

UNIVERSITY OF SOUTH AUSTRALIA

Envt 3010 Environmental Law Exam 2006

2006 Open Book Exam

Time: (10 Minutes reading time and) 2 Hours

This exam is divided into three Parts. Answer every Part. Make sure you number your answers clearly in the exam booklet. The allocation of marks is shown next to each question. The exam totals 100 marks and you have two hours to complete it.

PART A: Answer every question 20 MARKS

PART B: Answer every question 30 MARKS

PART C Answer 2 questions only 50 MARKS

PART A: ANSWER EVERY QUESTION (20 marks)

- 1) How many Natural Resources Management regions are there in South Australia?
 - a) 7
 - b) 8
 - c) 9
 - d) 10(1 mark)

- 2) Who is responsible for deciding whether to give consent to the clearance of native vegetation under the *Native Vegetation Act 1991 (SA)*:
 - a) The Native Vegetation Council
 - b) The Minister
 - c) The Native Vegetation Fund
 - d) The Native Vegetation NRM Board(1 mark)

- 3) Which South Australian law provides a system for the licensing of “prescribed activities of environmental significance”?
 - a) The *Natural Resources Management Act 2004 (SA)*
 - b) The *Environment Protection Act 1993 (SA)*
 - c) The *Development Act 1993 (SA)*
 - d) The *Native Vegetation Act 1991 (SA)*(1mark)

- 4) What section of the Commonwealth Constitution states that a Commonwealth law will prevail over a State law if there is any inconsistency?
 - a) section 109
 - b) section 51
 - c) section 52
 - d) section 100(1mark)

- 5) Under the *Environment Protection Act 1993 (SA)*, an EPP stands for:
 - a) Environment Pollution Policy
 - b) Environment Pollution Procedure
 - c) Environment Prevention Procedure
 - d) Environment Protection Policy(1 mark)

- 6) List 2 of the goals of the State NRM Plan. (2 mark)
- 7) What is an ILUA? (1 mark)
- 8) Under section 178 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), what are the 6 categories of listed threatened species? (6 marks)
- 9) Under the common law, what is a trespass? Give an example of a trespass. (2 marks)
- 10) List 2 International (environmental) conventions to which Australia is a party. (2 marks)
- 11) State 2 South Australian laws which uses the Environment Resources and Development Court to either enforce or appeal decisions. (2 mark)

PART B: ANSWER EVERY QUESTION (30 marks)
ANSWER EVERY QUESTION - (3 questions worth 10 marks each)

12) Habitat Protection

Both South Australian and Commonwealth laws provide for the protection of habitat, including the proclamation of reserves and protected areas.

- Give 5 examples of how either Commonwealth or South Australian legislation protects habitat. (More than one example can come from the one statute).
- For each example, state the relevant legislation and state what type of habitat is protected. (10 marks)

13) Key Threats

There are many factors and activities which threaten to harm South Australia's environment and/or biodiversity.

- List 5 significant threats to the South Australian environment and/or biodiversity.
- For each threat that you have listed, state a (Commonwealth or South Australian) law which seeks to address this threat. (10 Marks)

14) The *Environment Protection Act 1993* (SA)

- a. How does the *Environment Protection Act 1993* (SA) protect the environment?
- b. What is the name of the Authority established under the Act?
- c. Describe 2 of the functions of the Authority.
- d. Give an example of how this Act provides for enforcement. (10 marks)

PART C – CHOOSE 2 QUESTIONS : **(50 MARKS)**

- **QUESTION ONE: 25 MARKS**
- **QUESTION TWO: 25 MARKS**

Choose 2 questions from the following topics. Clearly state which topics you have chosen. Each question is worth 25 Marks:

- 15A) The *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- Write a summary of the most significant aspects of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
 - Do you think this Act represents an appropriate role for the Commonwealth in environmental matters? Give reasons for your answer.
- 15B) A development is proposed for a large tourist resort in rural South Australia. The Minister has declared this development to be a major development under section 46 of the *Development Act 1993* (SA). Opponents claim that the development will significantly affect the habitat and survival of nationally listed migratory birds.
- Choose 2 pieces of legislation that may apply to this development.
 - Discuss how each law may apply to the proposed development and the possible outcome(s).
- 15C) In what ways are the rights and interests of indigenous Australians taken into account in the protection and management of Australia's environment?
- 15D) Consider the enforcement of environmental laws.
- Why is the enforcement of environmental laws important?
 - Provide some examples of enforcement and comment on their effectiveness. (Your examples could be a discussion of the enforcement provisions of a statute, a legal case, case studies etc.)
- 15E) You have been asked to debate the proposition: **“The law is effective in protecting the environment for future generations.”**
- Choose one side of this debate – either “for” or “against”- and state which side you have chosen.
 - Write a summary of your arguments and conclusions.

(Environmental laws can include laws for the protection of wildlife or animals).

*****END*****