

Communities, Conservation and the Courts: How Public Interest Legal Centres Assist Communities in Defending Protected Areas



EDO Qld.

Environmental Defenders Office

*Using the law to protect
our environment.*

Rana Koroglu
World Parks Congress
17 November 2014

Environmental Defender's Offices (EDO)



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**Australian Network of Environmental
Defender's Offices Inc**

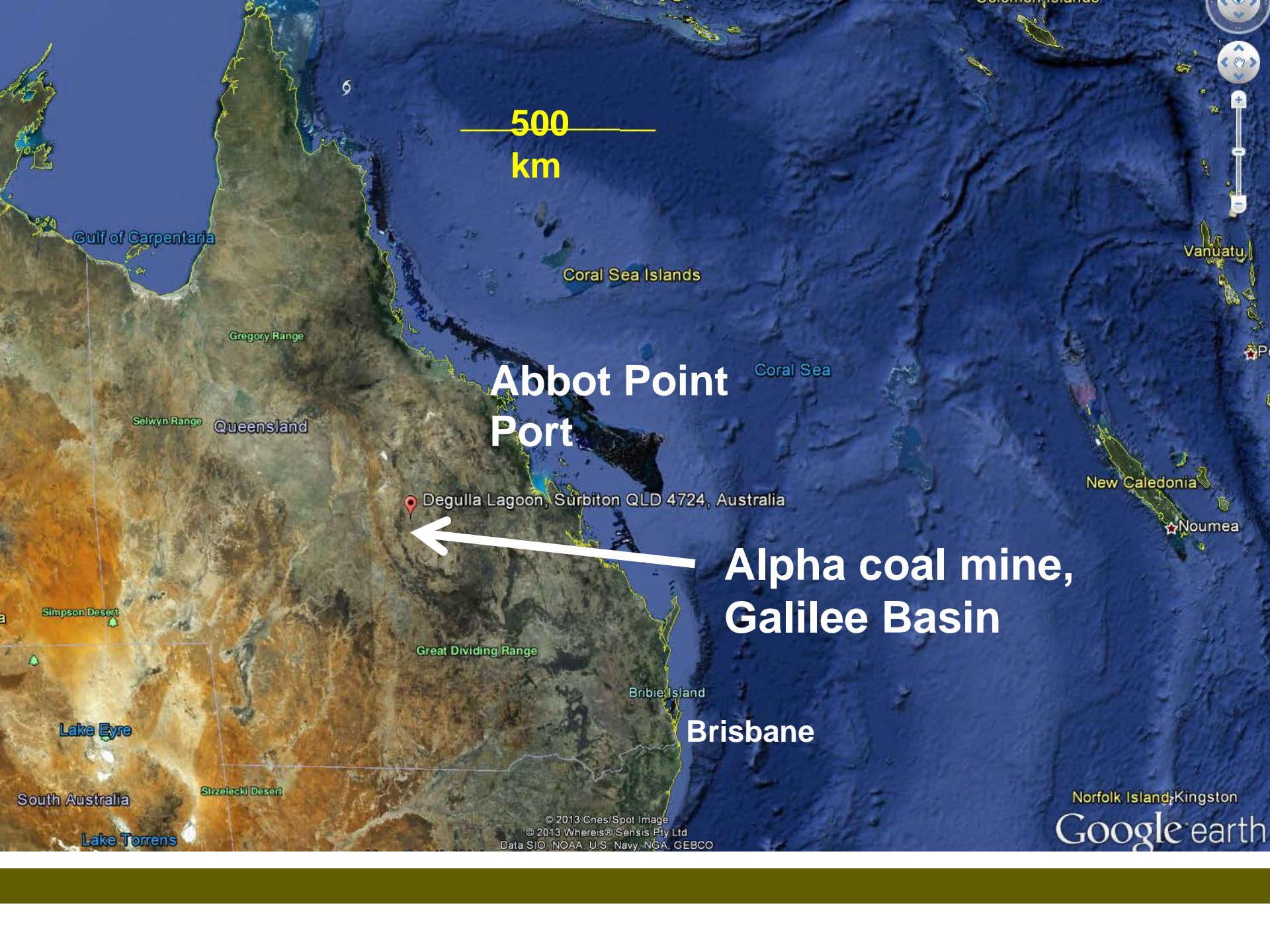
- NGO, not-for-profit
- Community funded

What do EDOs do?

Public interest
environmental law:

1. Legal Advice and Representation
2. Legal Education
3. Law Reform





500
km

Gulf of Carpentaria

Gregory Range

Selwyn Range Queensland

Abbot Point
Port

Coral Sea

Coral Sea Islands

Degulla Lagoon, Surbiton QLD 4724, Australia

Alpha coal mine,
Galilee Basin

Simpson Desert

Lake Eyre

Great Dividing Range

Bribie Island

Brisbane

Strzelecki Desert

South Australia

Lake Torrens

Norfolk Island, Kingston

Google earth

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Data SIO, NOAA, U.S. Navy, NGA, GEBCO



Alpha test pit

30/06/2011



Bimblebox nature refuge

“Alpha” coal mine: pre-approval

Procedural rights:

- Awareness that applications had been lodged
- Facilitated access to information about the proposal
- Facilitated participation in the EIA process

“Alpha” coal mine litigation

| Merits Review | Judicial Review |
|---------------------------------|--|
| Land Court | Supreme Court |
| All issues considered on merits | Limited to legal error, natural justice breaches |
| Relaxed rules of evidence | Formal rules of evidence |
| Low costs risks | High costs risks |
| Open standing | Must show interests are affected |

Outcome: Successful on groundwater impacts

2 months later...

