



Northern Territory of Australia

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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 for the purposes of a mining activity 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 specified in Part 2 in the areas specified in Part 3 poses real risks of significant impacts that are adverse to the value of this environment and due to the risks and uncertainty, mining activity at this time is unable to be adequately assessed and regulated appropriately in the areas specified in Part 3 in a manner consistent with the objects of the *Environment Protection Act 2019*; and
 - (c) it is necessary to make this Declaration to further the objects of the *Environment Protection Act 2019*.

E. D. Lawler
Minister for Environment

Dated 30 July 2021