

Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019

Report No. 16, 56th Parliament

**Innovation, Tourism Development and Environment
Committee**

April 2019

Innovation, Tourism Development and Environment Committee

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Acknowledgements

The committee acknowledges the assistance provided by the Department of Environment and Science.

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- 1 On 5 April 2019, the Leader of the Opposition appointed the Member for Broadwater, David Crisafulli MP, as a substitute member of the committee for the Member for Scenic Rim, Jon Krause MP, to attend the committee's meetings and hearings from 9 April 2019 to 11 April 2019.
On 5 April 2019, the Leader of the Opposition appointed the Member for Burnett, Stephen Bennett MP, as a substitute member of the committee for the Member for Scenic Rim, Jon Krause MP, for the committee's business on 12 April 2019.
 - 2 On 4 April 2019, the Leader of the House appointed the Member for Ipswich West, Jim Madden MP, as a substitute member of the committee for the Member for Cook, Cynthia Lui MP, for the committee's business on 12 April 2019.

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Abbreviations

2017 Scientific Consensus Statement	Australian Government, <i>2017 Scientific Consensus Statement: Land use impacts on Great Barrier Reef water quality and ecosystem condition</i> , 2017.
ABGC	Australian Bananana Growers' Council
AgForce	AgForce Queensland Farmers Ltd
agricultural ERA	agricultural environmentally relevant activity
AMSC	Australian Marine Conservation Society
APFA	Australian Prawn Farmers Association
ARC Centre of Excellence	The ARC Centre of Excellence for Coral Reef Studies
ASMC	Australian Sugar Milling Council
Auditor-General Report No. 7: 2018-19	Auditor-General, <i>Report 7: 2018-19 - Conserving threatened species</i>
Auditor-General Report No. 16: 2017-18	Auditor-General, <i>Report 16: 2017-18, Follow-up of Managing water quality in Great Barrier Reef catchments</i>
Auditor-General Report No. 20: 2014-15	Auditor-General, <i>Report 20: 2014-15, Managing water quality in Great Barrier Reef catchments</i>
Bill	Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019
BMP	best management practice
CAM	Common Assessment Method
chief executive	The Minister which administers the relevant provisions of the Act
committee	Innovation, Tourism Development and Environment Committee
Consultation RIS	Consultation Regulatory Impact Statement
Decision RIS	Decision Regulatory Impact Statement
department	Department of Environment and Science
EDO	Environmental Defenders Office
EDONQ	Environmental Defenders Office of Northern Queensland

EP Act	<i>Environmental Protection Act 1994</i>
ERA	environmentally relevant activity
ERMP	Environmental Risk Management Plan
GBRMP	Great Barrier Reef Marine Park
GBRMPA	Great Barrier Reef Marine Park Authority
GBR Taskforce	Great Barrier Reef Water Science Taskforce
GBR Taskforce Final Report	Queensland Government, <i>Great Barrier Reef Water Science Taskforce Final Report : Clean Water for Healthy Reef</i> , May 2016
IPCC	International Panel on Climate Change
IUCN	International Union for Conservation of Nature
LSA	<i>Legislative Standards Act 1992</i>
Minister	Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts
NC Act	<i>Nature Conservation Act 1992</i>
Paddock to Reef program	Paddock to Reef Integrated Monitoring, Modelling and Reporting Program
QAO	Queensland Audit Office
QFF	Queensland Farmers' Federation
Reef 2050 Plan	Australian Government, Department of Environment, and Queensland Government, DES, Reef 2050 Water Quality Improvement Plan 2017–2022.
Reef regulations	Suite of regulations with the objective of protecting the Great Barrier Reef, including existing regulation under the <i>Environmental Protection Act 1994</i> , proposed regulations under the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019, and proposed draft minimum standards.
RIS	Regulatory Impact Statement
WWF	WWF-Australia

Chair's foreword

This report presents a summary of the Innovation, Tourism Development and Environment Committee's examination of the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. Thank you to everyone who attended the public hearings in relation to the Bill and also those people and organisations who helped facilitate site visits. I also thank our Parliamentary Service staff and the Department of Environment and Science.

I commend this report to the House.

A handwritten signature in blue ink, reading "D. Pegg". The signature is stylized, with a large "D" and a cursive "Pegg".

Duncan Pegg MP

Chair

Recommendations

Recommendation 1

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The committee recommends the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019 be passed.

1 Introduction

1.1 Role of the committee

The Innovation, Tourism Development and Environment Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.³

The committee's primary areas of responsibility include:

- Innovation and Tourism Industry Development and the Commonwealth Games, and
- Environment and the Great Barrier Reef, Sciences and the Arts.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles, and
- for subordinate legislation – its lawfulness.

The Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019 (Bill) was introduced into the Legislative Assembly and referred to the committee on 27 February 2019. The committee is to report to the Legislative Assembly by 12 April 2019. On 28 March 2019, the Yvette D'Ath, Leader of the House, advised the House of the determinations made by the Committee of the Legislative Assembly, including 'to vary the reporting date for the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill from 12 April to 26 April 2019'.⁴

1.2 Inquiry process

On 4 March 2019, the committee invited stakeholders and subscribers to make written submissions on the Bill. The committee received 230 submissions, with two of these submissions (submission 006 and submission 157) representing two types of 'form submissions' – submissions with substantially uniform content based on a template submission document or wording. A total of 70 of 'Form submission 1' were received, and a total of 1519 of 'Form submission 2' were received. Although some form submissions included information in addition to the template document or wording, these submissions were treated as individual submissions only where the distinguishing content provided substantive evidence in relation to the Bill or its policy objectives.

The committee received a public briefing about the Bill from the Department of Environment and Science (the department) on 25 March 2019. A transcript was published on the committee's web page; see Appendix B for a list of officials.

The committee held a public hearing in Brisbane on 25 March 2019, and travelled to locations across Queensland from 9 April 2019 to 12 April 2019, conducting site visits and public hearings in Cairns, Townsville, Mackay and Bundaberg (see Appendix C for a list of witnesses).

A significant number of interested members of the public were in attendance at each of these regional hearings, with over 200 attendees in Townsville and over 100 attendees in Mackay.

The committee conducted site visits to the Cairns Aquarium; Australian Institute of Marine Science in Townsville; and local cane, grazing and sweet potato farms in Townsville, Mackay and Bundaberg. These site visits allowed the committee to view and discuss impacts, challenges and techniques

³ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

⁴ Queensland Parliament, Record of Proceedings, 28 March 2019, p 899.

regarding agricultural and horticultural run-off and soil and water quality monitoring, with assistance from AgForce Queensland Farmers Ltd (AgForce), CANEGROWERS and local MP Stephen Bennett.

The committee received written advice from the department in response to matters raised in submissions.

The submissions, correspondence from the department and transcripts of the briefing and hearings are available on the committee's webpage.

1.3 Policy objectives of the Bill

The explanatory notes state that the primary policy objective of the Bill is to amend the *Environmental Protection Act 1994* (EP Act) to strengthen Great Barrier Reef protection measures to improve the quality of the water entering the Great Barrier Reef.⁵

The Bill will achieve its objectives through a regulatory framework that ensures:

- the Reef water quality targets for nutrients and sediments are taken into account in regulatory decision-making
- the broad application of minimum regulated standards to eliminate high risk practices that contribute to excess nutrient and sediment run-off
- producers move to standards that align with recognised benchmarks for agricultural industries, under the Paddock to Reef Water Quality Risk Framework, while maintaining productivity and profitability
- new development can occur without compromising the water quality gains made to date, while also minimising the regulatory burden on existing activities
- good performers that utilise practices with low water quality risks are recognised and rewarded
- existing industry-led best management practice (BMP) programs or the development of new programs can provide participants with an alternative pathway for meeting regulatory requirements.⁶

The Bill also contains amendments to give effect to the Common Assessment Method for Threatened Species, and amends wildlife classes to be consistent with the method through amendments to the *Biodiscovery Act 2004*, *Fisheries Act 1994*, *Nature Conservation Act 1992* (NC Act), and the *Vegetation Management Act 1999*.⁷

1.4 Government consultation on the Bill

The explanatory notes state that consultation on the proposed legislation and broader reef protection reforms (the Reef regulations) (including draft minimum standards), commenced in 2016, and included ongoing consultation with:

- *Peak agricultural bodies: through the Agricultural Stakeholder Advisory Group: AgForce, Australian Banana Grower's Council, Australian Sugar Cane Farmers Association, Australian Sugar Milling Council, CANEGROWERS, Cattle Council of Australia, Fertilizer Australia, Growcom, Meat and Livestock Australia, Queensland Farmers Federation, Sugar Research Australia and Reef Alliance.*

⁵ Explanatory notes, p 1.

⁶ Explanatory notes, p 3.

⁷ Explanatory notes, p 2.

- Key conservation groups: WWF-Australia, Australian Marine Conservation Society, Environmental Defenders Office Qld and Queensland Conservation Council.
- Peak representatives from industrial sectors: Local Government Association of Queensland, Queensland Water Directorate (qldwater), Australian Prawn Farmers Association, Australian Barramundi Farmers Association, Queensland Resource Council, North Queensland Bulk Ports, Property Council of Australia and the Urban Development Institute of Australia.
- Natural Resource Management bodies for the six Reef regions – Cape York, Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary.⁸

The explanatory notes also refer to specific consultation including:

- the Queensland Government discussion paper ‘Enhancing regulations to ensure clean water for a healthy Great Barrier Reef and a prosperous Queensland’ which was released in March 2017 for public consultation over a nine week period
- Consultation Regulatory Impact Statement (RIS) on the regulatory proposals, which was released between 7 September 2017 and 3 November 2017, and again between 22 January 2018 and 19 February 2018
- further targeted consultation between May 2018 and November 2018
- a consultation draft of the Bill which was released to key industry stakeholders and was accompanied by further meetings between officers from the department and particular stakeholders.⁹

Results of consultation on the proposals are outlined in the explanatory notes:

Feedback through various consultation processes, including the Consultation RIS, consistently showed stakeholder views were divided on further Reef protection regulation. Agricultural stakeholders prefer voluntary approaches for meeting Reef water quality outcomes. The industrial sector (point source nutrient and sediment contributors) believe they are already heavily regulated, and additional requirements are disproportionate to the risk posed from the sector compared to the agricultural sector. The conservation sector support regulation as a necessary step to meet the water quality targets. The Bill reflects and balances feedback from stakeholders, while also achieving significant water quality benefits.

...

Common Assessment Method for Threatened Species

Prior to signing the MoU, targeted consultation was held with environment and conservation groups and business and industry representatives. The majority of groups consulted on adoption of the MoU expressed support for the common assessment method, but requested ongoing consultation as the finer details are established. Further consultation with stakeholders will be undertaken prior to any subsequent amendments to the Nature Conservation (Wildlife) Regulation 2006, Nature Conservation (Wildlife Management) Regulation 2006, and Nature Conservation (Administration) Regulation 2017.¹⁰

The department provided further advice to the committee, including a list of consultation sessions undertaken with agricultural stakeholders, grazing and grains stakeholders, sugarcane stakeholders, bananas and horticulture stakeholders, conservation group stakeholders, prescribed and resource ERA

⁸ Explanatory notes, p 11.

⁹ Explanatory notes, pp 11-12.

¹⁰ Explanatory notes, pp 11-12.

stakeholders, and natural resource management bodies between August 2016 and April 2019. The list of consultation sessions provided by the department is included at Appendix D.

Despite the consultation conducted by the department, consultation on the Bill was raised as a concern by some stakeholders who provided evidence to the committee.

A number of individuals working in the agricultural sector in the Great Barrier Reef catchment areas told the committee that they were either unaware of the proposed changes to legislation before the committee process, or that consultation on the proposed changes had been inadequate.¹¹

Some organisations including AgForce and CANEGROWERS, expressed concern with the consultation period of the Bill's proposals and the committee's inquiry.¹² The Queensland Farmers' Federation (QFF) submitted that they did not feel like their concerns had been reflected in the Bill.¹³

When asked by the committee about industry members' knowledge of the proposed legislation, Mr Michael Guerin, Chief Executive Officer of AgForce stated:

*My gut feeling is that very few of our members had an understanding of the regulations when they arrived. Very few—in fact, none—had any idea what was proposed in the regulation because we had no advance warning of that. The link between the work we have done over the last couple of years with all sorts of bodies in terms of the reef and the regulation was not clear. The timing was not clear. In terms of contributing strongly and positively to thinking about the reef, probably the worst thing from our perspective is that, having had that announcement put to us with no notice, we now have an incredibly inadequate amount of time to respond, to use our good policy and long-term policy work to think about that, and to come back in a positive and constructive way. We are feeling underprepared today, as we have had roughly 10 days with industry to try and pull this together as best we can.*¹⁴

The Cape York Aboriginal Council argued that the Bill should not progress until further consultation had been conducted with the Cape York east coast Aboriginal people.¹⁵

The department advised:

*The Department of Environment and Science (the department) has had discussions with representatives from the Cape York Natural Resource Management body, the Balkanu Cape York Development Corporation, the Western Yalanji Aboriginal Corporation Registered Native Title Body Corporate (RNTBC) and the Jabalbina Yalanji Aboriginal Corporation RNTBC inviting Indigenous representatives and producers to a meeting held in Lakeland, Cape York on 3 April 2017 on the Reef regulatory proposals.*¹⁶

The Environmental Defenders Office (EDO) disputed claims that insufficient consultation had occurred with stakeholders affected by the proposed changes, and stated:

The government and relevant departments to their credit have worked hard to ensure that this best practice, science and extensive consultation support the policies represented in this new proposed framework...

¹¹ See, for example, submissions 002, 005, 007, 011, 091, 098, 103, 104, 147, 160, 166, 223, 232, and 236.

¹² See, for example, Georgie Somerset, General President, AgForce, public hearing transcript, Brisbane, 25 March 2019, p 8; Dan Galligan, Chief Executive Officer, CANEGROWERS, public hearing transcript, Brisbane, 25 March 2019, p 8; and submissions 124, 169 and 222.

¹³ Queensland Farmers' Federation (QFF), submission 149, pp 5-6.

¹⁴ Public hearing transcript, Brisbane, 25 March 2019, p 5.

¹⁵ Cape York Land Council Aboriginal Corporation, submission 169, p 3; public hearing transcript, Cairns, 10 April 2019, p 5.

¹⁶ Department of Environment and Science (DES), correspondence dated 29 March 2019, p 2.

In addition to this, the government has undertaken significant consultation for three years with all the relevant sectors as to how best to meet these policy recommendations. Any claim that the policies in this proposed framework are not based on evidence and thorough consultation is not based on fact and ignores this significant work. This framework is flexible and cognisant of the various needs of industries that it regulates and catchments they are located in and able to be responded to as new science is developed.¹⁷

The department advised that it had undertaken over 60 consultation meetings since 2016, in relation to the Reef regulations.¹⁸ Ms Elisa Nichols, Executive Director, told the committee:

We believe that the process has been quite consultative. Not all concerns have been raised. From that, the fundamental belief of many organisations is that regulation is not the appropriate tool so, obviously, there is a direct conflict with this package at the outset. A lot of the consultation has been around the proposed minimum standards which will be enacted by the regulation once this bill goes through. Those minimum standards have undergone quite a lot of generation as a result of consultation.

...

The department has made great efforts to publicise the proposed legislation. As has been mentioned, we have been consulting on this for a number of years through the peak bodies. Some peak bodies have been very active in letting their members know what is going on. I am well aware, through my own visits and my staff's visits through the regions, that there is quite a lot of awareness out there. We have also published notices in the newspapers when we released the discussion paper and the consultation RIS, so people can find them all through their local newspapers. We have made quite a lot of effort.

...

I can talk about my own personal experience. I have been involved in legislation for the department on and off for 15 years, and I can say that this bill has been one of the most extensively consulted bills that I have ever worked on.¹⁹

Committee comment

The committee notes the broad range of consultation conducted by the department since 2016 with peak agricultural representative bodies, natural resource bodies, industrial sector industry groups, conservation groups, state government and individuals from the agricultural sector.

The committee considers that the evidence provided by the department outlines thorough consultation on the Bill, and the committee acknowledges the department's advice that it is undertaking consultation on draft minimum standards and further aspects of the reforms which will be included in regulation.²⁰

¹⁷ Revel Pointon, Senior Solicitor, Environmental Defenders Office (EDO), public hearing transcript, Brisbane, 25 March 2019, p 16.

¹⁸ DES, correspondence dated 29 March 2019, and Attachment: Consultation undertaken.

¹⁹ DES, public briefing transcript, 25 March 2019, pp 3, 7.

²⁰ DES, public briefing transcript, 25 March 2019, p 3.

1.5 Should the Bill be passed?

Standing Order 132(1) requires the committee to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019 be passed.

2 Background to the Bill

This section provides background information relevant to the Bill.

2.1 The Great Barrier Reef

World Heritage-listed for its ecological significance, outstanding universal value, exceptional biodiversity and natural beauty, the Great Barrier Reef is the world's largest coral reef ecosystem. Visible from space, the Great Barrier Reef extends over 2300 kilometres along Queensland's coastline from the Torres Strait in the north to Bundaberg in the south, covering an area of 350,000 square kilometres.²¹

With more than 2900 individual coral reefs, which represent about 10 per cent of all the coral reef areas in the world, the Great Barrier Reef sustains extensive seagrass meadows, mangrove forests and soft bottom habitats, and is home to a diversity of species, including 1625 types of fish, 600 types of coral, 100 species of jellyfish, 3000 varieties of molluscs, 30 species of whales and dolphins, and 133 varieties of sharks and rays.²²

The Great Barrier Reef is a significant economic asset estimated to be worth \$56 billion. It supports Reef-dependent and Reef-associated communities and industries in a range of commercial activities and attracts millions of visitors each year. The Great Barrier Reef provides for some 69,000 jobs and generates annual revenue of approximately \$5.7 billion for the Australian and Queensland economies. Small urban centres are established along the coast.²³

Aboriginal and Torres Strait Islander people consider the Great Barrier Reef to be of special significance. Over 70 Indigenous groups have long, continuing relationships and traditional connections with the Great Barrier Reef from artworks, fishtraps, middens and tools, to songlines, languages and traditional practices.²⁴ The Cape York Land Council advised that in the Great Barrier Reef catchment area of Cape York there are over 24 traditional owner groups on the east coast of the Land Council's area and that most of the area is Aboriginal freehold land. At the public hearing in Cairns, the Council spoke to the committee about the connection of Aboriginal and Torres Strait Islander people with the land:

*... the concept of country has connections from land through to sea. They are areas of country that provide sustenance, so we are able to fish, hunt, gather. We have story sites that are connected with islands, coral cays, outcrops within the Great Barrier Reef.*²⁵

The Great Barrier Reef World Heritage Area (GBRWHA) is situated within the Great Barrier Reef Marine Park (GBRMP).²⁶ The GBRMP is managed by the Great Barrier Reef Marine Park Authority (GBRMPA)

²¹ Queensland Government, *About the Great Barrier Reef*, 2017, <https://www.qld.gov.au/environment/coasts-waterways/reef/reef-protection>

²² Queensland Government, *About the Great Barrier Reef*, 2017, <https://www.qld.gov.au/environment/coasts-waterways/reef/reef-protection>

²³ Queensland Government, *About the Great Barrier Reef*, 2017, <https://www.qld.gov.au/environment/coasts-waterways/reef/reef-protection>

²⁴ Australian Government, Great Barrier Reef Marine Park Authority, *Traditional Owners of the Great Barrier Reef*, <http://www.gbrmpa.gov.au/our-partners/traditional-owners/traditional-owners-of-the-great-barrier-reef>.

²⁵ Public hearing transcript, Cairns, 9 April 2019, pp 5-6.

²⁶ The Great Barrier Reef Marine Park was created in 1975 through the *Great Barrier Reef Marine Park Act 1975*.

with support from Queensland Parks and Wildlife Service marine park rangers through a joint field management program and through laws and zoning plans.²⁷

2.2 Health of the Great Barrier Reef

Climate change and poor water quality are recognised as significant threats to the long-term health and resilience of the Great Barrier Reef.²⁸ Climate change is already affecting the Great Barrier Reef's coral, and the ecosystems they sustain, through 'sea surface temperature increases, ocean acidification, altered weather patterns (such as more intense storms and cyclones) and rising sea levels'.²⁹

A special report issued by the International Panel on Climate Change (IPCC) in October 2018 has warned that limiting global warming to 1.5 degree celsius will still result in the decline of coral reefs around the world.³⁰ In the introductory speech of the Bill, the Queensland Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts (the Minister) also referenced the IPCC's special report, warning that the Great Barrier Reef may experience 99 per cent reef loss if the temperature rise hits two degrees celsius.³¹

Tasked to assess and report on the Great Barrier Reef's health every five years, the 2014 Great Barrier Reef Outlook Report³² identified that, even with positive actions undertaken since 2009 to reduce threats and improve resilience, the Great Barrier Reef remains at risk from a cumulative effect of impacts including 'climate change, poor water quality from land-based run-off, impacts from coastal development, and some remaining impacts of fishing'.³³ Overall:

*The assessments of biodiversity and ecosystem health show that the northern third of the Great Barrier Reef Region has good water quality and its ecosystem is in good condition. In contrast, key habitats, species and ecosystem processes in central and southern inshore areas have continued to deteriorate from the cumulative effects of impacts.*³⁴

The 2014 Great Barrier Reef Outlook Report noted:

*... impacts of increasing ocean temperatures and ocean acidification will be amplified by the accumulation of other impacts such as those caused by excess nutrient run-off.*³⁵

²⁷ The field management program includes monitoring patrols, compliance work, maintenance of camping grounds and moorings, monitoring of nesting and breeding sites and pest and fire control on the Reef's national park islands. Tourism, fishing, recreation, traditional use, research, defence, shipping and ports are all carefully managed through zoning plans that define what activities can occur in what locations to minimise environmental impact and conserve the majestic marine environment.

²⁸ Australian Government, Department of Environment, and Queensland Government, *Reef 2050 Water Quality Improvement Plan 2017–2022*, p 3.

²⁹ Australian Government Department of Environment and Queensland Government Department of Environment and Science, *Reef 2050 Water Quality Improvement Plan 2017–2022*, p 3.

³⁰ Chapter 3: Impacts of 1.5°C of Global Warming on Natural and Human Systems, p 179.

³¹ Queensland Parliament, Record of Proceedings, 27 February 2019, p 437.

³² The report includes nine assessments covering biodiversity, ecosystem health, heritage values, commercial and non-commercial use, factors influencing the Reef's values, existing protection and management, resilience, risks and the long-term outlook for both the ecosystem and heritage values.

³³ Australian Government, Great Barrier Reef Marine Park Authority, *Great Barrier Reef: Outlook Report 2014*, p v.

³⁴ Australian Government, Great Barrier Reef Marine Park Authority, *Great Barrier Reef: Outlook Report 2014*, pp iii, v.

³⁵ Australian Government, Great Barrier Reef Marine Park Authority, *Great Barrier Reef: Outlook Report 2014*, p v; Ocean acidification is caused by the oceans absorbing about a quarter of all carbon dioxide (CO₂)

The 2017 Scientific Consensus Statement³⁶ and the Reef 2050 Water Quality Improvement Plan 2017–2022 (Reef 2050 Plan) confirm that improving the quality of the water flowing from the land to the Great Barrier Reef is critical for the Great Barrier Reef’s long-term health and resilience to the effects of climate change:

*... it is important to reduce the pressures on the Reef; and poor water quality is chief among them. Sediments, nutrients and pesticides flowing to the Reef affect the health of coral and seagrass habitats, making the Reef less able to withstand or recover from events like the coral bleaching we have witnessed in 2016 and 2017.*³⁷

2.2.1 Pollutants that affect water quality in the Great Barrier Reef

The Great Barrier Reef receives run-off from six natural resource management regions: Cape York, Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy, and Burnett Mary. These catchment areas have similar climate and bioregional settings, with boundaries extending into the adjacent marine area. Mainly rural and dominated by summer monsoonal rains and occasional cyclones, the catchments deliver sediments, nutrients and pesticides from a point upstream into the marine area. The largest single land use in the catchments is grazing (77 per cent), particularly in the Burdekin and Fitzroy regions, with sugarcane (1.4 per cent), horticulture (0.2 per cent) and other cropping making up the other agricultural land uses on the coastal floodplain. Grain crops and irrigated cotton are mostly located inland in the Fitzroy region.³⁸

Sediments, nutrients and pesticides flowing from the land to the Great Barrier Reef are the three biggest pollutants that affect the water quality of the Great Barrier Reef. The Reef 2050 Plan references the 2017 Scientific Consensus Statement’s science advice on key pollutants, which identifies that the greatest water quality risks to the Reef are from:³⁹

- Nutrients, which are an additional stress factor for many coastal coral species, promote crown-of-thorns starfish population outbreaks with destructive effects on mid-shelf and off-shore coral reefs, and promote microalgae growth. Most of the excess dissolved inorganic nitrogen and phosphorus has been found to come from fertiliser use on land. Catchment run-off from nutrients has more than doubled since European settlement.⁴⁰
- Fine sediments, which reduce the available light to seagrass ecosystems and inshore coral reefs. Most of the unwanted fine sediments make their way into the sea from grazing activities or streambank erosions, with the impact being greater during floods.⁴¹

released into the atmosphere - the higher the levels of atmospheric CO₂, the greater the impact on water quality.

