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**Antarctic Treaty (Environment
Protection) Amendment Bill 2011**

Second Reading

SPEECH

Tuesday, 28 February 2012

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Brodtmann, Gai, MP

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Ms BRODTMANN (Canberra) (20:27): I would like to reinforce the views expressed by the member for Flinders in the chamber earlier and just now by the member for Paterson on what a special and pristine place the Antarctic is. It has a special place in our hearts and our imaginations and it is an evocative place. I too support tourism to the Antarctic, but I want to ensure that that tourism has the softest footprint possible, because I want future generations—my godchildren, nieces and nephews—to be able to enjoy what is offered in the Antarctic through its beauty and also through our endeavours to discover more about the planet through the work that scientists are doing down there in the Antarctic. It is a very special place. It is special because of its beauty but also because of its pristine nature, which makes it a very important research area. It has not been untouched and, as I said, I want the softest of footprints on the Antarctic when it comes to tourism.

I believe it is fitting that we are discussing the Antarctic Treaty (Environment Protection) Amendment Bill 2011 in this, the 100th anniversary year of the Australian expeditions to Antarctica. The first Australian-led Antarctic expedition set out on 2 December 1911, leaving Hobart bound for Macquarie Island and East Antarctica. The scientific expedition was, of course, led by Douglas Mawson, later Sir Douglas, and was pivotal in establishing Australia's claim to Antarctic territory. The expedition and those that followed were also celebrated for their contribution to science, which is what this bill also focuses on.

Australia is among seven nations that have claimed territory in Antarctica; the other nations are Argentina, Chile, France, New Zealand, Norway and the United Kingdom. Yet the Australian Antarctic Territory is the largest territorial claim on the continent and covers much of East Antarctica. Later in the speech I will come to discuss some of the discoveries about the quality of that land that I learnt about when I was down with the Antarctic Division. It is our presence in Antarctica that has established Australia's reputation as a leader in science and environmental protection on the continent. I am proud that today's modern Australian Antarctica program continues to build on the important scientific work begun by Mawson and his contemporaries 100 years ago.

As Antarctica grows in national and global importance the Australian Antarctic Division in Hobart, which I have had the opportunity to visit, is conducting important research in the Southern Ocean, Antarctica and the subantarctic, addressing critical issues such as climate change, the human footprint on Antarctica and the increasing demands for food, energy and security caused by human population growth. The diverse research program covers physical and life sciences in the atmospheric, terrestrial and marine domains as well as human biology and medical research. When I visited the division in Tasmania last year as a member of the Joint Standing Committee on the National Capital and External Territories, I had the opportunity to speak to scientists at the division and from the University of Tasmania. These scientists—they are incredibly passionate about their work—told me about their research into the krill of the Antarctic waters, which I understand has attracted international attention and acclaim.

Mr Danby: Krill!

Ms BRODTMANN: Indeed! Krill have often been called the key animals of the Antarctic region. They are the world's most abundant crustacean and they form the stable diet of many animals, including seals, whales, fish, squid, penguins and other sea birds, and are therefore the foundation of the Antarctic food chain. How much krill is in the Southern Ocean and how the population fluctuates are therefore major questions to address when considering the protection of the Antarctic environment, particularly since krill have been fished commercially for around 25 years. In studies onboard the *Aurora Australis* and at the Antarctic Division's unique cold water krill research aquarium, scientists are examining aspects of the biology of krill that will contribute to the sustainable management of the krill resource. The combination of survey work, experimental research and theoretical analysis provides a comprehensive and world-leading—and it is world-leading—approach to the study of these fascinating little creatures and is an important contribution to the goal of protecting the Antarctic environment.

When I was down there we had a look at the tanks that these krill are being kept in. The scientists are looking at not just their role in the food chain but also the impact that warming of the oceans is having on the quality of the protein that is in the krill, because less protein means less food value for animals, the sea creatures, the mammals that these little creatures feed. Therefore it is incredibly important to get a really good understanding of a range of elements around the krill population.

A goal that former Prime Minister Bob Hawke set out to achieve 20 years ago was to protect the Antarctic environment. He played a leading role in establishing a ban on mining in Antarctica to protect the continent from exploitation. All I can say is hallelujah! that he did that, because it is so, so important that Antarctica is protected from exploitation. Going back to my earlier comments about the quality of the land: Australia may claim a lot of land in Antarctica, but I understand that the actual quality of the land, particularly in terms of minerals is pretty ordinary. You would have to dig very deeply, pretty hard and for a very long time to get some quality out of it. Not that we are talking about mining. I do not advocate mining, but I am saying that in the event that we get to a *Mad Max* environment—we do not know what is going to be happening in 300 years—it would cost an absolute fortune to get the minerals out of the ground in the Australian space in Antarctica. Let us not even think about it, but it would take a lot of effort too, so let us just ban it. I am with you.

This is what we seek to build on with this bill today. We must ensure that the Antarctic environment is protected so we can continue to advance our scientific research on the continent and its surrounding waters without threat from vested interests. This bill will go a long way to helping us protect the unique Antarctic environment and allow us to continue to advance those scientific interests. It will also allow scientists to get on with their work by giving them freedom of scientific research.

