Welcome to our September 2010 EDO Bulletin. Due to resource constraints, we have not been able to publish an EDO Bulletin for some time. This Bulletin has been prepared with assistance from our volunteers and reflects their diverse backgrounds and expertise. We are incredibly grateful for all their invaluable contributions to the office and look forward to being able to resume more regular publications!

This 27th edition of the Bulletin is important in relation to its timing. The United Nations declared 2010 to be the International Year of Biodiversity and people around the world are learning about biodiversity and acting to protect it.

Our fate is linked with the biodiversity of our ecosystems around the world. We rely on this diversity for our existence in obvious ways such as food and medicine. Yet biodiversity is also about preserving the richness of our existence on Earth. When a species becomes extinct a part of us dies as well.

While it is not possible to bring species such as the Tasmanian Tiger back from extinction, we can work towards preventing the same fate for the Tasmanian Devil and the other 2 million known species on Earth.

Everyday EDO offices around the country are working on projects and legal matters that are protecting our biodiversity. In Tasmania, our office recently assisted in saving Ralphs Bay from an unsustainable development that would have had a detrimental impact on the biodiversity of birds and marine life.

You will find several articles on biodiversity in this Bulletin and we encourage you to send us your stories and pictures on how you are learning about, and acting to protect, biodiversity in your community.

Gus Risberg, Editor

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Inside this issue:

2  Collegiate Biodiversity Project
3  Devil Facial Tumour Update
4  Ralphs Bay Saved!
5  PBDEs: How to minimise the risks
7  Exploring Sustainable Transport Options
8  In Brief

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How Can You Help?

Learn

✓ About biodiversity
✓ How your consumption patterns affect biodiversity

Speak Out

✓ Make your views known
✓ Share your knowledge
✓ Send us your success stories

Act

✓ Support activities and organisations that conserve biodiversity
✓ Become an EDO Member
The Year 6 classes at St Michaels Collegiate have been participating in a Biodiversity Unit of Work adapted from a program run by The Field of Mars Environmental Education Centre. We have run the program throughout Term 1, aiming to develop knowledge, understanding and care for ecosystems and biodiversity. This has been particularly pertinent as 2010 is International Year of Biodiversity. The main aspects of the program are increasing the students’ knowledge and understandings of biodiversity, conducting a scientific investigation into the biodiversity within the school grounds and to demonstrate deep understanding of impacts on and importance of biodiversity.

After initial introductory lessons on what biodiversity is and why it is important, the students were introduced to simple field techniques for invertebrate collection (leaf litter searches and tree shakes). We then took the students to a native bush land area to try out their techniques. After ‘trialling’ collection methods, the students (in groups) formulated a hypothesis to investigate in relation to biodiversity in the bush land area. They conducted their experiments and formed their own results, conclusions and recommendations. As a culminating project, the students were required to focus on the guiding questions of “Why is Biodiversity important?” and/or “What effect does this have on Biodiversity?” Presentations included creative writing, photographic essays or computer programs. The students produced some outstanding pieces of work demonstrating their developed understanding of biodiversity, ecosystems and the importance of managing and improving natural areas. (Ms Sam Judd)

Students Cassady Swinburne & Rhiannon Smith explain their involvement in the project:

“Biodiversity means a variety of living things e.g. plants, animals. This term, Year 6 have been studying biodiversity, ecosystems and everything about them. Diverse our studies have been, ranging from hands on invertebrate searches in leaf litter and tree shakes to studying an area of bush land of your choice.

Part way through our studies we had a guest speaker called Sam Wood. Sam was from the university and he is currently studying the old growth forests. He told us about the old growth forests and how important they are. During our surveying, we divided into groups and in these groups we searched for invertebrates, carried out our own investigation and created complicated food webs. To finish our studies we each did a project of our choice, a photographic essay, creative writing or a computer presentation.”
The Tasmanian Devil facial tumour disease (DFTD) is a form of cancer that has led to an 80% decline in the devil population since 1995. DFTD is a rare strain of cancer which is transmitted throughout the population by biting. By February 2010 DFTD had spread over 60% of the state, creating serious concerns about the long-term viability of the devil population. However, innovative practices and recent genetic research examining the apparent immunity of the north-west devil population inspires hope for survival of the species.

