

10/04/2013

Committee Secretary
Senate Standing Committees on Environment and Communications
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

ec.sen@aph.gov.au

To the Senate,

I support the Amendment as outlined below:

Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013 (Senator Larissa Waters) **A Bill for an Act to amend the *Environment Protection and Biodiversity Conservation Act 1999*, and for related purposes**

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Act 2013*.

2 Commencement

This Act commences on the day after this Act receives the Royal Assent.

Schedule 1—Amendment

Environment Protection and Biodiversity Conservation Act 1999

1 After Subdivision FA of Division 1 of Part 3 of Chapter 2

Insert:

Subdivision FB—Developments impacting the Great Barrier Reef World Heritage Area

24D No port development in designated areas

Notwithstanding any other provision of this Act, or of a regulation made pursuant to this Act, the Minister must not approve the taking of an action if:

- (a) the action relates to the building or development of a port outside existing port areas; or
- (b) the action relates to the building, development, expansion or improvement of a port located in any of the following areas:
 - (i) the Fitzroy Delta;
 - (ii) Balaclava Island;
 - (iii) Port Alma;
 - (iv) northern Curtis Island (north of 23°45'S);
 - (v) the north section of the Great Barrier Reef as defined by Great Barrier Reef Marine Park Authority maps as at 20 March 2013;
 - (vi) any other area, to the extent that the building or development of the port in that area could have a significant impact on the environment of an area referred to in subparagraphs (i) to (v).

24E Development of existing port

- (1) Notwithstanding any other provision of this Act, or of a regulation made pursuant to this Act, the Minister must not approve an action after 20 March 2013:
- (a) if the action would occur in an existing port area that is located in, or adjoining, the Great Barrier Reef world heritage area; and
 - (b) if the action would impact individually or cumulatively on the world heritage values of the Great Barrier Reef world heritage area.

24F Moratorium on all developments impacting the Reef until strategic assessment completed

Notwithstanding any other provision of this Act, or of any regulation made for the purpose of this Act, the Minister must not give an approval, or revoke or amend an approval, for an activity that is likely to individually or cumulatively have a significant impact on the world heritage values of the Great Barrier Reef on or after 20 March 2013 unless:

- (a) a strategic assessment of the long term sustainability of development impacting the Great Barrier Reef world heritage area and areas adjoining the Great Barrier Reef world heritage area, has been undertaken; and
- (b) the strategic assessment has been provided to the World Heritage Committee for review and consideration; and
- (c) the World Heritage Committee has completed its review and consideration of the strategic assessment and has deemed it to be adequate.

24G Minister cannot approve any developments which do not deliver a net benefit for the Great Barrier Reef world heritage area

- (1) Notwithstanding any other provision of this Act, or of any regulation made for the purpose of this Act, the Minister must not approve the taking of an action that impacts the Great Barrier Reef world heritage area if the action will not deliver an overall net benefit for the world heritage values of the Great Barrier Reef world heritage area.
- (2) The Minister must, within 6 months of the date that this section commences, make a determination, in writing, setting out a methodology to be applied to determine whether an activity has an overall net benefit for the Great Barrier Reef world heritage area.
- (3) The determination under subsection (2) is a legislative instrument.
- (4) In determining whether an action delivers an overall net benefit to the world heritage areas as required in subsection (1), the Minister must:
 - (a) apply the methodology established under subsection (2); and
 - (b) prepare a statement of reasons that clearly explains how the methodology in subsection (2) has been applied; and
 - (c) publish the statement on the Department's website at the time the decision is made.

Yours Sincerely,

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