

Statement of Reasons

The primary aim of the National Plan is to protect the marine environment from pollution by oil and other noxious and hazardous substances. The priorities for a response to an emergency include the protection of habitats, rare and endangered flora and fauna and cultural resources. In acting on these priorities, agencies operating under the National Plan implicitly will be minimising the impact of oil pollution on those matters protected by Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999*. Action taken under the Plan has an adequate policy and legal basis for the protection of the environment.

In addition to the measures to protect the environment included in the policy and operational procedures for the National Plan, an Environmental and Scientific Coordinator has been appointed to advise on the environmental effects of spills including the environmental priorities and preferred response methods taking into account the significance, sensitivity and likely success of the clean up operations.

It is in the national interest to allow the rapid and unimpeded response to pollution incidents in accordance with the National Plan to maximise the chances of containing pollution and minimising the threat to the environment.

Pollution clean up operations that are taken contrary to the National Plan remain within the jurisdiction of the EPBC Act.