



Queensland

Environmental Protection (Transshipping Activities) Amendment Regulation 2020

Subordinate Legislation 2020 No. 225

made under the

Environmental Protection Act 1994

Contents

		Page
1	Short title	3
2	Regulation amended	3
3	Amendment of s 19 (Activities prescribed as environmentally relevant activities—Act, s 19)	3
4	Insertion of new s 41AB	3
	41AB Transshipping activity within particular areas	3
5	Insertion of new s 186A	4
	186A Prescribed circumstances for amending environmental authorities—Act, s 215	4
6	Insertion of new ch 11, pt 7	4
	Part 7 Transitional provisions for Environmental Protection (Transshipping Activities) Amendment Regulation 2020	
	219 Definitions for part	5
	220 Environmental authorities for mineral and bulk material handling	5
	221 Applications for environmental authorities for mineral and bulk material handling	6
	222 Amendment applications for environmental authorities for mineral and bulk material handling	6
	223 Continuing particular activities related to mineral and bulk material handling	6
7	Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)	7

Environmental Protection (Transshipping Activities) Amendment Regulation 2020

Contents

	50	Mineral and bulk material handling	7
8		Amendment of sch 19 (Dictionary)	10

1 Short title

This regulation may be cited as the *Environmental Protection (Transshipping Activities) Amendment Regulation 2020*.

2 Regulation amended

This regulation amends the *Environmental Protection Regulation 2019*.

3 Amendment of s 19 (Activities prescribed as environmentally relevant activities—Act, s 19)

Section 19—

insert—

- (3) An activity mentioned in schedule 2, section 50 includes an activity carried out in a relevant Great Barrier Reef Marine Park area.

Note—

See section 19(1A) of the Act.

4 Insertion of new s 41AB

After section 41AA—

insert—

41AB Transshipping activity within particular areas

- (1) This section applies to the administering authority for making an environmental management decision relating to a transshipping activity.
- (2) The administering authority must refuse to grant the application if the authority considers that all or part of the transshipping activity is to be carried out—
 - (a) in an area within the Great Barrier Reef Marine Park; or
 - (b) in an area that is—

[s 5]

- (i) within the Great Barrier Reef World Heritage Area; but
 - (ii) not within a port area.
- (3) A transshipping activity to be carried out in an area within the Great Barrier Reef Marine Park includes a transshipping activity to be carried out in a relevant Great Barrier Reef Marine Park area.
- (4) In this section—
- Great Barrier Reef Marine Park*** means the Great Barrier Reef Marine Park under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

5 Insertion of new s 186A

After section 186—

insert—

186A Prescribed circumstances for amending environmental authorities—Act, s 215

For section 215(2)(r) of the Act, the circumstances for amending an environmental authority for a prescribed ERA mentioned in schedule 2, section 50 are—

- (a) the holder of the authority or a person acting under the authority has carried out, or is carrying out, a transshipping activity under the authority; and
- (b) the authority does not state the threshold mentioned in schedule 2, section 50(4), table, item 3.

6 Insertion of new ch 11, pt 7

Chapter 11—

insert—

Part 7 Transitional provisions for Environmental Protection (Transshipping Activities) Amendment Regulation 2020

219 Definitions for part

In this part—

former, for a provision of this regulation, means as in force immediately before the commencement.

mineral and bulk material handling means a prescribed ERA mentioned in new schedule 2, section 50.

new, for a provision of this regulation, means as in force on the commencement.

220 Environmental authorities for mineral and bulk material handling

- (1) This section applies to a person who immediately before the commencement, held an environmental authority (the *existing authority*) to carry out a prescribed ERA mentioned in former schedule 2, section 50.
- (2) From the commencement, the person is taken to be the holder of an environmental authority (the *replacement authority*) to carry out a prescribed ERA mentioned in new schedule 2, section 50.
- (3) If the existing authority was subject to a condition, the replacement authority is taken to be subject to the condition.

221 Applications for environmental authorities for mineral and bulk material handling

- (1) This section applies to an application for an environmental authority to carry out a prescribed ERA mentioned in former schedule 2, section 50 that was made, but not decided, before the commencement.
- (2) New schedule 2, section 50 applies to the application.

222 Amendment applications for environmental authorities for mineral and bulk material handling

- (1) This section applies to an amendment application for an environmental authority to carry out a prescribed ERA mentioned in former schedule 2, section 50 that was made, but not decided, before the commencement.
- (2) New schedule 2, section 50 applies to the amendment application.