³⁶ Australian Government, *2017 Scientific Consensus Statement: Land use impacts on Great Barrier Reef water quality and ecosystem condition*, 2017 (2017 Scientific Consensus Statement), p 7.

³⁷ Australian Government, Department of the Environment and Queensland Government Department of Environment and Science, *Reef 2050 Water Quality Improvement Plan 2017–2022*, p 3.

³⁸ Australian Government and Queensland Government, Reef 2050 Water Quality Improvement Plan, *Reef regions*, <https://www.reefplan.qld.gov.au/reef-regions>.

³⁹ Australian Government, Department of Environment, and Queensland Government, *Reef 2050 Water Quality Improvement Plan 2017–2022*, p 11.

⁴⁰ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *The biggest threats to the Great Barrier Reef*, <https://www.reefplan.qld.gov.au/resources/explainers/biggest-threats-to-the-gbr>.

⁴¹ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *The biggest threats to the Great Barrier Reef*, <https://www.reefplan.qld.gov.au/resources/explainers/biggest-threats-to-the-gbr>.

- Pesticides, which pose a toxicity risk to freshwater ecosystems and some inshore and coastal habitats. Pesticides are not generally found in the natural reef ecosystems and may take a months or even years to break down. Effects of ongoing low-level pesticide exposures are continuing to be researched.⁴²

Monitoring

Monitoring is done at a number of scales: catchment, paddock scale and marine, and has shown that pesticides and pollutants are being transported into river systems and the Reef at harmful concentrations during flood events.⁴³

Increased development and changing land use has resulted in a significant decline in the quality of water flowing into the Great Barrier Reef lagoon. In wet season, floods carry low salinity waters and loads of nutrients, sediments and pesticides from the adjacent catchments into the Great Barrier Reef lagoon, which are at levels are well above natural levels and many times higher than in non-flood waters.⁴⁴

The inshore area (within 20 kilometres of the shore), which makes up approximately eight per cent of the GBRMP, is most at risk of pollutant run-off from the catchment. The inshore area supports significant ecological communities and is also the area most used by recreational visitors, commercial tourism operations and commercial fisheries.⁴⁵

2.2.2 Reef regulations

The protection of the Great Barrier Reef is one of the Queensland Government's six priorities under *Our Future State: Advancing Queensland's Priorities*.⁴⁶ Progress towards achieving the priorities will be measured against the Great Barrier Reef's water quality targets set out in the Reef 2050 Plan for nutrient and sediment reduction.⁴⁷ The water quality targets for nutrient and sediment reduction set out in the plan include:

- sixty per cent reduction in anthropogenic end-of-catchment dissolved inorganic nitrogen loads
- twenty-five per cent reduction in anthropogenic end-of-catchment sediment loads.⁴⁸

In 2016, the Great Barrier Reef Water Science Taskforce (GBR Taskforce) recommended the Queensland Government strengthen regulations as an important part of the mix of tools necessary to drive improved water quality to meet the water quality targets for a healthy Great Barrier Reef.⁴⁹

⁴² Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *The biggest threats to the Great Barrier Reef*, <https://www.reefplan.qld.gov.au/resources/explainers/biggest-threats-to-the-gbr>.

⁴³ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *Paddock to Reef*, <https://www.reefplan.qld.gov.au/tracking-progress/paddock-to-reef>.

⁴⁴ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *2016 report card*, <https://www.reefplan.qld.gov.au/tracking-progress/reef-report-card/2016>.

⁴⁵ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *2016 report card*, <https://www.reefplan.qld.gov.au/tracking-progress/reef-report-card/2016>.

⁴⁶ DES, correspondence dated 8 March 2019, p 1.

⁴⁷ DES, correspondence dated 8 March 2019, p 1.

⁴⁸ DES, Public briefing transcript, Brisbane, 25 March 2019, p 2.

⁴⁹ DES, correspondence dated 8 March 2019, p 1.

Poor water quality, primarily as a result of run-off from agricultural activities in Reef catchments, was re-confirmed in the 2017 Scientific Consensus Statement as a key contributor for the poor condition of Reef ecosystems.⁵⁰

The proposed policy objectives of the Bill are based on evidence from a range of scientific and academic sources. Some of these key documents are summarised below.

2.2.2.1 Reef 2050 Water Quality Improvement Plan

The Reef 2050 Plan, is a joint commitment of the Australian Government and Queensland Government that seeks to improve the quality of water flowing from the catchments adjacent to the Great Barrier Reef. The plan identifies how the water quality outcome under the broader Reef 2050 Long-Term Sustainability Plan will be delivered.⁵¹ It incorporates and supports the actions of industry, community groups and government that impact on Reef health and links with several other legislative and planning initiatives.

The Reef 2050 Plan addresses all land-based sources of water pollution, including agriculture, urban, industrial and public lands. Improving the quality of water entering the Great Barrier Reef will build the resilience of the Great Barrier Reef to adapt to and recover from other impacts such as climate change.⁵²

The Australian and Queensland governments are investing \$900 million from 2013-24 to improve water quality entering the Great Barrier Reef. This includes \$419 million in Queensland Government funding through the Queensland Reef Water Quality Program (2013-2022) and \$233 million from the Australian Government, including funding through the Reef Trust.⁵³

Water quality targets have been set for the catchments adjacent to the Great Barrier Reef, based on modelling and other scientific information. The targets define the reduction in nutrients and fine sediment required by 2025.

2.2.2.2 Great Barrier Reef Water Science Taskforce

The GBR Taskforce was established in May 2015 to provide the Queensland Government with advice on how it can meet its long-term water quality targets.

In May 2016, the GBR Taskforce delivered its final report. Recommendations included increased regulation to improve water quality:

*In 2016, the Great Barrier Reef Water Science Taskforce recommended strengthened regulations as an important part of the mix of tools necessary to drive improved water quality to meet the water quality targets for a healthy Reef. This regulatory package delivers directly on those recommendations.*⁵⁴

The GBR Taskforce also recommended catchment load limits for nutrients and sediment be included in legislation to support meeting Reef water quality targets. The explanatory notes detail that prescribing the load limits in legislation will ensure that they are considered in decision making for environmentally relevant activities (ERAs) that may affect Great Barrier Reef water quality.⁵⁵

⁵⁰ DES, correspondence dated 8 March 2019, p 1.

⁵¹ Australian Government and Queensland Government, Reef 2050 Water Quality Improvement Plan, *Reef 2050 Water Quality Improvement Plan*, <https://www.reefplan.qld.gov.au/>.

⁵² Australian Government Department of Environment and Queensland Government Department of Environment and Science, Reef 2050 Water Quality Improvement Plan 2017–2022, p 9.

⁵³ Australian Government Department of Environment and Queensland Government Department of Environment and Science, Reef 2050 Water Quality Improvement Plan 2017–2022, p 9.

⁵⁴ DES, correspondence dated 8 March 2019, p 1.

⁵⁵ Explanatory notes, p 3.

2.2.2.3 2017 Scientific Consensus Statement

The 2017 Scientific Consensus Statement: Land use impacts on Great Barrier Reef water quality and ecosystem condition (the 2017 Scientific Consensus Statement) reviews the significant advances in scientific knowledge of water quality issues in the Great Barrier Reef to arrive at a consensus on the current understanding of the system. The 2017 Scientific Consensus Statement was produced by a multidisciplinary group of 48 scientists with expertise in the Great Barrier Reef water quality science and management, led by TropWATER James Cook University, with oversight from the Reef Water Quality Independent Science Panel. The Statement is the foundational document that provides the scientific understanding underpinning the Reef Plan.⁵⁶

The 2017 Scientific Consensus Statement is updated every five years to ensure that Reef policy remains up-to-date and based on the best available evidence.

The 2017 Scientific Consensus Statement re-confirmed that poor water quality, primarily resulting run-off from agricultural activities in Reef catchments, continues to be a key contributing factor for the poor conditions of Reef ecosystems.⁵⁷

The 2017 Scientific Consensus Statement states:

Key Great Barrier Reef ecosystems continue to be in poor condition. This is largely due to the collective impact of land run-off associated with past and ongoing catchment development, coastal development activities, extreme weather events and climate change impacts such as the 2016 and 2017 coral bleaching events.

*Current initiatives will not meet the water quality targets. To accelerate the change in on-ground management, improvements to governance, program design, delivery and evaluation systems are urgently needed. This will require greater incorporation of social and economic factors, better targeting and prioritisation, exploration of alternative management options and increased support and resources.*⁵⁸

2.2.2.4 Paddock to Reef program

Jointly funded by the Australian and Queensland Governments, the Paddock to Reef Integrated Monitoring, Modelling and Reporting Program (Paddock to Reef program) provides the framework for evaluating and reporting progress towards the Reef 2050 Plan targets through the Great Barrier Reef Report Card.⁵⁹ In the future, the Paddock to Reef program will be integrated into the Reef 2050 Integrated Monitoring and Reporting Program.⁶⁰

Launched in 2009, the Paddock to Reef program consolidated information from more than 20 industry bodies, government agencies, natural resource management bodies, landholders and research organisations for the purpose of monitoring, modelling and reporting on water quality factors that

⁵⁶ Australian Government and Queensland Government, Reef 2050 Water Quality Improvement Plan, *The Scientific Consensus Statement*, <https://www.reefplan.qld.gov.au/science-and-research/the-scientific-consensus-statement>.

⁵⁷ DES, correspondence dated 8 March 2019, p 1.

⁵⁸ 2017 Scientific Consensus Statement, p 7.

⁵⁹ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *Paddock to Reef*, <https://www.reefplan.qld.gov.au/tracking-progress/paddock-to-reef>.

⁶⁰ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *How scientists know what's happening in the catchment and on the Reef*, <https://www.reefplan.qld.gov.au/resources/explainers/monitoring-the-catchment-and-the-reef>.

impact Reef health.⁶¹ It involves collecting data from 45 sites in 20 key catchments for sediment and nutrients and a further 19 sites for pesticides from paddock through to sub-catchment, catchment, regional and Reef-wide.⁶²

In line with the Reef 2050 Plan framework, the Paddock to Reef program evaluates management practice adoption and effectiveness, catchment condition, pollutant run-off and marine condition. The program areas are inter-linked and integrated through a common assessment and reporting framework.⁶³

2.3 Regulatory Impact Statement

2.3.1 Consultation RIS

The Queensland Government released a Consultation Regulatory Impact Statement (Consultation RIS) *Broadening and enhancing reef protection regulations* in September 2017 seeking feedback from stakeholders. The proposed regulations responded directly to the GBR Taskforce recommendation to use regulations as part of a mix of tools to reduce nutrient and sediment pollution from Great Barrier Reef catchments to accelerate progress towards meeting the Queensland and Australian Governments' Reef water quality targets under the Reef 2050 Plan.⁶⁴

The Consultation RIS proposed two options for accelerating improved Reef water quality:

- option 1 – the current approach – no additional legislation
- option 2 – enhance and broaden Great Barrier Reef protection legislation.⁶⁵

The explanatory notes advise that the Consultation RIS was released for public consultation for 11 weeks in total. The Consultation RIS was initially released between 7 September 2017 and 3 November 2017, and again between 22 January 2018 and 19 February 2018, due to the 2017 Queensland state election interrupting the original consultation period. Fifty-one submissions were received from across the agricultural, industrial and conservation sectors, and the community.⁶⁶

The Consultation RIS recommended option 2, as this option was anticipated to result in significant reductions in nutrient and sediment pollutant loads in Great Barrier Reef catchments, and more likely to achieve improved Reef ecosystem health over time, compared to option 1.⁶⁷

2.3.2 Decision RIS

Following the consideration of feedback on the Consultation RIS, and further targeted stakeholder consultation and analysis, this Decision Regulatory Impact Statement (Decision RIS) was released in February 2019. The Decision RIS recommended further regulatory intervention over the alternative

⁶¹ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *How scientists know what's happening in the catchment and on the Reef*, <https://www.reefplan.qld.gov.au/resources/explainers/monitoring-the-catchment-and-the-reef>.

⁶² Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *Modelling and monitoring*, <https://www.reefplan.qld.gov.au/tracking-progress/paddock-to-reef/modelling-and-monitoring>.

⁶³ Australian Government, Department of Environment, and Queensland Government, Reef 2050 Water Quality Improvement Plan, *Paddock to Reef*, <https://www.reefplan.qld.gov.au/tracking-progress/paddock-to-reef>.

⁶⁴ DES, Consultation Regulatory Impact Statement, *Broadening and enhancing reef protection regulations*, September 2018 (Consultation RIS), p 15.

⁶⁵ DES, Consultation RIS, p 15.

⁶⁶ Explanatory notes, p 11.

⁶⁷ DES, Decision Regulatory Impact Statement, *Broadening and enhancing reef protection regulations*, February 2019, (Decision RIS), p 11.

option of maintaining the existing Reef protection regulations.⁶⁸ Key arguments for this recommendation included:

- significant investment by government and industry to date to facilitate the uptake of improved practices has not resulted in widespread adoption; many producers have not engaged with these initiatives and continue to use high-risk practices
- maintaining existing arrangements will mean Queensland will not meet the Great Barrier Reef water quality targets for a healthy Great Barrier Reef
- compliance results in existing regulated Reef regions demonstrate that the improved uptake of standards can occur where regulated standards are supported by compliance effort.⁶⁹

The Decision RIS concluded that strengthened regulations are necessary to improve Reef water quality to help preserve the high values held for the Great Barrier Reef and increase the resilience of the Great Barrier Reef to other pressures, such as impacts from climate change.⁷⁰

2.4 Key amendments to existing legislation

2.4.1 Key amendments to the Environmental Protection (Water) Policy 2009

The Bill amends the Environmental Protection (Water) Policy 2009 to prescribe the objectives for contaminant load reduction. The Bill also requires the Minister to review the objectives within five years after the objectives are set and then within each subsequent five-year period.⁷¹

The Bill requires the Minister to set objectives for reduced nutrient and sediment contaminant loads in an environmental protection policy to improve the quality of water entering the Great Barrier Reef. This responds to the recommendations contained in the report of the GBR Taskforce.⁷²

2.4.2 Key amendments to the *Environmental Protection Act 1994*

The Bill amends the provisions for agricultural environmentally relevant activities (agricultural ERAs) under Chapter 4A of the EP Act. The explanatory notes detail that the Bill provides the ability to create agricultural ERA standards for commercial cattle grazing, banana and other horticulture cultivation and the cultivation of other crops, including sugarcane and grains. Previous Environmental Risk Management Plan (ERMP) provisions will be replaced by the agricultural ERA standards. The explanatory notes detail that this will reduce regulatory burden, particularly for farmers already operating at best practice.⁷³

Currently, the Great Barrier Reef protection regulations apply to the agricultural ERAs of all commercial sugarcane cultivation and grazing on properties over 2000 hectares in the Wet Tropics, Burdekin, and Mackay Whitsunday catchments. Sugarcane growers and graziers are currently required to comply with particular farming practices, which include applying fertilisers and chemicals using prescribed methodologies and keeping associated records. Certain sugarcane and grazing activities are also required to have an ERMP.

The Bill will further limit nutrient and sediment run-off from agricultural and other ERAs in all catchments adjacent to the Great Barrier Reef. The amendments will:

⁶⁸ DES, Decision RIS, p 4.

⁶⁹ DES, Decision RIS, p 8.

⁷⁰ DES, Decision RIS, p 4.

⁷¹ Explanatory notes, p 3.

⁷² Queensland Government, *Great Barrier Reef Water Science Taskforce Final Report: Clean Water for Healthy Reef*, May 2016 (GBR Taskforce Final Report).

⁷³ Explanatory notes, p 4.

- set nutrient and sediment pollution load limits for each Reef catchment at the river basin scale to target responses for managing risks to water quality
- provide the ability to apply commodity specific minimum practice standards to a broader suite of agricultural ERAs, such as sugarcane, grazing, bananas, other horticultural crops and grains production, and to agricultural activities in all Great Barrier Reef catchments⁷⁴
- remove the current provisions requiring ERMPs for agricultural activities
- provide an alternative pathway for producers to meet regulatory requirements through accreditation against a recognised BMP program (or like program). BMP programs are currently operational for cane, grazing, bananas and horticulture and may be recognised under this provision
- require advisers to provide advice about agricultural ERAs that is not false or misleading and keep and produce records upon request. This recognises the important role this industry plays in providing information to producers
- create a regulation making power to require data from the agricultural sector that may assist in determining where over application of fertiliser, and therefore high rates of nutrient run-off, may be occurring
- introduce measures to address additional nutrient and sediment loads from new cropping and other ERAs (point source activities) to achieve no net decline in Reef water quality from new development, including the requirement for an environmental authority (permit) for new cropping activities
- allow for further detailed regulations to be developed in the future to support the use of water quality offsets for ERAs to meet the no net decline requirement.⁷⁵

2.4.3 Conserving threatened species

The Bill contains amendments to give effect to the Common Assessment Method (CAM) for Threatened Species and amends wildlife classes to be consistent with the method through amendments to the following acts:

- *Biodiscovery Act 2004*
- *Fisheries Act 1994*
- NC Act
- *Vegetation Management Act 1999*.⁷⁶

⁷⁴ A map of the proposed regulated area is available at:
https://www.qld.gov.au/__data/assets/image/0027/68652/catchments-by-region.jpg.

⁷⁵ DES, correspondence dated 8 March 2019, pp 2-3.

⁷⁶ Explanatory notes, p 2.

3 Examination of the Bill

This section discusses issues raised during the committee's examination of the Bill.

3.1 General support for the Bill

The 1519 submitters who provided form type 2 submissions provided strong support for the Bill, including in particular: the introduction of minimum practice standards which would limit nutrient and sediment run-off from agricultural activities; the power to require data collection and reporting; and the requirement of a no net decline for new developments. These submitters suggested, however, that the Bill should also:

- specifically address activities conducted in high risk areas (including creek beds and riparian zones, erodible soils and wetlands)
- include agricultural developments in the requirement for no net decline of new developments
- include regulation of dredge spoil.⁷⁷

The 70 submitters who provided form type 1 submissions also expressed support for the Bill and stated:

*The voluntary programs that have been in place for decades have been ineffective in reducing runoff. The new rules aren't about punishing farmers, they are about ensuring farmers know how much fertiliser is optimal for their land and applying no more than is necessary.*⁷⁸

A significant number of individual submitters provided support for the Bill.⁷⁹ Their views included:

- *By reducing fertiliser run-off, we can give our Reef the best chance for recovery.*⁸⁰
- *The ability to collect essential data that can drive productivity improvements but also ensure full regulatory compliance.*⁸¹
- *...cut Reef pollution, to give the threatened underwater Reef ecosystem and its marine life the clean water it needs to recover and protect it for future generations.*⁸²

Submissions were also received from individuals around the world, including in countries such as the United States of America, Canada, Germany, Italy and the Netherlands.⁸³ These submitters expressed support for action to protect the Great Barrier Reef, for example:

*Though I'm not a resident of Australia, I care deeply about the future of the Great Barrier Reef in which I was fortunate [sic] to dive. I strongly support the Government about the new laws to ban outdated polluting farm practices that are harming our Reef. Please keep Australia beautiful!*⁸⁴

⁷⁷ See submission 157 (Form submission 2), including the list of submitter names.

⁷⁸ See submission 006 (Form submission 1), including the list of submitter names.

⁷⁹ See for example, submissions 10, 15 to 58, 60 to 72, 74 to 78, 80, 83, 86 to 88, 96 to 97, and 99 to 102.

⁸⁰ Sandra Couch, submission 183, p 1.

⁸¹ Tony Fontes, submission 108, p 1.

⁸² Sanjay Sircar, submission 29, p 1.

⁸³ See for example, submissions 21, 42, 44, 45, and 51 to 55.

⁸⁴ Fennie Tsai, submission 207, p 1.

General support for the Bill was provided by environmental groups including the Australian Marine Conservation Society (AMCS),⁸⁵ WWF-Australia (WWF),⁸⁶ the EDO,⁸⁷ and the EDO of Northern Queensland (EDONQ).⁸⁸ Revel Pointon, Senior Solicitor of the EDO, told the committee that ‘the current framework is not working and it is not working to sufficiently protect our reef, which is the objective of this legislation’.⁸⁹

The AMCS suggested that if the proposed amendments in the Bill are not progressed, impacts may include the World Heritage Committee placing the Great Barrier Reef ‘in danger’, which would impact on the tourism industry.⁹⁰ Ms Pointon of the EDO also stated that a failure to act appropriately would result in Queensland not meeting its commitments ‘as a state and a nation to improve our management of the reef, so we will be shamed in the face of the international community, let alone have the prospect of a dead reef in the decade to come’.⁹¹

A number of submissions were received from individuals and businesses who identified as working in the agricultural industry in the Reef catchment areas. The majority of these submitters did not support the Bill. Their views included:

- *I think self-regulation would be a better way to go as it gives land owners ownership of the improvement to their environment, as each landscape is different this allows for innovation that suits each particular landscape.*⁹²
- *Being drought declared and very busy looking after our cattle and business, I was unaware of any legislation in the pipeline. This will add further red tape to our business... Every Queenslanders believes the reef should be healthy and there for all into the future. Genuine farmers also believe this. That is why they use best practice management. Punishing the many with red tape and over regulation, to catch the few, is not fair on those who do the right thing.*⁹³
- *As a primary producer, I implore the Government to shelve the proposed legislation and instead engage with producers and landholders. Let’s collaboratively agree on minimum standards of practice that will support producers and achieve the outcomes required for the protection and future of our land and the reef. Heavy handed, one-sided regulation is not the answer.*⁹⁴

⁸⁵ Submission 084

⁸⁶ Submission 126.

⁸⁷ Submission 154.

⁸⁸ Submission 139.

⁸⁹ Public hearing transcript, Brisbane, 25 March 2019, p 16.

⁹⁰ Nick Heath, President, Australian Marine Conservation Society (AMCS), public hearing transcript, Brisbane, 25 March 2019, p 21. The UNESCO List of World Heritage in Danger is designed to inform the international community of conditions which threaten the very characteristics for which a property was inscribed on the World Heritage List, and to encourage corrective action. Under the 1972 World Heritage Convention, a World Heritage property can be inscribed on the List of World Heritage in Danger by the Committee when it finds that the condition of the property corresponds to at least one of the criteria, for example, ‘threatening impacts of climatic, geological or other environmental factors’ (<https://whc.unesco.org/en/158/>).

⁹¹ Revel Pointon, Senior Solicitor, EDO, public hearing transcript, Brisbane, 25 March 2019, p 21.

⁹² Helen Sullivan, submission 180, p 1.

⁹³ Kathryn Hawkins, submission 132, p 1.

⁹⁴ Robert Jackson, submission 135, p 1.

A number of representatives of the agricultural and horticultural industries did not support the application of the Bill to their industry in general. This included AgForce, Growcom, QFF, and the Australian Prawn Farmers Association (APFA).

AgForce stated:

*The impost of proposing further regulations on agriculture challenges community trust placed in farmers demonstrating good land management. Rather than the big stick approach of regulations, AgForce recommends Queensland Government works co-operatively alongside farmers to achieve the best outcomes for Reef water quality and agricultural communities.*⁹⁵

The QFF and its members were principally opposed to the regulation of agricultural activities as proposed by the Bill, with Mr Travis Tobin, Chief Executive Officer of QFF, stating ‘Regulation is a high-cost, simplistic instrument that supports minimum standards of compliance. It does not encourage or foster a culture of innovation and stewardship’.⁹⁶ The QFF recommended that the government instead focus on continuing to implement the regulations already in place.⁹⁷

Growcom expressed general concern for the application of the Bill to the horticulture industry and stated ‘Our preference is for horticulture to be removed until such time there is sufficient science and evidence to suggest that horticulture should be included’.⁹⁸ It noted that existing regulations applied to the horticulture industry including chemical regulation and food safety regulations, and suggested the existing legislation would need to align with the additional regulation proposed by the Bill to prevent administrative burden for the industry.⁹⁹

The APFA did not believe the proposed regulations should apply to the prawn farming industry, due to operating under existing regulation, and because ‘the discharge from prawn farms does not negatively impact the reef’.¹⁰⁰ Mr West, President of APFA explained:

*Australian prawn farms have been operating under strict environmental licences since the first farm was established and little has changed. We are unique because, apart from the strict regulation that we already operate under, the discharge from prawn farms does not negatively impact the reef. Our nutrients, such as those trapped in algae, are rapidly assimilated in a receiving environment—in other words, the catchment area. To support this we have over 40 peer reviewed research papers demonstrating that aquaculture does not have an impact on the reef. We do not release herbicides and pesticides into catchment areas. That is where the real harm lies.*¹⁰¹

In response, departmental representative Ms Elisa Nichols, Executive Director, Office of the Great Barrier Reef advised:

Nutrients from every source change as they travel through the system. They are taken up into things like microalgae, which is a concern to the Great Barrier Reef. It might not appear as an actual nitrogen particle, but increased levels of algae are associated with poor water quality, crown-of-thorns starfish outbreaks and other things. Nitrogen coming from prawn farms is no different from nitrogen from other sources. It contributes to that cumulative impact load. It is an incredibly technical issue, but the impacts through the ecosystem can still be felt through that

⁹⁵ AgForce, submission 137, p 3.

