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Comments on Draft North-East Shipping Management Plan (NESMP)

North Queensland Conservation Council (NQCC) welcomes the opportunity to comment on the Draft NESMP, acknowledging that, as the Report states (p.2), "To ensure protection of the environment has the highest priority, including preservation of the OUV of the World Heritage Property, cooperation between government agencies and industry in the planning and implementation of safety controls for shipping is essential".

Given the above statement, and in the light of the strongly pro-industry/pro-development stance of both Federal and Queensland governments, NQCC would like to have seen the cooperation at the draft development stage widened to include dedicated environmental conservationists, as well as representatives of government and industry.

NQCC notes that neither the NESM Group nor its Water Space Management Working Group includes non-government (and thereby independent) representatives of the environment. Nor do they include non-industry groups.

It is probably because of this that the draft report is lacking in important areas. Some of these are discussed below.

Before turning to those issues, NQCC would like to point out that it supports many of the actions in the work plan (*for example*, actions 19 (but this should be ongoing rather than short-term), 21, 39, 54 and 56).

Noise

One of the most noticeable omissions in the report is in the area of underwater noise pollution. This is a major and growing area of concern as more and more scientific understanding of the impact of undersea noise on the marine environment becomes available.

Nevertheless, coverage of the issue of noise in the report is limited to four sentences on page 25, with one sentence noting "a lack of information on the impacts of shipping noise on [the behaviour of cetaceans and turtles]", and a second noting

that "As many marine animals, including dolphins, whales and dugongs [and fish], rely on sounds for communication, an examination of underwater noise is important in determining any impacts".

The relevant section of the document (9.6) contains the statement "Actual impacts on species behaviour from underwater noise in the region are not clearly understood and further information is needed". Notwithstanding this statement, there is no proposed action for such to occur in the short, medium or long-term in the work plan (Ch. 13).

It is essential that this issue be quickly and thoroughly addressed. The outcomes of research may cast doubt on the wisdom (and legality) of allowing ever-increasing numbers of vessels to ply the waters of the GBRWHA.

Precautionary principle

Much of the NE shipping region falls within the Great Barrier Reef Marine Park and/or the Great Barrier Reef World Heritage Area. Because of this the region is subject to the EPBC Act and, *ipso facto*, the Precautionary Principle. This principle states that:

if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In this case, the lack of certainty about the impact of shipping may well provide reason for the expansion to be postponed. While this may sound extreme, there is little point in having laws that provide little more than window-dressing.

The lack of certainty is strongly related to the lack of requisite information, which is addressed in the following section.

Lack of necessary information

The report is heavy with references to the need for more information. This is demonstrated by the need for information/data gathering actions in the work plan, including

- a series of research projects focused on the contribution of the human element to shipping incidents
- conduct of a risk-assessment of shipping around the Capricorn-Bunker Group of islands
- investigation of how new ship tracking technology can be used for vessel traffic services
- review of the effectiveness of the UKCM system
- consideration of the implications of voluntary pilotage in the southern GBP
- assessment of the viability of implementing satellite oil spill detection
- conduct of stochastic modeling and physical tracking of ballast water dispersal plumes
- further research onto cumulative impacts from shipping
- assessment of the availability of HNS cargo information
- identification of response strategies for cargoes
- monitoring of effectiveness of renewed contracts for emergency towage.

Much of this information is needed before expansion of shipping is contemplated.

The question of expansion in numbers and size of vessels

The draft report recognises considerable uncertainty, yet does not question the expansion in the number of ships in the light of the risks and the lack of data/information. In this case, the precautionary principle would suggest postponing the expansion until such time as fuller scientific certainty in relation to its impact on the GBRWHA is available.

In addition, the draft plan acknowledges that ships will be larger, but appears not to question the wisdom of this or to make use of this information in terms of impact – for example, with respect to disturbance to seabed and supported biodiversity; increased amount of anti-fouling toxins; impact of much larger propellers.

Sampling of vessels

According to the report, the number of vessels arriving at port are a small percentage of vessels operating with the region. In 2001-12 there were 10,879 large commercial ship movements in the area, as well as 83,000 private recreational vessels and 485 commercial trawlers. In other words, the risk is far higher than that associated with the limited number of ships arriving in port.