### Insurance Populations

The insurance population program was established in 2005 by the Save the Tasmanian Devil Program and is coordinated by the Department of Primary Industries, Parks, Water and the Environment (DPIPWE). The insurance population stands at 277 disease free animals as of January 2010, and is in a good position to achieve a projected target of 500 breeding devils.

Recruitment for the program comes from the ostensibly unaffected north-west devil population, which are kept in quarantine prior to dispersal into captivity. It is believed that the insurance population maintains approximately 98% of the known genetic diversity of the Tasmanian devil population. In order to create healthy population of devils, a national conservation effort has been employed, with insurance populations in 19 wildlife institutions across Australia. Taronga Zoo has recently opened a $1 million breeding centre and education facility, which is a state of the art exhibit and contains four breeding areas. The facility is about to commence the next breeding cycle. The success of the insurance population program is giving Tasmanian Devils a chance for a sustainable future.

### Free Range Enclosures

In 2008 the Save the Tasmanian Devil Program announced the establishment of Free Range Enclosures (FREs). These are large enclosures designed to maintain the natural behaviour of devil populations. While the natural population is in a state of vulnerability, it is important to avoid domestication of the insurance population. The first FRE was a 12ha enclosure in Bicheno on the east coast. The population produced 8 joeyes in 2009 and testing has shown the joeyes have different fathers, thus sustaining genetic diversity. In November 2009 it was agreed that two more FREs would be established, one at Freycinet and another in Bicheno. Furthermore, 80 devils are soon to be released onto an offshore island. The process is to be gradual and closely monitored to ensure viability of this insurance population.

### Scientific breakthroughs

Devils in the north-west of Tasmania appear to have immunity to the DFTD. Recent research indicates this is due to the difference to their MHC genotype; a gene which controls immunity. The devils in the east of the state develop DFTD because of the genetic similarity of the disease cell to their own cells. Because of this, their immune cells cannot reject the cancer cells. Only 26 devils in the north-west of the state are known to have developed DFTD, all of which have the eastern MHC genotype. The possibility of breeding DFTD resistant animals based on the genotype of the north-western population is currently being explored by scientists.

While no diagnostic blood tests exist to date, recent research has identified specific cells which are the likely source of DFTD. These cells show potential for diagnostic testing for DFTD. This will enable removal of diseased animals from relatively closed populations, such as that on the Tasman Peninsula, prior to manifestation of the cancer.

The Save the Tasmanian Devils Program continues with ground breaking work in relation to the DFTD. The establishment of insurance populations nationally and recent scientific research proves promising in regard to the long term sustainability of the devil population.

### REFERENCES

On 21 June 2010, the Tasmanian Planning Commission released its final Impact Assessment Report recommending against approval of the proposed Lauderdale Quay canal estate. The following day, the Premier announced that he accepted the recommendations of the Commission and that his government would soon introduce legislation banning canal estates in Tasmania.

**History of the development**

In 2004, Walker Corporation proposed an 800-lot residential canal estate with a 200 berth marina at Ralphs Bay. Ralphs Bay is a conservation area providing critical flora and fauna habitat, particularly for resident and migratory bird species and the threatened Spotted Handfish.

Following much public debate and vocal opposition from the community and many politicians, the proposal was withdrawn in late 2005. However, community celebration was short-lived as, several months after the 2006 state election, Walker announced a proposal for “Lauderdale Quay”, a canal estate with 477 residential lots, a commercial area and marina. In July 2006 the project was declared to be a Project of State Significance, to be assessed by the Resource Planning and Development Commission (now Tasmanian Planning Commission).

The government also sought to pass the Ralphs Bay Conservation Area (Clarification) Act 2006 to confine the extent of the conservation area to the land above high water mark (thereby excluding the tidal sandflats). Following amendments by the Legislative Council, the Act provided that the Ralphs Bay Conservation Area would comprise approximately 171 hectares (including the tidal sandflats), but would exclude any area the Commission determined was “necessary or convenient” for the Lauderdale Quay project.