⁹⁶ Travis Tobin, Chief Executive Officer, QFF, public hearing transcript, Brisbane, 25 March 2019, p 12.

⁹⁷ QFF, submission 049, p 2.

⁹⁸ Scott Wallace, Hort360 Manager, Growcom, public hearing transcript, Brisbane, 25 March 2019, p 11.

⁹⁹ Scott Wallace, Hort360 Manager, Growcom, public hearing transcript, Brisbane, 25 March 2019, p 11.

¹⁰⁰ Matt West, President, Australian Prawn Farmers Association (APFA), public hearing transcript, Brisbane, 25 March 2019, p 10.

¹⁰¹ Matt West, President, APFA, public hearing transcript, Brisbane, 25 March 2019, p 10.

*cumulative impact from all of the different sources of nitrogen coming into the reef, including from prawn farms.*¹⁰²

The department further advised:

*Advice from DES sciences is clear that while it is understood water concentrations indicate the influence of prawn effluent remains localised, biological indicators show that the impacts are transported beyond creek mouths. Nitrogen is released in both a dissolved and particulate form regardless of whether this nitrogen is being released from a cane farm or an aquaculture facility. Assimilation by the ecosystem within creeks and beyond causes increased phytoplankton growth and is shown to be taken up by macroalgae, mangroves and seagrass. This can lead to subtle changes in biodiversity and or ecosystem response which is difficult to distinguish from water quality assessment alone. These changes add to the impact of other sources of nitrogen. Excess nitrogen is linked to coral eating Crown of Thorns Starfish outbreaks and directly impacts corals, estuaries and ecosystems in the Great Barrier Reef World Heritage Area. This is also supported by scientific studies conducted on the impact of aquaculture effluent on downstream waters.*¹⁰³

The Australian Banana Growers' Council (ABGC) acknowledged the banana industry 'needs to continue its active participation in improving the water quality on the Great Barrier Reef', however, raised concern with elements of the draft regulations and minimum standards.¹⁰⁴

3.2 Evidence to support the Bill

The policy objectives to be implemented by the Bill are based on evidence from a range of sources such as the 2017 Scientific Consensus Statement. The 2017 Scientific Consensus Statement was prepared by a 'panel of scientists with expertise in the Reef water quality science and management' who 'have reviewed and synthesised the significant advances in scientific knowledge of water quality issues in the Reef from the 2013 Scientific Consensus Statement'.¹⁰⁵

The 2017 Scientific Consensus Statement reported that overall water quality of the Reef remains poor, and that the 'main source of excess nutrients, fine sediments and pesticides from Reef catchments is diffuse source pollution from agriculture'.¹⁰⁶ It was further stated that:

*The adoption of existing best management practices for agricultural land will not be sufficient to achieve the water quality targets and additional management options need to be urgently trialled and validated in the Great Barrier Reef context and then implemented.*¹⁰⁷

The Bill aims to address issues raised in the 2017 Scientific Consensus Statement, as well as reef-wide targets under the Reef 2050 Water Quality Improvement Plan 2017-2022 and recommendations of the GBR Taskforce, as further outlined in the Background to the Bill section of this report. The Bill therefore draws upon the scientific and academic evidence which provided the basis for those publications.

The explanatory notes to the Bill state:

The latest science provides an unprecedented level of certainty that the main cause of poor Reef water quality is cumulative contributions from agricultural run-off in the Reef catchments, with locally significant contributions from industrial land uses. Despite significant government and industry investment, particularly in agriculture, voluntary approaches have failed to facilitate

¹⁰² DES, public briefing transcript, Brisbane, 25 March 2019, p 10.

¹⁰³ DES, correspondence dated 27 March 2019, p 4.

¹⁰⁴ Submission 051, p 2.

¹⁰⁵ 2017 Scientific Consensus Statement, p 6.

¹⁰⁶ 2017 Scientific Consensus Statement, p 11.

¹⁰⁷ 2017 Scientific Consensus Statement, p 12.

*sufficient uptake of improved practices and at the present trajectory, the Reef water quality targets will not be met.*¹⁰⁸

The department also advised that it relies on data captured through its monitoring and modelling programs such as the Paddock to Reef program. The department explained that the monitoring program includes data collected from 43 monitoring sites, and in 2018, included the monitoring of 92 per cent of total suspended sediment loads and 88 per cent of dissolved inorganic nitrogen loads across the Great Barrier Reef catchment areas.¹⁰⁹

3.2.1 Stakeholder views

Some stakeholders did not believe there to be sufficient evidence to support the need for additional regulations.¹¹⁰ This included peak bodies from the agricultural sector such as CANEGROWERS, Growcom, AgForce, QFF, APFA, Australian Barramundi Farmers Association, ABGC, and Australian Sugar Milling Council (ASMC).¹¹¹ David Pietsch, Chief Executive Officer of the ASMC told the committee:

*We are concerned this legislation and the regulations that may underpin it may have a very poor scientific basis. Of particular concern is that there is no clarity around whether the measures introduced or being proposed will achieve the water quality targets for the reef.*¹¹²

Similarly, the ABGC submitted:

*Essentially the industry believes that there is a lack of evidence to underpin the strong regulatory position about nutrient application rates as designed by the government. While work is underway to fill knowledge gaps, results are several years away. Hard regulations must be based on hard evidence and not a 'best guess' because it is growers who will literally pay the price if, in the long-term, it is a bad guess.*¹¹³

Growcom, recommended the proposed legislation not apply to the horticulture industry 'until such time there is sufficient science and evidence to suggest that horticulture should be included'.¹¹⁴

The department responded to these concerns, referring to the 2017 Scientific Consensus Statement, which confirms that improving water quality remains a key priority for improving Reef health. The department further explained:

The latest science provides an unprecedented level of certainty that the main cause of poor Reef water quality is nutrient, sediment (and pesticide) runoff from agriculture in the Reef catchments, with locally significant contributions from urban and industrial land use. Poor Reef water quality is a cumulative impact problem – many small releases together across a vast area are causing the issue.

The 2017 Scientific Consensus Statement is a review of the significant advances in scientific knowledge of water quality issues in the Great Barrier Reef to arrive at a consensus on the current understanding of the system. It was produced by a multidisciplinary group of 48 scientists with

¹⁰⁸ Explanatory notes, p 10.

¹⁰⁹ DES, correspondence dated 25 March 2019, p 3.

¹¹⁰ See for example, submissions 223, 225, 229; Peter Anderson, private capacity, public hearing transcript, Mackay, 11 April 2019, p 5; Kevin Borg, Chairman, CANEGROWERS, public hearing transcript, Mackay, 11 April 2019, p 18.

¹¹¹ Submissions 94, 124, 137, 141, 142, 149, 151 and 173.

¹¹² David Pietsch, Chief Executive Officer, Australian Sugar Milling Council, public hearing transcript, Brisbane, 25 March 2019, p 4.

¹¹³ Australian Banana Growers' Council (ABGC), submission 151, p 2.

¹¹⁴ Scott Wallace, Hort360 Manager, Growcom, public hearing transcript, Brisbane, 25 March 2019, p 11.

expertise in Great Barrier Reef water quality science and management, led by TropWATER James Cook University, with oversight from the Reef Water Quality Independent Science Panel.

The quality of scientific research is examined through multiple, internationally recognised processes including peer review which is undertaken by scientific experts before any research is published. It is the synthesis of scientific research that underpins actions for protecting the Reef, not one single piece of research, researcher or organisation.

*Reef water quality science is updated through this consensus process every five years and published in the Scientific Consensus Statement.*¹¹⁵

The ABGC noted that the minimum rates proposed by the Bill are based on results of one research trial, and suggested that there is a knowledge gap about the nutritional needs of banana plants.¹¹⁶

The department advised that it was continuing to work with agronomists and the ABCG in regards to the details of regulation to support the legislation, including for the construction of an adjustment method for banana farming, in order to determine appropriate nutrient rates to allow sufficient nitrogen application rates to be applied based on the crops needs.¹¹⁷

Other stakeholders raised concern with the use of modelling methodology relied upon by the department.¹¹⁸ The department's response to this concern included:

Modelling is commonly used when dealing with the difficulty of measuring diffuse sources of water quality pollution. Modelling provides the opportunity to forecast changes prior to their occurrence and separate land management impacts on water quality from other influencing factors such as climate variability. Monitoring involves recording changes as they happen and reporting them after the event. Monitoring data is used to inform, validate and improve modelling results, continuously improving confidence in the estimates of water quality over time.

*The Government has also invested in an innovation project as part of the Advance Queensland program to develop cheaper water quality sensors, which if successful will enable the roll out of a more extensive fine scale monitoring network. The additional monitoring will improve the modelling outputs and assist in determining the effectiveness of practice change.*¹¹⁹

The committee received a submission from the ARC Centre of Excellence for Coral Reef Studies (ARC Centre of Excellence), comprising representatives from the James Cook University, The Australian National University, University of Queensland, University of Western Australia, in partnership with the Australian Institute of Marine Science, the GBRMPA, UNESCO, Stanford University, and other international collaborators. The ARC Centre of Excellence highlighted the need for water quality management, citing numerous literature and scientific publications including the 2017 Scientific Consensus Statement, publications by the GBRMPA, and recent academic journals from numerous authors.¹²⁰

The EDO also referred to the 2017 Science Consensus Statement for the Great Barrier Reef, noting the expertise provided through 48 leading scientists and relying on peer reviewed science to support their policy suggestions.¹²¹ Revel Pointon, Senior Solicitor of the EDO, further advised: 'Unfortunately, it is

¹¹⁵ DES, correspondence dated 25 March 2019, p 3.

¹¹⁶ ABGC, submission 151, p 5.

¹¹⁷ DES, correspondence dated 25 March 2019, p 13.

¹¹⁸ See for example, submissions 94, 151, 163, 218, and 226.

¹¹⁹ DES, correspondence dated 25 March 2019, p 3.

¹²⁰ ARC Centre of Excellence for Coral Reef Studies, submission 085, pp 1, 4.

¹²¹ Revel Pointon, Senior Solicitor, EDO, public hearing transcript, Brisbane, 25 March 2019, p 16.

well established through evidence that voluntary uptake of water quality improvement measures by the agricultural [sic] sector has not been working'.¹²²

Committee comment

The committee notes the broad range of scientific evidence and literature available, including the 2017 Science Consensus Statement, which reports that poor water quality is having adverse impacts on the Great Barrier Reef, and draws connection between agricultural land use and reduced water quality in Great Barrier Reef catchment areas.

The committee is satisfied that there is sufficient evidence which links agricultural land use with adverse effects to water quality, which impacts on the Great Barrier Reef, and does not accept stakeholder arguments that there is insufficient evidence to make this connection.

The committee notes the difficulties in capturing data specific to individual properties and activities, and believes scientific modelling is an adequate and reliable way of providing and assessing data.

3.3 Reduced nutrient and sediment contaminant loads

Existing regulation applies to agricultural ERAs of commercial sugarcane cultivation and grazing on properties over 2,000 hectares in the Wet Tropics, Burdekin and Mackay Whitsunday catchment areas.¹²³

Industrial, municipal and resource ERAs (point source activities) that may discharge nutrients or sediment are regulated under the EP Act through an environmental authority. These include, for example, sewage treatment, waste disposal, certain mining activities, land-based aquaculture.¹²⁴

The explanatory notes state that in 2016, the GBR Taskforce recommended the implementation of staged regulation throughout the Reef regions to reduce nutrient and sediment pollution.¹²⁵

The Bill will strengthen existing legislation to address the cumulative impacts of multiple pollutant sources on Reef water quality. The explanatory notes detail that the Bill applies regulation to a broader range of agricultural activities, with amendments to be made to the Environmental Protection Regulation 2008 to support this and to apply additional requirements for other land uses.¹²⁶

The Bill amends the EP Act to set nutrient and sediment pollution load limits for each Great Barrier Reef catchment at the river basin scale to target responses for managing risks to water quality.¹²⁷

The Bill will also introduce measures to address additional nutrient and sediment loads from new cropping and other ERAs to achieve no net decline in Great Barrier Reef water quality from new development, including the requirement for an environmental authority for new cropping activities.¹²⁸

The department explained that mandating minimum practice standards for a broader suite of agricultural industries across all Great Barrier Reef regions is anticipated to result in significant reductions in pollutant loads.¹²⁹

The Bill also requires the Minister to set objectives for reduced nutrient and sediment contaminant loads in an environmental protection policy to improve the quality of the water entering the Great Barrier Reef. The objectives for contaminant load reduction will be prescribed within the

¹²² Revel Pointon, Senior Solicitor, EDO, public hearing transcript, Brisbane, 25 March 2019, p 16.

¹²³ DES, correspondence dated 8 March 2019, p 4.

¹²⁴ DES, correspondence dated 8 March 2019, p 4.

¹²⁵ Explanatory notes, p2.

¹²⁶ Explanatory notes, p 2.

¹²⁷ DES, correspondence dated 8 March 2019, p 2.

¹²⁸ DES, correspondence dated 8 March 2019, p 2.

¹²⁹ DES, correspondence dated 8 March 2019, p 2.

Environmental Protection (Water) Policy 2009. This policy informs regulatory decision-making in relation to water quality outcomes for Queensland waters, supporting the objective of ecologically sustainable development under the EP Act.¹³⁰

The Bill also requires the Minister to review the objectives within five years after the objectives are set and then within each subsequent five year period.¹³¹

3.3.1 Stakeholder views

A recurring view raised by farmers working in the Great Barrier Reef catchment areas was that farmers do not want or need to use excess nutrients or chemicals.¹³² Similarly, the committee was told by local farmers during its site visits in regional Queensland that it would be in farmers' economic interests to follow practice and procedures which limit sediment and nutrient run-off.

Some stakeholders expressed the view that the proposed legislation was designed to implement a 'one size fits all' approach, which was not appropriate.¹³³ For example, the ABFA did not support 'a one size fits all requirement that all new prescribed and resource ERAs will be required to demonstrate that there will be no additional nutrient or sediment load as a result of the activity'.¹³⁴

In contrast, environmental groups EDO, EDONQ and WWF, did not believe the proposed legislation was introducing a blanket approach.¹³⁵ Ms Revel Pointen, Senior Solicitor of the EDO, expressed her views to the committee:

*I would not actually agree that it is a one-size-fits-all. I know we have heard it this morning from other stakeholders. I understand the bill is actually very cognisant of the different impacts that various industries have. It has different minimum standards and a staged introduction for those operators who have not been subject to minimum standards previously. The new environmental authority framework will just be for high-risk cropping activities and so the activities that you are mentioning will be subject to a different regulatory framework than other lower risk activities. I feel this bill is actually very nuanced in how it is being applied to different industries and will lead to, hopefully, all industries being given the recognition of the actions they need to address their impacts while not being burdensome in subjecting them to all the same standards.*¹³⁶

In response, Ms Elisa Nichols of the department, told the committee:

It is a one-size-fits-all in that it applies equally to everybody in the reef catchments. However, the way it applies to each property depends very much on the circumstances of the property. As I mentioned with grazing, only C and D land is captured, which means that, for example, a lot of

¹³⁰ Explanatory notes, p 3.

¹³¹ Explanatory notes, p 4.

¹³² See, for example, Stephen Lowe, Chair, ABGC, public hearing transcript, Cairns, 9 April 2019, p 11; Desmond Bolton, Burdekin River Pastures, public hearing transcript, Townsville, 10 April 2019, p 24; John Baker, Central Queensland President, AgForce, public hearing transcript, Mackay, 11 April 2019, p2; Peter Anderson, private capacity, public hearing transcript, Mackay, 11 April 2019, p 11.

¹³³ See, for example, Alex Stubbs, Chair of the Reef Working Group, AgForce, public hearing transcript, Brisbane, 25 March 2019, p 7; Matt West, President, APFA, public hearing transcript, Brisbane, 25 March 2019, p 11; Dale Holliss, Manager, CANEGROWERS Bundaberg, public hearing transcript, Bundaberg, 12 April 2019, p 13; ABFA, submission 094, p 2; ASMC, submission 142, p 19.

¹³⁴ Submission 094, p 1.

¹³⁵ Revel Pointon, Senior Solicitor, EDO, Public hearing transcript, Brisbane, 25 March 2019, p 19; Sean Hoobin, Senior Manager, Reef and Water, WWF-Australia (WWF), public hearing transcript, Brisbane, 25 March 2019, p21; Naim Santoso-Miller, EDONQ, public hearing transcript, Cairns, 9 April 2019, p 15.

¹³⁶ Revel Pointon, Senior Solicitor, EDO, Public hearing transcript, Brisbane, 25 March 2019, p 19.

*the coastal graziers will not be affected by the regulations at all, because their land has good ground cover and is in good condition.*¹³⁷

The department further advised:

*While industrial activities are subject to more environmental regulatory oversight than agriculture, the Great Barrier Reef Water Science Taskforce Final Report and the 2017 Scientific Consensus Statement identified that urban and industrial land uses have locally significant nutrient and sediment contributions. As the problem of poor water quality is one of cumulative impact, the Taskforce identified that all industries need to play their part to reduce impact on the Reef and recommended an enhanced regulatory approach for these industries.*¹³⁸

3.3.2 Minimum practice standards

The Bill proposes the introduction of agricultural ERA standards, which can be set for commercial cattle grazing, banana and other horticulture cultivation, and cultivation of crops including sugarcane and grains.¹³⁹

An agricultural ERA standard can specify minimum practice standards and farm design standards for specific agricultural activities.¹⁴⁰ This can include conditions regarding the use of water, nutrients and agricultural chemical products, and design of infrastructure and farming operations.¹⁴¹

These standards would need to be reviewed by the chief executive every five years.¹⁴²

The agricultural ERA standards would take effect when prescribed by regulation, with an intention that standards for different industries commence at different times, ‘with the first set of standards proposed to be for sugarcane, grazing and bananas’.¹⁴³

The explanatory notes state that agricultural ERA standards will replace the role of existing ERMPs.¹⁴⁴

The power to make an ERA standard is provided under section 318 of the EP Act, and is not amended by the Bill.

Minimum standards for industry

The department provided the following advice, specific to the minimum standards being developed for the sugarcane industry:

There are approximately 3,700 sugarcane growers in the Reef catchments that will be required to meet the minimum practice standards. Most of the financial benefits for the sugarcane sector are generated by the expected increase in profit from growers implementing finer scale nutrient management.

¹³⁷ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 3.

¹³⁸ DES, correspondence dated 27 March 2019, pp 8-9.

¹³⁹ Bill, cl 8, ss 79, 81; explanatory notes, p 4.

¹⁴⁰ Bill, cl 8, s 81.

¹⁴¹ Bill, cl 8, s 81(3).

¹⁴² Bill, cl 8, s 81(4)

¹⁴³ DES, correspondence dated 8 March 2019, p 2.

¹⁴⁴ Explanatory notes, p 4.

*This financial benefit is estimated to be \$63 million per year for the sector. The total capital cost of [sic] implementing the sugarcane standards in all Reef catchments is estimated at \$142 million, with ongoing costs of \$14 million a year to implement finer scale nutrient management.*¹⁴⁵

The department provided the following advice, specific to the minimum standards being developed for the grazing industry:

There are approximately 8,500 graziers in the Reef catchments that will be required to meet the minimum practice standards. To limit the impact of grazing minimum standards on graziers with land in good to fair condition (i.e. A or B land condition), an outcomes based approach requires this land condition to be maintained and action to be taken to improve land in C or D condition (poor to very poor).

...

*Graziers whose land is in good condition with high levels of ground cover prior to the commencement of the wet season should not be significantly impacted by the regulatory requirements.*¹⁴⁶

The department provided the following advice, specific to the minimum standards being developed for the banana farming industry:

There are approximately 260 banana growers in the Reef regions that will be required to meet the minimum practice standards. There has been less economic analysis carried out on best management practices for bananas than for the sugarcane and grazing industries, and robust estimates of the costs of the practices for an average property do not exist.

Many of the proposed best management practices for banana farming concern appropriate fertiliser application rates (and supporting practices such as soil and leaf testing, calibration of fertiliser equipment and application to beds and not inter-rows).

*A recent assessment by the Department of Agriculture and Fisheries showed that in general best management practice adoption improved farm profitability. This is consistent with other research, which also found that many practices could be expected to generate a positive financial outcome, though the evidence is less clear for practices around sediment control.*¹⁴⁷

3.3.2.1 Stakeholder views

A number of stakeholders (in particular, from the agricultural sector) raised concern that the chief executive of the department (the Director-General) would have the ability to amend minimum standards, without a public consultation process.¹⁴⁸

¹⁴⁵ DES, correspondence dated 8 March 2019, p 5.

¹⁴⁶ DES, correspondence dated 8 March 2019, p 6.

¹⁴⁷ DES, correspondence dated 8 March 2019, p 6.

¹⁴⁸ See, for example, Steven Calcagno, CANEGROWERS Cairns Region, public hearing transcript, Cairns, 9 April 2019, p 20; Russ McNee, BRIA Irrigators Ltd, public hearing transcript, Townsville, 10 April 2019, p 9; Frank Scardamaglia, Manager, CANEGROWERS Herbert River, public hearing transcript, Townsville, 10 April 2019, p 17; submissions 059, 145, 173.

On a number of occasions, the committee heard concern from stakeholders about the ‘uncertainty’ of draft minimum standards, including the ability for them to be updated without notice.¹⁴⁹ Mr Ramon Jayo, Mayor of Hinchinbrook Shire Council stated:

*There needs to be certainty to allow for change, and you cannot have certainty under the current proposed regime. Without certainty, there is no investment appetite, no innovation and no entrepreneurialism. That is my concern.*¹⁵⁰

The department advised the committee that the ability to review minimum practice standards are necessary to ensure the standards are ‘relevant, contemporary and take into account any new scientific information that becomes available’.¹⁵¹ Further, the department referred to the requirements for making a new ERA standard under the EP Act, which includes the requirement that a public consultation process be undertaken and that all submissions made through this process be considered.¹⁵²

Under existing section 318 of the EP Act, the chief executive may make an ERA standard. This would include the proposed agricultural ERA standard. Before making an ERA standard, the chief executive must publish a notice of the proposed standard on the department’s website and include information about submissions which can be made about the standard.¹⁵³ The chief executive must consider all submissions made during the consultation period before deciding whether to make the ERA standard.¹⁵⁴ The chief executive can only make minor amendments to an ERA standard, such as to change the title or department name or correct a spelling or grammatical error.¹⁵⁵ If further amendments are necessary, a new ERA standard must be made.¹⁵⁶

The department advised that draft minimum standards were under development, and the drafting process included consultation with natural resource management bodies, local graziers and industry peak bodies such as AgForce, QFF, CANEGROWERS and the ABGC.¹⁵⁷

Support for the introduction of minimum standards for the agricultural sector was provided by environmental groups such as EDO, EDONQ, AMCS¹⁵⁸ and industry group APFA which suggested there be ‘tighter control over those industries that currently do not require licencing’.¹⁵⁹

Committee comment

The committee notes that some stakeholders expressed concern about minimum standards (agricultural ERA standards in particular), which may be developed in support of the Bill. The committee notes that the draft minimum standards are not part of the draft legislation, however, are intended to be provided by supporting regulation.

¹⁴⁹ See, for example, Steven Calcagno, CANEGROWERS Cairns Region, public hearing transcript, Cairns, 9 April 2019, pp 20, 21; Joanne Ruscoe, Executive Officer, ABFA, public hearing transcript, Cairns, 9 April 2019, p 11; Ramon Jayo, Mayor, Hinchinbrook Shire Council, public hearing transcript, Townsville, 10 April 2019, p 23; Paul Schembri, Chairman, CANEGROWERS, public hearing transcript, Mackay, 11 April 2019, p 20.

¹⁵⁰ Ramon Jayo, Mayor, Hinchinbrook Shire Council, public hearing transcript, Townsville, 10 April 2019, p 23.

¹⁵¹ DES, correspondence dated 27 March 2019, p 14.

¹⁵² DES, correspondence dated 27 March 2019, p 14.

¹⁵³ ER Act, s 318A.

¹⁵⁴ ER Act, s 318B.

¹⁵⁵ ER Act, s 318DA.

