ANTARCTIC TREATY (ENVIRONMENT PROTECTION) BILL 1980

Date Introduced: 23 April 1980
House: House of Representatives
Presented by: Hon. D.S. Thomson, M.C., Minister for Science and the Environment

Short Digest of Bill

Purpose

To provide for the protection of Antarctic wildlife and for the preservation of areas of outstanding ecological and scientific importance in the Antarctica.

Background

The conservation measures contained in the Bill arise from a long standing international agreement first recommended at the 3rd Antarctic Treaty Consultative meeting in 1964. Australia was an original signatory to the Antarctic Treaty of 1959 and continues to play an active role in the support and development of the Treaty organisation. The Antarctic Treaty has ensured that Antarctica remains a zone of peace and international cooperation. Progress is being made towards a Convention for the Conservation of Antarctic Marine Living Resources. The proposed Convention will ensure that any exploitation of the living resources of the Southern Ocean is conducted according to sound ecological and environmental principles. This Bill gives effect to one of the major conservation agreements negotiated under the Antarctic Treaty. Known as the Agreed Measures for the Conservation of Antarctic Fauna and Flora this agreement establishes a system of wildlife protection. This Bill gives the "Agreed Measures" force of law. Under the "Agreed Measures" all wildlife in Antarctica is protected. The agreement ratified by this Bill makes provision for three categories of special protection: 1) specially protected species, 2) specially protected areas and 3) sites of special scientific interest. This Bill establishes controls over the importation of animals and plants and provides for the making of Regulations to cover the control of pollution, the use of motor vehicles and other issues relating to environmental protection.

Main Provisions

Clause 7 deals with the application of other law as they may affect the provisions of this Bill. Sub-clause
7(1) provides that no action will lie under any other law if what is done is authorised by a permit or an authority of a Contracting Party. Provisions of the Bill will prevail over the National Parks and Wildlife Conservation Act 1975 if inconsistency arises but will not to the extent that they are capable of operating concurrently (sub-cl. 7(2) and (3)).

Clause 8 provides that the Governor-General may by Proclamations declare an area, a specially protected area. He may also declare an area to be a site of special scientific interest for a specified period. The area must be an area specified in the Agreed Measures (sub-cl. 8(3)). The Minister is empowered to declare a species of native mammal or native bird specified in the Agreed Measures to be a specially protected species.

Clauses 9, 10, 11, 12 deal with the grant and renewal of permits, restrictions applicable to permits, suspension and revocation of permits and the variation and revocation of conditions. Permits are granted to allow persons to engage in activities specified in proposed sub-s. 19(1) and (2) which would otherwise constitute offences. These include:

- to kill, take, injure or interfere with a native bird or mammal in the Antarctic;
- to gather, collect, injure or interfere with a native plant;
- to enter a specially protected area or a site of special scientific interest;
- to land or drive an aircraft, or drive a vehicle, in a specially protected area or within 200 metres of a concentration of birds or seals.

Contravention of these provisions, if a person does not hold a permit, carry a penalty of $2,000 or imprisonment for 12 months, or both.

Clauses 13, 14, 15, 16, 17 and 18 deal with the appointment of inspectors and detail the general powers of inspectors with respect to arrest, search, detention and seizure. Any member of the Australian Federal Police or of the police force of a Territory is ex officio an inspector (cl. 14).

Clauses 22 and 23 deal with offences relating to inspectors, namely, impersonation and assault.
Clauses 19, 20 and 21 detail offences relating to the interference with the Antarctic environment.

Clause 26 provides that the Minister may cooperate in developing with respect to the conservation of Antarctic fauna and flora and the protection of the environment of the Antarctic.

The regulation making powers of the Governor-General are specified in clause 29.