

Environmental Defender's Office of North Queensland Inc.



Monthly Newsletter: December 2009

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

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The Draft Queensland Coastal Plan 2009

As we reported in our last Newsletter, The Department of Environment and Resource Management (“DERM”) is currently preparing the Draft Queensland Coastal Plan. This plan is intended to be Queensland’s principal coastal planning policy, and replaces the *State Coastal Management Plan – Queensland Coastal Policy 2001*.



This is a very important policy for Queensland given two competing pressures – on one hand, our coastline includes three World Heritage Areas, large areas of undeveloped land, and is a major source of social and cultural identity. These values must all be conserved. On the other hand, over 87% of Queensland’s population lives on the coast, and coastal land is under constant pressure to be developed into residential and urban areas. This pressure puts at risk many of the values which make the Queensland coast so attractive in the first place.

Another risk that must be managed is climate change. With so many people living on the Queensland coast, Queensland is the most vulnerable state in Australia to hazards such as rising sea levels, storm surges, and flooding. Queensland needs a strong coastal policy that recognises the severity of the risk and takes firm action to address it.

DERM has been inviting public comment on the Draft Queensland Coastal Plan over the past few months, and the period for public comment ended 30 November 2009. During this period, EDO-NQ wrote a submission examining how effective the Draft Queensland Coastal Plan would be in meeting its environmental policy objectives and addressing the dangers of coastal hazards, including those originating from climate change. Our submission can be found on our website, at <http://www.edo.org.au/edonq/website/general/submissions.html>

EDO-NQ believes that in its current form, the Draft Queensland Coastal Plan does not adequately address these issues. In particular, it is based on climate change science which is several years old and has been called into question by recent advances. In many areas it also gives a lesser standard of protection to key coastal sites than our current policies, and so in some respects is a step backwards. EDO-NQ believes that the Draft Queensland Coastal Plan needs to be based on a much more rigorous and recent scientific standard, and improve Queensland’s environmental protections - not reduce them.

Closing for Christmas

EDO-NQ wishes everyone a very merry Christmas and also wishes to inform everyone that we will be closed for two weeks over Christmas. From 24 December 2009 to 5 January 2010, EDO-NQ staff will be on holiday to celebrate Christmas. As such, we are unable to take any enquiries over the Christmas break, but will be back at work on 6 January 2010.

Indigenous Cultural Heritage—Factsheets and Law Reform



EDO-NQ has published the factsheet *Indigenous Cultural Heritage Law*. This factsheet covers the Queensland and Commonwealth legislation which regulates how indigenous cultural heritage can be dealt with, including the preservation and protection aspects of the legislation. Topics addressed by the factsheet include:

- The definition of Aboriginal and Torres Strait Islander Cultural Heritage.
- Ownership of Aboriginal and Torres Strait Islander Cultural Heritage.
- How Aboriginal and Torres Strait Islander cultural heritage is protected.
- The penalties for dealing unlawfully with Aboriginal and Torres Strait Islander Cultural Heritage.
- How Aboriginal and Torres Strait Islander cultural heritage is recognised and protected nationally.

The factsheet can be found on EDO-NQ's website: <http://www.edo.org.au/edonq/website/general/factsheets.html>

The Queensland Department of Environment and Resource Management ("DERM") has also initiated a review of the main Queensland legislation addressing Aboriginal and Torres Strait Islander cultural heritage – the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003*. DERM has published a report reviewing the two acts, and is now seeking public comment on the review. The report can be found on DERM's website, at http://www.derm.qld.gov.au/cultural_heritage/legislation/index.html

DERM states that the review is looking at the following:

- Protection of Aboriginal and Torres Strait Islander cultural heritage and cultural heritage duty of care.
- Native title parties, Aboriginal and Torres Strait Islander parties and cultural heritage bodies.
- Collection and management of Aboriginal and Torres Strait Islander cultural heritage information.
- Cultural heritage management plans.
- Investigation and enforcement.
- Capacity and education.

The public has until 19 February 2010 to make a submission on the review. If you have any questions relating to the review, please contact EDO-NQ and we will be happy to provide advice where we are able.

Great Barrier Reef Protection Amendment Act 2009

The *Great Barrier Reef Protection Amendment Act 2009* was recently passed by the Queensland Parliament. This Act will take effect on 1 January 2010 and amends several existing laws to introduce additional controls on farming chemicals and practices. Among the changes are:



- Sugarcane farmers and graziers must not apply more than the optimum amount of nitrogen and phosphorous fertiliser to soil.
- Sugarcane farmers and graziers must conduct soil testing.
- Sugarcane farmers and graziers must keep records of all chemicals, fertilisers and soil conditioners added to soil.
- Property owners may be directed to prepare environmental risk management plans for their properties.
- Certain pesticides (ametryn, atrazine, diuron, hexazinone and tebuthiuron) are subject to new restrictions on when, where and how they are used.

More information on these changes can be found on the Queensland Government's Reef Wise Farming website, at <http://www.reefwisefarming.qld.gov.au/>

Receive our newsletters

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Contact us

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