223 Continuing particular activities related to mineral and bulk material handling

- (1) This section applies to a person if—
 - (a) before the commencement, the person had carried out an activity that was not a prescribed ERA; and
 - (b) on the commencement, the activity became a prescribed ERA under new schedule 2, section 50; and
 - (c) after the commencement, the person continues to carry out the activity.
- (2) For 1 year after the commencement, the activity carried out by the person continues to be an activity that is not a prescribed ERA.

7 Amendment of sch 2 (Prescribed ERAs and aggregate environmental scores)

(1) Schedule 2, section 8(2)—

insert—

- (e) storing chemicals within the threshold stated in subsection (3), table, items 1, 2, 4 or 5 for carrying out an activity to which section 50 applies.

(2) Schedule 2, section 50—

omit, insert—

50 Mineral and bulk material handling

(1) Mineral and bulk material handling (the *relevant activity*) consists of—

(a) handling minerals or bulk materials, other than handling mentioned in paragraph (b), in a way that involves—

(i) loading or unloading minerals at a rate of 100t or more a day; or

(ii) storing 50,000t or more of minerals; or

(iii) loading or unloading bulk materials—

(A) in connection with operations at a port area; and

(B) at a rate of 100t or more a day; or

(iv) storing bulk materials in connection with operations at a port area; or

(b) handling minerals or bulk materials in a way that involves loading or unloading minerals or bulk materials from 1 ship to another ship at a rate of 100t or more a day.

(2) The relevant activity does not include handling minerals or bulk materials in a way that involves loading, unloading or storing materials on a site the subject of an environmental authority for a resource activity.

[s 7]

- (3) Also, for handling mentioned in subsection (1)(b), the relevant activity does not include handling minerals or bulk materials in a way that involves—
- (a) loading or unloading minerals or bulk materials in relation to—
 - (i) an emergency response; or
 - (ii) refuelling a ship; or
 - (iii) transferring minerals or bulk materials between 2 or more ships docked within a port area; or
 - (iv) transporting bulk materials to a remote area of the State; or
 - (b) loading or unloading minerals or bulk materials for carrying out an activity to which section 16(1)(a) applies; or
 - (c) loading or unloading minerals or bulk materials if a Commonwealth law—
 - (i) permits the activity to be carried out; or
 - (ii) requires a permit or other authority to carry out the activity.
- (4) In the following table, the aggregate environmental score for the relevant activity is the score stated opposite the threshold within which the relevant activity is carried out.

Threshold	Aggregate environmental score	3
1 loading or unloading 100t or more of minerals in a day, other than loading or unloading mentioned in item 3, or storing 50,000t or more of minerals—		
(a) within 5km of the highest astronomical tide or 1km of a watercourse	73	C

Threshold	Aggregate environmental score	3
(b) at another place	49	C
2 loading or unloading 100t or more of bulk materials in a day, other than loading or unloading mentioned in item 3, or storing bulk materials	73	C
3 loading or unloading 100t or more of minerals or bulk materials from 1 ship to another ship in a day	73	

(5) In this section—

bulk material—

1 Bulk material means—

- (a) solid material consisting of separate particles, granules or other small pieces of the material; or
- (b) any material that is a liquid or gas.

2 However, bulk material does not include—

- (a) any material contained or wrapped in a way that prevents the material from escaping the container or wrapper; or
- (b) a mineral; or
- (c) water.

emergency response means an activity carried out for any of the following purposes—

- (a) to investigate and respond to an emergency;
- (b) to save human life or avoid the risk of injury to a person;
- (c) to deal with a threat of pollution to the marine environment.

mineral—

[s 8]

- 1 Mineral means any substance that is a *mineral* as defined under the *Mineral Resources Act 1989*, section 6.
- 2 However, a mineral does not include any mineral contained or wrapped in a way that prevents the mineral from escaping the container or wrapper.

remote area, of the State, means an area of the State identified as remote Australia or very remote Australia in the document called ‘Australian Statistical Geography Standard, Volume 5—Remoteness Structure’, published by the Australian Bureau of Statistics on its website.

ship see the *Transport Operations (Marine Safety) Act 1994*, section 10.

8 Amendment of sch 19 (Dictionary)

Schedule 19, part 2—

insert—

port area means a port area of a port authority or other port entity within the meaning of the *Transport Infrastructure Act 1994*, section 267AA.

port authority see the *Transport Infrastructure Act 1994*, schedule 6.

port entity see the *Transport Infrastructure Act 1994*, section 267.

relevant Great Barrier Reef Marine Park area see section 19(3) of the Act.

transshipping activity means a prescribed ERA mentioned in schedule 2, section 50(1)(b).

ENDNOTES

- 1 Made by the Governor in Council on 24 September 2020.
- 2 Notified on the Queensland legislation website on 25 September 2020.
- 3 The administering agency is the Department of Environment and Science.

© State of Queensland 2020