¹⁵⁶ ER Act, s318DA, note.

¹⁵⁷ DES, correspondence dated 27 March 2019, p 13; DES, correspondence dated 29 March 2019, and Attachment: Consultation undertaken.

¹⁵⁸ EDO, submission 154, p 1; EDONQ, submission 139, p 1; AMCS, submission 084, p 3.

¹⁵⁹ Submission 141, p 3.

The committee acknowledges the advice provided by the department, which includes that further consultation is being undertaken on draft minimum standards.¹⁶⁰

The committee notes the current process for making a new ERA standard will apply to agricultural ERA standards as proposed by the Bill, and includes a public submissions process pursuant to section 318 of the EP Act. The committee believes this process to be adequate and will ensure consistency with other ERA standards under the EP Act.

The committee encourages the department to continue to engage with stakeholders regarding the proposed minimum standards for industry sectors which would be impacted by the proposed amendments in the Bill.

3.4 Accreditation programs

Farmers and graziers operating in the Great Barrier Reef catchment areas are encouraged to adopt BMPs, including through the voluntary Smartcane BMP and Grazing BMP. These BMPs assist producers to improve productivity, profitability and sustainability of their enterprises, as well as helping them comply with regulated standards.¹⁶¹

The Bill establishes a co-regulatory framework providing producers with an alternative industry-managed pathway to comply with agricultural ERA standards. The explanatory notes detail that this includes a registration process for BMP (or like) programs that assist producers to implement the standards, which are accredited by a third party.¹⁶²

The department advised that BMP programs currently exist for cane, grazing, bananas and horticulture.¹⁶³

The department identified two existing BMP programs which would likely be able to transition to the accreditation framework proposed by the Bill—Smartcane BMP and the Grazing BMP.¹⁶⁴ The department also noted that Hort360 and a banana BMP program which currently receive state government funding, may be accredited into the future.¹⁶⁵

Voluntary BMPs

Following the introduction of the first round of Reef protection regulations through the *Great Barrier Reef Protection Amendment Act 2009*, in 2012 a policy change saw the redirection of funding an effort to voluntary industry-led BMP programs and incentives for the sugarcane and grazing sectors and the regulations were not enforced.¹⁶⁶

The explanatory notes to the Bill state:

*Despite significant government and industry investment, particularly in agriculture, voluntary approaches have failed to facilitate sufficient uptake of improved practices and at the present trajectory, the Reef water quality targets will not be met.*¹⁶⁷

¹⁶⁰ DES, correspondence dated 27 March 2019.

¹⁶¹ Queensland Government, DES, *Existing Reef protection regulations*, 13 October 2016, <https://www.qld.gov.au/environment/agriculture/sustainable-farming/reef/reef-regulations/reef-initiatives/best-practice>.

¹⁶² Explanatory notes, p 4.

¹⁶³ DES, correspondence dated 8 March 2019, p 2.

¹⁶⁴ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 5.

¹⁶⁵ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 5.

¹⁶⁶ Explanatory notes, p 2.

¹⁶⁷ Explanatory notes, p 1.

The explanatory notes also state that the co-regulatory framework established by the Bill, will reward those producers that have taken voluntary action to meet minimum practice standards of higher as evidenced by BMP accreditation.¹⁶⁸

3.4.1 Suspension/cancellation of programs

The Bill inserts a new section into the EP Act to provide the chief executive of the department with the power to amend a recognised accreditation program, or a condition of the program recognition, if deemed necessary.¹⁶⁹

Ms Elisa Nichols, Executive Director, department, advised:

*In terms of the circumstances that might trigger such a thing, they would be quite serious. For example, it could be that the program has been amended in such a way that it no longer meets the regulatory standard so that the accreditation cannot be recognised. We would not think that would be a very common circumstance. It might be that an independent audit of the program has found that it is not working in some particular way. It may be a corruption issue or something like that—so very serious kinds of measures.*¹⁷⁰

In regards to the impact of a suspension or cancellation of an accreditation program, the department advised:

*The owner of a recognised accreditation program must inform persons accredited under the program within five business days after the amendment, suspension, or cancellation of the program takes effect. Producers accredited under the program would generally already be meeting the regulatory standards, so there should be no effect on a producer who was accredited under a cancelled or suspended program in terms of their compliance with the regulation.*¹⁷¹

3.4.2 Stakeholder views

3.4.2.1 Impact on voluntary BMPs

Support for the continuation of voluntary BMP programs was provided by individuals working in the agricultural sector and industry organisations including AgForce.¹⁷²

Ms Kathryn Hawkins, individual and grazier, submitted:

*We have done the Grazing BMP program and believe that it should remain in industry ownership. It has had excellent participation rates because it is voluntary and run by people who understand farmers and farming and their business needs.*¹⁷³

Peter and Julia Anderson of PN & J Anderson, provided their support for the existing voluntary BMP framework, stating 'Being industry owned allows for improvements and incorporation of innovation that comes from the flexibility of knowing that good land management is directly linked with profitability'.¹⁷⁴

¹⁶⁸ Explanatory notes, p 4.

¹⁶⁹ Explanatory notes, p 25.

¹⁷⁰ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 9.

¹⁷¹ DES, correspondence dated 29 March 2019, p 1.

¹⁷² See, for example, submissions 014, 104, 121, 132.

¹⁷³ Kathryn Hawkins, submission 132, p 1.

¹⁷⁴ Submission 121, p 4.

AgForce raised concerns that regulating the BMP framework could turn BMPs into a pseudo-regulatory instrument rather than a voluntary, self-improvement tool.¹⁷⁵

3.4.2.2 *Uptake of BMPs*

The committee received reports of different statistics from different stakeholders regarding the accreditation rates of growers in Great Barrier Reef catchment areas, including from the department, industry peak bodies, and environmental groups.

This included QFF, which stated there had been an ‘exponential increase’ in participation of BMP and other voluntary programs, despite ‘significant underinvestment in voluntary and industry-led practice programs’.¹⁷⁶

AgForce submitted that as of June 2018, ‘1431 Reef graziers have benchmarked their practices within Grazing BMP and use action plans for continuous improvement’, and of these 1431 graziers, 102 had completed audits for recognition as accredited BMP graziers.¹⁷⁷ Ms Georgie Somerset, General President of AgForce told the committee:

*We believe that to achieve voluntary participation of 40 per cent in the Grazing BMP within 10 years on 33 million hectares is a significant practice change.*¹⁷⁸

Revel Pointon, Senior Solicitor of the EDO disagreed, and stated:

*Unfortunately, it is well established through evidence that voluntary uptake of water quality improvement measures by the ag sector has not been working. The 48 per cent rate of compliance, as cited by AgForce earlier, would not be accepted in any other activity. This is so even though better regulation of nutrient application would often benefit operators' profitability and social licence as referred to by Canegrowers.*¹⁷⁹

Mr Daniel Galligan, Chief Executive Officer of CANEGROWERS, stated that 70 per cent of cane farming land within the Smartcane BMP program, with 70 per cent benchmarked against practice and 20 per cent accredited.¹⁸⁰ Further statistics provided by CANEGROWERS included that ‘Two thousand farmers have been in the program and approximately 350 are now accredited’.¹⁸¹

The ASMC also provided statistics regarding the uptake of BMP and submitted:

*Approximately 60% of the area farmed by mills is Smartcane BMP accredited, and an additional 30% of the area farmed by mills is accredited to the Bonsucro international sustainability standard.*¹⁸²

The ABGC stated that ‘approximately 30 per cent of banana farms are already accredited to privately-operated environmental accreditation programs’.¹⁸³

¹⁷⁵ Submission 137, p 10.

¹⁷⁶ Travis Tobin, Chief Executive Officer, QFF, public hearing transcript, Brisbane, 25 March 2019, p 12.

¹⁷⁷ Submission 137, p 11.

¹⁷⁸ Georgie Somerset, General President, AgForce, public hearing transcript, Brisbane, 25 March 2019, p 4.

¹⁷⁹ Revel Pointon, Senior Solicitor, EDO, Public hearing transcript, Brisbane, 25 March 2019, p 16.

¹⁸⁰ Mr Daniel Galligan, Chief Executive Officer, CANEGROWERS, public hearing transcript, Brisbane, 25 March 2019, p 4.

¹⁸¹ Mr Daniel Galligan, Chief Executive Officer, CANEGROWERS, public hearing transcript, Brisbane, 25 March 2019, p 4.

¹⁸² Submission 142, p 3.

¹⁸³ Submission 151, p 10.

Despite these statistics, a number of stakeholders held the view that the uptake of BMP programs was not adequate to meet water quality targets and protect the Great Barrier Reef.¹⁸⁴

Mr Sean Hoobin, Senior Manager of the WWF, relayed the following data to the committee:

The target for BMP adoption was 90 per cent by 2018. The latest report card showed that it was in the low 30s for both cane and grazing. They received a D grade in the report card. We are not going fast enough. The same outcome for pollution counts. We need to do more. We need to do a lot more...

*It is not a choice between BMP or regulation. Both have a critical role to play for the benefit of the reef and the agricultural sector.*¹⁸⁵

Mr Hoobin also expressed the view that accurate data regarding the BMP programs was not being provided to the state government by industry groups. Mr Hoobin said:

*The government is funding these programs—is assisting these programs—and should be getting the data from them to find out if they are being effective. I agree that the data is an issue. We need much better data for both the BMP programs and the program as a whole so we can see what is working and what is not working.*¹⁸⁶

Stakeholders such as the AMCS, expressed concerns regarding the adoption of existing BMP programs. Mr Nick Heath, President of the AMCS, told the committee that data gained through a right to information request showed that despite the BMP programs, 49 per cent of farms visited had been found to be not complying with current laws.¹⁸⁷

Other stakeholder views included that BMPs are being adopted slowly by graziers due to lack of advice and on-ground support.¹⁸⁸

The ARC Centre of Excellence submitted that although there had been an increase in uptake of the Smartcane BMP since 2017, there has been limited uptake overall by farmers.¹⁸⁹ It was the ARC Centre of Excellence's view that voluntary approaches alone would not be sufficient to achieve the required targeted reductions in Great Barrier Reef waters.¹⁹⁰

In regards to uptake levels of BMP, the department advised:

The water quality improvement plan says that 90 per cent of land needs to be under best management practices to meet the targets. In terms of the BMPs themselves, that has not been the target. I cannot tell you exactly, but each of the contracts that the government has with the BMPs has target levels. It just depends on the particular BMP. We have not said at any point, 'If it is this per cent then there will not be regulation.' That has not been a policy statement of the government...

¹⁸⁴ Sean Hoobin, Senior Manager, Reef and Water, WWF, public hearing transcript, Brisbane, 25 March 2019, pp 17-18; Mike Moller, Regional Engagement Coordinator, Wide Bay Burnett Environment Council, public hearing transcript, Bundaberg, 12 April 2019, p 2; ARC Centre of Excellence, submission 085, p 2; AMCS, submission 084, p 3; EDO, submission 154, p 2.

¹⁸⁵ Sean Hoobin, Senior Manager, Reef and Water, WWF, public hearing transcript, Brisbane, 25 March 2019, pp 17-18.

¹⁸⁶ Sean Hoobin, Senior Manager, Reef and Water, WWF, public hearing transcript, Brisbane, 25 March 2019, p 22.

¹⁸⁷ Nick Heath, President, AMCS, public hearing transcript, Brisbane, 25 March 2019, p 17.

¹⁸⁸ Genevieve Hawkins, submission 014, p 1.

¹⁸⁹ Submission 085, p 2.

¹⁹⁰ Submission 085, p 2.

*We look through our Paddock to Reef modelling, monitoring and reporting program at what the management practices are under that. We have recently undertaken new benchmarking exercises that still indicate that we have fairly low levels of broader 'small' BMP uptake across the catchments. That is the scientific target that we are working towards.*¹⁹¹

3.4.2.3 Regulated accreditation programs

General support for the Bill's proposed framework for regulated accreditation programs was provided by a number of stakeholders, including agricultural industry groups and environmental groups.¹⁹²

CANEGROWERS Cairns Region and the QFF provided in principle support for a recognised BMP program as an alternative avenue to minimum standards, as proposed by the Bill.¹⁹³

The Australian Cane Farmers Association submitted:

*The ACFA supports the continuous improvement of Smartcane BMP, based on accepted, replicable research. The ACFA supports the concept that BMP or other industry-led programs that provide similar water quality outcomes are formally recognised in the Environmental Protection Act 1994 in order to provide operators with the legal ability to meet regulated standards.*¹⁹⁴

The ARC Centre of Excellence noted the viability of accredited BMP programs as an alternative way to meet regulatory requirements, and stated:

*The Queensland Government's regulatory proposals provide the "backstop" to compel high risk farmers to convert to lower risk practices, while also allowing for the widely differing socio-economic circumstances of farmers. The Bill achieves this by providing an avenue for customized development of programs through the "alternative pathway for meeting regulatory requirements through accreditation against a recognized BMP program (or like program)."*¹⁹⁵

Some concern was raised regarding the costs of becoming accredited under a BMP (or like program).¹⁹⁶

WWF noted that the practical impact of the proposed accreditation framework will only affect 'those who fail to meet their industry BMP (verified as above industry standard)' who will need to address the regulatory requirements.¹⁹⁷

Committee comment

The committee notes the different statistics provided by different industry bodies and the department, regarding the percentage of growers in the Great Barrier Reef catchment areas, which are accredited under BMP programs.

The committee applauds producers who are engaged in or accredited through existing BMP programs and acknowledges that a significant number of farmers who are not accredited under a BMP program,

¹⁹¹ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 12.

¹⁹² See, for example, submissions 049, 059, 126, 139, 150; Sean Hoobin, Senior Manager, Reef and Water, WWF, public hearing transcript, Brisbane, 25 March 2019, pp 17-18; Mike Moller, Regional Engagement Coordinator, Wide Bay Burnett Environment Council, public hearing transcript, Bundaberg, 12 April 2019, p 2.

¹⁹³ CANEGROWERS Cairns Region, submission 059, p 1; QFF, submission 049, p 3.

¹⁹⁴ Submission 150, p 2.

¹⁹⁵ Submission 085, p 2.

¹⁹⁶ See, for example, submissions 150, 120, 149, 174, 217, 218, 222.

¹⁹⁷ Submission 126, p 3.

are working to achieve best practice including limiting sediment and nutrient loads in run-off from their properties.

However, the committee also notes that voluntary programs have been running for 10 years with limited impact, and based on the figures provided by industry, often less than half of producers have been accredited under these programs.

The committee is of the view that the voluntary approach is not working to adequately limit the effects of activities on water quality, and further action is necessary.

3.5 Responsibility of advisors

The Bill requires advisers (that is, agronomists and fertiliser sellers), when providing ‘tailored advice’ about agricultural ERAs, to provide advice that is not false or misleading, and keep and produce upon request, records of the advice provided. An adviser includes any person who provides advice about carrying out an agricultural ERA as a service for reward, or in association with another agent.¹⁹⁸

The explanatory notes detail:

*...this recognises that agricultural advisers play an influential role in the land management decisions made by producers, such as fertiliser application rates that are the primary source of nutrient run-off from farms.*¹⁹⁹

3.5.1 Stakeholder views

The ASMC noted concern that the Bill’s provisions regarding responsibility of advisors was unclear, stating:

*...gives rise to a question as to whether the payment of a levy to Sugar Research Australia (SRA) or a productivity service organisation constitutes a reward as described here. It needs to be clearly defined such that advice provided by SRA adoption officers and productivity service organisation employees does not need to be recorded and be available.*²⁰⁰

Ms Elisha Parker, who owns a beef cattle station within the Burdekin catchment, stated that the Bill’s proposals brings about onerous obligations on an advisor, insurance issues and costs and will inevitably lead to increased costs for landowners.²⁰¹

Fertilizer Australia recommended that agronomists and sales representatives who provide advice to growers within the Great Barrier Reef catchment areas should be required to undertake its training program called ‘Fertcare’.²⁰² It suggested that this would ‘go a long way towards ensuring high quality advice is provided’.²⁰³

In response, the department stated:

*The requirement that advisors be Fertcare accredited has not been included in the regulatory proposals at this time. Further investigation would be required to determine the costs and benefits of making the requirement for advisers meeting standards, such as those required by the Fertcare program, compulsory.*²⁰⁴

¹⁹⁸ Explanatory notes, p 5.

¹⁹⁹ Explanatory notes, p 5.

²⁰⁰ ASMC, submission 142, p 7.

²⁰¹ Elisha Parker, submission 217, p 4.

²⁰² Fertilizer Australia, submission 138, pp 1-2.

²⁰³ Stephen Annells, Executive Manager, Fertilizer Australia, public hearing transcript, Brisbane, 25 March 2019, p 11.

²⁰⁴ DES, correspondence dated 27 March 2019, p 20.

In relation to increased costs generally, the department stated:

*The costs of the proposed regulations must be considered in the context of the economic impacts of sediment and nutrient pollution on the Great Barrier Reef.*²⁰⁵

3.6 Data collection and reporting

The Bill introduces a regulation making power to mandate the provision of data to assist in determining where over application of fertiliser may be occurring.²⁰⁶

The department stated that the Bill will:

*Create a regulation making power to require data from the agricultural sector that may assist in determining where over application of fertiliser, and therefore high rates of nutrient runoff, may be occurring.*²⁰⁷

The explanatory notes refer to the Queensland Audit Office (QAO) Report *Follow-up of Managing water quality in Great Barrier Reef catchments*,²⁰⁸ in which the need for more industry information was highlighted by the QAO, to support the Queensland Government in fully understanding the effectiveness of its funded programs.²⁰⁹

On 10 June 2015, Report 20: 2014–15, titled ‘*Managing water quality in Great Barrier Reef catchments*’ (Auditor-General Report No. 20: 2014-15), was tabled in the Legislative Assembly, in which the QAO examined the Queensland Government’s contributions to improving the quality of water entering the Great Barrier Reef from adjacent catchments, specifically agricultural run-off.²¹⁰ In this report the QAO found:

- the water quality and land management improvement targets set in the 2013 Reef Water Quality Protection Plan were unlikely to be achieved under the current level of practice change
- gaps in knowledge between the paddock and end of river catchments
- a lack of water quality monitoring sites, to verify modelled outputs to measured results, across the catchments necessarily results in lower levels of confidence that the quality of water entering the reef is actually improving.²¹¹

The Auditor-General Report No. 20: 2014-15 included a recommendation to expand catchment monitoring to assist in determining the effectiveness of practice management change and enhance confidence in modelled outcomes.²¹²

The QAO tabled a subsequent report *Auditor-General Report 16: 2017-18 Follow up of Managing water quality in Great Barrier Reef Catchments* (Auditor-General Report No. 16: 2017-18) on 26 June 2018. The report examines whether state government departments had effectively implemented the recommendations made in the Auditor-General Report No. 20: 2014-15.²¹³

²⁰⁵ DES, correspondence dated 27 March 2019, p 2.

²⁰⁶ Explanatory notes, p 5.

²⁰⁷ DES, correspondence dated 8 March 2019, p 2.

²⁰⁸ Auditor-General Report 16: 2017-18 *Follow-up of Managing water quality in Great Barrier Reef Catchments* (Auditor-General Report No. 16: 2017-18).

²⁰⁹ Explanatory notes, p 5.

²¹⁰ Auditor-General, Report 20: 2014–15, *Managing water quality in Great Barrier Reef catchments* (Auditor-General Report No. 20: 2014-15), p 1.

²¹¹ Auditor-General, Report 20: 2014–15, p 2.

²¹² Auditor-General, Report 20: 2014–15, p 5.

²¹³ Auditor-General Report No. 16: 2017-18, p 1.

The QAO found the departments had made significant efforts to address the recommendations, having fully implemented four and partially implemented one.²¹⁴ The QAO reported that, since its original audit, the Department of Agriculture and Fisheries had implemented several changes to improve confidence in the capture and analysis of management practice data, however, the Department of Agriculture and Fisheries was still unable to adequately report on the level of change in management practice, because it did not possess the necessary management practice data to measure that change.²¹⁵

The Auditor-General Report No. 16: 2017-18 concluded that despite significant efforts, the rate of voluntary adoption of BMPs by producers was not yet sufficient to achieve water quality targets - the proposed adoption of minimum practice standards will no longer rely solely on voluntary participation, and that progress towards the Reef 2050 Plan targets has been slow and the present trajectory will not meet the targets.²¹⁶

The Auditor-General Report No. 16: 2017-18 noted the increase in catchment monitoring sites had almost doubled, and stated:

The Great Barrier Reef Catchment Loads Monitoring Program conducted a clear and logical process to ensure the funding and site prioritisation would provide the highest benefit to the reef.

...

*Expanding the number of sites means the program monitors and analyses more water samples for total suspended sediments and nutrients discharged to the reef. Currently, between 86–100 per cent of sediment, nitrogen, and pesticide loads discharged from rivers to the reef are monitored. This compares to 75–86 per cent in 2015. This increase in monitoring means the program can calibrate and validate modelled outputs with greater confidence. The increased data strengthens the verification of and increases confidence in modelled reporting.*²¹⁷

The Auditor-General Report No. 16: 2017-18 also noted the efforts made by the department and the Department of Agriculture and Fisheries to address model input deficiencies and improve confidence in the capture and analysis of management data, which had been identified in the Auditor-General Report No. 20: 2014-15. It stated:

*Ongoing improvements to the water quality model are essential for properly evaluating and reporting on investment outcomes and optimising program delivery. The increase in water quality monitoring sites, and therefore in measured data, means the government can better validate modelled data.*²¹⁸

The Auditor-General Report No. 16: 2017-18 did, however, suggest that the department was not receiving enough land management practice data captured by industry groups.

While the departments hold and analyse data, there are some projects and programs that are not providing satisfactory data. The most significant of these are the industry best management practice programs. The farm management practice data is currently held by industry groups that host the best management practice portals. Despite being funded by government, no information on site-specific management practices or changes in practice is provided to the departments, with industry groups citing 'privacy concerns'. This information includes the level of practice and any progress made by individual producers in moving towards improved industry standards. These data restrictions mean government has no indication of what, if any, progress

²¹⁴ Auditor-General Report No. 16: 2017-18, p 6.

²¹⁵ Auditor-General, Report 16: 2017–18, p 9.

²¹⁶ Auditor-General Report No. 16: 2017-18, p 11.

²¹⁷ Auditor-General Report No. 16: 2017-18, p 8.

²¹⁸ Auditor-General Report No. 16: 2017-18, p 11.

*has been made. It means government cannot measure the degree of practice change or assess the value achieved from its investment of public funds. The Office of the Great Barrier Reef is currently negotiating with industry groups to gain access to the data the departments need and should have access to.*²¹⁹

The Auditor-General Report No. 16: 2017-18 recommended that the department:

*...obtains reliable, timely, and adequate practice change information from relevant industry groups to understand the progress made, measure the degree of practice change, and account for outcomes for the public funds invested.*²²⁰

The importance of data to help inform decision-making regarding policy and regulation and to support improved on-farm nutrient management, was also highlighted by the GBR Taskforce.²²¹ The GBR Taskforce recommended that regulations be implemented which ‘mandate the provision of farm level yield data, nutrient and other relevant data across all agricultural industries’.²²² It stated:

*In order for both industry and government to make good decisions about regulation, extension and investment programs and support more property specific nutrient application, data is needed. At a minimum, for the cane industry, nutrient use, cane yield, soil tests and fertiliser sales data should be mandated. Similar data should also be required from other sectors.*²²³

3.6.1 Stakeholder views

A number of stakeholders from the agricultural sector in particular, expressed concern about the ability to allow for data collection and reporting. Concerns were raised in particular, that the head of power for such a provision was delegated to the chief executive, rather than being a decision of the relevant Minister.²²⁴

*The second grievance we have with the new bill is in relation to the powers that are vested in government to audit individuals. We think those powers are extreme and excessive. I find it rather interesting that, if the government was attempting to at some stage engage in a cooperative partnership between farmers and the government, we think the existence of these excessive powers where you can demand from individuals or organisations all sorts of information—the sheer existence of those powers—will create the opposite effect.*²²⁵

CANEGROWERS Cairns Region Ltd and CANEGROWERS Mackay suggested the power to obtain data is unnecessary, as growers already must provide records.²²⁶

In response, the department noted that mandatory collection of data was recommended by the GBR Taskforce, which suggested access to industry data would support informed decision-making on GBR water quality measures.²²⁷

²¹⁹ Auditor-General Report No. 16: 2017-18, p 9.

²²⁰ Auditor-General Report No. 16: 2017-18, p 12.

²²¹ Explanatory notes, p 5.

²²² GBR Taskforce Final Report, pp 5, 59.

²²³ GBR Taskforce Final Report, p 59.

²²⁴ David Pietsch, Chief Executive Officer, ASMC, public hearing transcript, Brisbane, 25 March 2019, p 4.

²²⁵ Paul Schembri, Chairman, CANEGROWERS, public hearing transcript, Brisbane, 25 March 2019, p 3.

