

**Department of the Environment and Energy - Environment Standards Division:
Feedback on draft Commonwealth Marine Reserves Network Management Plans (currently on public exhibition)**

The Environment Standards Division (ESD) protects Australia's environment by regulating for sustainable development opportunities. We do this by undertaking individual and strategic environment assessments, approvals and permitting under legislation, international conventions and protocols.

The following comments are provided in regard to the five draft Commonwealth Marine Reserves Network Management Plans (currently on public exhibition) as they relate to the:

- *Environment Protection (Sea Dumping) Act 1981* (Sea Dumping Act); and,
 - assessment and approval provisions (Chapter 4), and some permitting activities under Part 13, of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- Consideration could be given to amending the draft Management Plans to ensure the finalised Plans more clearly articulate how these Marine Management Plans will interact with the statutory requirements of the EPBC Act and Sea Dumping Act.
 - It will be important to consider whether the Marine Management Plans will result in regulatory duplication with the existing regulatory processes under the Sea Dumping Act. For example, the draft Marine Management Plans include requirements for a permit/authorisation to be obtained for some activities (such as disposal of dredged material, creation of artificial reefs and potentially other waste materials) from the Director of National Parks. These same activities may also require permits under the Sea Dumping Act. One potential way to address this issue could be to recommend the delegation of certain decision making powers and functions under the Sea Dumping Act to the Director of National Parks.
 - To provide flexibility in maximising streamlining opportunities, consideration could be given to whether the Marine Management Plans would benefit in not being specific about what Class Approvals will be issued in relation to the Chapter 4 provisions of the EPBC Act.
 - Further consideration could be given to the use of the terminology 'acceptable impacts' (and subsequent commitment by the Director of National Parks to develop guidance material to articulate what acceptable impacts mean) as the potential for an action to be 'clearly unacceptable' is a relevant consideration for referral decisions made under the EPBC Act (Chapter 4, Part 7, Division 1A).