



Australian Government

Australian Government response to the
House Standing Committee on Climate Change, Energy,
Environment and Water report:

Inquiry into the 2009 and 2013 amendments to the 1996
Protocol to the Convention on the Prevention of Marine
Pollution by Dumping of Wastes and Other Matter, 1972
(London Protocol)

AUGUST 2024

Introduction

On 23 January 2023, the House Standing Committee on Climate Change, Energy, Environment and Water began its inquiry into the 2009 and 2013 amendments to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Protocol). The inquiry examined the context and impact of the 2009 and 2013 amendments to the London Protocol.

The evidence received by the Committee allowed it to consider the following issues:

- the environmental benefits and impacts of exporting and importing carbon dioxide (CO₂) streams for the purpose of sub-seabed sequestration
- the environmental benefits and impacts of marine geoengineering activity, such as ocean fertilisation, for scientific research
- the international market for carbon dioxide streams, and
- the interaction of the proposed amendments with greenhouse gas inventories and the regulatory and reporting systems.

The Committee tabled its final report 'Inquiry into the 2009 and 2013 amendments to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Others Matter, 1972 (London Protocol)' on 13 June 2023.

The Australian Government welcomes the report and thanks the members of the Committee for their work in the course of the inquiry. These thanks also extend to the Secretariat of the Committee, and to those individuals and organisations who contributed their views through either attending the public hearings or via the 22 written submissions received by the Committee.

Response to recommendation made by the Committee

The Committee made one recommendation in its report.

Recommendation 1

The Committee recommends that the Australian Government ratify both the 2009 and the 2013 amendments to the London Protocol.

The Government **supports** this recommendation.

The Government introduced the Environment Protection (Sea Dumping) Amendment (Using New Technologies to Fight Climate Change) Bill 2023 to amend the *Environment Protection (Sea Dumping) Act 1981* (the Sea Dumping Act) and implement the amendments made to the London Protocol in 2009 and 2013. The Bill passed the House of Representatives on 3 August 2023 and the Senate on 13 November 2023.

The amended Sea Dumping Act establishes a regulatory system to manage risks from internationally emerging climate mitigation activities, including:

1. export of CO₂ streams for sequestration into sub-seabed geological formations (2009 amendment)
2. placement of wastes and other matter into the sea for the purpose of legitimate scientific research in marine geoengineering activities (2013 amendment).

Regulating these activities against a comprehensive and robust legal permitting framework, informed by reputable scientific advice and expertise, ensures minimal impact on the marine environment. It also provides legal certainty for businesses and organisations, while protecting the marine environment from the potential risks of these activities that would occur if they were not regulated.

While these amendments were agreed to by Contracting Parties to the London Protocol in 2009 and 2013, neither has entered into force. In 2019, the London Protocol agreed to a 'provisional application' to allow Contracting Parties to use the 2009 amendment before it enters into force. This will allow Australia to commence regulating the transboundary movement of CO₂ before two-thirds (36) of the 54 Contracting Parties have ratified (the trigger for international entry into force).

Now the Bill has passed, two additional steps are required to implement the 2009 and 2013 London Protocol amendments and complete ratification. The first is to seek approval from the Executive Council to ratify the amendments, and the second is to deposit an instrument of ratification for each amendment with the International Maritime Organization, along with a declaration of provisional application for the 2009 amendment, which will allow permits to be applied before the amendment comes into force.

Following ratification, Australia would establish regulatory permitting and approval processes under the Sea Dumping Act to allow CO₂ to be exported between countries. Any country that CO₂ is transported to for storage would need to have equivalent regulatory controls in place before a permit for export can be issued. This is a requirement under international law – governed by the London Protocol itself, to which Australia is a Contracting Party. A bilateral agreement between countries must be in place before any permit can be granted, to ensure the exporting and importing country meets the equivalent standards of the London Protocol.

The Government is committed to meeting Australia's international obligations, climate change objectives and protecting and preserving the marine environment. The amended Sea Dumping Act meets Australia's international obligations under the London Protocol and supports ratification of the 2009 and 2013 amendments. It also ensures the continued protection of the marine environment from potential environmental impacts through a robust and science-based regulatory framework.