²²⁶ CANEGROWERS Cairns Region, Submission 059, p 2; CANEGROWERS Mackay, submission 145, p 3.

²²⁷ DES, correspondence dated 27 March 2019, p 20.

Some stakeholders suggested that the proposed changes to require reporting of data would incur an unreasonable time and cost burden.²²⁸ This included the ABGC, which generally supported the proposed record keeping framework, however, raised concerns that this would have a burdensome impact on banana growers, and stated:

*... many growers will find the additional record keeping requirements for this regulation particularly onerous when it comes to collecting and keeping data for each block. While difficult to generalise, a representative figure of the average size block is approximately 6 hectares and farms range in size from 20 hectares to 450 hectares. The ABGC believes that the increased cost estimates included in the Decision Regulatory Impact Statement significantly underestimate the additional amount of time (and commensurate costs) that growers will spend on record keeping arising from the new regulations.*²²⁹

The ABGC also suggested in its submission, however, that more monitoring in banana catchments and sub-catchments should be conducted to allow for reliable data distribution to growers to help inform them of the impacts of their practices.²³⁰

Support for the ability to collect more data was supported by stakeholders including the 1519 submitters who provided form 'type 2' submissions, individuals living in the Great Barrier Reef catchment areas, and environmental groups.²³¹ The Reef 2050 Plan Independent Expert Panel also highlighted in its submission that better availability and use of data and information is required to support decision-making and contribute to rigorous policy.²³²

A joint submission by Maryborough CANEGROWERS, ISIS CANEGROWERS and Bundaberg CANEGROWERS included a recommendation for more monitoring sites to provide further data in the Burnett Mary catchment area.²³³

The department acknowledged the ability to collect data, including from the agricultural sector, could assist in 'determining where over application of fertiliser, and therefore high rates of nutrient run-off, may be occurring' and in determining the success of its investments in water quality.²³⁴

Some stakeholders raised concerns about the impact on privacy of a power to require data.²³⁵ In this regard, CANEGROWERS Mackay suggested that the Bill does not provide for the confidentiality of data provided, ongoing data quality and integrity, or responsible use and analysis of data collected.²³⁶

Specific concerns were raised regarding the collection of data from sugar mills, and that such data may be provided out of context or be misrepresented.²³⁷ David Pietsch, Chief Executive Officer of the ASMC explained:

In our submission we provide an example where records that are held by a sugar mill and collected for a specific production related purpose may be inaccurately or perversely used in the

²²⁸ See, for example, submissions 137, 151, 218.

²²⁹ Submission 151, p 11.

²³⁰ Submission 151, p 10.

²³¹ See, for example, submissions 009, 084, 096, 108, 117, 126, 127, 129, 157.

²³² Submission 127, pp 4-5.

²³³ Submission 128, Appendix, pp 7-8.

²³⁴ DES, correspondence dated 27 March 2019, p 8.

²³⁵ See, for example, submissions 005, 142, 145; Wayne Thomas, CANEGROWERS Innisfail Region, public hearing transcript, Cairns, 9 April 2019, p 21.

²³⁶ Mackay CANEGROWERS, submission 145, p 4.

²³⁷ ASMC, submission 142, pp 3-6; David Pietsch, Chief Executive Officer, Australian Sugar Milling Council, public hearing transcript, Brisbane, 25 March 2019, p 4; Wayne Thomas, CANEGROWERS Innisfail Region, public hearing transcript, Cairns, 9 April 2019, pp 21-22.

*context of this legislation. Data held by industry that is considered accurate for the purposes for which it is collected such as harvest management, productivity improvement, extension or sugar cane plant breeding programs may not necessarily be complete, accurate or suitable for the purpose intended in the new bill. A change to the legislation must provide a qualification that the data which might be acquired under this power needs to be proven to be relevant.*²³⁸

In response, the department noted that further analysis and consultation was being conducted to inform further decisions regarding data which may be collected under the Bill and relevant regulations, and that this included ‘a consultant’s report on the availability and utility of data from the sugar industry, which was delivered late last year’.²³⁹

Ms Elisa Nichols told the committee that the Bill allows for the government to set requirements in regulation for collecting different types of data, and:

*The department has undertaken an independent consultancy to help inform the government make those decisions, but those matters are still under discussion at this stage. At the moment there has been no consideration of beef processors. The main focus has been on data in the sugar chain. As I said, no decisions have been made on that yet.*²⁴⁰

3.7 No net decline from new development

The term ‘no net decline’ refers to the consistency of the quality of water entering the Great Barrier Reef. The introduction of regulation to ensure no net decline in water quality from new development, was a recommendation of the GBR Taskforce. The explanatory notes detail:

*Achieving ‘no net decline’ in water quality from new development is necessary to maintain downward pressure on pollutant loads to achieve the Reef water quality targets. It is also necessary to minimise burden on existing activities to meet the targets.*²⁴¹

In order to achieve no net decline, the Bill proposes the introduction of new mechanisms to the EP Act. These mechanisms would address additional nutrient and sediment releases from new cropping development and new industrial development to allow for future development in regional Queensland that is compatible with the protection of the Reef.²⁴²

The explanatory notes detail why the amendments are necessary:

*Sufficient power already exists within the Environmental Protection Act 1994 to impose a ‘no net decline’ requirement for new prescribed ERA and resource activities. However, supporting amendments will be required to the Environmental Protection Regulation 2008.*²⁴³

The Bill also allows for the development of further regulations to support the use of water quality offsets for ERAs to meet the no net decline requirement.²⁴⁴

²³⁸ David Pietsch, Chief Executive Officer, ASMC, public hearing transcript, Brisbane, 25 March 2019, p 4.

²³⁹ DES, correspondence dated 27 March 2019, p 20.

²⁴⁰ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 4.

²⁴¹ Explanatory notes, p 5.

²⁴² Explanatory notes, p 6.

²⁴³ Explanatory notes, p 6.

²⁴⁴ DES, correspondence dated 8 March 2019, p 2.

Stakeholder views

Several submitters strongly supported the Bill's efforts to ensure there is no net decline in water quality from new developments.²⁴⁵ Some submitters noted that the Bill tackles net decline from new developments only and suggested that the provisions of the Bill be extended to protect the Reef from new agricultural developments.²⁴⁶

The Queensland Resources Council stated that the explanatory notes in relation to the 'no net decline' policy should contain clear statements on exemptions to the Bill, such as existing and prescribed resources ERAs.²⁴⁷

Other submitters, such as AgForce, did not support this amendment, stating:

No net decline in Reef water quality arising from agriculture totally dismisses the influence of Queensland's variable tropical climate on runoff and the prediction that climate change will increase intense rainfall events. No amount of farming practices, farm design standards or regulations can influence the power of wind and water during an intense flooding event or major cyclone event. The increasing trend of extreme weather events across Northern Queensland has profound impacts on runoff, river flows, floods and flood plumes. Water quality risks arising from extreme weather events cannot be mitigated against from agricultural or any other prescribed ERA activities. Even the pristine, natural rainforest areas of the Wet Tropics World Heritage Area and coastal National Parks have experienced erosion and loss of nitrogen through extreme weather events. Other prescribed ERA's such as mining leases in Reef regions have had issues with runoff from tailings dams in high rainfall events.

*AgForce recommends revision of requirements for new developments to have no net decline in water quality to consider impacts of climate change, unpredictable weather events and consider the need for agricultural offsets.*²⁴⁸

The ABGC did not support the Bill's draft provisions regarding the development of new cropping land, and explained:

*It is understood that converting cane land to banana production will not trigger the New Cropping Test but that converting grazing land to banana production will trigger the test. This then means growers will require environmental approvals on farm design before farming can proceed. This additional approval process is concerning to the ABGC as it will impose additional costs and potentially long delays to establishing new farms. Further, the ABGC Board also questions why blocks within existing farms must be subject to such development approvals if the existing block does not satisfy the New Cropping Test.*²⁴⁹

In response to the submissions, the department stated:

The proposal to obtain an environmental authority for new cropping activities responds directly to the Great Barrier Reef Water Science Taskforce's recommendation to ensure 'no net decline' in water quality from new development in Reef catchments. The new legislative requirement aims to capture new cropping, where cropping has not previously been undertaken.

The intent of this requirement is not to limit or stop development in the agricultural industry in Reef catchments. Rather, it allows for future development in regional Queensland that is compatible with the protection of the Reef. Achieving 'no net decline' in water quality from new development is necessary to maintain downward pressure on pollutant loads to achieve the Reef

²⁴⁵ John Rumney, submission 096, p 1. See also Tony Fontes, submission 108, p 1.

²⁴⁶ Graham Connell, submission 129, p 2.

²⁴⁷ Queensland Resources Council, submission 012, p 5.

²⁴⁸ AgForce, submission 137, p 9.

²⁴⁹ Submission 151, p 10.

*water quality targets. It is also necessary to minimise burden on existing activities to meet the targets.*²⁵⁰

Whilst the Queensland water industry was generally supportive of the Bill in principle, concerns were raised about the effect of the ‘no net decline’ policy on public sewage treatment plants (STPs), stating:

*The new legislation creates additional costs for public STPs because of the requirement for ‘no net decline’ in Reef water quality standards from additional nutrient and sediment loads. This means that new or expanded STPs will need to be designed to operate within current limits or seek water quality offsets. Any population growth in towns and cities in GBR catchments will thus incur additional expenses.*²⁵¹

In response to this, the department stated that activities such as STPs will be required to achieve a ‘no residual release’ emission standard for nutrients and sediments. The department noted however that this standard can be met either through the design and operation of the activity or through an offset. The department further noted that the requirement will be applied to new developments or major amendments only. It will not be applied retrospectively to existing operators.²⁵²

3.7.1 Offsets

Water quality offsets are actions used to counterbalance or offset a contaminant release from a new activity that cannot be avoided or mitigated.²⁵³ The explanatory notes detail:

*New prescribed ERAs and resource activities (e.g. sewage treatment, waste disposal, certain mining activities, and land-based aquaculture) will be required to meet a ‘no net decline’ standard regarding nutrient and sediment releases. Where these ERAs cannot avoid or mitigate their water quality impacts, they will be able to meet this standard requirement through a voluntary offset condition informed by the Point Source Water Quality Offsets Policy under the Environmental Protection Act 1994.*²⁵⁴

At the public briefing, the department further explained the application of offsets:

*The bill allows for offsets to apply to our environmentally relevant activities, with the exception at this stage of the agriculture industry. There is the power to create an offsets policy later that could extend that, but at the moment the intention is that it applies to industrial activities—that is, new and expanded, not existing. If somebody was to put in an application, say, to expand a sewage treatment plant from 5,000 persons to 20,000 persons, they would either have to design it in such a way that it did not increase nutrient or sediment run-off or, if they were unable to do that completely—so that is the avoid/mitigate steps—they would be able to get an offset. They are actually able to do that now under the current system up to the standards, but the new standards are going to no net decline. Therefore, it is a much more significant standard for them to meet. Agriculture, at this stage, has not been included due to the technical difficulties of measuring exact pollution off a diffuse system, as opposed to an end-of-pipe kind of system such as we talk about with other types of industrial and municipal activities.*²⁵⁵

²⁵⁰ DES, correspondence dated 27 March 2019, p 15.

²⁵¹ Queensland Water Directorate (qldwater), submission 148, p 1.

²⁵² DES, correspondence dated 27 March 2019, p 16.

²⁵³ Explanatory notes, p 6.

²⁵⁴ Explanatory notes, p 6.

²⁵⁵ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 2.

The department also advised that the intent of the offset provisions is to give the Queensland Government the head of power to mandate Great Barrier Reef water quality offsets in the future to apply to agricultural ERAs in addition to existing resource activities and prescribed ERAs, for contaminants such as dissolved inorganic nitrogen and fine sediment.²⁵⁶

3.7.1.1 *Stakeholder views*

Some submissions raised concerns regarding the uncertainty of potential future detailed offset regulations, including the Australian Cane Farmers Association which noted that the Bill's provisions regarding the offset system are unclear.²⁵⁷

Stakeholders, particularly from the agricultural sector, questioned why the proposed offset framework would not apply to agricultural ERAs.²⁵⁸

Mrs Georgie Somerset, General President of AgForce explained:

*Part of the point being made is that some industries are able to achieve an offset, but it is not open to agriculture. One of the things we would like to achieve is the potential for soil carbon offsets. At the moment the carbon offsets for agriculture are about locking up areas of land and not about being able to use them effectively and manage the landscape. What we would like to explore more fully is how we can measure soil carbon across the reef catchments and be rewarded for improving the soil carbon which will increase water infiltration, because the water will infiltrate where the soil carbon is increased, and that then improves the quality of the run-off and the sediment control.*²⁵⁹

Conservation group WWF, agreed that the offset framework should apply to 'everyone', and that:

*There is no reason farmers should have to address all their pollution on site and not have access to at least cost abatement. It should be an equitable and even approach to offsets and should apply across the board.*²⁶⁰

The committee asked the department why the offset system proposed does not include the agricultural industry. In response, the department stated:

*The main concern is the technical difficulty in accurately assessing the residual run-off from the properties because of the need for localised monitoring which is not actually available and the desire not to put the costs on. It is certainly an option that we could look at. We would need to look at modelled kinds of outcomes. We feel there is more work that needs to be done to establish that, whereas the department has already done significant work for point-source offsets, as have our colleagues in the Commonwealth. There are existing methodologies already in place that can be used immediately, whereas more technical work is required to establish a system for agriculture from day one.*²⁶¹

In response to a question asked by Ms Sandy Bolton MP regarding the application of offsets to only new industrial development, the department advised:

That comes down to the technical difficulties of working out how to apply it to diffuse pollution such as what comes from the agricultural sector at this stage. There is the ability to design a

²⁵⁶ Explanatory notes, p 6.

²⁵⁷ Australian Cane Farmers Association, submission 150, p 3. See also, for example, submissions 122, 139, 142.

²⁵⁸ See, for example, submissions 005, 121, 137.

²⁵⁹ Public hearing transcript, Brisbane, 25 March 2019, p 8.

²⁶⁰ Sean Hoobin, Senior Manager, Reef and Water, WWF, public hearing transcript, Brisbane, 25 March 2019, p 19.

²⁶¹ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 4. pp 2-3.

*policy that could apply to the agricultural sector in the future, but at the moment we have not done that policy work.*²⁶²

The joint submission from GreenCollar, Terrain NRM and NQ Dry Tropics supported the offset provisions in the Bill, noting:

*We believe that any imposition of a Great Barrier Reef water quality offsets condition, as contemplated by proposed s87(3) should militate towards the utilisation of s87(3)(b), such that the example provided of “payment of a financial settlement offset” would encompass the use of a Reef Credit.*²⁶³

In response, the department stated:

*If Reef Credits are able to be successfully established, these may provide another mechanism for satisfying an obligation to deliver a water quality offset for an environmentally relevant activity with residual nutrient or sediment releases.*²⁶⁴

3.8 Enforcement and compliance

Regulations to protect the Great Barrier Reef were introduced in 2009 by the *Great Barrier Reef Protection Amendment Act 2009 (GBR Amendment Act)*. The GBR Amendment Act made changes to the EP Act, to reduce the impacts of agricultural activities on Reef water quality.²⁶⁵ These changes included the introduction of a regulatory framework for cattle and cane producers, and ERMPs.²⁶⁶

The department advised that compliance activities for the existing Great Barrier Reef protection regulations were suspended in 2013, and subsequently re-instigated in 2016 with a focus on the requirements for nutrient application by sugarcane farmers.²⁶⁷

The department advised that its compliance program has ‘focused resources on the communication and education end of the compliance spectrum’ and that ‘Growers who are found to be non-compliant at the initial departmental engagement are provided with information and tools to make the farm-practice changes required to meet the legislative requirements’.²⁶⁸

The department provided the following statistics regarding its recent compliance activities:

There have been 629 sugarcane compliance activities undertaken since the compliance program commenced in 2016 to the end of December 2018. Follow-up visits indicate that the compliance program is successfully prompting growers to amend their practices in relation to fertiliser application rates, soil testing and record keeping.

Of the 70 non-compliant growers who have been revisited to date:

- *57% had made changes to their practices and were either compliant, Smartcane Best Management Practice accredited, or were involved in a practice change program;*
- *38% were assessed as still non-compliant; and*
- *5% had not undertaken any relevant activity at the time of the revisit.*

²⁶² Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 8.

²⁶³ Submission 140, p 2.

²⁶⁴ DES, correspondence dated 27 March 2019, p 18.

²⁶⁵ DES, correspondence dated 8 March 2019, p 4.

²⁶⁶ *Great Barrier Reef Protection Amendment Act 2009*, explanatory notes, pp 2-3.

²⁶⁷ DES, correspondence dated 8 March 2019, p 4.

²⁶⁸ DES, correspondence dated 29 March 2019, p 1.

Of those growers that were assessed to be non-compliant, approximately half had made changes to farm practice and some were close to compliant at revisit. Further property visits will occur with these growers to ensure they have implemented the required measures to fully achieve compliance.

*Where progress has not been demonstrated, the compliance program has progressively escalated its enforcement response and currently seven growers have been issued formal warnings, with a further six enforcement responses currently under assessment.*²⁶⁹

3.8.1 Stakeholder views

Some stakeholders believed the enforcement and compliance activities of the department in regards to current provisions under the EP Act, were inadequate.²⁷⁰

It was recommended that further resources be directed to ensure adequate compliance and enforcement of proposed changes under the Bill. For example, the EDO told the committee:

Finally, we note that one significant reason the current legislative framework has not been working to reduce water quality impacts is a failure to enforce this legislation. Legislative changes to improve these laws will be a waste if government continues to ignore the enforcement of the laws. We implore the government to take its job of enforcement seriously across all environmental laws but particularly in this case to ensure the future of our reef.

...

*Obviously using the scale that the department always uses in terms of providing first warnings and then moving to more serious enforcement action is supported, but definitely putting more resources and attention into enforcement in general is needed across-the-board.*²⁷¹

The need for compliance and enforcement of the proposed legislation was also highlighted by the AMCS, which noted 'CSIRO found overseas that no water quality program has worked without some degree of legislation that enforces standards'.²⁷²

The impact of natural disasters including drought on a person's ability to comply with the proposed legislation was raised by stakeholders.²⁷³

The department acknowledged the impact of natural events and the difficulty for areas affected to return to fair or good condition, advising that it would moderate enforcement of the regulations in these circumstances on a case-by-case basis.²⁷⁴ The department further advised that it has clear policies regarding compliance activities and that:

In terms of natural disaster impacts, the department has clear policies about how we undertake compliance of our activities. Obviously, it is out of their control what is happening on the property. We are not going to then go and get stuck into somebody for not complying with something that has been ripped out by a cyclone or through drought. That will be done on a case-

²⁶⁹ DES, correspondence dated 29 March 2019, p 1.

²⁷⁰ EDO, submission 054, p 2; Revel Pointon, Senior Solicitor, EDO, public hearing transcript, Brisbane, 25 March 2019, pp 16, 20; Pinnacle Pocket Cattle & Consultant, submission 218, p 4; Naim Santoso-Miller, EDONQ, public hearing transcript, Cairns, 9 April 2019, p 15.

²⁷¹ Revel Pointon, Senior Solicitor, EDO, public hearing transcript, Brisbane, 25 March 2019, pp 16, 20.

²⁷² Nick Heath, President, AMCS, public hearing transcript, Brisbane, 25 March 2019, p 17.

²⁷³ See, for example, submissions 125, 134, 143, 166, 217.

²⁷⁴ DES, correspondence dated 27 March 2019, p 11.

*by-case basis as to whether there needs to be a lighter touch taken as a result of what is going on at the properties.*²⁷⁵

3.8.2 Offences and penalties

Under the Bill, a person who carries out an agricultural ERA, must do so in accordance with an agricultural ERA standard. It is an offence for a person to operate in a way which does not comply with an agricultural ERA standard.²⁷⁶

This offence replaces relevant offences in chapter 4 of the EP Act, which each had a maximum penalty of 100 penalty units.²⁷⁷

The penalty would be increased by the Bill, which would allow for a maximum penalty for an offence of contravening an agricultural ERA standard of 1,665 penalty units for wilful non-compliance, or otherwise 600 penalty units.²⁷⁸

The current value of a penalty unit in Queensland is \$130.55,²⁷⁹ meaning a maximum penalty for a breach of agricultural ERA standard would be \$217,365 for a wilful offence, or \$78,330 otherwise.

The Bill provides a defence for a person if they can prove that they are a member of a recognised accreditation program for the agricultural ERA; and their conduct has not contravened the accreditation program.²⁸⁰

The department justified the increase in maximum penalty as ‘it ensures that penalties accurately reflect the seriousness of the offences and are comparable to similar offences (e.g. section 440ZG – minor water contamination)’.²⁸¹

3.8.2.1 Stakeholder views

Representatives of the agricultural sector and individuals including those from local catchment areas described the penalties proposed by the Bill as excessive or unreasonable.²⁸² This included AgForce which suggested instead that further work should be undertaken to implement industry and community self-regulation.²⁸³

A number of stakeholders suggested a ‘carrot rather than a stick’ approach, and favoured a framework focused on incentives rather than penalties.²⁸⁴

²⁷⁵ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 10.

²⁷⁶ Bill, cl 8, s 82.

²⁷⁷ See EP Act, s 78 (offence for over fertilisation), s 84 (offence for failure to keep certain records), s 86 (offence for failure to provide primary documentation).

²⁷⁸ Bill, cl 8, s 82(2).

²⁷⁹ Penalties and Sentences Regulation 2015, s 3.

²⁸⁰ Bill, cl 8, s 82(3).

²⁸¹ DES, correspondence dated 8 March 2019, p 4.

²⁸² See, for example, submissions 002, 005, 098, 104, 121, 133, 137; Peter Anderson, private capacity, public hearing transcript, Mackay, 11 April 2019, p 12; Rex Singline, Smart Environment, public hearing transcript, Mackay, 11 April 2019, p 13; Geoffrey McCarthy, private capacity, public hearing transcript, Bundaberg, 12 April 2019, p 15; Paul Slack, private capacity, public hearing transcript, Bundaberg, 12 April 2019, p 16.

²⁸³ AgForce, submission 137, pp 3, 13.

²⁸⁴ See, for example, Bruce Hill, private capacity, public hearing transcript, Townsville, 10 April 2019, p 5; Scott Wallace, Hort360 Manager, Growcom, public hearing transcript, Brisbane, 25 March 2019, p 11; Mark Mammino, Chair, CANEGROWERS Isis, public hearing transcript, Bundaberg, 12 April 2019, pp 10-11; Mr Kevin Borg, Chairman, CANEGROWERS Mackay, p 21.

Individual and third generation primary producer Garrey Sellars submitted:

*Fining landowners would take away their already stressed financial capacity to correct situations which are out of their control, caused by severe flooding or drought. A far more positive outcome would be to work with landowners to help them better manage difficult situations rather than a negative fining solution.*²⁸⁵

Pioneer Cane Growers Organisation submitted that the impact of the proposed penalties could inflict financial hardship upon family business, particularly if imposed on a ‘small family farming enterprise – which are entities least likely able to adopt, afford or accommodate structural changes sought by the Bill’.²⁸⁶

Similarly, Paul and Kylie Slack, fourth generation farmers from the Central Burnett region, suggested farmers may find it difficult to comply with the proposed regulations, and that the impact of the Bill’s proposed penalties on their family business would be devastating.²⁸⁷

Mr John Baker, Central Queensland President of AgForce suggested a collaborative approach would achieve better results and told the committee:

*You get a better result by trying to engage with people and show them where they can benefit from it as well. It is not just about the reef; it is also about themselves’.*²⁸⁸

Similarly, Ms Shonae Moran, representative of Moran Trading Pty Ltd, emphasised the need for ‘engagement, understanding and time’.²⁸⁹

Other individuals however, raised concern with the existing level of compliance of the current regulations, and requested further monitoring, compliance and enforcement of provisions under the EP Act.²⁹⁰

Mr John Rumney, Managing Director of Eye to Eye Marine Encounters, told the committee: ‘there are a few out there who need more than the carrot; they need the stick. I see that as the legislation backing it up’.²⁹¹

Representatives from the EDO considered the proposed penalties to be appropriate. Ms Pointon, Senior Solicitor of the EDO told the committee:

*They bring the harm that is potentially going to be caused by breach of these provisions in line with equivalent harm in other sectors. Under the Environmental Protection Act it is just bringing it into line with other environmental harm that could be caused.*²⁹²

Dr Evan Hamman, Lecturer of the Faculty of Law at the Queensland University of Technology, and Dr Felicity Deane, Senior Lecturer of the Faculty of Law at the Queensland University of Technology, recommended a combined approach involving both incentives and penalties ‘to meet the timeframes considered necessary to protect the GBRWHA [Great Barrier Reef World Heritage Area].’²⁹³

²⁸⁵ Submission 170, p 1.