Assuming the same number for 2012, the percentage of all vessels operating in the region (94,364) that were inspected (594) falls to 0.6%. Given the potential impact on the GBRWHA, this level of inspection would appear to be insufficient.

Greater certainty could be achieved simply by greater sampling of vessels berthing at ports.

Need for additional procedures

Much of the NESMP consists of actions yet to be designed and/or implemented. Of the 57 actions of the MP, only 15 are ongoing. 29 are targeted for completion in the Short-term (<2yrs); 7 in the medium-term (2-5 yrs); and 3 in the long-term (>5yrs). Three actions have no target completion date at all. This need for much additional action, while commendable in terms of the desire to improve, is acknowledgment of the fragility of the existing system and therefore the need to employ the precautionary principle in relation to shipping expansion.

Despite the 'unpreparedness' of the shipping authorities (as reflected in the fact that only 15 of the 57 actions deemed necessary to protect the marine environment of the region are currently operating) the report notes (EP, p.2), "The exploitation of coal and natural gas deposits in eastern Australia will see an increase in international vessels visiting ports and transiting the waters north-east of Australia over the coming decades". Ignoring the precautionary principle, the report accepts expanded business, even though neither the necessary means to effectively manage, nor evidence that they will work if and when they are implemented, are not yet available.

Carrots and sticks

The plan identified in the report relies heavily on 'encouragement' in order to ensure compliance with required standards. For example, 'a view to encouraging a greater number of vessels, particularly oil tankers to use the Outer Route' (p.14);

'to encourage users of shipping to ports to employ ships constructed with bunker fuel tanks; (p.82); 'To encourage and improve ship-cetacean collision reporting'; 'to encourage users of shipping to ports in the region to employ ships fitted with ECDIS (p. 79)'to encourage and improve the improvement and use of waste facilities' (p. 83).

The state of the reef and the potential for increases shipping means that management must go beyond 'encouragement'.

Aesthetics

The report deems aesthetic values to be 'subjective' (p. 26, 62), especially with respect to anchorage. This is in conflict with the World Heritage Convention and with current research findings.

As noted in the Draft EPBC ACT referral guidelines for the outstanding universal value of the GBRWHA (p. 23):

The Australia Government has funded research to better define the aesthetic ... values of the property to improve management of these values.

The first report, defining the aesthetic values of the Great Barrier Reef World Heritage Area identifies and maps aesthetic values of outstanding universal value and analyses the sensitivity of those values of particular impacts.

This report is but one of a number that address the issue of aesthetic value, an issue that needs to be re-addressed throughout the draft NESMP report.

In relation to 'Altered aesthetic value', the report notes (p.26) that 'an integrated whole-of-government approach may be needed to capture and address known, potential and unforeseen impacts associated with a significant increase in shipping movements'. However, no action along these lines is indicated in the work plan.

It is important to note that the impact of known, potential and other impacts is required information under federal environmental impact assessments.

Lack of actions for identified impacts

The draft report fails to address many of the environmental impacts identified in Chapter 5, with actions (Chapters 9 and 13). Examples are wake and propeller effects, air emissions, anti-fouling toxins, noise, light, marine habitat and, as mentioned above, aesthetics.

NQCC would like to see the final report address the issues detailed in this submission. As the authors acknowledge, the GBR, the GBRMP and the GBRWHA are precious assets. Their health and well-being cannot be jeopardised for short-term monetary gain, much of which is expatriated out of Australia. This is particularly the case when the anticipated (in the report) expansion of shipping is associated with export of solidified carbon emissions – the greatest threat to the Great Barrier Reef.

While shipping management in the NE of Australia may rate highly in international terms (as does the management of the GBR), but, as with the GBR management, it may still not be good enough to protect these icons for perpetuity. It is essential that they do. And it is essential that effective measures are in place prior to the risks being increased by way of increased traffic.

A handwritten signature in grey ink, appearing to read 'Wendy Tubman', with a stylized flourish at the end.

Wendy Tubman
Coordinator

23 September 2013