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Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street Brisbane Qld 4000

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Dear Committee Members,

Sustainable Port Development Bill 2015

Thank you for the opportunity to provide this submission regarding the Sustainable Port Development Bill 2015 tabled in Queensland Parliament last month. Thank you also for allowing us to submit these comments 2 working days after the formal due date.

The Australian Marine Conservation Society (AMCS) is Australia's leading national ocean charity and has been defending our unique marine environments including the Great Barrier Reef for 50 years. AMCS has over 200,000 members and supporters in Australia whom we represent and work with on key marine issues facing the nation.

You will no doubt be aware that protection of the Great Barrier Reef is a primary concern for AMCS and that the recent Outlook Report noted that the overall health of the Reef was currently poor and its condition was deteriorating.

Consequently AMCS was pleased to see the Queensland ALP adopt a significant Reef protection platform in the lead up to the January State election.

We are committed to working with the Queensland government to ensure the implementation of those election commitments and to see further steps taken to bring even greater protection to Australia's most significant and precious natural asset.

The Sustainable Ports Development Bill 2015 is an important mechanism for implementing a number of the election commitments made by the Palaszczuk government. The Bill provides clear rules restricting port-related dredging, dumping and port expansion along the Great Barrier Reef coastline. This includes prohibiting sea dumping of capital dredge spoil from port development; limiting capital dredging to the four priority ports; and limiting port expansion to the 12 existing port areas.



However, significant further action needs to be taken to meet the commitments made in the Reef 2050 Long-Term Sustainability Plan, such as reducing water pollution and protecting undeveloped and largely intact areas of the coast from port development.

Beyond the commitments made in the Reef 2050 Plan, it is the view of AMCS that additional measures will be needed to ensure the Reef's long-term future.

We reiterate the advice of the Great Barrier Reef Marine Park Authority in its Outlook Report 2014 where it states:

“Even with the recent management initiatives to reduce threats and improve resilience, the overall outlook for the Great Barrier Reef is poor, has worsened since 2009 and is expected to further deteriorate in the future. Greater reductions of all threats at all levels, Reef-wide, regional and local, are required to prevent the projected declines in the Great Barrier Reef and to improve its capacity to recover.”

Consequently we make the following recommendations in relation to the Sustainable Port Development Bill 2015.

Please note AMCS has been working in close collaboration with WWF Australia and the Environmental Defenders Office Queensland in relation to this Bill and support their submissions. Hence where their submissions make specific detailed drafting recommendations, we concur with their proposals and commend you to them.

1. Implement the commitment to ban transshipping in the Great Barrier Reef Marine Park (GBRMP)

Transshipping is the vessel-to-vessel transfer of bulk commodities like coal or bauxite. The Bill does not ban transshipping in the GBRMP, even though this was a clear election commitment from the ALP. There are currently two proposed transshipping projects for the Reef's waters: the Wongai Project on Cape York, which would see transshipping in the GBRMP and the Mitchell Group's proposal at Hay Point which may also.

These projects could still go ahead under the transitional provisions of this Bill. While the Queensland government does not have direct control of the GBRMP, we recommend it should implement the ban on transshipping by prohibiting onshore development that facilitates such operations.

While we appreciate there are jurisdictional complexities in the GBRMP, we wish to point out that ultimately the Commonwealth is compelled by the main object of the GBRMP Act (1975) section 2A (1) *to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region.*

Consequently we consider it beholden on Queensland to negotiate with the Commonwealth via the Reef Ministerial Council to align state and federal laws to prevent transshipping in the GBRMP.



2. Fully implement the commitment to ban offshore dumping of dredge spoil.

The ALP's Reef election commitment was very clear: *Queensland Labor will ban sea-based dumping of capital dredge spoil within the Great Barrier Reef World Heritage Area.*

This Bill bans sea disposal of dredge spoil from *port-related* capital dredging only. This does not match the regulations provided by the Commonwealth Government which ban offshore dumping of all capital dredge material, with an exemption of up to 15,000m³ for small projects such as boat ramps.

While we accept the exemption for very small-scale operations, we are very concerned that dredging activities which are not port related, such as the proposed dredging at Shute Harbour in the Whitsundays, would not be captured by this Bill.