²⁸⁶ Submission 146, p 3.

²⁸⁷ Submission 104, p 3.

²⁸⁸ John Baker, Central Queensland President, AgForce, public hearing transcript, Mackay, 11 April 2019, p 4.

²⁸⁹ Shontae Moran, Moran Trading Pty Ltd, public hearing transcript, Mackay, 11 April 2019, p 7.

²⁹⁰ See for example, submissions 084, 096, 154, 139.

²⁹¹ John Rumney, Managing Director, Eye to Eye Marine Encounters, public hearing transcript, Cairns, 9 April 2019, p 2.

²⁹² Revel Pointon, Senior Solicitor, EDO, public hearing transcript, Brisbane, 25 March 2019, p 22.

²⁹³ Submission 012, pp 6-7.

The department acknowledged the increase in penalty, with Elisa Nichols, Executive Director, advising:

*The justification for that increase is to align it with similar penalties in the Environmental Protection Act and in particular penalties in section 440ZG, which are for minor water contamination, which broadly aligns with the kinds of water contamination that you would see from an agricultural property. The penalties are very aligned across that. That was the justification for those increases.*²⁹⁴

The department further advised the committee that it exercises discretion when taking enforcement action, and that any action is dependent on the seriousness of the breach of legislation. Enforcement action can be escalated as appropriate and can include:

- *direction and warning notices and letters;*
- *penalty infringement notices;*
- *administrative notices and orders made under legislation (e.g. undertake an environmental evaluation);*
- *proceedings for court orders provided for under legislation;*
- *enforceable undertakings (e.g. a published agreement between the department and a person which can require the person to carry out a wide range of actions to achieve compliance with the Environmental Protection Act 1994);*
- *prosecution; and*
- *suspension or cancellation of permit, licence or authority (not relevant to agricultural environmentally relevant activities).*²⁹⁵

3.9 Common Assessment Method for threatened species

The Bill contains amendments to give effect to Queensland implementing the Common Assessment Method (CAM) for threatened species, as part of an agreed intergovernmental Memorandum of Understanding for implementation by Australian jurisdictions.²⁹⁶ The Bill proposes to amend wildlife classes to be consistent with the CAM. In giving effect to this, the Bill makes minor amendments to the NC Act, and also makes consequential amendments to the *Fisheries Act 1994*, the *Vegetation Management Act 1999* and the *Biodiscovery Act 2004*.

3.9.1 Background

In 2015 the Australian Government commenced a Threatened Species Strategy to introduce a standardised method for assessing and listing nationally threatened species, to be enabled by the *Intergovernmental memorandum of understanding – Agreement on a common assessment method for listing of threatened species and ecological communities*. Queensland's Minister for the Environment signed the Memorandum of Understanding in March 2017 to transition to the CAM by March 2019.²⁹⁷

²⁹⁴ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 6.

²⁹⁵ DES, correspondence dated 27 March 2019, p 12.

²⁹⁶ Queensland Government, *Common Assessment Method for listing threatened species*, <https://www.qld.gov.au/environment/plants-animals/wildlife-permits/common-assessment>.

²⁹⁷ Explanatory notes, p 7.

Currently, Australian, state and territory governments have different legislative frameworks for the assessment and listing of threatened species. There are inconsistencies with criteria for assessment, threat categories and scales of assessment. Species often overlap across jurisdictional lists, leading to misalignment and confusion about the status of listed species.²⁹⁸

Adoption of the CAM will enable mutual recognition of threatened species by jurisdiction in which a species occurs. All participating jurisdictions will align their listing categories with the categories adopted from the International Union for Conservation of Nature (IUCN), with some amendments to suit the Australian context. The six nationally threatened categories of species under the CAM are:

- extinct
- extinct in the wild
- critically endangered
- endangered
- vulnerable, and
- conservation dependent (fish only).²⁹⁹

Using the CAM, species are assessed using the IUCN criteria, with standardised categories and thresholds. Under the CAM arrangements participating jurisdictions will assess native species and, where warranted, list them in only one nationally threatened category, which is reflected on each of the relevant jurisdictional lists.³⁰⁰

When an Australian jurisdiction undertakes an assessment using the CAM, the outcome of that assessment may be adopted by other states and territories where the species occurs, as well as the Australian Government (under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)). Under the CAM arrangements a species is only assessed once and is listed in the same 'nationally threatened' category across all relevant jurisdictions.³⁰¹

3.9.2 The report of the Queensland Audit Office on conserving threatened species

The committee notes that the QAO tabled its *Report 7: 2018-19 – Conserving threatened species* (Auditor-General Report No. 7: 2018-19) in the Queensland Parliament on 13 November 2018.³⁰² The report was referred to the committee for examination on 15 November 2018.

The purpose of the QAO audit was to assess whether Queensland public sector entities are effectively identifying, protecting and conserving threatened species. The audit focused primarily on the department which has overall responsibility for identifying, protecting and recovering Queensland's threatened species. The QAO assessed whether the department effectively identifies and lists Queensland's threatened species, is transitioning to the CAM, has strategies and plans to protect threatened species and their habitat, and is monitoring and reporting on threatened species outcomes.

Other Queensland public sector agencies included in the audit were the Department of Agriculture and Fisheries and the Department of Natural Resources, Mines and Energy.

²⁹⁸ Australian Government, Department of the Environment and Energy, *Common Assessment Method*, <http://www.environment.gov.au/biodiversity/threatened/cam>.

²⁹⁹ Explanatory notes, p 7.

³⁰⁰ Australian Government, Department of the Environment and Energy, *Common Assessment Method*, <http://www.environment.gov.au/biodiversity/threatened/cam>.

³⁰¹ Australian Government, Department of the Environment and Energy, *Common Assessment Method*, <http://www.environment.gov.au/biodiversity/threatened/cam>.

³⁰² Auditor-General, *Report 7: 2018-19 - Conserving threatened species* (Auditor-General Report 7: 2018-19), <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2018/5618T1864.pdf>.

The Auditor-General Report No. 7: 2018-19 made a number of recommendations for the department in relation to the listing of threatened species, conservation planning and oversight. In relation to preparation for the transition to the CAM under the government's obligations to the Memorandum of Understanding, the QAO recommended that the department further develop and implement a governance framework and conduct a review of the classification status of Queensland's native species currently listed in the Nature Conservation (Wildlife) Regulation 2006.

The department agreed to implement all the QAO's report recommendations to 'support full and timely implementation'.³⁰³

3.9.3 Proposed amendments to implement CAM in Queensland

The Bill proposes amendments to established Queensland statutes in order to implement the CAM in accordance with Queensland's obligations under the *Intergovernmental memorandum of understanding – Agreement on a common assessment method for listing of threatened species and ecological communities*. The department referred to the proposed amendments to implement the CAM as a 'simplification measure'.³⁰⁴

For Queensland to give effect to the CAM, amendments to the NC Act are necessary. Currently under the NC Act all native species, other than invertebrates, are given the classification of 'least concern' unless they are otherwise identified as being 'near threatened' or under a class of threatened species. Currently there are three classes of threatened wildlife: 'extinct in the wild', 'endangered' and 'vulnerable'.³⁰⁵

3.9.3.1 Amendments to the Nature Conservation Act 1992

The Bill proposes amendments to the NC Act to include the six IUCN classes of wildlife. This will involve establishing two new classes of wildlife in the Act: 'extinct' and 'critically endangered'. The amendments will produce a list of wildlife classes, consistent with IUCN criteria.

Necessary consequential changes to the criteria for existing wildlife classes are also included in these amendments. This is because insertion of the new classes will have the effect of splitting existing classes into two. The 'extinct in the wild' class will be split into 'extinct in the wild' and 'extinct', and the existing 'endangered' class will be split into 'endangered' and 'critically endangered'. The wording of the criteria for listing a species as 'vulnerable' under the NC Act also requires amendment in order to better align with the CAM.³⁰⁶

An additional amendment to the NC Act would clarify that it is an offence to provide misleading information in any manner. Currently this offence only applies to providing information to an authorised person, and not the department's online permit and licencing system. The amendment would allow the chief executive to approve the use of an information system of communications between an authorised person and another person.³⁰⁷

Whilst the NC Act establishes the classes of wildlife, the Nature Conservation (Wildlife) Regulation 2006 establishes the list of species in each class, and the Nature Conservation (Wildlife Management) Regulation 2006 and Nature Conservation (Administration) Regulation 2017 establish the permit and licencing requirements for the take, keep and use of wildlife. Consequently, the new classes of wildlife will have no effect until consequential amendments are made to these regulations.³⁰⁸

³⁰³ Auditor-General Report 7: 2018-19, p 47.

³⁰⁴ Public briefing transcript, Brisbane, 25 March 2019, p 2.

³⁰⁵ DES, correspondence dated 8 March 2019, attachment, p 4.

³⁰⁶ Explanatory notes, p 7.

³⁰⁷ Explanatory notes, pp 7-8.

³⁰⁸ Explanatory notes, p 7.

3.9.3.2 Amendment to the Fisheries Act 1994

To achieve the objectives of the Bill in giving effect to the CAM, minor changes are proposed to the *Fisheries Act 1994*. These provide authority under the *Fisheries Act 1994* to manage certain fish species that are listed as ‘threatened’ under the NC Act. This amendment clarifies that fish continue to be regulated under the *Fisheries Act 1994* where a relevant authority to take, keep, use, move or deal with the fish is not required under the NC Act. This will remove the possible unintended consequence of regulating these fishing industries under the NC Act, rather than *Fisheries Act 1994*.³⁰⁹

3.9.3.3 Amendment to the Vegetation Management Act 1999

The Bill proposes a minor change to the *Vegetation Management Act 1999* to recognise a new class of wildlife under the NC Act. By including ‘critically endangered wildlife’ to the definition of ‘protected wildlife’, this amendment will provide a consistent approach to wildlife listed under the NC Act.

3.9.3.4 Amendment to the Biodiscovery Act 2004

The Bill proposes a minor change to the *Biodiscovery Act 2004* to recognise the new classes of wildlife under the NC Act. Amendment is proposed to the definition of ‘NCA material’ to remove ‘rare’ and include the classes of ‘extinct’ and ‘critically endangered’.³¹⁰

3.9.4 Consultation in relation to proposed changes to implement the CAM

Prior to Queensland signing the Memorandum of Understanding, targeted consultation was held with environment and conservation groups and business and industry representatives. The majority of groups expressed support for the CAM, but requested ongoing consultation as the finer details are established.³¹¹

The explanatory notes state that further consultation with stakeholders will be undertaken prior to any subsequent amendments to the Nature Conservation (Wildlife) Regulation 2006, Nature Conservation (Wildlife Management) Regulation 2006 and Nature Conservation (Administration) Regulation 2017.³¹²

3.9.5 Stakeholder views

The EDONQ supported the standardisation of threatened species classification, which it submitted, would ‘prevent multi-jurisdictional confusion and inconsistencies’.³¹³

The EDONQ agreed with the consequential amendments to the *Fisheries Act 1994*, but noted that the consequential amendments to the NC Act provided a higher level of protection to native species through stronger penalty provisions. The EDONQ stressed the importance of ensuring that fish species at risk are appropriately listed under the NC Act.³¹⁴

3.10 Implementation of the Bill

It is intended that the provisions of the Bill would commence in mid-2019, with implementation staged over three years, depending on the activity and location.³¹⁵

³⁰⁹ Explanatory notes, p 6.

³¹⁰ Explanatory notes, p 2.

³¹¹ Explanatory notes, p 12.

³¹² Explanatory notes, p 12.

³¹³ Submission 139, p 3.

³¹⁴ Submission 139, p 3.

³¹⁵ DES, correspondence dated 8 March 2019, p 2.

The department advised that resources would be available to assist implementation, including:

- 13.8 million, allocated over four years, to assist the agriculture sector transition to compliance, including a rebate scheme to producers who have sought expert advice³¹⁶
- communications activities, which could include radio advertisements, regional meetings and web materials

The department provided further advice regarding the proposed rebate scheme.

Rebate Scheme

The rebate scheme, supported by \$10.1 million in funding, would provide up to \$1,000 to producers that can demonstrate they have sought expert advice to meet the regulated minimum practice standards or develop associated plans.³¹⁷ The department advised it is currently working with the Queensland Rural and Industry Development Authority, to administer the scheme.³¹⁸

3.10.1 Stakeholder views

When asked how it would ensure persons affected by the proposed Bill would be aware of the changes, the department advised that intended implementation actions would include communication activities, which may include radio advertisements, regional meetings and web materials.³¹⁹ Ms Elisa Nichols advised the committee:

*As with all of these things, there are a lot of people affected by this, so it is not surprising that some people are not aware of this and are not aware of the detail. As has been pointed out, the bill itself is quite technical, as bills always are, and they can be hard to understand. There are fact sheets on the department's website that provide some plain-English explanations of what is intended. Should the bill be passed, once we implement that we will be undertaking significant implementation activities in the reef catchments.*³²⁰

Some stakeholders told the committee that the proposed changes to legislation may adversely impact on their finances, health and wellbeing.³²¹ This included Miss Georgia Slack, a 14-year-old fifth-generation farmer, who cautioned the committee that the proposed legislation may cause her dream to 'come a financial and regulatory nightmare' and expressed concern that the regulation would burden farmers with administrative tasks including further paperwork and audits.³²²

A need for resourcing to appropriately implement the Bill, was also raised by stakeholders, including the ARC Centre of Excellence, which stated:

Adequate funding is also a key requirement for successful management of fine sediment, nutrients and pesticide discharge to the GBR. The funding required to bring all farms up to low

³¹⁶ DES, correspondence dated 8 March 2019, p 3.

³¹⁷ DES, correspondence dated 8 March 2019, p 3.

³¹⁸ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 8.

³¹⁹ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 6.

³²⁰ Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs, DES, public briefing transcript, Brisbane, 25 March 2019, p 3.

³²¹ See, for example, Mr Paul Schembri, Chairman, CANEGROWERS, public hearing transcript, Brisbane, 25 March 2019, pp 2, 6; Desmond Bolton, Burdekin River Pastures, public hearing transcript, Townsville, 10 April 2019, p 25; Georgie Somerset, General President, AgForce, public hearing transcript, Brisbane, 25 March 2019, p 6; submissions 125, 174, 218.

³²² Georgia Slack, private capacity, public hearing transcript, Bundaberg, 12 April 2019, pp 16-17.

*or moderate risk practice status and to meet the targets is approximately 10 billion dollars over ten.*³²³

The department advised that it had increased funding through the 2017-18 state budget to support the transition of cane, grazing and banana industries to the new minimum standards framework, from 2019. The department further advised:

The transition package will assist affected producers to meet new standards by supporting their access to professional and agronomic advice and responds to statements by the agricultural sector that incentives are necessary to assist producers to transition to compliance.

The proposed regulated practice standards are based on industry supported methods that aim to maintain or increase productivity and profitability. In many cases, up-front costs can be covered within three to 10 years.

...

*The ability to use water quality offsets to meet the new 'no net decline' standard for new prescribed resource environmentally relevant activities is anticipated to reduce associated costs on new development. The use of offsets allows a proponent flexibility to find the least cost solution for delivering nutrient or sediment emissions reductions, rather than delivering these emission reductions through the design and operation of the proposed development. This is supported by a study by Puzyreva et al (2019)*³²⁴

A number of stakeholders suggested an increase in extension programs and extension officers to assist landholders to comply with new regulations.³²⁵

The department noted that since 2009, over \$70 million has been invested by the Queensland Government, in industry-led BMP programs, extension, science and on-ground programs, to assist landholders to improve agricultural management practices.³²⁶ Other initiatives have included: addressing barriers to adoption; extension, education and research; two demonstration projects in the Burdekin and Wet Tropics (Major Integrated Projects); and catchment repair projects.³²⁷

The department further advised:

*An additional \$10.1 million over the next three years has been allocated to help the transition of graziers, cane and banana growers meet minimum standards. The funding will support farmer access to professional and agronomic advice and improve connections to education and extension services.*³²⁸

Some stakeholders raised concern that a lack of capacity of agronomy services would make it difficult for farmers to meet the proposed regulations.³²⁹

³²³ ARC, submission 085, p 2. See also, submissions 009, 049, 084, 172, 184; Mike Moller, Regional Engagement Coordinator, Wide Bay Burnett Environmental Council, public hearing transcript, Bundaberg, 12 April 2019, p 4.

³²⁴ DES, correspondence dated 27 March 2019, pp 1-2.

³²⁵ See, for example, submissions 009, 120, 123; Mike Moller, Regional Engagement Coordinator, Wide Bay Burnett Environmental Council, public hearing transcript, Bundaberg, 12 April 2019, p 4; Wendy Thorsborne, Coordinator, Regional Extension, Burnett Mary Regional Group, public hearing transcript, Bundaberg, 12 April 2019, pp 5-6.

³²⁶ DES, correspondence dated 27 March 2019, p 14.

³²⁷ DES, correspondence dated 27 March 2019, p 7.

³²⁸ DES, correspondence dated 27 March 2019, p 7.

³²⁹ ACFA, submission 150, p 2; ABGC, submission 151, p 10.

The department advised that in addition to the proposed rebate scheme to offset the cost of obtaining professional advice, the implementation of minimum standards would be staged, to allow for the potential shortfall in agronomic support capacity.³³⁰

The department responded to stakeholders' requests for further resourcing, including:

Strengthening the Reef regulations is just one of the tools and approaches that the Queensland Government is using to improve water quality to meet the Reef water quality targets. Other initiatives to accelerate improved water quality include: addressing barriers to adoption; support for voluntary actions such as industry best management practice (BMP) programs; extension, education and research; two demonstration projects in the Burdekin and Wet Tropics (Major Integrated Projects); and catchment repair projects. The Major Integrated Projects are trialling a range of activities, including market-based instruments with producers and the communities in high risk regions to reduce nutrient, pesticide and sediment loads into local waterways and ultimately the Great Barrier Reef.

Specifically, the Queensland and Australian Governments have made significant investments to support the agricultural industry to adopt improved practices. The Queensland Government is investing \$261 million over five years from 2017, building on an annual investment of \$35 million over many years. Since 2009, the Queensland Government has invested almost \$70 million in industry-led BMP programs, science and on-ground programs to assist landholders in Reef catchments improve their practices. This complements other investment by the Australian and Queensland Governments in improving water quality in Great Barrier Reef catchments, with total investment commitments reaching more than \$614 million over 2017-2022, of which a significant amount is directed at the agricultural community. However, greater reliance will now be placed on the regulation to deliver the targets.³³¹

Committee comment

The committee notes the concern raised by submitters regarding effective communication and engagement with local community members, industry bodies and other stakeholders.

The committee understands the importance of communication of changes to ensure effective implementation of the Bill's provisions and policy objectives. In particular, the committee notes the impact the proposed changes in the Bill will have on obligations of local producers and landholders in the Great Barrier Reef catchment areas, and advisors.

The committee acknowledges the significant level of consultation undertaken by the department during the development of the Bill and related regulations, and encourages the department to continue to work closely with stakeholders to ensure that any changes made to regulations regarding activities undertaken in Great Barrier Reef catchment areas are communicated clearly to persons affected.

3.11 Other

Other issues of significance raised by stakeholders which were not directly addressed by the Bill included the impact of dredge spoil in Great Barrier Reef catchment areas (in particular, maintenance dredge spoil),³³² and the regulation of the use of pesticides in Great Barrier Reef catchment areas.³³³

³³⁰ DES, correspondence dated 27 March 2019, p 10.

³³¹ DES, correspondence dated 27 March 2019, p 7.

³³² See, for example, submissions 008, 012, 084, 096, 108, 126, 129, 152, 154, 157, 162, 184, 214; Revel Pointon, Senior Solicitor, EDO, public briefing transcript, Brisbane, 25 March 2019, pp 16, 20.

³³³ ABFA, submission 094, p 2; APFA, submission 141, p 2.

4 Compliance with the *Legislative Standards Act 1992*

4.1 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of Parliament.

The committee has examined the application of the fundamental legislative principles to the Bill. The committee brings the following to the attention of the Legislative Assembly.

4.1.1 Rights and liberties of individuals – agricultural ERAs

Section 4(2)(a) of the LSA requires that legislation has sufficient regard to the rights and liberties of individuals.

Clause 8 replaces chapter 4A of the EP Act. The proposed new Part 3 sets out the requirements for carrying out agricultural ERAs.

Under proposed sections 79 and 80 of the Bill, a person will be required to carry out an agricultural ERA on land in the Great Barrier Reef catchment where the following activities are carried out on a commercial basis:

- cattle grazing
- horticulture; or
- cultivation of another crop.

Proposed section 81 sets out what is an agricultural ERA standard. Section 81(3) provides that an agricultural ERA may include a standard condition about:

- the use of water, nutrients, agricultural chemical products or other substances in carrying out the agricultural ERA
- that requires compliance with a prescribed methodology; or
- the way land, the features of the land and farming infrastructure are designed and used, and farming operations are undertaken, to carry out the agricultural ERA.

The explanatory notes recognise that new cropping development will be required to apply for an environmental authority and meet minimum practice standards.³³⁴

Issue of fundamental legislative principle

The reasonableness and fairness of treatment of individuals is relevant in deciding whether legislation has sufficient regard to rights and liberties of individuals.

The introduction of the ERA is an additional burden to land owners, as it will require them to meet additional standards. A number of submissions stated this will result in additional workload and compliance costs. Further, apart from financial costs, it was said that farmers may need to change farming practice and infrastructure.³³⁵

The explanatory notes acknowledge that:

³³⁴ Explanatory notes, p 6.

³³⁵ Pioneer Cane Growers Organisation Ltd, submission 146, p 2.

*... the new provisions ... place additional requirements on a person who is undertaking these activities, to reduce nutrient and sediment pollutants flowing to Reef waters’.*³³⁶

This will affect the rights and liberties of these individuals. The explanatory notes provide the following background:

*... Despite significant government and industry investment, particularly in agriculture, voluntary approaches have failed to facilitate sufficient uptake of improved practices and the present trajectory, the Reef water quality targets will not be met.*³³⁷

And then provides the following justification:

*Implementing the Bill is necessary to accelerate progress toward meeting the Queensland and Australian governments’ Reef water quality targets to achieve Reef health. Agricultural and industrial activities in other areas of the state and country are not located adjacent to such an important asset, and are not having the same effect on the Great Barrier Reef.*³³⁸

Committee Comment

The committee considers the interference with rights and liberties of individuals is sufficiently justified, noting the policy objectives of the Bill.

4.1.2 Rights and liberties of individuals – penalties

Clause 8 introduces proposed section 82, which creates an offence for a person carrying out an ERA to contravene an agricultural ERA standard. It sets out a maximum penalty of:

- 1,665 penalty units (\$217,365) if the offence is committed wilfully
- otherwise 600 penalty units (\$78,330).³³⁹

Under proposed section 85, an adviser must not give tailored advice about carrying out an agricultural ERA that the adviser knows, or ought reasonably to know, is false or misleading in a material particular to a person. The maximum penalty is 600 penalty units (\$78,330).

Issue of fundamental legislative principle

Proportion and relevance

Consequences imposed by legislation should be proportionate and relevant to the actions to which the consequences are applied by the legislation. A penalty should be proportionate to the offence.

In relation to the proportionality of penalties, the OQPC Notebook states:

In the context of supporting fundamental legislative principles, the desirable attitude should be to maximise the reasonableness, appropriateness and proportionality of the legislative provisions devised to give effect to policy.

*... Legislation should provide a higher penalty for an offence of greater seriousness than for a lesser offence. Penalties within legislation should be consistent with each other.*³⁴⁰

Section 82 in effect consolidates a number of previous offences relating to carrying out an agricultural ERA into a single offence for failing to comply with an agricultural ERA standard. These offences are

³³⁶ Explanatory notes, p 10.

³³⁷ Explanatory notes, p 10.

³³⁸ Explanatory notes, p 10.

³³⁹ One penalty unit is \$130.55.

³⁴⁰ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 120.

contained in sections 78, 84, 85 and 86 of the EP Act. The maximum penalty amount for these offences is 100 penalty units for each offence.

The Bill increases the maximum penalty considerably. The increased maximum penalty available for contravening an agricultural ERA standard is significant, particularly given that the people required to carry out agricultural ERAs are land owners or persons using the land. The issue is whether this is proportionate to the actions.

The Pioneer Cane Growers Organisation Ltd offered the following:

This is a substantial increase from the previous maximum penalty of 100 penalty units [equates to \$13,055]... The impact on such a penalty imposed on a small family farming enterprise – which are entities least likely to adopt, afford or accommodate structural changes sought by the Bill – will potentially inflict financial hardship upon the family business.³⁴¹

The explanatory notes provide the following justification for the increase, referring to some penalties for similar environmental offences:

[It] ensures that penalties accurately reflect the seriousness of the offences and are comparable to similar offences. This offence is similar in nature to other offences for less serious types of environmental harm, such as section 440 – causing environmental nuisance, and section 440ZG – minor water contamination. As such, the penalty for contravening an agricultural ERA standard has been set at the same level as these offences.³⁴²

Committee Comment

Considering the information above, and the justification provided by the department during the inquiry process, the committee considers the penalties are proportionate and relevant.

