



Northern Territory of Australia

Environment Protection Act 2019

Declaration of Prohibited Action: Subsea Mining

I, Eva Dina Lawler, Minister for Environment, under section 38 of the *Environment Protection Act 2019* and with reference to section 42 of the *Interpretation Act 1978*, make the following declaration:

Part 1 Preliminary matters

- 1 This Declaration commences on the date the notice is published in the *Gazette*.

Part 2 Prohibited action

- 2 Mining activity, as defined in section 4 of the *Mining Management Act 2001*, is prohibited in the areas specified in Part 3.
- 3 To avoid doubt, horizontal drilling from outside an area specified in Part 3 into an area specified in Part 3 is a prohibited action.
- 4 Despite paragraph 2, the mining activities specified in paragraphs (c), (d), (e), (ea) and (eb) of the definition for mining activity in section 4 of the *Mining Management Act 2001* are not prohibited in an area specified in Part 3 for minerals that were mined outside of an area specified in Part 3.

Part 3 Areas subject to Declaration

- 5 The Declaration of prohibited action specified in paragraph 2 applies in relation to the following areas:
 - (a) coastal waters as defined in the *Coastal Waters (NT Powers) Act 1980* (Cth);

- (b) other waters within the limits of the Territory that are subject to the ebb and flow of the tide but not extending further inland than the high water mark.
- 6 To avoid doubt, the areas include the water, the surface of the seabed and the earth below the seabed.

Part 4 Reason for Declaration

- 7 The reason for the Declaration is that I am satisfied that:
- (a) the coastal environment of the Territory is of substantial cultural, economic, biological and social value and should be protected; and
 - (b) the mining activity in the areas specified in Part 3 poses real risks of significant impacts that are adverse to the value of this environment and that the Territory is not currently in a position to adequately regulate mining activity in the areas specified in Part 3 in a manner consistent with the objects of the Act; and
 - (c) it is necessary to make this Declaration to further the objects of the Act.

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Minister for Environment
Dated

CONSULTATION VERSION PREPARED FOR DEPARTMENT OF ENVIRONMENT, PARKS AND WATER SECURITY