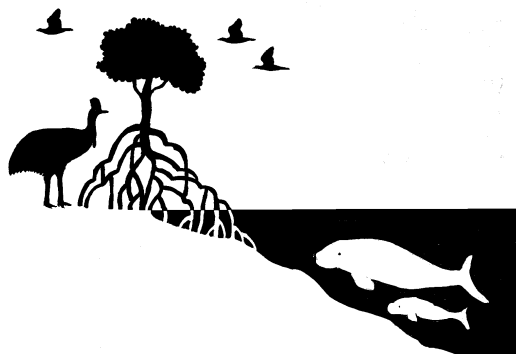


Environmental Defender's Office of North Queensland Inc.



Monthly Newsletter: July 2009

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

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How will the Right to Information Act 2009 affect environmental groups?

New Queensland legislation for the Freedom of Information process has commenced, replacing the old *Freedom of Information Act 1992*. There are two new pieces of legislation – the *Right to Information Act 2009*, and the *Information Privacy Act 2009*.

The *Information Privacy Act 2009* governs when a person's personal details can be accessed. However, it is the *Right to Information Act 2009* which will be of most use in environmental matters – it

covers access to all information held by the Queensland Government which does not contain personal details. This will include documents like environmental audits, operations plans and communications within Queensland Government. These types of documents are often very useful to either determine whether there is any action which can be taken under environmental law, or to prove an environmental offence in court.

The *Right to Information Act 2009* does contain some improvements for environmental groups, most notably:

- Government-owned Corporations now have some obligations to release information.
- It clarifies the factors that are relevant to determining whether the release of information is in the public interest.
- Access to an “official document of a minister” may now only be refused on public interest grounds if access is shown to be against the public interest, and not merely if the applicant has not shown that access is in the public interest. This puts the burden of proving the document should not be released onto the Government, rather than making the applicant prove they are entitled to it.

However, it does not take full advantage of the opportunity to reform Queensland's freedom of information laws. The *Right to Information Act 2009* still creates many hurdles for environmental groups that wish to access information, in particular:

- Many of the most used exemptions to refuse access to information are still in place, and just as wide.
- There is no reduction in the cost of making an application for information, so environmental groups may still find the costs of making such an application very expensive.
- The application costs may not be waived on the grounds of “financial hardship” even if an environmental group is not able to meet these costs.

EDO-NQ believes the *Right to Information Act 2009* does make some gains in making government more open and accountable. However, it did not seize the opportunity fully, and it unfortunately still provides the opportunity for government to deny access to information which is on important matters of public interest.



Tell us how the Biodiscovery Act 2004 can be improved



The Queensland Government is reviewing the *Biodiscovery Act 2004*. This legislation sets out a framework for granting permits to companies that wish to collect animals and plants for research purposes in industries such as medicine, agriculture and genetic engineering.

If you wish to make a comment on the review, you can either make one directly, or contact us with your concerns and opinions. The Government is inviting public comments on the *Biodiscovery Act 2004* until 21 August 2009. EDO-NQ is preparing its own submission

and we would be happy to hear the opinions of EDO-NQ members as well as the wider community.

One aspect of the legislation we are paying particular attention to is the way it treats indigenous cultural heritage. The Act does not take any measures to recognise indigenous knowledge or ensure there is equitable sharing of benefits from biodiscovery with owners of traditional knowledge. Another important aspect we are looking into is whether the Act provides sufficient opportunity for public consultation.

For more information on the review, visit the Queensland Government website at <http://www.industry.qld.gov.au/dsdweb/v4/apps/web/content.cfm?id=13940>.

Experience a stunning tour around north Queensland

Travel through World Heritage rainforest, open woodlands, dramatic gorges, and scenic back country – all native environments in beautiful north Queensland. CAFNEC – the Cairns and Far North Environment Centre – is inviting people to join them on an eight day bicycle tour.

The tour will be held from the 19th to the 26th of September, and will be an excellent opportunity for riders of all fitness levels to explore the stunning scenery around far north Queensland. Riders will enjoy fully catered meals, daily swimming, hot showers at all camps - and be fully backed by support vehicles.



The tour is limited to 60 riders – but places are still open. The price is an initial deposit of \$250 to secure a place in this eight day, fully catered tour, with the balance of \$600 payable later to make up the total price of \$850 for an adult rider. However, discounts are available for young riders and families.

Come visit <http://www.fnqbiketour.org.au/> to read more information on the tour, past tours and download a registration form.

Update on Paradise Dam litigation

EDO Queensland has been hard at work in their Paradise Dam litigation. This case is an action by Wide Bay Conservation Council, advised by EDO-Qld, to enforce compliance with environmental conditions under the *Environment Protection and Biodiversity Conservation Act 1999*. The case concerns the construction of a new dam across the Burnett River, and one of the environmental conditions imposed on it is that it



must have working fishways to ensure the survival of the Australian Lungfish. The Australian Lungfish is a species that lives only in South-East Queensland, and is listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999*. The parties have now exchanged their expert evidence, and the hearing is due to commence on 7 September 2009. Interestingly enough, this is also National Threatened Species Day.

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 for more details.

Receive our newsletters

(or tell us you don't want to...)

To receive our newsletters for free each month, please email our administrator, Angela Strain, at edong@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:

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