4.2 Explanatory notes

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill. The notes are fairly detailed and contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

³⁴¹ Pioneer Cane Growers Organisation Ltd, submission 146, p 3.

³⁴² Explanatory notes, p 10.

Appendix A – Submitters

Sub #	Submitter
001	William Tait
002	Peter Pocock
003	Number not allocated
004	Harry Shann
005	Robyn Simmons
006	Form submission 1
007	Peter Hornick
008	Cairns Port Development Inc
009	Wide Bay Burnett Environment Council Inc
010	Stuart Nicol
011	Greg and Diane Binnie
012	Queensland Resources Council
013	Gary Cook
014	Genevieve Hawkins
015	Harry Audus
016	Clare Cullen
017	Jennifer Guerra
018	Dr Edward Cleary
019	Laraine Halleday
020	Pamela Mailey
021	Andy Foster
022	Jessica Simpson
023	Karen White
024	Yvonne Tiso
025	Silvana Franze
026	Lesley Mackinnon
027	Adrian Hannan
028	Audrey Rivoire
029	Sanjay Sircar
030	Kawinwit Kittipalawattanapol
031	Emilie O'Connor
032	Laurence Stevenson
033	Martine Porret

034	Sue Collings
035	Antonio Pandele
036	Angeline Anthony
037	Anne Adams
038	Prof. Dr. Michael Hubler
039	Meryl and Hartley Tobin
040	Christopher O'Brien
041	Andrew Hine
042	Marion Kraus
043	Leanne Keane
044	Yori Schell
045	Roz Downing
046	Joseph Ritchie
047	Kal Thompson
048	Alexander Buck
049	Carolyn Keery
050	Tanja Rieger
051	Ana Vanbegin
052	Earl Muller
053	Chesney Dowd
054	Daniel Sauve
055	Joan Knipe
056	Viviane Lambreton
057	Katy Pickering
058	Grant Leigh Atherton
059	CANEGROWERS Cairns Region Ltd
060	Lai Sim Chan
061	Eileen Tubb
062	Jackie Wright
063	Kylie Brown
064	Martina Meyer
065	Mary-Ann Reid
066	Doris Nash
067	Elizabeth Pilven
068	Jean-Paul Rivarola

069	Danielle Forest
070	Jeremy Ryan
071	Keelah Lam
072	Elizabeth Hobson
073	Alliance to Save Hinchinbrook Inc
074	Adrian Bright
075	Duncan Richardson
076	Kelly Sherriff
077	Simon Da Silva
078	Chiara Pallini
079	Burdekin Shire Council
080	Anastasios Hadoulis
081	Number not allocated
082	Cement Concrete & Aggregates Australia
083	Calvin Wilson
084	Australian Marine Conservation Society
085	ARC Centre of Excellence for Coral Reef Studies
086	Conrad Quick
087	Felicity Davis
088	Gabriella Ann Farrell
089	Confidential
090	Gryffydd Harrison
091	Central & Western Beef Co Pty Ltd
092	Number not allocated
093	Jennifer Cooper
094	Australian Barramundi Farmers Association
095	Joel Ward
096	John Rumney
097	Kim Miller
098	Malden Grazing Company
099	Laurene de Reydet
100	Leonardo Sale
101	Liz Leigh
102	Mauricio Nunez Munoz
103	Mike Wagner

104	Paul and Kylie Slack
105	Rick Nankivell
106	Romarhio Aguilar
107	Sally Bushby
108	Tony Fontes
109	Wayne Hadfield
110	Burdekin River Pastures
111	Brian Martin
112	Gillian Dunwoodie
113	Jennifer Lake
114	Julie Kmet
115	Madison Glaister
116	Monica Hunter
117	Patricia Julien
118	Russ Graul
119	Australian Institute of Marine Science
120	Dr Evan Hamman and Dr Felicity Deane
121	PN & J Anderson
122	Property Council of Australia
123	Central Highlands Regional Resources use Planning Cooperative
124	Growcom
125	Rebecca Vander Have
126	WWF-Australia
127	Reef 2050 Plan Independent Expert Panel
128	Wide Bay Burnett CANEGROWERS
129	Graham Connell
130	Suzanne Treagle
131	Michael Stegherr
132	Kathryn Hawkins
133	Thomas John and Judith Anne Sorensen
134	Warren Jackson
135	Robert Jackson
136	Mark Anger
137	AgForce Queensland Farmers Ltd
138	Fertilizer Australia

139	Environmental Defenders Office North Queensland
140	Green Collar, Terrain NRM and NW Dry Tropics
141	Australian Prawn Farmers Association
142	Australian Sugar Milling Council
143	Property Rights Australia
144	Barry Stubbs
145	CANEGROWERS Mackay
146	Pioneer Cane Growers Organisation Ltd
147	Mark Mammino
148	Queensland Water Directorate (qldwater)
149	Queensland Farmers' Federation
150	Australian Cane Farmers Association Limited
151	Australian Banana Growers' Council
152	Gladstone Ports Corporation
153	CANEGROWERS Isis
154	Environmental Defenders Office (Qld) Inc
155	Number not allocated
156	Number not allocated
157	Form submission 2
158	Number not allocated
159	Number not allocated
160	Ian Reynolds
161	Ken Stevens
162	Colin Verrall
163	Josephine Angus
164	David Jones
165	Ruth Jones
166	Jeff and Lee Clews
167	Sophie Milhern
168	Eliane Yuille
169	Cape York Land Council Aboriginal Corporation
170	Garrey Sellars
171	Dixie Nott
172	Garry Reed
173	CANEGROWERS

174	Invicta Cane Growers Organisation Ltd
175	Nigel Onley
176	Springvale Grazing
177	MJ & NA Melville
178	Number not allocated
179	Del and Barry Ahern
180	Helen Sullivan
181	Tim Kirkwood
182	Paul Francis
183	Sandra Couch
184	Cornelius Van Eldik
185	Capricorn Conservation Council
186	Jennifer Rae
187	Alexandra Thomas
188	Petra Hochstein
189	Ian J McLean
190	Lenore Taylor
191	Jane O Davies
192	Kim Voermans
193	A. van IJssell-Jutte
194	Hardik Gandhi
195	Marjan Booy
196	Patricia Wells
197	Christine De Ridder
198	Sara Larcher
199	Pamela Walker
200	Ida Londahl
201	Liz Leigh
202	Patricia De Lorenzi
203	Brian Paradise
204	Mari Dominguez
205	Ross Barwick
206	Frank Maconochie
207	Fennie Tsai
208	Ingrid Horton

209	Maria Hadjiapostoli
210	Beverley Thompson
211	Ben Salkeld
212	Janine Rausens
213	Michael Driessen
214	Jennifer Hochmuth
215	Kathy Dunn
216	Nina Mackellar
217	Elisha Parker
218	Pinnacle Pocket Cattle & Consultant
219	James Anthony O'Neill & Alexandra Winter O'Neill
220	Local Government Association of Queensland
221	Allan & Abbey Lucas
222	Consolidated Pastoral Company
223	Kelva Camm
224	Brian Kaddatz
225	Raye O'Sullivan
226	Moran Trading Pty Ltd
227	Confidential
228	David Agnew
229	John Jago
230	Samantha Eltringham
231	David Lee
232	Alison Kirkwood
233	Rachael Strang
234	Michael and Michelle Price
235	Whitsunday Regional Council
236	Peter and Kate Waddell
237	Mary River Catchment Coordinating Committee
238	Dale Knuth

Appendix B – Officials at public departmental briefing

Department of Environment and Science

- Ms Elisa Nichols, Executive Director, Office of the Great Barrier Reef, Environmental Policy and Programs
- Ms Louise Smyth, Director Reef Policy, Office of the Great Barrier Reef, Environmental Policy and Programs

Appendix C – Witnesses at public hearings

Brisbane - Monday 25 March 2019

AgForce Queensland Farmers Ltd

- Georgie Somerset, General President
- Alex Stubbs, Chair of Reef Working Group
- Michael Guerin, Chief Executive Officer
- Andrew Freeman, General Manager – Projects
- Marie Vitelli, Policy Officer

CANEGROWERS

- Paul Schembri, Chairman
- Daniel Galligan, Chief Executive Officer

Australian Sugar Milling Council

- David Pietsch, Chief Executive Officer
- Jim Crane, Director, Industry and Government Affairs

Queensland Farmers' Federation

- Travis Tobin, Chief Executive Officer
- Allan Dingle, Vice President

Fertilizer Australia

- Stephen Annells, Executive Manager

Growcom

- Scott Wallace, Hort360 Manager

Australian Prawn Farmers Association

- Matt West, President
- Wayne Di Bartolo, R&D Committee Member

Environmental Defenders Office Qld

- Revel Pointon, Senior Solicitor

Australian Marine Conservation Society

- Nick Heath, President

WWF-Australia

- Sean Hoobin, Senior Manager, Reef and Water

Cairns - Tuesday 9 April 2019

Eye to Eye Marine Encounters

- John Rumney, Managing Director

Association of Marine Park Tourism Operators

- Col McKenzie, Executive Director

Cape York Land Council Aboriginal Corporation

- Jim Davis, Program Manager
- Shannon Burns, Policy Officer

Australian Banana Growers' Council

- Stephen Lowe, Chair
- Michelle McKinley, Industry Strategy Manager

Australian Barramundi Farmers Association

- Jo-Anne Ruscoe, Executive Officer

Environmental Defenders Office of Northern Queensland Inc

- Naim Santoso-Miller

Pinnacle Pocket Cattle & Consultant

- Peter Spies, Owner/Manager

CANEGROWERS – Cairns Region

- Stephen Calcagno, Chair

CANEGROWERS – Innisfail

- Wayne Thomas
- Joseph Marano

Private capacity

- Barry Stubbs, Canegrower

Townsville – Wednesday 10 April 2019

ARC Centre of Excellence for Coral Reef Studies

- Professor Jon Brodie, Professorial Research Fellow
- Dr Alana Grech, Assistant Director

Great Barrier Reef Marine Park Authority

- Dr David Wachenfeld, Chief Scientist

Private Capacity

- Bruce and Helen Hill

BRIA Irrigators Limited

- Russ McNee
- Mario Barbagallo

Pioneer Cane Growers Organisation Ltd

- Dean Sgroi, Co-Chair
- Julie Artiach, Manager and Company Secretary

Invicta Cane Growers Organisation

- Laurence Dal Santo, Acting Chairman
- Michael Kern, Manager

CANEGROWERS Herbert River

- Jeff Cantamessa, Board Director
- Chris Bosworth, Deputy Chairman
- Frank Scardamaglia, Manager

CANEGROWERS Burdekin

- Phil Marano, Chair
- Owen Menkens, Deputy Chair
- Wayne Smith, General Manager

Burdekin River Pastures

- Desmond Bolton

Hinchinbrook Shire Council

- Ramon Jayo, Mayor

Mackay – Thursday 11 April 2019

AgForce Queensland Farmers Limited

- John Baker, Central Queensland President
- Donald Black, Regional Council Member

Private capacity

- Elisha Parker
- Josephine Angus
- Peter Anderson
- Julia Anderson
- Patricia Julien

Moran Trading Pty Ltd

- Shontae Moran

Smart Environment

- Rex Singline

Mackay Conversation Group

- Peter McCallum, Co-ordinator

CANEGROWERS

- Paul Schembri, Chairman

CANEGROWERS – Mackay

- Kevin Borg, Chairman

CANEGROWERS – Proserpine

- Glenn Clarke, Chairman

Bundaberg – Friday 12 April 2019

Wide Bay Burnett Environment Council

- Mike Moller, Regional Engagement Coordinator

Burnett Mary Regional Group

- Cathy Mylrea, Land & Water Program Manager
- Wendy Thorsborne, Regional Extension Coordinator

CANEGROWERS – Bundaberg

- Dale Holliss, Manager
- Simon Doyle, General Manager
- Dean Cayley, Member

CANEGROWERS – Isis

- Mark Mammino, Chair

Graziers

- Geoffrey McCarthy
- Paul Slack
- Georgia Slack

Private capacity

- Darryl Hampson
- Dr Graham Kingston, Sugron Pty Ltd

Appendix D – Consultation conducted by the Department of Environment and Science

Table 1: Agricultural Stakeholder Advisory Group consultation

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
August 2016 – public release of Government response to Great Barrier Reef Water Science Taskforce recommendations					
Regulatory proposals	Brisbane	Agricultural Stakeholder Advisory Group (AgSag) (meeting minutes provided)	Peak agricultural representative bodies - The Honourable Steven Miles, Minister for the Environment and Heritage Protection and Minister for the Great Barrier Reef, AgForce, Australian Banana Growers Council (ABGC), Australian Sugar Milling Council (ASMC), Australian Cane Farmers Association (ACFA), Canegrowers Brisbane (Canegrowers), Fertilizer Australia, Growcom, Meat and Livestock Australia (MLA), Queensland Farmers Federation (QFF), Reef Alliance, Cattle Council Australia, Sugar Research Australia (SRA), Department of Environment and Science (DES), Department of Agriculture and Fisheries (DAF), Department of Natural Resources Mines and Energy (DNRME).		4-Aug-16
Regulatory proposals	Brisbane	Agricultural Stakeholder Advisory Group (AgSag) (meeting minutes provided)	Peak agricultural representative bodies - AgForce, Australian Banana Growers Council (ABGC), Australian Sugar Milling Council (ASMC), Australian Cane Farmers Association (ACFA), Canegrowers Brisbane (Canegrowers), Fertilizer Australia, Growcom, Meat and Livestock Australia (MLA), Queensland Farmers Federation (QFF), Reef Alliance, Cattle Council Australia, Sugar Research Australia (SRA), Department of Environment and Science (DES), Department of Agriculture and Fisheries (DAF), Department of Natural Resources Mines and Energy (DNRME).		6-Sep-16

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Regulatory proposals	Brisbane	Joint Agricultural Stakeholder Advisory Group (AgSag) / conservation sector meeting (meeting minutes provided)	Peak agricultural representative bodies and conservation groups - AgForce, Australian Banana Growers Council (ABGC), Australian Sugar Milling Council (ASMC), Australian Cane Farmers Association (ACFA), Canegrowers Brisbane (Canegrowers), Fertilizer Australia, Growcom, Meat and Livestock Australia (MLA), Queensland Farmers Federation (QFF), Reef Alliance, Cattle Council Australia, Sugar Research Australia (SRA), WWF, Australian Marine Conservation Society (AMCS), Environmental Defenders Office (EDO), Department of Environment and Science (DES), Department of Agriculture and Fisheries (DAF), Department of Natural Resources Mines and Energy (DNRME).		31-Oct-16
March 2017 – public release of discussion paper (<i>Enhancing regulations to ensure clean water for a healthy Great Barrier Reef and a prosperous Queensland</i>)					
Regulatory proposals	Brisbane	Agricultural Stakeholder Advisory Group (AgSag) (meeting minutes provided)	Peak agricultural representative bodies - AgForce, Australian Banana Growers Council (ABGC), Australian Sugar Milling Council (ASMC), Australian Cane Farmers Association (ACFA), Canegrowers Brisbane (Canegrowers), Fertilizer Australia, Growcom, Meat and Livestock Australia (MLA), Queensland Farmers Federation (QFF), Reef Alliance, Cattle Council Australia, Sugar Research Australia (SRA), Department of Environment and Science (DES), Department of Agriculture and Fisheries (DAF), Department of Natural Resources Mines and Energy (DNRME).		12-Jun-17
Sept 2017 – public release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (7 September – 3 November 2017)					
Jan 2018 – public re-release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (22 Jan - 19 Feb 2018 due to the initial consultation period being suspended due to the 2018 State election)					
Regulatory proposals	Brisbane	Agricultural Stakeholder Advisory Group (AgSag)	Peak agricultural representative bodies - AgForce, Australian Banana Growers Council (ABGC), Australian Sugar Milling Council (ASMC), Australian Cane Farmers Association (ACFA), Canegrowers Brisbane (Canegrowers), Fertilizer Australia, Growcom, Meat and Livestock Australia (MLA), Queensland Farmers Federation (QFF), Reef Alliance, Cattle Council Australia, Sugar Research Australia (SRA), Department of Environment and Science (DES),		14-May-18

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
			Department of Agriculture and Fisheries (DAF), Department of Natural Resources Mines and Energy (DNRME).		
Regulatory proposals	Brisbane	Agricultural Stakeholder Advisory Group (AgSag)	Peak agricultural representative bodies - AgForce, Australian Banana Growers Council (ABGC), Australian Sugar Milling Council (ASMC), Australian Cane Farmers Association (ACFA), Canegrowers Brisbane (Canegrowers), Fertilizer Australia, Growcom, Meat and Livestock Australia (MLA), Queensland Farmers Federation (QFF), Reef Alliance, Cattle Council Australia, Sugar Research Australia (SRA), Department of Environment and Science (DES), Department of Agriculture and Fisheries (DAF), Department of Natural Resources Mines and Energy (DNRME).		17-Oct-18
Acquisition of agricultural data	Brisbane	Agricultural Stakeholder Advisory Group (AgSag)	Peak agricultural representative bodies - AgForce, Australian Banana Growers Council (ABGC), Australian Sugar Milling Council (ASMC), Australian Cane Farmers Association (ACFA), Canegrowers Brisbane (Canegrowers), Fertilizer Australia, Growcom, Meat and Livestock Australia (MLA), Queensland Farmers Federation (QFF), Reef Alliance, Cattle Council Australia, Sugar Research Australia (SRA), Department of Environment and Science (DES), Department of Agriculture and Fisheries (DAF), Department of Natural Resources Mines and Energy (DNRME).Agtrix Pty Ltd		3-Dec-18
October 2018 release of exposure draft Bill to key stakeholders (29.1018 - 01.11.18)					
February 2019 Bill introduced into Parliament – currently with the Innovation, Tourism and Environment Committee (27 Feb 2019)					

Table 2: Grazing and Grains stakeholder consultation

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
August 2016 – public release of Government response to Great Barrier Reef Water Science Taskforce recommendations					
Regulatory proposals	video conference	Regulatory proposals	Fitzroy Basin Association video conference		21-Mar-17
Regulatory proposals	Bundaberg	Regulatory proposals	Burnett Catchment Care Association/ AgForce / other commodities (cane, horticulture and grains)		27-Mar-17
Regulatory proposals	Lakeland	Regulatory proposals	Cape York Natural Resource Management Body, mixed commodities, graziers		3-Apr-17
Regulatory proposals	Brisbane	AgForce (Reef Committee)	AgForce (Reef Committee)		7-Apr-17
Grazing minimum standards	Brisbane	Grazing minimum standards	AgForce/ Government representatives		19-Apr-17
<i>Regulatory proposals</i>	<i>NA</i>	<i>AgForce submission on March 2017 discussion paper</i>	<i>OGBR consideration of submission</i>		<i>28-Apr-17</i>

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Recognition of industry BMP programs	Brisbane	Recognition of industry BMP programs (Sugarcane, Grazing and Grains)	AgForce/ Canegrowers Brisbane/ NRM Body (Fitzroy Basin Association (FBA))		8-Jun-17
Sept 2017 – public release of the Consultation RIS for broadening and enhancing Reef protection regulations (7 September – 3 November 2017)					
Regulatory proposals/ grazing minimum standards	Bowen	Major Integrated Project (MIPs)	Graziers, NQ Dry Tropics		25-Oct-17
Jan 2018 – public re-release of the Consultation RIS for broadening and enhancing Reef protection regulations (22 Jan - 19 Feb 2018 due to the initial consultation period being suspended due to the 2018 State election)					
Regulatory proposals	NA	Submission on Reef Regulations Consultation Regulatory Impact	DES consideration of submission		19-Feb-17
BMP and Regulatory Proposals	Brisbane		Agforce		22-Feb-18
BMP and Regulatory Proposals	Brisbane		Agforce, Fitzroy Basin Association		1-Mar-2018

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Grazing minimum Standards	Bowen	Burdekin Major Integrated Project (MIPs) graziers	Individual graziers (including local AgForce rep), Eberhard Consulting, C2O		21-May-18
Grazing minimum Standards	Brisbane	Grazing industry meeting	AgForce, QFF		25-May-18
Grazing minimum Standards	Rockhampton	Grazing industry/ NRM meeting	Graziers, Fitzroy Basin Association		7-Aug-18
Grazing minimum Standards	Emerald	Grazing industry/ NRM meeting	Graziers, Fitzroy Basin Association, CHRRUP, Emerald Agricultural College		8-Aug-18

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Grazing minimum Standards	Biggenden	Grazing industry/ NRM meeting	Graziers (including AgForce reps), Burnett Mary Regional Group, Mary River Catchment Coordination Committee, Bunya beef grazing		28-Aug-18
October 2018 release of exposure draft Bill to key stakeholders (29.10.18 - 01.11.18)					
February 2019 Bill introduced into Parliament – currently with the Innovation, Tourism and Environment Committee (27 Feb 2019)					
Agricultural stakeholders / Grazing minimum Standards	Bowen	Major Integrated Project (MIPs) – Guidelines for the grazing minimum standards/ NRM meeting	Graziers (including AgForce rep), NQ Dry Tropics NRM body		19-Mar-19

Table 3: Sugarcane stakeholder consultation

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
August 2016 – public release of Government response to Great Barrier Reef Water Science Taskforce recommendations					
Regulatory proposals	Brisbane	Canegrowers Brisbane N/A			7-Feb-17
March 2017 – public release of discussion paper (<i>Enhancing regulations to ensure clean water for a healthy Great Barrier Reef and a prosperous Queensland</i>)					
Regulatory proposals	Cairns	Australian Sugar Milling Council annual meeting	Australian Sugar Milling Council and Mill CEO's		21-Mar-17
Regulatory proposals	Mareeba	Regulatory proposals	Mareeba Growers (Fruit and Veg Grower Association/ Growcom) and Canegrowers Tablelands – Mareeba		21-Mar-17
Regulatory proposals	Mourilyan		Regional cane representatives in the Wet Tropics region Wet Tropics Sugar Industry Partnership – Mourilyan		23-Mar-17
Regulatory proposals	Ayr		Regional cane representatives in the Burdekin region		24-Mar-17
Regulatory proposals	Bundaberg	Regulatory proposals	Burnett Catchment Care Association/ AgForce / other commodities (cane, horticulture and grains)		27-Mar-17
Regulatory proposals	Mackay		Mackay-Whitsundays Regional Cane Working Group		28-Mar-17

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
<i>Regulatory proposals</i>	NA	<i>Submissions on March 2017 discussion paper</i>	<i>OGBR consideration of submission</i>	<i>Canegrowers Brisbane, Canegrowers Cairns, ASMC, ACFA, Canegrowers Isis, Canegrowers Bundaberg, Pioneer Cane growers, Fertilizer Australi, QFF</i>	<i>21-Apr-17</i>
Regulatory proposals	Brandon	Fertcare Sugarcane Workshop	Participants interested in fertiliser efficiency and crop productivity in the Burdekin region's cane industry Fertcare Australia members including fertiliser sellers, departmental representative		11-Apr-17
Regulatory proposals	Cairns	Fertcare Sugarcane Workshop	Participants interested in fertiliser efficiency and crop productivity in the Burdekin region's cane industry Fertcare Australia members including fertiliser sellers, departmental representative		16-May-17
Regulatory proposals	Ingham	Fertcare Sugarcane Workshop	Participants interested in fertiliser efficiency and crop productivity in the Burdekin region's cane industry Fertcare Australia members including fertiliser sellers, departmental representative		18-May-17
Regulatory proposals	Mackay	Fertcare Sugarcane Workshop	Participants interested in fertiliser efficiency and crop productivity in the Burdekin region's cane industry Fertcare Australia members including fertiliser sellers, departmental representative		2-Jun-17
Regulatory proposals	Bundaberg	Fertcare Sugarcane Workshop	Participants interested in fertiliser efficiency and crop productivity in the Burdekin region's cane industry Fertcare Australia members including fertiliser sellers, departmental representative		9-Jun-17
<i>Regulatory proposals</i>	NA	<i>Canegrowers Brisbane submission on March 2017 discussion paper</i>	<i>OGBR consideration of submission</i>		

