



HEALTH AND ENVIRONMENT COMMITTEE

Members present:

Mr AD Harper MP—Chair
Mr SSJ Andrew MP
Ms AB King MP
Mr R Molhoek MP
Ms JE Pease MP
Dr MA Robinson MP

Staff present:

Dr J Dewar—Committee Secretary
Ms A Groth—Assistant Committee Secretary

**PUBLIC BRIEFING—DEPARTMENT OF ENVIRONMENT
AND SCIENCE: INQUIRY INTO THE FORESTRY AND
OTHER LEGISLATION AMENDMENT REGULATION 2020;
ENVIRONMENTAL PROTECTION (TRANSHIPPING
ACTIVITIES) AMENDMENT REGULATION 2020; AND
ENVIRONMENTAL PROTECTION (WATER AND
WETLAND BIODIVERSITY) AMENDMENT POLICY (NO. 1)
2020**

TRANSCRIPT OF PROCEEDINGS

MONDAY, 8 MARCH 2021

Brisbane

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The committee met at 10.45 am.

CHAIR: Good morning. I now declare this public briefing of the Health and Environment Committee open. I want to acknowledge the traditional owners of the land on which we are meeting today and pay my respects to elders past, present and emerging. I would like to introduce the members of the committee. I am Aaron Harper, the member for Thuringowa and chair of the committee. Mr Rob Molhoek, the member for Southport, is the deputy chair. Other committee members are Mr Stephen Andrew, member for Mirani; Ms Ali King, member for Pumicestone; Ms Joan Pease, member for Lytton; and Dr Mark Robinson, member for Oodgeroo.

The purpose of today's briefing with the Department of Environment and Science is to assist our committee with its examination of subordinate legislation. The committee is seeking further information in relation to the following pieces of subordinate legislation: Forestry and Other Legislation Amendment Regulation 2020; Environmental Protection (Transshipping Activities) Amendment Regulation 2020; and Environmental Protection (Water and Wetland Biodiversity) Amendment Policy (No. 1) 2020. Given the diversity of each of these pieces of subordinate legislation, the committee will examine each piece separately. We will begin with No. 195 of 2020 from 10.45 to 11.05 and then break the rest up into 20-minute blocks.

Before we begin, I remind everyone that this briefing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. Hansard will record the proceedings and you will be provided with a copy of the transcript. We will commence with the examination of the Forestry and Other Legislation Amendment Regulation 2020.

KLAASSEN, Mr Ben, Deputy Director-General, Queensland Parks and Wildlife Service and Partnerships, Department of Environment and Science

WILLIAMS, Mr Ashley, Manager, Queensland Parks and Wildlife Service and Partnerships, Department of Environment and Science

CHAIR: Good morning. Mr Klaassen, would you like to start with an opening statement before we delve into these respective pieces of subordinate legislation?

Mr Klaassen: Yes, I would. Thank you, Mr Chair, and thank you to the committee for inviting us to brief you today. I start by acknowledging the traditional owners of the lands on which we meet and acknowledge elders past, present and emerging. On International Women's Day I also want to acknowledge all of the women who do such wonderful work across the Department of Environment and Science.

The Forestry and Other Legislation Amendment Regulation is what we are here to discuss. It is essentially what the Queensland Parks and Wildlife Service use to administer our lands that we have under management. QPWS is Queensland's largest public land manager, managing protected area and forestry estates as well as human interactions with our native wildlife. The QPWS managed estate is approximately 13 million hectares of terrestrial reserves, including national parks and forestry areas; 72,000 square kilometres of state marine park; 344,000 square kilometres of the jointly managed Great Barrier Reef Marine Park; 1.2 million hectares of fish habitat areas; and approximately 500 protected area islands. QPWS supports conservation outcomes and also commercial activities in partnership with other government agencies, scientists, local businesses, volunteers, First Nations partners, not-for-profit organisations, park user groups and businesses. In addition to the creation and management of state owned protected areas, QPWS also partners with private landholders through the Private Protected Area Program, which encourages landholders to protect the conservation values of their land through the declaration of a nature refuge or a special wildlife reserve.

QPWS collaborates with the Department of Agriculture and Fisheries on the management of the forestry estate. In this arrangement, the Department of Agriculture and Fisheries manages the interests of commercial forest products found on state land while QPWS is the custodian of the land itself. The management principles of the protected area and forestry interests are contained within

the Nature Conservation Act 1992 and the Forestry Act 1959 respectively, and QPWS progresses subordinate legislation amendments to enact necessary tenure actions affecting the protected area and forestry estate. Generally these amendments aim to increase the protected area estate to achieve conservation outcomes as guided by targets in the Protected Area Strategy which include grow, care and connect; to recognise the contributions of our First Nations partners in the management of protected areas; to allow for commercial interests, including resource interests and tourism activities; and to allow for the revocation of parts of QPWS managed estate to allow for essential land uses that are inconsistent with the protected area and forestry tenure, such as road infrastructure.

