EXPLANATORY STATEMENT

Select Legislative Instrument 2009 No. 302

Issued by the Authority of the Minister for the Environment, Heritage and the Arts

Environment Protection and Biodiversity Conservation Act 1999

Environment Protection and Biodiversity Conservation Amendment Regulations 2009 (No.3)

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance. Section 520 of the EPBC Act provides, in part, that the Governor-General may make regulations prescribing all matter required or permitted by the EPBC Act to be prescribed, or necessary or convenient to be prescribed for carrying or giving effect to the EPBC Act.

The Regulations amend the Environment Protection and Biodiversity Conservation Regulations 2000 (the Principal Regulations) consequential to the changes made to the Act by the Great Barrier Reef Marine Park and Other Legislation Amendment Act 2008 (the Amendment Act).

The Regulations are outlined in more detail in Attachment A.

The Regulations are a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Regulations commence on the same day as Schedule 6 of the Amendment Act comes into force.
Details of the Environment Protection and Biodiversity Conservation Amendment Regulations 2009 (No. 3)

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the Environment Protection and Biodiversity Conservation Amendment Regulations 2009 (No. 3).

Regulation 2 – Commencement

The regulation provides for the Regulations to commence on the same day Schedule 6 of the Amendment Act comes into force.

Regulation 3 – Amendment of the Environment Protection and Biodiversity Conservation Regulations 2000


Item [1] Paragraph 6.01 (d)

Item 1 is technical in nature and makes typographical amendments consequential to the changes outlined in item 2.

Item [2] Paragraph 6.01 (e)

Item 2 repeals the requirement for the Great Barrier Reef Marine Park Authority to obtain the Minister’s advice in relation to actions authorised by a permit or authority under the Great Barrier Reef Marine Park Act 1975 if it has, will have, or is likely to have a significant impact on the environment. This is consequential to the Amendment Act which, amongst other things, establishes the EPBC Act as the primary basis for environmental impact assessment within the Marine Park, including establishing the Marine Park as a matter of national environmental significance.