The proposal was also referred to the federal Environment Minister under the EPBC Act. The Minister determined that the relevant matters under the EPBC Act would also be assessed by the Commission.

**Concerns about the proposal**

In February 2009, Walker Corporation released its Draft Integrated Impact Statement (DIIS) for the proposal. Over 500 submissions were received by the Commission in response to the DIIS, highlighting wide-ranging concerns regarding the impacts of the proposed development, including:

- Disturbance of heavy metals
- Displacement of bird species
- Traffic issues
- Visual impacts
- Planning issues (e.g. lack of a strategic planning basis, no demonstration of need for the project and failure to meet the objectives of the resource management and planning system)
- Release of nutrients in the Derwent Estuary
- Impacts on the Spotted Handfish, and other species
- Economic issues
- Impacts of community cohesion and sense of place

Hearings in respect of the DIIS were conducted over five weeks in June – July 2009, during which considerable expert evidence was put by all parties in respect of these issues.

In November 2009, the Commission released its draft impact assessment report (DIAR). The Commission’s draft findings included that the proposal was “inherently unsustainable”, a “major and unacceptable intervention into Ralphs Bay” and had not demonstrated that it would not have a significant impact on threatened and migratory bird species.

**Final outcome**

Numerous submissions were received in response to the DIAR, including submissions from Walker Corporation disputing some of the Commission’s findings. After considering all the submissions, the Commission released its final report recommending against the proposed development. On 26 July 2010, the Governor officially ordered that the Lauderdale Quay project not proceed. The Ralphs Bay Conservation Area now extends over 171 hectares and will provide ongoing protection for resident and migratory bird species.

This is a significant victory for Save Ralphs Bay Inc and Birds Tasmania, who have campaigned tirelessly against this development for many years. The EDO also gratefully acknowledges the immense amount of work put in by SRB Inc counsel Roland Browne, expert witnesses Daniel Ray, Dr Ruth Eriksen, Robert Giblin, Evan Boardman, Dr Matt Edmunds, Dr Steve Appleyard, Professor Robert Morris-Nunn, Milan Prodanovic, Patricia Barwick and Dr Iain Taylor.
What are PBDEs?

Polybrominated diphenyl ethers (PBDEs) are halogenated flame-retardants added to many household goods, including clothing, children’s toys, curtains, carpets, sofas, pillows, mattresses, electrical goods and home insulation. Chemically, PBDEs are very similar to the toxic chemicals dioxins and PCBs. Our bodies do not differentiate between the minor structural differences in these chemical groups and treat them all in a similar way.

Ironically, flame-retardants were added to consumer goods for safety reasons, but scientists now reveal that they have adverse health effects. PBDEs leach out of household products, accumulating in dust and the air we breathe. There is a growing body of peer-reviewed evidence linking PBDEs to subtle and serious health problems, including neurological and developmental problems in children, reproductive dysfunction in women and cancer. This has led to their ban in the EU and US.

Presence of PBDEs

Children today already have higher levels of many toxic chemicals than we had when we were children and much, much higher levels that their grandparents would have had at the same age. Studies show that many babies are now born with concerning levels of PBDEs in their blood (acquired during exposure in the womb).

Small children are at increased risk of exposure because they spend most of their time on the floor and in close contact with products that contain PBDEs. In 2008, environmental NGO Friends of the Earth released a report from US studies, showing high levels (over 1000 ppm) of halogenated flame-retardants in:

- 31% of all baby products
- 56% of all infant carriers
- 67% of furniture in stores
- 44% of all infant car seats
- 40% of all strollers studied

Although this data is for the US, given our similar consumption patterns in Australia, it is likely that similar findings would be revealed if the same research was conducted here.

In 2004 the Australian Government began investigations into the presence of PBDEs in Australia. PBDEs were present in all air samples recorded and in many of the aquatic samples tested. The most interesting finding of the investigation is that PBDEs are present in every human blood sample collected in the trial, regardless of the age, gender or geographical location of the person sampled. More interesting still is the fact that an inverse relationship between age and PBDE concentration was observed; the youngest people exhibited the highest levels of toxic PBDEs.

