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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

**Constitution Alteration (Legal Rights of the Great
Barrier Reef) 2018**

No. , 2018

**A Bill for an Act to alter the Constitution to acknowledge the
legal rights of the Great Barrier Reef**

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A Bill for an Act to alter the Constitution to acknowledge the legal rights of the Great Barrier Reef

The Parliament of Australia, with the approval of the electors, as required by the Constitution, enacts:

1 Short title

This Act may be cited as the *Constitution Alteration (Legal Rights of the Great Barrier Reef) 2018*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule

The Constitution is altered as set out in Schedule 1.

Schedule 1 – Alteration of the Constitution

1 After section 128

Insert:

Chapter IX Great Barrier Reef

129 Rights and Protections

The Great Barrier Reef, and the ecosystems, natural communities, and native species which are part of and dependent on it, possess the inherent, fundamental, and inalienable right to naturally exist, flourish, regenerate, and evolve, and to restoration and recovery; to a climate system unaltered by human-caused pollution or emissions; and to a natural environment unaltered by human-caused pollution or emissions, or by human activity.

Public or private activities that may violate the rights conferred in this Chapter are prohibited.

Prohibited activities within or which impact the Great Barrier Reef, or the ecosystems, natural communities, and native species which are part of or dependent on it, include, but are not limited to extraction, processing, or production of any fossil fuel; construction of new ports or expansion of existing ports; dredging; land clearing; and unsustainable fishing.

Any public or private entity that violates any provision of this Chapter shall be subject to a civil penalty; and be liable for any damages to the Great Barrier Reef, or the ecosystems, natural communities, and native species which are part of or dependent on it.

The Great Barrier Reef, and the ecosystems, natural communities, and native species which are part of and dependent on it, may enforce the provisions of this Chapter through an action brought in any appropriate court in the name of the Great Barrier Reef, ecosystem, natural community, or native species as the real party in interest.

Damages shall be measured by the cost of restoring the Great Barrier Reef, ecosystem, natural community, or

native species to its state before the injury, and shall be paid, as a court deems appropriate, to a local government of Queensland, the Queensland government, the federal government, and/or a not for profit organisation with demonstrated capacity to conduct that restoration, to be used exclusively for the full and complete restoration of the Great Barrier Reef, ecosystem, natural community, or native species.

All rights secured by this Chapter are inherent, fundamental, and inalienable, and shall be self-executing and enforceable against both private and public entities.

Further implementing legislation shall not be required to enforce the provisions of this Chapter.