

Keppel and Fitzroy Delta Alliance working to

PROTECT KEPPEL BAY

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16th January 2014

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

Dear Committee Secretary,

Environment Legislation Amendment Bill 2013

Keppel And Fitzroy Delta Alliance (KAFDA) is a Central Queensland not for profit, community alliance supported by thousands of individuals and groups including conservation, fishing, tourism, boating, and local stakeholders. The Alliance is committed to protecting the Fitzroy Delta, Keppel Bay, North Curtis Island, and all associated waters flowing into the Great Barrier Reef Marine Park/World Heritage Area from any further industrial port development and coal export terminals.

While KAFDA acknowledges the current resources boom and its place in the Australian economy, it also recognizes the importance of the Fitzroy River Delta which feeds into Keppel bay and the southern Great Barrier Reef as the most significant estuarine system, fed by the largest river catchment on the east coast of Australia, and being critical to the health and functionality of the Great Barrier Reef.

KAFDA appreciates the invitation to provide a written submission to the Committee. Comments on each of the two elements in the Bill are set out below.

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Schedule 1—Amendments relating to approved conservation advice

KAFDA does not support the changes proposed in the Bill relating to approved conservation advice as it removes a mandatory requirement under the Act and it removes accountability of the Minister and department in the decision-making process. Any amendment that weakens environmental protection by removing a mandatory requirement to consider expert scientific advice is not supported by KAFDA, particularly with regards to decisions affecting the Fitzroy River Delta and the waters that flow into the Great Barrier Reef World Heritage Area (GBRWHA).

Decisions affecting the Fitzroy River Delta, Keppel Bay and the GBRWHA should be made according to the objectives of the *Environment Protection and Biodiversity Conservation Act 1999*. The proposed changes to the Bill would fail to meet these objectives and fail to make decisions based on best practice. Therefore, KAFDA opposes the Amendments relating to approved conservation advice.

Increases in Penalties for Offences Relating to Dugongs and Turtles.

As a community alliance concerned with the overall health of Fitzroy Delta, Keppel Bay, GBRWHA, and all marine life encompassed within, KAFDA supports increased penalties for aggravated offences inflicted on dugongs and turtles.

KAFDA fully supports Item 53 – civil penalty provision: 2.45

‘Changes the maximum penalty for an aggravated contravention against section 38BB from 5,000 penalty units to 15,000 penalty units for an individual and from 50,000 penalty units to 150,000 penalty units for a body corporate, where that conduct involves the taking of, or injury to, dugong, marine turtles or leatherback turtles that are also protected species under the GBRMP Act’.

However KAFDA recommends that to effectively increase protection of dugongs and turtles, further measures need to be implemented. For example providing resources and support for community education and school programs would create a heightened awareness about the importance of protecting threatened marine species and it would compliment the proposed increased penalties with the Act.

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To ensure aggravated offences are not committed to begin with, KAFDA recommends no industrial activity in areas of high environmental value, such as the Fitzroy River Delta and the surrounding GBRWHA. KAFDA recommends regular monitoring of commercial vessel traffic and activities that could result in aggravated offences to threatened species. KAFDA asserts that a preventative approach would strengthen the effectiveness of the proposed increased penalties and ensure all objectives of the EPBC Act and the Great Barrier Reef Marine Park Act 1975 (GBRMP Act) are met.

As previously asserted KAFDA is concerned with the overall health of the Fitzroy Delta and GBRWHA and all the marine life encompassing these areas and seeks clarification as to why the increased penalties only apply to dugongs and turtles and not all threatened species. The EPBC Act protects all listed threatened species. There are several threatened and vulnerable species in the Fitzroy River Delta and GBRWHA. For example, the Snubfin Dolphin is Australia's only native dolphin and is genetically unique to Central Queensland. There is a small population of Snubfin Dolphins in the Fitzroy River Delta and Keppel bay, which is recognized by the GBRMPA as vulnerable to extinction. KAFDA submits that the increase in penalties should apply to all threatened or vulnerable species, including the Snubfin dolphin.

KAFDA also wants to bring the Committee's attention that we strongly support the amendment to the EPBC Act for the Federal Government to retain approval powers. KAFDA believe it imperative for the Commonwealth to retain the powers of the EPBC Act and have the ultimate decision making powers on issues of national significance. This is of utmost important for the protection of places of international significance like the Fitzroy Delta and the Great Barrier Reef.

Yours sincerely,

Cherry Muddle

On behalf of Ginny Gerlach - Keppel And Fitzroy Delta Alliance Director