The Forestry and Other Legislation Amendment Regulation 2020 resulted in the increase to the area of six national parks by dedicating about 275 hectares of new area to the protected area estate for conservation outcomes and/or to consolidate management of these areas; the upgrade of about 7,800 hectares of protected area to a higher class of protected area after the resolution of incompatible land interests, increasing protections and conservation outcomes; the revocation of part of two protected areas to allow for necessary road infrastructure upgrades; and the declaration of Queensland's first special wildlife reserve. Mr Chair, if it would please you, I would seek the committee's permission to table a set of maps detailing these changes.

CHAIR: Yes, thank you. Is leave granted? Leave is granted.

Mr Klaassen: Thank you. The additions to the protected area estate align with Queensland's Protected Area Strategy 2020-2030, which was released in October 2020 and is supported by an initial investment of \$60 million. The actions that are undertaken as a result of a regulation are considered necessary and essential to the management of a large and diverse land portfolio. These actions are carefully considered and pay due care and attention to the public interest. The regulation being considered by the committee was particularly significant for the dedication of Queensland's first special wildlife reserve, Pullen Pullen. This ensures the ongoing protection of the unique habitat that supports night parrots. I am happy to take any questions the committee may have. Thank you very much.

CHAIR: Thank you very much, Mr Klaassen. I am interested in that last topic, the special wildlife reserve. That is a first for Queensland? This has not been done before?

Mr Klaassen: Yes, a first for Australia.

CHAIR: A first for Australia?

Mr Klaassen: Yes, so no other area in Australia has this special wildlife reserve. Special wildlife reserves are a new tenure which essentially mirror national park but are for privately owned land. The lands are protected from mining and forestry and grazing interests, so they have all the protections that a national park would have but they are reserved for future generations as a special wildlife reserve. Pullen Pullen is managed by Bush Heritage Australia. They approached the government seeking this higher level of protection because, if the committee is unaware, night parrots are very rare. Most people will never see a night parrot. They were thought to be extinct many years ago. They were discovered about five to seven years ago out in the Channel Country out near Diamantina National Park and Pullen Pullen. This protection ensures that that habitat is safe and secure for night parrots moving forward.

CHAIR: That is excellent, because that is Queensland leading the way. This is a first for the country which the department should be very proud of, as should the Bush Heritage Australia people who identified that. That might be something worthwhile that the committee can go and look at at a future point in time.

Looking on the maps, I saw Paluma. That is my area of Townsville. I just want to get a broader understanding of what you have tabled. I think you mentioned some changes in protected areas.

Mr Klaassen: Yes.

CHAIR: Are there any around that Townsville area, just from a regional perspective of interest?

Mr Klaassen: Yes. I might ask Mr Williams to talk about the Paluma one in particular.

Mr Williams: Sure. There was a small addition at Paluma State Forest. It was just a tiny bit of USL, unallocated state land, being managed by QPWS for a little while and, for whatever reason, could not be added at whatever point in time. When it was available to be added to the state forests, we were able to go through this process and add that bit of strip. It gives QPWS a head of power under the Forestry Act to manage the land, as opposed to limitations under the Land Act that a USL falls under.

CHAIR: As a local member up there I worked with the QPWS some years ago. We had some issues with brumbies in the Clemant State Forest. There had been significant numbers built up over the years. They needed to be managed. I just wanted to put that out there from a local perspective. The Parks and Wildlife staff up there have done an excellent job.

Mr ANDREW: It is amazing to see that that bird is there. It is a bird that hides in the spinifex during the day. It is at risk. What are we doing to manage the feral cat problem to alleviate any risk to that bird going forward?

Mr Klaassen: Bush Heritage Australia as the land manager have a strong program. They have fundraised through philanthropic sources to run a program on Pullen Pullen Reserve. I am not specifically aware of exactly what they are doing, but I know they have pest control programs in place and they have staff who are based out there to manage the land.

CHAIR: Just to give us an idea, how big is that Pullen Pullen area?

Mr Klaassen: It is 56,000 hectares.

CHAIR: Okay. Maybe we will not go out there.

Ms PEASE: In your opening statement you talked about Pullen Pullen being the first of its kind because it was on private property, or did I misinterpret that?

Mr Klaassen: No, it is privately owned, yes.

Ms PEASE: So it is privately owned but the bushcare group just volunteer—

Mr Klaassen: No, they bought it, so Bush Heritage—

Ms PEASE: So that is who owns it; okay.

Mr Klaassen: Bush Heritage fundraised to purchase the property.

Ms PEASE: And they bought it off a grazier or—

Mr Klaassen: I cannot remember specifically, but, yes, it was privately owned.

Ms KING: Are there any other special wildlife reserve areas in contemplation at this point in time? Are we working towards partnerships for others?

