

11 April 2013

Ms Sophie Dunstone
Committee Secretary
Senate Standing Committee on Environment & Communications
Ec.sen@aph.gov.au

Dear Ms Dunstone,

Thank you for the invitation to provide a submission to the Inquiry by the Senate Standing Committee on Environment & Communications into the Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013.

Ports Australia is the peak industry body representing all port authorities and corporations, both publicly and privately owned, at the national level. Ports Australia is a constituted company limited by guarantee with a Board of Directors, comprising the CEOs of eleven member ports. Our website is at www.portsaustralia.com.au

We note with considerable concern that this Bill proposes a permanent ban on any new port development outside of the existing port areas within or adjoining the Great Barrier Reef World Heritage Area (GBR WHA), including specifically banning new port developments at Port Alma, Balaclava Island, northern Curtis Island, and the entire northern section of the GBR.

We further note that neither Senator Larissa Waters nor any member of the Australian Greens undertook any consultation with Ports Australia prior to the introduction of this Bill. Abrupt legislative changes without consultation with industry create significant uncertainty.

Ports form a critical element in the supply chain and in the economic and social development of Queensland and indeed all states and the Northern Territory. Legislative proposals that impact upon forward port planning should not only consider the wider economic, social and physical factors in determining the role and function of the port in their particular region but their overall role in national development plans.

It is a simple but effective concept that reforms and improvements to the operating and regulatory arrangements for ports are warranted in recognition of their key economic role and strategic position. To that end, Ports Australia has been an active proponent for the Australian Government's National Ports Strategy (NPS). The Queensland Government has also signed up to the NPS and the Great Barrier Reef Port Strategy (GBRPS) will feed into an overall Queensland Ports Strategy (QPS). Policy alignment between the GBRPS, the QPS, the NPS and the National Land Freight Strategy and

with local government planning schemes is essential. All of the planning programs need to address long-term coordinated planning around future port capacity, supply chain and transport corridors, including shipping channels. The terms of the proposed Bill completely usurp these orderly planning and review processes.

It is arguable that the Great Barrier Reef is already one of the most highly regulated marine environments in the world. Legislation preventing port expansion in a rapidly growing region will have severe impacts upon the economic development of the Queensland and Australian economies and provide nothing in the way of additional environmental benefit.

All of the ports in Queensland, not just those operating in or near the GBR WHA, have been in operation for many years. Each of the ports is a complex and highly integrated port operation with export and import supply chains of national economic significance. Each port has invested substantially in infrastructure, providing jobs for their regional community with whom they have close and enduring relationships. The ports have developed close liaison with exporters in their region and have undertaken the necessary forward planning over many years enabling them to grow and expand their footprints in their regions. In every instance, port expansion is subject to the stringent approval regime under the existing provisions of the EPBC Act.

We note in Senator Waters' Second Reading Speech that the Senator refers to the UNESCO State of Conservation Report which recommended that the World Heritage Committee maintain a watching brief on the Great Barrier Reef World Heritage Area. However, we believe that the UNESCO report findings should be treated with considerable caution. The report provides an insufficient basis to compromise the striking of a balance that effectively facilitates the development of the Queensland economy through appropriately managed growth in port capacity. Already this outcome is at risk by uninformed rhetoric about the impact of port development in Gladstone and in the broader Great Barrier Reef (GBR) which, among other things, is not informed by good scientific evidence or objective analysis. Discussions around the environmental impacts of dredging and shipping in Queensland ports have been exaggerated and scientific research has indicated that the impacts are at a low or minimal level. It is also important to note that shipping activities and port developments are not the primary impacts upon the reef.

Ongoing sustainable development of all ports in the World Heritage Area and Great Barrier Reef Marine Park is essential.

All of the Queensland ports are active participants in the current Strategic Environmental Assessment which is being undertaken at the behest of the World Heritage Committee. Indeed, there are a significant number of environmentally-based inquiries presently underway in which all of the Queensland ports are actively involved.

Notwithstanding these observations, and pending the results of the Strategic Assessment, all of the ports located in the GBR continue to apply a highly precautionary approach with all developments that might impact on the World Heritage Area including on the basis that they have a long association with the reef and a profound stake in its health and well-being.

Ports are continually striving to be good environmental citizens. The Australian and Queensland Governments have put in place rigorous mechanisms which all proponents must obey. All of the Queensland ports have shown themselves to be highly responsible environmental citizens.

We have not jumped onto the bandwagon calling for less environmental regulation or “green tape”. Our ports recognise that they are central to some of the biggest infrastructure developments along the Queensland coast, most of which are within the World Heritage Area and the Great Barrier Reef Marine Park. We recognise that major projects can cause community concern and one of the best ways of addressing those concerns is by fulfilling obligations with environmental assessments and by ports showing that they are willing participants in a clear and transparent assessment process. Central to their strategic objectives, our Queensland members have a successful and sustainable co-existence with the Great Barrier Reef and have indicated, to the extent that they exist, a preparedness to engage on impacts, mitigation and remedial strategies that are anchored by objective, evidence-based scientific assessment. These processes allow the community and industry proponents alike to come together in the consultation process so that real community concerns can be addressed. Clarity and certainty with legislative and regulatory settings are critical to proponents and the community alike.

Ports Australia believes that port development can and must be permitted to continue in an environmentally responsible manner whilst ensuring that the Outstanding Universal Value of the World Heritage Area is protected together with the values of the Great Barrier Reef Marine Park. We therefore do not support the passage of this Bill.

Yours sincerely,
David Anderson
Chief Executive Officer