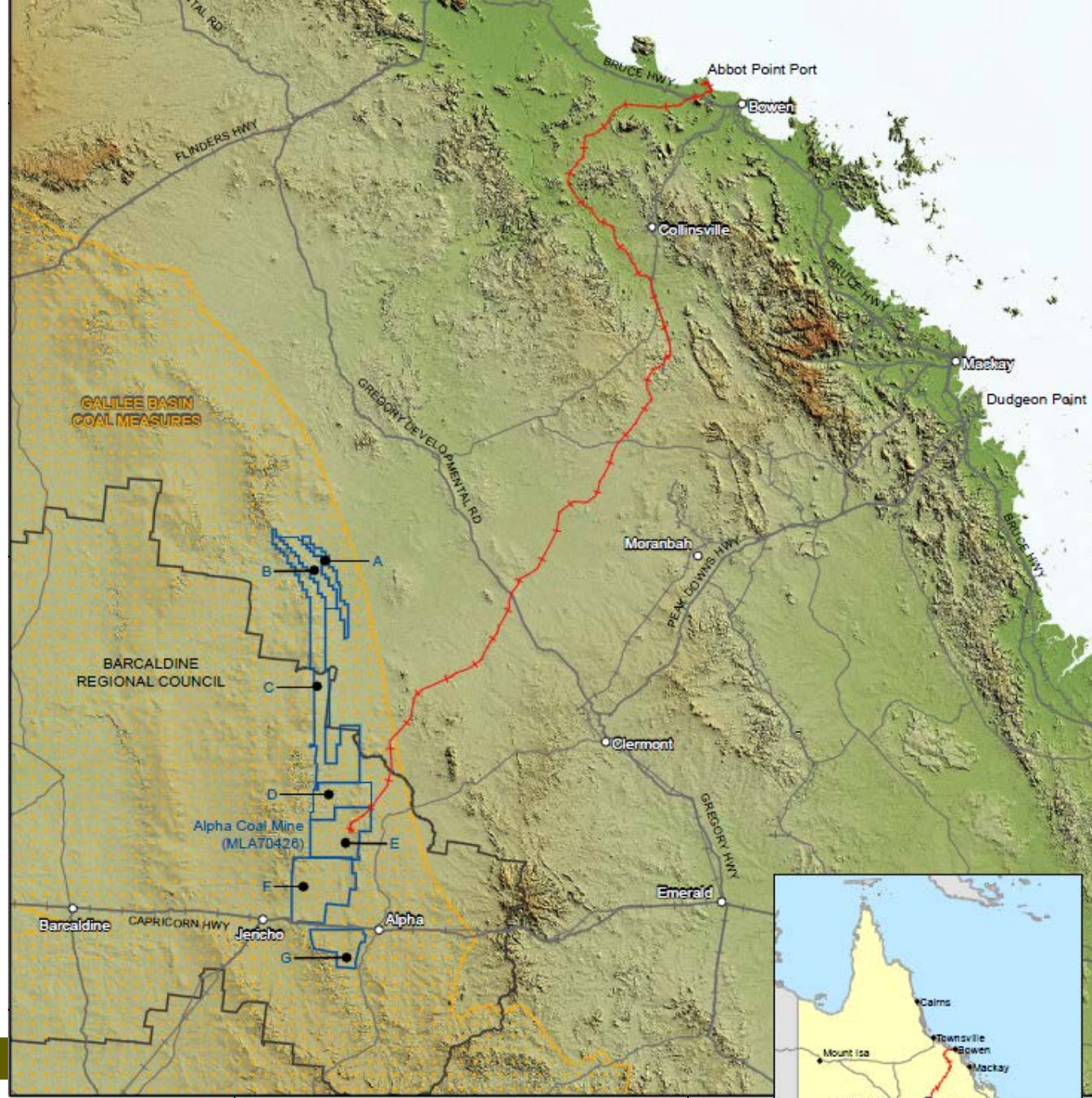
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Law Reform and Education

EDO Qld's response:

- Public and media attention
- Public education about the removal of rights
- Strengthened relationships with stakeholders



**GALILEE BASIN
COAL MEASURES**

**BARCALDINE
REGIONAL COUNCIL**

Alpha Coal Mine
(MLA70428)

146°0'0"E

148°0'0"E



Abbot Point Port: pre-approval

- Rights to access information on the impacts
- Public participation through the Environmental Impact Assessment

GLADSTONE HARBOUR IN 2005

IN 2011 AFTER DREDGING AND GAS PROCESSING PLANT
CONSTRUCTION

THE GREAT BARRIER REEF NEEDS YOU NOW

Source: Fight for the Reef campaign (WWF-Australia, Australian Marine Conservation Society)

Litigation – Abbot Point

- Merits appeal – Sea Dumping
- Judicial Review – Dredging & Dumping





Cayley Wetlands – new proposed disposal site

Source: Mackay Conservation Council

Abbot Point port expansion

Land based disposal at Cayley wetlands:

- Lesser type of EIA = less information
- Reduced public participation
- Qld Govt will return to sea dumping if any delay

Great Barrier Reef – law reform

- Gaps in laws protecting the Reef and its catchments
 - Referred to by the World Heritage Committee
- Reef 2050 Plan submissions
 - Unenforceability of Plan
 - Weak commitments to improve laws

Summary

Members of the community act as agents to defend protected areas.

EDOs in turn, act as agents for those in the community seeking to defend protected areas.

What can you do?

- Become involved in your local public interest environmental legal centre
- Be informed about proposed development
- Participate in law reform proposals
- Support government and community funding of EDOs



www.edoqld.org.au

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