The Gillard government is a strong supporter of the sciences and understands the impact climate change is having on every aspect of our environment. I am sure I am going to get letters from the member for Tangney on this one. My trip to the Antarctic Division was an eye opener, seeing the impact of carbon pollution human population on Antarctica and the impact that both population and pollution is having on some of our more fragile land and marine environments. Anything that ensures that we better protect our environment and that helps our scientists get on with their work deserves our full support. This legislation is also important because it is consistent with Australia's strong support for the Antarctic treaty and for the overall protection of Antarctica. The treaty governs all activities in Antarctica and is a unique agreement between nations. As one of the original 12 parties to the treaty, which entered into force in 1961, we have a certain responsibility to ensure it continues to be a robust and effective agreement.

Antarctica is often referred to as a natural reserve devoted to peace and science and this is the way it should remain. The treaty helps us achieve that aim and we seek to strengthen it with this bill. Through the treaty, the countries that are active in Antarctica consult on the uses of the whole continent with the commitment that it should not become the scene or object of international discord. The treaty now has 48 signatories and continues to grow as more nations come to understand the importance of this wonderful place. It has also been recognised as one of the most successful international agreements in the world. Problematic differences over territorial claims have been effectively set aside and the treaty's parties remain firmly committed to a system that is still effective in protecting their essential Antarctic interests. Even though the treaty is widely successful, we must not become complacent. We must continue to do all we can to ensure science on the continent can continue and that Australia continues to meet its international obligations.

This bill implements Australia's obligations arising from three measures adopted under article 9 of the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty, also known as the Madrid protocol. It contains amendments to the 1980 treaty that will: amend the long title of the act; provide the ability for the minister to grant a safety approval, an environmental approval, and to impose conditions on such approvals; implement new offences and civil penalties regarding unapproved activities carried on in contravention of the conditions imposed by an approval, and offences and civil penalties related to environmental emergencies; establish a liability regime for environmental emergencies; establish an Antarctic Environment Liability Special Account to receive payments from operators for the costs of response action to an environmental emergency; implement new offences and civil penalties applicable to tourist vessels operating in the Antarctic; and make minor and technical amendments to the act. This legislation also commits parties to the comprehensive protection of the Antarctic environment and its dependent and associated ecosystems and designates Antarctica as a natural reserve devoted to peace and science.

The three measures adopted under the treaty and Madrid protocol that are being implemented through this bill relate to measure 4, which is about insurance and contingency planning for tourism and non-governmental activities in the treaty area. This measure was adopted in Cape Town in 2004 and outlines procedures for non-state operators, such as tourism operators, to ensure that, due to the inherent dangers of carrying on activities in the Antarctic region, their activities are carried out in a safe and self-sufficient manner. The member for Patterson touched on that in his speech. This measure requires the preparation of contingency plans and adequate insurance.

Measure 1 addresses liability arising from environmental emergencies. This measure was adopted in Stockholm in 2005. In this context an environmental emergency is an accidental event that has occurred and that results or imminently threatens to result in any significant and harmful impact on the Antarctic environment—for example, the loss of the Bahia Paraiso and resulting fuel spill in 1989, where the approximate cost of incident response was US\$2.5 million. This measure will now require operators to undertake reasonable preventative measures, to establish contingency plans for response to environmental incidents, to take prompt and effective response action to any environmental emergency and to maintain adequate insurance—that is really critical—or other financial security to cover the cost of response action taken by other parties. That measure is very welcome. Measure 15 is the landing of persons from passenger vehicles in the Antarctic Treaty area. This measure relates to vessel borne tourism operations in the Antarctic, which have expanded markedly over the last two decades, as the member for Paterson has mentioned. It does worry me a little bit and, as I said, I want the softest of soft footprints on the Antarctic. Australians constitute a large proportion of consumers within the tourism markets down there, representing about 9 per cent of Antarctic tourists. There are currently no obligatory Australian government laws specifically governing the environmental or safety aspects of landing from passenger vehicles but this measure will fix this, thankfully. It will ensure that operators refrain from making any landings in Antarctica from vessels carrying more than 500 passengers. I think that is fair enough. It will also ensure they coordinate with each other so that no more than one tourist vessel is landing at a site at any one time and it will restrict the number of passengers onshore at any one time.

Not to implement any of these measures would perpetuate unacceptable risk to the Antarctic environment. I understand that 10 consultative parties have approved these measures. The success of these measures depends on approval of all 28 parties to the treaty. While it may take some years, we are taking the steps and we are well prepared. The Gillard government is not afraid to act if it means protecting the environment. We are very keen to take action to again prove our environmental credentials. The Antarctic environment is incredibly important. We must protect it and ensure that the human footprint is softest of soft. I have always been a big supporter of tourism in Australia but the increase in tourism to Antarctica in recent years does worry me. This bill will ensure that that has the softest of soft footprints.