 22 July, EDO Queensland met with Planning Minister Stirling Hinchcliffe and Environment Minister Kate Jones and put those draft amendments to them. EDO Queensland reiterated that these amendments were the minimum needed to improve the Bill. While Minister Hinchcliffe and Minister Jones listened and appreciated the submissions they made no promises that these changes would be made.

## ***Opportunities for law students***

We have opportunities for law students to help our office with the preparation of factsheets and other legal educational materials. This provides law students with an excellent opportunity to gain practical experience in working in the area of public interest environmental law.

We are happy to take volunteers locally who can come into our office in Cairns, or externally working through email contact. Please email Patrick Vuleta at [pvuleta@edo.org.au](mailto:pvuleta@edo.org.au) for more details.

## ***Receive our newsletters***

To receive our newsletters for free each month, please email our administrator, Angela Strain, at [edonq@edo.org.au](mailto:edonq@edo.org.au).

However, if you no longer wish to receive these newsletters, please send an email with "unsubscribe newsletter" in the subject line. Your email address will be removed from our database and we will not send you our newsletters by email.

## ***Contact us***

To become a member of EDO-NQ, or to receive legal advice on matters of public interest environmental law, please contact us:

Suite 1, Level 1, 96-98 Lake Street  
 CAIRNS QLD 4870  
 Ph : 07 4031 4766; Fax: 07 4041 4535  
 Email: [edonq@edo.org.au](mailto:edonq@edo.org.au)