

SPECIAL BULLETIN –

Legal changes and opportunities to comment

December 2005

What's in this Special Bulletin?

This Special Bulletin outlines **recent legal developments** including federal biodiscovery laws, Queensland laws to protect public access to the beach and manage recreational areas, and a host of environmental Bills passed. We then list five **opportunities to comment** covering the Gold Coast Hinterland Great Walk, Whitsunday Island use and management, water recycling guidelines, draft water plans and wild river nominations - which could keep you busy over Christmas and into the new year!

NEWS OF RECENT AND FORTHCOMING LEGAL CHANGES

Important legal changes to...

1. Federal biodiscovery laws amended – EPBC Amendment Regulations passed

New environmental regulations to control the use of Commonwealth genetic resources and promote research and investment have been passed and commence operation on 1 December 2005 under the *Environment Protection and Biodiversity Conservation Amendment Regulations 2005 (No. 2)*.

The amendments deal with access to biological resources in Commonwealth areas, including the taking of native species for research and development on their genetic resources or biochemical compounds. These activities will now require a permit. Where they are for commercial purposes, a benefit-sharing arrangement with the land-owner (the Commonwealth or a native title holder) must be entered, to provide for reasonable benefit-sharing arrangements including protection, recognition and valuing of any indigenous knowledge used. A register of permits must be kept by the Environment Minister. Permit applications are assessed by the Minister and must be advertised for public comment.

The taking of biological resources by indigenous people in the exercise of their native title rights and interests are not affected by the changes.

For a copy of the amendments see www.comlaw.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/all/search/5E1E5DC08D8D5D85CA2570B300150056?OpenDocument.

2. Public access to beaches protected - NROLA Act 2005 passed, plus new tidal works rules

The *Natural Resources and Other Legislation Amendment Bill 2005* was introduced to Queensland Parliament on 8 November 2005 and passed on 8 December 2005. The Act includes an amendment to put a temporary stay on the extension of freehold tidal boundaries. This is to deal with the recent problem of freehold lots along coastal areas being resurveyed and registered at the Titles Office showing a greater land area – in some cases extending onto public beaches and foreshores.

The 3 year stay on the extension of boundaries, effective as of 8 November 2005, will give the Registrar of Titles the ability to refuse to register plans, to protect public ownership and access to beaches and other tidal areas. Current property boundaries on registered plans will not be affected, and resurveys or subdivisions which do not change the depicted tidal boundary will not be held up from being registered.

Recent amendments to the *Coastal Protection and Management Regulation* and *Integrated Planning Regulation* also provide new rules for development applications for prescribed tidal works – see www.legislation.qld.gov.au/LEGISLTN/SLS/2005/05SL275.pdf for details.

The NROLA Act is available from www.legislation.qld.gov.au/LEGISLTN/ACTS/2005/05AC068.pdf, and for further information about the amendments see www.nrm.qld.gov.au.

3. Recreation areas laws to be updated – Recreation Areas Management Bill 2005 introduced

The *Recreation Areas Management Bill 2005* was introduced to Qld Parliament by the Tourism Minister on 29 November 2005. The Bill will repeal the current *Recreation Areas Management Act 1988* to bring the legislation into line with current drafting practice, enhance consistency with the *Nature Conservation Act 1992* in relation to permits, offences and penalties, and provide more contemporary legislation in keeping with present standards and administrative practices in law enforcement and planning. The intent of the 1998 legislation to provide for coordinated recreation management across a range of land tenures is maintained, but Bill will abolish the Qld Recreation Areas Management Authority and vest its responsibilities in the Environment Minister and EPA Chief Executive.

For a copy of the Bill see www.legislation.qld.gov.au/Bills/51PDF/2005/RecAreasManB05.pdf.

4. Bills passed

The following Bills mentioned in our September-October and November Bulletins have now been passed and are available for download from www.legislation.qld.gov.au/Legislation.htm:

- The *Water Amendment Bill 2005* was passed without amendment on 10 November 2005 and commenced operation (except for section 7) on 18 November 2005.
- The *Environmental Protection and Other Legislation Amendment Bill 2005* was passed without amendment on 8 November 2005, assented to on 18 November 2005, but remains mostly uncommenced as at 13 December 2005.
- The *Defamation Bill 2005* was passed without amendment on 9 November 2005, assented to on 18 November 2005 and will commence on 1 January 2006.
- The *State Development and Public Works Organisation and Other Legislation Amendment Bill 2005* was passed with amendments on 22 November 2005, assented to on 28 November 2005 and commenced on that date.
- The *Wild Rivers Act 2005* was assented to on 14 October 2005 and proclaimed into force on 2 December 2005.
- The *Water Efficiency Labelling and Standards Bill 2005* was passed without amendment and assented to on 8 December 2005, but remains uncommenced as at 13 December 2005.

