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SAL Submission on the Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013

Shipping Australia Ltd (SAL) is a peak shipowner association with 35 member lines and shipping agents and with 49 corporate associate members, which generally provide services to the maritime industry in Australia (list of members attached). Our member Lines are involved with over 80% of Australia's international container trade and car trade as well as over 70% of our break bulk and bulk trade. A major focus of SAL is to promote efficient and effective maritime trade for Australia whilst advancing the interests of ship owners and shipping agents in all matters of shipping policy and safe environmentally sustainable ship operations. SAL also provides secretariat services to the many liner companies and agencies that are members of conferences, discussion agreements, consortia and joint services that have their agreements registered under Part X of the Australian Competition and Consumer Act, 2012 (Cth). These agreements specifically seek to facilitate and encourage growth of Australia's international liner shipping trades.

We note that the proposed amendments to the Environment Protection and Biodiversity Conservation Act 1999 will result in prohibition of developments within and outside existing port areas along the Great Barrier Reef coastline; implement a moratorium from 20 March 2013 on approval of developments impacting on the Great Barrier Reef World Heritage Area until a strategic assessment is completed and deemed adequate by the World Heritage Committee; and prohibits approval of any developments that do not deliver a net benefit to the Great Barrier Reef World Heritage Area.

We understand that the amendments proposed to be made to the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* [Act] are to appease requests made by the World Heritage Committee, which reflects the findings of UNESCO's reactive monitoring mission's report.

These proposed amendments will provide for the establishment of a new matter of National Environmental Significance (NES) in relation to the significant impacts or likely significant impacts of coal seam gas development and large coal mining development on a water resource.

Clause 24D of the proposed amendments prohibits development of new ports outside existing port areas along the Great Barrier Reef coastline, which includes Port Alma that currently handles class 1 explosives, ammonium nitrate and bulk tallow. Does this mean that no further development of Port Alma will be allowed?

Clause 24E of the proposed amendments prohibits development within existing port areas along the Great Barrier Reef coastline, where these developments would individually or cumulatively have an impact on the world heritage values of the Great Barrier Reef. We presume that port developments already approved will not be affected by this Clause (for example the approval given by the Queensland Government, under the *State Development and Public Works Act 1972* to the statutory plan to develop the port of Gladstone to handle 250 -300 million tonnes; Abbot point is forecast to grow by around 11% per annum). The Bureau of Resource and Energy Economics has predicted that Queensland would export over 300 million tonnes by 2020.

Any port development that is a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* must be considered in a positive light. Developers of such projects must have the opportunity to present its case on the assessment of potential impacts on matters of national environmental significance of a standard that meets the adequacy test. They should also use the precautionary principle on potential impact on the environment, where scientific certainty is unavailable and design the project to minimise the potential impact on the environment.

Clause 24F of the proposed amendments implements a moratorium from 20 March 2013 on approval of all developments impacting the Great Barrier Reef world heritage area until the strategic assessment is completed and has been deemed adequate by the World Heritage Committee (WHC). We are uncertain as to how this moratorium would apply, given that the amendments have yet to pass through the legislative process in Australia. We also hope that any assessments carried out by the WHC are conducted without any inordinate delay.

Clause 24G of the proposed amendments prohibits approval of any developments that do not deliver a net benefit for the Great Barrier Reef world heritage area. We question whether this is a valid aim and suggest that "no detriment" is a more appropriate aim than "net benefit". The term "net benefit" is also difficult to define as the economic benefits to the State and country of port developments provide the means that enable the Nation to manage and maintain the Great Barrier Reef world heritage area

We are aware that the Australia Maritime Safety Authority (AMSA) is developing the North East Shipping Management Plan as a response to the recommendation of the World Heritage Committee reactive monitoring mission in March 2012, which recommended Australia to, "*Develop a fully integrated approach to the planning, regulation and management of ports and shipping activity*" to ensure this activity does not negatively impact on Outstanding Universal Values.

With regards to shipping, AMSA has already taken a number of steps to reduce the risk in the GBR and Torres Straits region.

AMSA is also working with Ports to ensure that port developments take into account the need to minimise risk from shipping by:

- Providing adequate shore reception facilities for ship waste;
- Having robust pollution response arrangements in place; and
- Ensuring port tugs that have capacity to undertake emergency towage outside of the port.

We acknowledge that the intent of the amendments proposed in the *Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013* is to Implement the recommendations that the World Heritage Committee and ensure the Great Barrier Reef does not get added to the “world heritage in danger” list ? However, we question whether the economic ramification of stunting development in this region, by the introduction such measures is in the best interest of the Australian public and may actually reduce the ability of Australia to effectively administer and protect the area.

We are pleased that the Bill provides some transitional provisions designed to minimise disruption to the assessment of existing projects as far as possible, while meeting the objectives of the amendments to provide robust assessment of coal seam gas and large coal mining development that has, will have, or is likely to have, a significant impact on a water resource.

In conclusion, SAL submits that the continuing growth of shipping provides the vital economic lifeblood of Australia's economy and provides us the means to effectively manage and protect our precious environment. Port infrastructure developments are critical to Australia's economic security and must be allowed provided that they are carefully planned and risks to the environment mitigated. Duplicate and overlapping State and Federal legislation with respect to environmental approvals, which is lengthy and adds costs and dissuades investments, must be avoided.

It would also be appreciated if SAL is consulted on all matters relating to shipping in the future, as in this instance, we were made aware of this inquiry by a third party.

Yours sincerely

Rod Nairn, AM
Acting Chief Executive Officer