One of the major sources of PBDEs exposure (and other chemicals) comes from the meat, fish and dairy we eat regularly. In 2007, Food Standards Australia New Zealand (FSANZ) commissioned an investigation of a limited range of food products in Australia to monitor PBDE levels. Of the 35 foods tested, most were PBDE free, however boiled eggs, grilled pork chops, bacon and cream had relatively high PBDE concentrations.

Recent research conducted in Tasmania demonstrated elevated levels of PBDEs in wildlife. This is surprising, given that most wildlife lives in places far from where goods containing PBDEs are manufactured or used.

Persistence of PBDEs

That brings us to the next problem with PBDEs - their persistence. Classified as a POP, or Persistent Organic Pollutant, PBDEs take a long, long time to break down once they’ve been created. The results of tests on wildlife discussed above indicate that PBDEs have the ability to permeate the environment and move some distance from their place of production.

PBDEs also build up in the food chain and are stored in body fat. Over a lifetime of exposure, our bodies steadily build up a load of PBDEs and other toxic chemicals that are stored in body fat and mother’s milk. This process is known as bioaccumulation.
Minimising the risks

Limiting children’s intake of meat, fish and dairy will help to reduce their exposure to these chemicals. Reducing your body’s fat content will also reduce the amount of PBDEs that you carry. Eating a diet containing fat and protein from plant sources, instead of animal sources, will also help to reduce exposure.

Another important step you can take to reduce PBDE exposure is to be a cautious consumer and buy alternative goods that do not contain PBDEs. Cheaper products that may appear like a good buy are often loaded with PBDEs that gradually affect health over time. Buying fewer, good quality, natural products, produced without PBDEs will reduce the long-term risks of exposure.

Steps to reducing Exposure to PBDE Flame Retardants

- Buy products that are free of PBDEs - use natural materials where possible
- Lobby for legislation that requires imported and locally produced products to be labelled correctly
- Keep living spaces free of dust
- When cleaning, ensure that there is adequate ventilation
- Limit consumption of meat, fish, poultry and dairy (cut any fat off meat and poultry and eat non fatty fish)
- Lose a few extra kilos (many toxic substances accumulate in body fat and do not break down, creating a toxic body burden over many years)
- Support policies and programs in your community that help reduce environmental pollution

Legislative changes

Labelling is a big part of the solution to PBDE exposure; in Australia few products divulge the full list of toxic chemicals in their ingredients, especially if they are imported from overseas. As consumers, we need to lobby for legislation that demands accurate labelling of all products. We should urge the State and Federal governments to adopt laws which limit or ban PBDEs in imported goods. If we are serious about protecting the health of our children, then swift action is required against PBDEs.

References for this article are listed on page 9

For more information regarding PBDEs, visit:

www.doh.wa.gov/ehp/oehas/pbde/pbde.htm
toxipedia.org/display/toxipedia/Polybrominated+Diphenyl+Ethers+%28PBDEs%29

AUTHOR DETAILS:

Malini Alexander has a Bachelor in Chemistry and Mathematics and a Masters of Environmental and Business Management. Having lived in close proximity to a contaminated site in India, she developed an interest in toxicology and the health effects of synthetic chemicals. She is a contributor to Tasmanian Times and writes articles to raise awareness about public and environmental health issues.
EDO Lawyer, Gus Risberg, looks at some of the innovative options available to create sustainable and integrated transport systems in Hobart.

After literally travelling around the world over the last five weeks I have come back to Hobart with some new perspectives on sustainable transport in Hobart. My immediate impression while walking from North Hobart to the CBD this morning was that Hobart has crowned the automobile as the supreme power in our streets and neighborhoods.

Why have we chosen autos as the dominant force in public transportation in Hobart? Their environmental and social costs are significant and include carbon emissions, ugly car parks, costly road maintenance, and lost lives due to accidents. Cars are downright bullies for anyone who dares to challenge their authority. It’s time Hobart joined other pedestrian friendly cities and relegated the automobile to a more humble role in our daily transport options.

I am no expert on public transport but here are a few observations from my recent experiences walking and riding bikes in both large cities like Rome and Berlin to smaller cities like Madison in the US and Sorrento in Italy.