Opportunities to comment on...

The following discussion papers are currently open for public comment:

1. Gold Coast Hinterland Great Walk Impact Assessment Report – comments due 16 December 2005

The Gold Coast Hinterland Great Walk is one of the Qld government's 6 proposed long-distance walking tracks, at 53.4 kms including 4.6km of new track. In 2004, the federal government declared the Walk a controlled action under the EPBC Act because parts of the walk cover World Heritage Areas.

As part of the EPBC Act assessment, the Qld government has prepared the Great Walk Impact Assessment Report and Environmental Management Plan, which are open for public comment until **16 December 2005**. Once submissions have been considered, the report and submissions will be sent to the federal government, which must approve the project before it can go ahead.

The *Impact Assessment Report and environmental management plan* are available from www.epa.qld.gov.au/greatwalks.

2. Whitsunday Islands visitor management – comments due 16 December 2005

As part of developing the Whitsunday District Visitor Management Strategy, Queensland Parks and Wildlife Service (QPWS) has called for public comments on the use of national park island visitor sites on offshore islands and surrounding waters between Bowen and Sarina, including the Whitsundays and islands off the Mackay coast.

QPWS wants to canvass public views on how the islands are used, any changes people would like to see, and any comments on the management of visitors on national park islands in the Whitsunday District, before developing a draft strategy. **Comments are due by Friday, December 16 2005.**

Following this consultation, a draft strategy will be prepared and released for consultation in mid 2006.

For more information see the EPA website www.epa.qld.gov.au and look for the Whitsunday Visitor Management Strategy under Quick Links - public consultation or Parks and forests – management.

3. National Water Recycling Guidelines – comments due 13 January 2006

Given the pressure to increase water recycling to cope with ongoing drought and increasing demand for water, the Environment Protection and Heritage Council is developing national guidelines for water recycling. The draft guidelines comprise a risk management framework and specific guidance on managing the health risks and the environmental risks associated with the use of recycled water.

The *National Guidelines for Water Recycling – Managing Health and Environmental Risks* and a report on *Impact Assessment*, which assesses the likely impacts of a move to a national risk management framework, are open for comment until **Friday 13 January 2006.**

Hardcopy or email submissions on the draft guidelines should be sent to Mr Haemish Middleton, Project Officer, NEPC Service Corporation, Level 5, 81 Flinders Street, ADELAIDE SA 5000, Email: hmiddleton@ephc.gov.au. All submissions will be public documents unless clearly marked confidential.

The Guidelines and Report are available from www.ephc.gov.au/ephc/water_recycling.html.

4. Draft Mary Basin Water Resource Plan – comments due 11 February 2006

On 21 November 2005 the Minister for Natural Resources and Mines Henry Palaszczuk released the draft Mary Basin Water Resource Plan (WRP) for public comment. Comments on the draft WRP are due by **11 February 2006.**

The Mary River is the major river in the plan area, which also includes the streams of the Sunshine Coast and Burrum River. Urban water use accounts for about half the water used in the plan area, with the remainder taken up by agriculture and industry. A management framework is also proposed for sub-artesian water taken from the ecologically sensitive Cooloola Sandmass aquifer.

NRM also announced their intention to prepare a Resource Operations Plan (ROP) for the basin, which will provide rules for implementing the final WRP. The ROP will be open for public consultation in 2006.

The draft plan and an accompanying overview report are available from www.nrm.qld.gov.au/wrp/mary.

5. Wild River nominations – comments due 10, 17 and 24 February 2006

DNRM has called for public submissions on the nominations of the first six river systems under the *Wild Rivers Act 2005*. Public comment on the declaration proposals for the proposed Hinchinbrook Wild River area are due by **10 February 2006**, comments on the proposed Fraser Island Wild River area are due by **17 February 2006**, and comments on the proposed Gulf of Carpentaria Wild River areas (Settlement Creek, Mornington Inlet, the Gregory River and the Staaten River) are due by **24 February 2006.**

The declarations proposals have information about how to make a submission and a submission form, and also contain information about the natural values, special features and management areas of the proposed wild river areas, as well as the proposed management of new development activities in the wild river area and a copy of the draft wild river declaration.

Copies of the declaration proposals can be found at www.nrm.qld.gov.au/wildrivers.

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Environmental Defenders Office (Qld) Inc.

9th Floor, 193 North Quay (corner Herschel St), Brisbane 4000. 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: edong@edo.org.au

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