3. Address how the impacts of maintenance dredging are to be managed.

This Bill does not provide a framework for reducing the impacts of dredging to maintain existing shipping channels.

Yet there was a clear election commitment: *A Labor Government will also develop a comprehensive, state-wide framework for maintenance dredging which identifies future dredging requirements, ascertains appropriate environmental windows to avoid coral spawning and protect seagrass, and examines opportunities for the beneficial reuse of dredge spoil or on land disposal from maintenance activities.*

An average of almost 1 million cubic metres of waste material from maintenance dredging is dumped in the Reef's World Heritage waters each year. The government should adopt an annual cap and other measures to reduce sea-disposal of maintenance dredge spoil.

4. Restrict non-port related development, including non-port related dredging or dumping.

Non-port activities can be substantial, such as the Shute Harbour marina proposal for 500,000m³ of dredging, and should be included in the Queensland Government's promise to limit capital dredging and ban sea dumping in the Reef World Heritage Area. If these activities won't be addressed in this Bill, the Queensland Government should specify the timeframe and method for implementing appropriate restrictions on non-port related development, dredging and dumping of dredge material.

5. Implement the commitment to ensure full protection of the Greater Fitzroy Delta

The Queensland Government has committed to protecting the Greater Fitzroy Delta, one of the largest unspoilt estuarine systems remaining on the Reef Coast. This is an election commitment reiterated in the Reef 2050 Plan.

The Delta has been excluded as a priority port and the Reef 2050 Plan outlines additional commitments to protect the Fitzroy Delta including North Curtis Island and Keppel Bay by:

- extension and strengthened conservation zoning in the Great Barrier Reef Coast Marine Park
- extension of the existing Fish Habitat area
- establishment of a new net-free zone under fisheries legislation
- additional protections in associated intertidal and terrestrial areas.



We welcome the provisions in the Bill that will prevent capital dredging in Port Alma and other minor ports along the Reef coast. Currently the port facilities at Port Alma allow for the movement of salt as well as dangerous goods such as explosives and defence equipment. No new port facilities should be allowed for other purposes at Port Alma. As currently written the Bill will not prevent significant expansion of port facilities at Port Alma, using the existing shipping channel and does not exclude transshipping operations.

The Bill should include specific provisions to restrict port development at Port Alma so that there is no change to its current uses.

6. Third party enforcement

A strong civil society is one where there is strong accountability and transparency by government, especially in relation to the natural environment that is the property of the entire community across time.

This Bill should be amended to include third party enforcement and judicial review provisions for all decision-making that it refers to. It should be mandatory that all documents informing these decisions are kept on the public register, particularly the documents informing master plan reviews as these will enable the community to assess the success or otherwise of the priority management measures in managing environmental impacts.

7. Ports planning and optimisation

The ALP's commitment to optimising the use of existing port infrastructure along the Reef coast is very welcome. We note the provisions in the Bill for the development of master plans for priority ports, consistent with the Reef 2050 Plan.

Whilst the Bill sets out provisions for port planning for each priority port area, it does not prescribe the need for strategic planning across the four port areas concurrently.

If for example one priority port has spare capacity and another is under pressure to expand, one option to minimize any impact on the Reef may be for imports / exports to be redirected to the port which is under-utilised. This may reduce infrastructure costs and environmental harm considerably.

It should be made explicit in the Bill that the master planning considers the overall demand for port facilities and the most efficient and less environmentally damaging approach across all four priority areas.

Two years ago there were major port expansion plans for each of the priority ports identified in the Bill. Changes in mineral commodity market conditions globally and government policy around privatization have significantly changed the economic environment of port expansion.

AMCS is strongly of the view that further port expansion plans, including the current plans for further dredging at Abbot Point and expansion of terminals at Townsville, should be deferred until the master planning is undertaken, and that a thorough economic analysis of likely demand in growth is a fundamental aspect of that planning. This should be reflected in the Bill.



Furthermore, we would like to see the review period for master plans reduced to seven years. As mentioned above, given the economic climate has changed so quickly, ten years is unacceptably long.

Thank you again for the opportunity to comment on the Bill.

Yours sincerely,

A handwritten signature in black ink, which appears to read 'F. Wishart'. The signature is written in a cursive, flowing style.

Felicity Wishart

Great Barrier Reef Campaign Director