Foot power is the Future

We are a society of overweight people who don’t exercise enough. We should be encouraging foot power over auto power. Let’s create disincentives for driving cars in Hobart and incentives for those who walk or ride their bikes to work or school each day. One potential disincentive for driving cars would be to apply a surcharge on anyone who parks their vehicle within a certain radius of the CBD. The funds raised from the surcharge would be used to make our streets more foot and pedal friendly. Here are a few low cost improvements for pedestrians and bikes I observed in other cities around the world.

1. Create a separate lane for bikes either on the road or on sidewalks around the entire city;
2. Change traffic laws to enhance pedestrians right of ways at intersections and walkways;
3. Improve crosswalk markings;
4. Increase the amount of time allowed for pedestrians to walk across intersections;
5. Close off certain streets to allow only pedestrians and bikes on certain days.

Commuter lanes, Buses, Light Rail Trains and Ferries

Bus and commuter car (2 or more passengers per vehicle) lanes should be used on all major roads going in and out of Hobart during peak commute hours. In August of this year Metro Tasmania added an additional ten buses running between Kingston and Hobart on the Southern Outlet to accommodate increased demand. The Southern Outlet bus lane is a key factor in improving the effectiveness of using this form of public transport.

The Minister for Sustainable Transport, Nick McKim, recently welcomed the extra services which will form the basis of Kingston’s park and ride facility.

“Metro has taken the decision to add the extra buses now rather than wait for the completion of all infrastructure at the park and ride facility, as the Kingston-Hobart route has recently experienced an increase in patronage,” Mr McKim said.

Light rail should be considered for certain high volume traffic corridors including the Southern Outlet and the Northern suburbs. Mr McKim recently said that the Government’s Urban Passenger Transport Framework had identified light rail as a long-term option for delivering a greener and more extensive public transport network between the northern suburbs and Hobart.

Consideration should also be given to more alternative energy buses which are now used in many cities around the world which reduces carbon emissions and pollution. David Bartlett announced in 2009 that the Government had introduced 12 clean, energy efficient Euro 5 buses, with 5 new state of the art hybrid, diesel electric buses to be introduced in the future. He also pledged that the Government would convert the remainder of Metro Tasmania’s existing bus fleet to bio-diesel during the next 12 months.

Ian Ward of Metro recently confirmed that 18 Euro 5 buses are now in use and another 8 are on order. Hybrid and biodiesel options are still being evaluated. Metro currently has a total of 218 buses in service.

A ferry system around the Derwent makes sense and would also contribute to tourism.
Environment Division renamed
From July 2010, the Environment Division of DPIPWE has been renamed the EPA Division. All contact details remain the same.

SPWQM Report released
The EPA Division has released its response to public submissions in respect of the State Policy on Water Quality Management 1997. The paper outlines the preferred options for improving water quality management, including:

- Converting the SPWQM into an Environment Protection Policy (to facilitate updating)
- Include management of chemical use in catchments and boat repair and maintenance facilities in the Policy
- Establish default protected environmental values
- Increased stakeholder education regarding implementation of the Policy
- Devote resources to developing water quality guidelines and objectives for priority areas
- Finalise Tasmanian Stormwater Strategy
- Investigate best practice guidelines on site septic tanks and domestic greywater re-use

A copy of the Response Paper is available at www.environment.tas.gov.au

Guidelines for access to Crown Land for renewable energy projects
Crown Land Services has released guidelines for resource allocation and approval decisions in relation to proposed energy projects on reserved or other Crown land. The guidelines, which relate to wind, wave and solar projects, are available at www.dpipwe.tas.gov.au

Climate Change Vulnerability Study released
DPIPWE have released an overview of its assessment of the potential impact of climate change on Tasmania’s natural values: Vulnerability of Tasmania’s Natural Environment to Climate Change: An overview

The report is part of the Natural Systems Resilient to Climate Change Project, which aims to identify risks, inform policy and planning decisions and develop adaptation measures.

The report discusses a variety of predicted impacts as a result of climate change. These include fire risks, increased threat to habitat, greater risk of weed, disease and other pest incursions. The report also cites a range of impacts already being observed, such as warmer ocean temperatures bringing kelp-eating native sea urchin south and an alarming decline in the number of Miena cider gums in the Central Highlands.

