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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Great Australian Bight Environment Protection Bill 2019

No. , 2019

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**A Bill for an Act to protect the Great Australian
Bight environment, and for related purposes**

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A Bill for an Act to protect the Great Australian Bight environment, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the *Great Australian Bight Environment Protection Act 2019*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Object

The object of this Act is to protect the following from damage resulting from mining activities:

- (a) the Great Australian Bight environment (in particular marine life);
- (b) industries in the Great Australian Bight region (in particular the fishing industry).

4 Application of this Act

- (1) This Act applies in relation to the Great Australian Bight marine area and has effect despite any other Commonwealth law including any of the following Acts:
 - (a) the *Environment Protection and Biodiversity Conservation Act 1999*;
 - (b) the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (2) To avoid doubt, an authorisation, permit, title or other instrument that permits conduct that is inconsistent with the operation of this Act is taken to have no effect to the extent of the inconsistency.
- (3) A provision of this Act that has effect in relation to a place that is within the outer limits of the exclusive economic zone of Australia (whether the place is in the zone or in Australia), or that is on or in the continental shelf of Australia, applies in relation to all persons (including persons who are not Australian citizens).

5 Definitions

In this Act:

Great Australian Bight marine area consists of the waters of the sea known as the Great Australian Bight in the Southern Ocean that are:

- (a) beyond the outer limits of the coastal waters of South Australia and Western Australia; and
- (b) within the outer limits of the continental shelf; and
- (c) between Cape Pasley, Western Australia and Cape Carnot, South Australia.

mining operation:

- (a) means an operation or activity connected with, or incidental to, the mining or recovery of minerals or other geological material (including naturally occurring hydrocarbons) in any form, whether solid, liquid or gaseous and whether organic or inorganic; and
- (b) includes prospecting for or exploring for minerals or other geological material.

6 Ban on mining activities in the Great Australian Bight marine area

- (1) A person commits an offence if:
 - (a) the person engages in conduct; and
 - (b) the conduct is a mining operation; and
 - (c) the conduct is engaged in the Great Australian Bight marine area; and
 - (d) the conduct is not for the purpose of research or investigations relevant to the conservation or protection of the Great Australian Bight marine area.

Penalty: Imprisonment for 2 years or 1,000 penalty units, or both.

- (2) This section applies despite any other law of the Commonwealth, a State or a Territory.

7 Compensation for acquisition of property

- (1) If the operation of this Act would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.