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Recognition of industry BMP programs	Brisbane	Recognition of industry BMP programs (Sugarcane, Grazing and Grains)	Canegrowers Brisbane/ AgForce/ Growcom		8-Jun-17
Regulatory proposals	Brisbane	Regulatory proposals - sugar mill industry	Australian Sugar Milling Council, Canegrowers Brisbane, Australian Cane Farmers Association		26-Jun-17
Sept 2017 – public release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (7 Sept – 3 Nov 2017)					
Acquisition of sales data from fertilizer sellers	Brisbane	Regulatory proposals - fertiliser sellers	Fertilizer Australia,		17-Oct-17
Regulatory proposals	Brisbane	Canegrowers - Environment & Sustainability Committee meeting	Cane industry representatives		24-Oct-17
Jan 2018 – public re-release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (22 Jan - 19 Feb 2018 due to the initial consultation period being suspended due to the 2018 State election)					
Regulatory proposals		Regulatory proposals	Cane industry representatives		10-Jan-18
<i>Regulatory proposals</i>	<i>NA</i>	<i>Submissions on Reef Regulations Consultation Regulatory Impact</i>	<i>Note submissions were made during both RIS consultation periods</i>	Canegrowers Brisbane, Canegrowers Isis, Canegrowers Bundaberg, Pioneer Canegrowers, ACFA, ASMC, MSF Sugar, Mackay Area Productivity Services, Sugar Services Proserpine, Farmacist, BGA Agriservices, Fertilizer Australia, Farmacist. QFF	<i>19-Feb-18</i>

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Regulatory proposals	Brisbane	Australian Sugar Milling Council Environment Committee Meeting	Reef region sugar mills		10-Apr-18
Cane minimum standards	Brisbane		Cane industry representatives		14-May-18
Cane minimum standards	Mackay		Peak agricultural representative bodies (Canegrowers, Farmacist, MAPS, PCPSL, Sugar Services Proserpine)		17-May-18
Cane minimum standards	Cairns		Peak agricultural representative bodies (SRA, Tully Sugar Ltd, TRAPS, MSF Sugar), and Natural Resource Management Body (Terrain)		23-May-18
Cane minimum standards	Ayr		Peak agricultural representative bodies (Wilmar, Kalagro, Farmacist, Pioneer Canegrowers, SRA, BPS, Sugarfix.		29-May-18
Cane minimum standards	Ingham		Canegrowers Herbert River, Australian Sugar Cane Farmers Ingham, Herbert Cane Productivity Services, SRA, Natural Resource Management Body (Terrain), Northern Agri, HCPSL.		30-May-18
Cane minimum standards	Innisfail		Canegrowers		30-May-18

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Cane minimum standards	Childers		Cane industry representatives, canegrowers, Isis Mill, IPL, Natural Resource Management Body (BMRG).		31-Jul-18
Cane minimum standards	Brisbane	Nutrient Management Plan	Canegrowers Brisbane		17-Aug-18
Cane minimum standards	Brisbane	Nutrient Management Plan	Canegrowers Brisbane		22-Aug-18
Regulatory proposals	Brisbane	Nutrient Management Plan	Canegrowers Brisbane		7-Sep-18
Regulatory proposals	Bundaberg	Science discussion	Peak agricultural representative bodies – Canegrowers Isis, QCGO, Canegrowers Maryborough, Canegrowers Bundaberg, Canegrowers Isis, Isis central sugar mill and Natural Resource Management body (BMRG)		20-Sep-18
Regulatory proposals	Brisbane		Peak canegrowers representative body		30-Oct-18
October 2018 release of exposure draft Bill to key stakeholders (29 Oct 2018 - 1 Nov 2018)					
February 2019 Bill introduced into Parliament – currently with the Innovation, Tourism and Environment Committee (27 Feb 2019)					

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Cane minimum standards	Brisbane	Cane Technical Working Group	Cane industry representatives, USQ, conservation group representatives (AMCS, ACFA, WWF).		2-Apr-19

Table 4: Bananas & Horticulture Stakeholder consultation

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
August 2016 – public release of Government response to Great Barrier Reef Water Science Taskforce recommendations					
Regulatory proposals	Brisbane	Australian Banana Growers Association	Australian Banana Growers Association (Board)		22-Feb-17
Regulatory proposals	El Arish	Banana Growers Meeting	Cassowary Coast Banana group		9-Mar-17
Regulatory proposals	Mareeba	Regulatory proposals	Mareeba Growers and Canegrowers Tablelands – Mareeba		21-Mar-17 – <i>note this is also listed in table 3.</i>
Regulatory proposals	Bundaberg	Regulatory proposals	Burnett Catchment Care Association/ AgForce / other commodities (cane, horticulture and grains)		27-Mar-17
<i>Regulatory proposals</i>	NA	<i>Submissions on March 2017 discussion paper</i>	<i>OGBR consideration of submission</i>	<i>ABGA, QFF, Growcom, Mareeba Growers</i>	21-Apr-17
Regulatory proposals	Brisbane	Hort360 (Horticulture Best Management Practices Program)	Growcom		8-Jun-17
Sept 2017 – public release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (7 Sept – 3 Nov 2017)					
Jan 2018 – public re-release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (22 Jan - 19 Feb 2018 due to the initial consultation period being suspended due to the 2018 State election)					

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Regulatory proposals	NA	Submissions on Reef Regulations Consultation Regulatory Impact	Note submissions were made during both RIS consultation periods	ABGA, QFF, Growcom	19-Feb-18
Banana minimum standards	South Johnstone	Industry forum	ABGC, DAF, Growers and consultants		22-May-18
Regulatory proposals	Brisbane	Growcom	Growcom		16-Oct-18
October 2018 release of exposure draft Bill to key stakeholders (29 Oct 2018 - 1 Nov 2018)					
Banana minimum standards	Brisbane	Australian Banana Growers Association	Australian Banana Growers Association		2-Nov-18
February 2019 Bill introduced into Parliament – currently with the Innovation, Tourism and Environment Committee (27 Feb 2019)					
Minimum standards and update on process	Brisbane / teleconference	Australian Banana Growers Association	Australian Banana Growers Association Board members		28-Feb-19
Agricultural stakeholders / Bananas minimum Standards	Brisbane	Australian Banana Growers Association	Australian Banana Growers Association		11-Mar-19

Table 5: Conservation group stakeholders

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
August 2016 – public release of Government response to Great Barrier Reef Water Science Taskforce recommendations					
Regulatory proposals	Brisbane	Conservation groups	Conservation groups – WWF, AMCS, EDO		18-Aug-16
Regulatory proposals	Brisbane	Joint Agricultural Stakeholder Advisory Group (AgSag) / conservation sector meeting	Peak agricultural representative bodies including AgForce/ conservation groups		31-Oct-16 – <i>note this is also listed in table 1.</i>
March 2017 – public release of discussion paper (<i>Enhancing regulations to ensure clean water for a healthy Great Barrier Reef and a prosperous Queensland</i>)					
Regulatory proposals	NA	<i>Submissions on March 2017 discussion paper</i>	<i>WWF, EDO, Wide Bay Burnett Environment Council, AMCS, Douglas Shire Sustainability Group, Burnett Catchment Care Association</i>		28-Apr-17
Regulatory proposals	Brisbane	Conservation groups (meeting minutes provided)	Conservation groups (WWF and QCC)		14-Jun-17
Regulatory proposals	Brisbane	Conservation groups (meeting minutes provided)	Conservation groups (AMCS and EDO)		20-Jun-17
Regulatory proposals	Brisbane	Conservation groups	Conservation groups (WWF, QCC, EDO)		22-Mar-17

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Sept 2017 – public release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (7 Sept – 3 Nov 2017)					
Jan 2018 – public re-release of the Consultation RIS for broadening and enhancing Reef protection regulations (22 Jan - 19 Feb 2018 due to the initial consultation period being suspended due to the 2018 State election)					
<i>Regulatory proposals</i>	NA	<i>Submissions to Reef Regulations Consultation Regulatory Impact</i>	WWF, EDO, AMCS,		19-Feb-18
Regulatory proposals	Brisbane	Conservation groups	WWF, AMCS, EDO, QCC		9-May-18
Minimum standards	Brisbane	Conservation groups	WWF, AMCS, EDO, QCC		28-May-18
October 2018 release of exposure draft Bill to key stakeholders (29 Oct 2018 - 1 Nov 2018)					
Regulatory proposals	Brisbane	Conservation groups	WWF		25-Jun-18
Regulatory proposals	Brisbane	Conservation groups	WWF, AMCS, EDO		15-Oct-18
Regulatory proposals	Brisbane	Conservation groups	AMCS		3-Sep-18
Regulatory proposals	Brisbane	Conservation groups	WWF, AMCS, EDO		1-Nov-18
Acquisition of agricultural data	Brisbane	Conservation groups	WWF, AMCS, EDO		3-Dec-18

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
February 2019 Bill introduced into Parliament – currently with the Innovation, Tourism and Environment Committee (27 Feb 2019)					
Cane minimum standards	Brisbane	Cane Technical Working Group	Cane industry and conservation group representatives		2-Apr-19

Table 6: Prescribed and Resource Environmentally Relevant Activity (Industrial) Stakeholder consultation

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
August 2016 – public release of Government response to Great Barrier Reef Water Science Taskforce recommendations					
Regulatory proposals	Brisbane	Teleconference	Local Government Association of Queensland, Qld Water Directorate, Townsville City Council		13-Feb-17
March 2017 – public release of discussion paper (<i>Enhancing regulations to ensure clean water for a healthy Great Barrier Reef and a prosperous Queensland</i>)					
Regulatory proposals	Webinar	Webinar	Industrial sector	Promoted through stakeholder email network	17-Mar-17
Regulatory proposals	Brisbane	Industrial sector (meeting minutes provided)	Peak industry groups - Housing Industry Association, North Queensland Bulk Ports Corporation, QRC, UDIA, GHD Consulting, PCA, Townsville City Council, LGAQ, Qld Water Directorate, Master Builders Qld, APFA, ABFA		16-Jun-17
Sept 2017 – public release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (07 Sept - 03 Nov 2017)					
Jan 2018 – public re-release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (22 Jan - 18 Feb 2018)					
Regulatory proposals	NA	Submissions to Reef Regulations Consultation Regulatory Impact	Note submissions were made during both RIS consultation periods	Queensland Ports Association, Queensland Resources Council, Queensland Water Directorate, SunWater, Douglas Shire Council, Townsville City Council, LGAQ, UDIA, Property Council of Australia, QRC	19-Feb-18

Subject	Location	Forum	Audience	Meeting invitees/ participants	Date
Regulatory proposals	Brisbane	Regulatory proposals	Peak industry groups - Housing Industry Association, North Queensland Bulk Ports Corporation, QRC, UDIA, GHD Consulting, PCA, Townsville City Council, LGAQ, Qld Water Directorate, Master Builders Qld, APFA, ABFA		11-May-18
October 2018 release of exposure draft Bill to key stakeholders (29 Oct 2018 - 1 Nov 2018)					
Regulatory proposals	Teleconference	Aquaculture peak industry groups	Australian Prawn Farmers Association, Australian Barramundi Association		28-May-18
Regulatory proposals	Teleconference	Industry peak groups	Australian Prawn Farmers Association, Australian Barramundi Association, Local Government Association (Queensland), Queensland Resources Council, QldWater		16-Oct-18
February 2019 Bill introduced into Parliament – currently with the Innovation, Tourism and Environment Committee (27 Feb 2019)					
Regulatory proposals - Offsets policy	Teleconference	Aquaculture industry groups	Australian Prawn Farmers Association, Australian Barramundi Association		14/03/2019

Table 7: Natural Resource Management Bodies consultation

Subject	Location	Forum	Audience	Meeting participants	Date
August 2016 – public release of Government response to Great Barrier Reef Water Science Taskforce recommendations					
March 2017 – public release of discussion paper (<i>Enhancing regulations to ensure clean water for a healthy Great Barrier Reef and a prosperous Queensland</i>)					
Regulatory proposals	Brisbane & teleconference facilities	Natural Resource Management Bodies	Natural Resource Management Bodies (for all six Reef regions) - Cape York NRM body, Terrain NRM, Fitzroy Basin Association, NQ Dry Tropics, Reef Catchments, Burnett Mary Regional Group		27-Mar-17
<i>Regulatory proposals</i>	NA	<i>Submissions on March 2017 discussion paper</i>	<i>OGBR consideration of submission</i>		21-Apr-17
Regulatory proposals	Brisbane & teleconference facilities	Natural Resource Management Bodies (meeting minutes provided)	Natural Resource Management Bodies (for all six Reef regions) - Cape York NRM body, Terrain NRM, Fitzroy Basin Association, NQ Dry Tropics, Reef Catchments, Burnett Mary Regional Group		13-Jun-17
Sept 2017 – public release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (7 Sep-3 Nov 2017)					
Jan 2018 – public re-release of the <i>Consultation RIS for broadening and enhancing Reef protection regulations</i> (22 Jan - 19 Feb 2018 due to the initial consultation period being suspended due to the 2018 State election)					

Subject	Location	Forum	Audience	Meeting participants	Date
<i>Regulatory proposals</i>	NA	<i>Submissions to Reef Regulations Consultation Regulatory Impact</i>	<i>Note submissions were made during both RIS consultation periods</i>	<i>Terrain NRM, FBA, NQ Dry Tropics</i>	<i>19-Feb-18</i>
Regulatory proposals	Brisbane & teleconference facilities		Natural Resource Management Bodies (for all six Reef regions) - Cape York NRM body, Terrain NRM, Fitzroy Basin Association, NQ Dry Tropics, Reef Catchments, Burnett Mary Regional Group		15-May-18
October 2018 release of exposure draft Bill to key stakeholders (29 Oct 2018-1 Nov 2018)					
February 2019 Bill introduced into Parliament – currently with the Innovation, Tourism and Environment Committee (27 Feb 2019)					
Regulatory proposals	Teleconference	Regional coordinators meeting	Natural Resource Management Bodies (for all six Reef regions) - Cape York NRM body, Terrain NRM, Fitzroy Basin Association, NQ Dry Tropics, Reef Catchments, Burnett Mary Regional Group		15-Jan-19
Regulatory proposals	Mackay	Paddock to Reef Science Forum (sugarcane focus)	Cane industry representatives, growers, NRM bodies, scientists		7-Mar-19

ENVIRONMENTAL PROTECTION (GREAT BARRIER REEF PROTECTION MEASURES) AND OTHER LEGISLATION AMENDMENT BILL 2019

Statement of Reservation:

The only outcome that this Bill has been designed to achieve is one of cheap political expediency for an incompetent Palaszczuk Labor Government. Later this year the Great Barrier Reef Outlook Report 2019 will be published. Every five years, this report is published providing an examination of the Great Barrier Reef's health, pressures, and likely future. The report will inevitably provide many revelations testifying to the indolence or incompetence of the Palaszczuk Labor Government in protecting the Great Barrier Reef.

Without doubt, the Palaszczuk Labor Government will seek to lay the blame anywhere but with itself. Come later this year, when the five-year outlook report is due to be tabled, Labor will point to this deeply flawed Bill as an example of what it has achieved. Unfortunately, the reality is that the reef's health doesn't improve with the enactment of a Bill that carries its name. The health of the Great Barrier Reef will only be protected through hard work and commitment - two attributes that have not yet been demonstrated by the Palaszczuk Government.

With few sitting weeks scheduled before the outlook report is due to be published, Labor have clearly chosen political expediency over good legislative principles. This Bill has been rushed through on a wildly unrealistic timeframe with a complete disregard for stakeholder input or participation with Queensland's parliamentary system. As Mr Burns from the Cape York Land Council Aboriginal Corporation stated during the committee hearing in Cairns:

...the process by which the bill has been prepared has been too rushed. There was only two weeks provided for stakeholders to make a comment to the committee, and that is not enough time for Cape York Aboriginal people to comprehend the bill and be able to prepare a response. We think there should be much more time provided and much more consultation and information provided to the people of Cape York so that they are aware of just how this bill will affect their interests. (Cairns Public Hearing, 9 April 2019).

This sentiment was shared by nearly all industry and agricultural stakeholders who appeared before, and submitted to, the committee. From the Cape to the Sunshine Coast communities are deeply aggrieved and anxious over this Brisbane-centric Labor Government's failure to consult and refusal to engage.

It has been ten years since the previous Labor Government passed the *Great Barrier Reef Protection Amendment Act 2009*, and it's clear that Queenslanders simply can't trust the Palaszczuk Labor Government to effectively regulate reef related activities. Instead of opting to dedicate the required resources to make the existing regulations work, Labor have with this Bill lazily opted to rush through poorly designed laws at the expense of the many communities and industries who are desperately trying to make the current framework deliver the required environmental outcomes. In relation to the under resourcing of implementing the current compliance framework, Mr Santoso-Miller of the Environmental Defenders Office of North Queensland made the following blunt assessment:

Mr Santoso-Miller: It can be done under the current activities, but from what we understand the compliance actions that have been undertaken fail to meet the standard that we would wish it to be. It may be that there is inadequate resourcing. We

do not know. We feel that compliance should be more adequately enforced and widespread.

Ms BOLTON: Through extra resources?

Mr Santoso-Miller: Yes. (Cairns Public Hearing, 9 April 2019)

The lack of financial resources invested by the Palaszczuk Labor Government extends beyond the compliance of the regulatory framework to all areas of reef management. Labor have consistently skimmed on reef related program investment and the consequences are showing. The scale of Labor's under-investment was shockingly revealed by Professor Brodie of the ARC Centre of Excellence for Coral Reef Studies in the following dialogue during the Townsville public hearing.

Mr CRISAFULLI: Professor Brodie, in your submission you talk about a quantum of money that would be needed to transition. The submission states—adequate funding is also a key requirement for successful management of fine sediment, nutrients and pesticide discharge to the GBR. The funding required to bring all farms up to low or moderate risk ... and to meet the targets is approximately 10 billion dollars over ten years ... I have read the explanatory notes and currently we have budgeted about \$25 million across four years. How effective would about \$6 million per year be in achieving the farm improvements that are needed that you could see?

Prof. Brodie: That is \$6 million from the state government?

Mr CRISAFULLI: Yes.

Prof. Brodie: Remember that there is also funding from the federal government that goes into this.

Mr CRISAFULLI: Sure, but we are here for a state parliamentary committee. How effective would \$6 million per annum be to help growers reach the standard that you talk about?

Prof. Brodie: To bring them up to standard, that will not be enough.

Mr CRISAFULLI: I suggest it would fall well short. (Townsville public hearing, 10 April 2019)

This statement was consistently repeated by nearly all environmental and industry stakeholders. Labor have skimmed on reef funding for years and the only solution they have developed is more regulation to shift any responsibility away from government to mask their own incompetence. It is obvious that the paltry \$13.8 million over four years allocated by the Palaszczuk Labor Government to assist farmers in transitioning to minimum practice standards is nowhere close to being enough. Both farmers and scientists have stated that the assistance package is deeply inadequate and should be significantly increased if the Government is serious about ensuring a future for agricultural industries in the reef catchments and improving water quality. There are many stakeholders who fear that the Government is simply unconcerned with the future of those industries and the allocated funding is a token amount reflecting that lack of concern on the part of this Brisbane-centric government.

In a telling sign of this Bill's ill-thought-out and last-minute design, not even the Department of Environment and Science knows how the underlying regulations are intended to be used. When asked a relatively straightforward question relating to the sweeping head of power granted for data regulation, the Department of Environment and Science's Executive Director of the Office of the Great Barrier Reef, Environmental Policy and Programs stated:

In terms of processors, I am presuming you mean the sugar millers and so on. There is a head of power in the legislation that allows the government, should it need to do so, to set requirements in the regulation for collecting different types of data. At this stage, policy decisions have not been made. The department has undertaken an independent consultancy to help inform the government make those decisions, but those matters are still under discussion at this stage. At the moment there has been no consideration of beef processors. The main focus has been on data in the sugar chain. As I said, no decisions have been made on that yet. (Public Briefing, 25 March 2018)

It's unfathomable that the Department overseeing this Bill's proposed regulatory framework wouldn't even know what the end requirements are or what purposes those requirements will serve. One would assume that a reasonable Government would perhaps wait for the independent consultancy's advice before legislating broad, sweeping powers. However, in the Palaszczuk Labor Government virtue signalling agenda, details on how the regulatory framework will be applied are minor, inconsequential matters – there is not a care for how these powers impact on the industries, businesses and individuals targeted. This lack of detail and definition around this head of power to regulate data was raised by nearly every affected industry stakeholder. As the CANEGROWERS submission summarises:

The Bill provides government with unrestrained power to demand and use all data related to the use of fertilisers and agricultural chemicals, from across the farming supply chain, with no checks on confidentiality, use of the data, or its interpretation. (Submission No 173)

Unfortunately for those who will be subjected to this deeply flawed Bill, the uncertainties do not end with the sweeping data requirements. Very little detail is available on the minimum standards that will be enforced under the legislative framework of this Bill and what will be ultimately required by those who are regulated. As the Chairman of CANEGROWERS stated in the Mackay public hearing:

I understand that the regulatory part of it has not yet been prescribed at this point in time. Certainly, this confirms our view that there is some uncertainty. Farmers, like most people in the world, want to shoot at the same sort of goalposts. We have had this shifting dynamic of things that are changing. We introduced a bill in 2009 and it has got a heavy and high regulatory threshold. We are working our way through it. The enforcement of that is the role of government— not for me—but we are getting used to the bill and we have been obviously operating under that regime. To answer your question, there are a lot of regulations that we are not yet aware of. For instance, will there be a nutrient management plan? Will there be a sediment management plan? They are all the sorts of things that we need to know if this bill is going to go ahead. (Mackay Public Hearing, 11 April 2019)

With so many unknowns of how the framework will be implemented and what requirements will be placed on those regulated, it is of little wonder that repeated submissions and witnesses raised serious concerns with the powers vested in an unelected official. Throughout the hearing process, witness after witness repeatedly objected to the Chief Executive having the power to set and change minimum standards. As the Central Queensland President of AgForce stated during the Mackay Public Hearing:

I guess what we are concerned about is that if there is someone there who has a particular leaning one way or another they could impose regulations that would severely impact the way we do our business and what we are trying to achieve in terms of improving our groundcover. I suppose this is being a bit cynical, but that person might have a vendetta—'vendetta' is probably not quite the right word to use—or an agenda of some sort. If the power is vested with one person, whether it is the minister or the director-general of the department, we feel that is not in the best interests of people. (Mackay Public Hearing, 11 April 2019)

From the introduction of this Bill and throughout the committee process it has been blatantly obvious that the only legislative outcome being sought by the Palaszczuk Labor Government is one of political expediency. Labor have sought to minimise scrutiny by rushing the committee process and shutting down opportunity for debate or input by stakeholders. Labor is proposing sweeping new laws for the collection of data from producers and agri-businesses without any idea of how they'll be used. Bureaucrats in Brisbane will be handed powers to decide how, when and where business operate throughout the state without any requirement for decisions to be based on science or industry input.

There's no reason to rush these changes and punish regional communities for poorly-designed laws. We've got to get the changes right to ensure the best environmental protection for the Great Barrier Reef while protecting the rights of land owners and the rights of agricultural producers that regional communities depend upon. These outcomes are not mutually exclusive and can be achieved. The only thing stopping both the health and prosperity of the reef and our regional communities is the Palaszczuk Labor Government.



Mark Boothman MP
Member for Theodore



Jon Krause MP
Member for Scenic Rim

Statement of Reservation

In supporting the recommendations of this Committee, and the Government's ongoing commitment to protecting Queensland's precious natural assets through the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019, there are two main areas of concern – resourcing and targeted assistance. This bill aims to strengthen Great Barrier Reef protection measures to improve the quality of the water entering the Reef to ensure Queensland meets its reef water quality targets by 2025, as well as provide cohesive assessment methods for the classification of threatened species. However, without appropriate resourcing of identified major contributors to Reef health, including those not covered in this bill such as extreme weather events and ocean temperature rise, this may not be achievable.

The Follow-up of Managing water quality in Great Barrier Reef catchments Report 16: 2017-18 (the Report), found there has been insufficient take up of the voluntary best management practice models from farmers, as well as insufficient data made available resulting in the recommendation for minimum standard regulation to be imposed. However, as has been evidenced in the public hearings, industry stakeholders claim the vast majority of producers are already using best management practices and believe this extra layer of regulation will be a burden on those producers already struggling.

The Bill, nor recommendations from the Committee Report, provide an avenue to ensure resources are directed on a 'needs basis' to priority on ground projects and high-risk areas. Through the public hearings it has been identified that it is imperative the regulation and policy decisions that emanate from this Bill, ensure that high risk areas are identified and prioritised, with farmers having access to increased extension services to meet compliance standards. As I referred to previously in response to the Queensland Audit Office Report 16 that regulatory approaches will accelerate change however there is much debate about the cost effectiveness of mandating for diffuse source pollution considering the difficulty in compliance. This is where both increased resources and grass roots expertise is essential. In amidst the concerns of all stakeholders is the need for greater communication and specific consultation in developing the regulatory and minimum practice standards frameworks.

The Departments involved, agencies and my fellow Committee members are to be commended and thanked on the extensive work they have done in relation to this inquiry, as well the hundreds of submitters and those who attended the public hearings across regional Queensland. May we, through collaborative efforts, improved communications and increased targeted resources, achieve these Reef water quality targets by 2025.



Sandy Bolton MP

Date – 24th April 2019

Noosa