The report is available at www.dpipwe.tas.gov.au

Priorities for recovery plans announced
The Threatened Species Section has completed a project to prioritise threatened species recovery action. Projects were prioritised on the basis of their contribution to the objective of minimising number of extinctions over the next 50 years.

The report identifies species considered secure, lists priority actions to secure other species (including timing, costs and locations) and identifies species for which more research is required.

The report estimates that securing all 171 threatened on the priority list over 50 years will cost approximately $155 million.

However, the report also notes that “many species are surprisingly inexpensive to secure”, with the top 28 species able to be secured with actions costing less than $1 million over the 50 year period.

Projects to protect the marsh leek-orchid and the peninsula eyebright are amongst the highest ranked projects.


New Information Act commences
On 1 July 2010, the Right to Information Act 2009 (RTI Act) replaced the Freedom of Information Act. The new Act provides that government agencies may disclose information in one of four ways:

- Required disclosure - information that an authority must disclose according to the RTI Act or any other law (such as annual reports);
- Routine disclosure - information that the authority discloses voluntarily but not in relation to any particular enquiry (eg, information about draft policies on a Council website);
- Active disclosure - information disclosed in response to a particular request, but without any formal application (eg, information provided after an informal request is made);
- Assessed disclosure - information disclosed in response to a formal application under the RTI Act.

Assessed disclosure is intended to be a last resort, with agencies encouraged to release information more freely.

The Ombudsman has released draft Guidelines and a Manual regarding the operation of the RTI Act, available at www.ombudsman.tas.gov.au.
Green groups encouraged by call to end logging of native forests

Green groups were celebrating last week, with the announcement by Gunns Limited CEO, Greg L'Estrange, that logging of native forests in Tasmania was “not part of our future”.

This announcement coincides with the ongoing informal talks between the forestry industry and conservation groups such as Environment Tasmania, The Wilderness Society and the Australian Conservation Foundation regarding options to protect native forests, create a sustainable timber industry and deliver an end to forest conflict. For information about these negotiations, visit, www.wilderness.org.au/articles/seeking-a-solution-for-tasmanias-forests.

The issue of the Gunns pulp mill at Bell Bay remains contentious. Gunns’ announcement regarding native forests, and the progress being made in Tasmania, has encouraged groups in other states.

For example, the WA Forest Alliance has called for an immediate halt to logging in low and intermediate rainfall forests. In NSW, the North East Forest Alliance has called on the NSW Government to “close loopholes” that allow areas previously declared old-growth forest to be reassessed and logged.

Dangers Associated with PBDEs

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The *Environmental Law Handbook* (available online at [www.edohandbook.org](http://www.edohandbook.org)) has recently been updated. New information in the Handbook includes:

- Changes to Water and Sewerage management
- Right to Information Act
- Regional planning and interim planning schemes
- Animal Welfare
- New council responsibilities for assessing vegetation clearance
- Assessment of National Partnership Agreement projects

Subscriptions are available for $250/year ($132 conc)

**Going It Alone—A Practical Guide for Unrepresented Litigants in the Resource Management and Planning Appeal Tribunal** (2nd Edition) provides a “clear, jargon-free explanation of the Tribunal’s role and processes that will assist and reassure many people who face the prospect of a planning appeal.”

Going It Alone is available from our office for $22.00 (+ postage).

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**EDO Membership Application 2010/2011**

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I apply for membership of EDO (Tas) Inc. and agree to be bound by its Constitution (available at [www.edo.org.au/edotas](http://www.edo.org.au/edotas)).

☐ attached. pending the Committee’s decision on my application.

☐ will be paid upon notification of the Committee’s approval.

My annual subscription fee of $22.00 is: (mark 1 box)

- $22.00
- $240.00

The EDO is keen to encourage membership by people with a demonstrated interest in environmental law and natural resource management issues, and an understanding of the way our office operates. One way of doing this is to have potential members nominated by existing members.

If you know any current members of the EDO, please include them as referees on the application form. If you do not know any current members, please contact us on 6232 2770 so we can have a chat with you about our work, your interest in the EDO and the benefits of membership.

Nominated by: (two current members)