Mr Klaassen: Yes. We have a couple that were under active discussion with interested landholders. I cannot disclose specifics, but, yes, there are definitely people who are interested. They see it as a very strong protection measure for lands that have high conservation value. We are working through those negotiations with a couple of landholders at the moment, so hopefully we can bring something to the parliament in the not-too-distant future with more special wildlife reserves.

Ms KING: The tenure protections over those special wildlife reserves continue into the future and continue beyond that, so if they were owned by a private landholder—an individual, for example—those tenure protections continue beyond the life of that landowner?

Mr Klaassen: Yes. It is what is called an enduring tenure, so if the property is sold it passes with that as the tenure. We do a range of interest checks before we dedicate it to make sure that people are satisfied, but, yes, it is the same as a national park. It can only be revoked through the higher powers that exist. It is not up to the landholder to say, 'No, I don't want this anymore.' It is there in perpetuity.

Ms KING: Do they tend to go toward the protection of a specific species or might they be aimed at a particular ecosystem that is of very special natural value, or could there be a range of reasons?

Mr Klaassen: It can be a range; it can be both. Pullen Pullen was largely night parrot while still being some quite unique habitat out there. The others that we are discussing are where there are not many of that representation of that ecosystem left in Queensland or some specific species that requires a higher level of protection. Yes, there is a range of reasons it can be dedicated for.

Dr ROBINSON: In terms of the special wildlife reserve designation being on private land, how do you divide the responsibility then between the landowner and government in terms of monitoring the protection of a particular species, the costs and the implications for FTEs? Is there any cost to the department in that sense to manage it compared to, say, a national park? Are you just working off national park kind of averages—that is, whether you need rangers to monitor? How do you operate that and how do you divide it between government and the private landowner?

Mr Klaassen: With Pullen Pullen, we are working with Bush Heritage. They are a well-credentialed and established land manager across the country. They are well resourced and have the ability through their fundraising efforts to do the necessary land management. We are not providing specific dollars in this instance because of what they have. We are providing support in Brisbane

terms of advice, input and management. We have Diamantina National Park, which is adjacent. There is some collaboration in terms of what resources we have out there and what equipment and things can be shared. It will be case by case depending on where it is and who we are partnering with, but that is the framework we are operating in at the moment.

Dr ROBINSON: Have you monetised that or in some budget shaped the cost of you providing that service?

Mr Klaassen: Not formally, no.

Dr ROBINSON: I would expect that at some stage that would be part of that process in terms of accountabilities and efficiencies of what could be a very exciting new way forward. I am certainly looking at it in a positive and open way, but will there be ways in which you can measure the efficiency of doing it that way compared to national park or other types of tenure?

Mr Klaassen: As it evolves we will continue to have a look at how special wildlife reserves work in the context of the state's tenure projection framework and what we need to do. Where there are issues that we need to work through, we will do that. Given that this one has only been in existence for just over a year, we are still working through the process of what is going to happen in the future. I agree that we need to do that, but time-wise it is not where we are at yet.

Mr MOLHOEK: I want to ask a question about the process. There are quite a few of these that have come up for change under regulation. How does the department become aware of these? Is it just part of an ongoing process of review or do people write to you and say, 'We have this strip of land that we want incorporated'?

Mr Klaassen: Yes, there is a range. It can be that we are adding new lands to the estate which can be a result of a purchase, donation, bequeath or some other form of state land that can be transferred into the estate. There is that avenue. There are revocations which will be because we need to adjust some land that has been set aside. In the case of a road where they need to have part of our estate, that needs to be corrected, taken off the tenure title and put into the road. There is that way. Mr Williams's team is dedicated basically to managing all of our land interests. You can imagine that with over 1,000 parcels of land—I think there is more than that—there is always a lot of interest and stakeholders making representations on what they would like to do. We have to weigh those up and determine if they are in the public interest or if they are a correction or an issue. We basically keep Mr Williams's team going all year around with ongoing work because of the size of it.

Mr MOLHOEK: That leads to my next question. It is similar to a question from the member for Mirani. How does the department manage all this land in terms of feral pests and other pests? There are weeds, cats, dogs and all sorts of other pests. Can you tell us a bit about the budget and the management process that is applied to manage these reserves?

CHAIR: We might have to place that on notice because which are right on the limit for time.

Mr ANDREW: That is a very interesting question.

CHAIR: Would you like to provide a written response?

Mr Klaassen: I think we are getting a bit away from the intent of what we are here to do today. I am happy to maybe talk the minister's office about whether a separate briefing or something might be appropriate.

CHAIR: We will get the department back in front of to us look at that. I refer back to 2012. The reason I started that conversation about Clemant State Forest was that we had a significant reduction in QPWS staff that resulted in more—this is what I got from the staff up there—feral pests such as brumbies in that area that had to be managed once our Labor government came in. I will not make it about politics today. We can do that to-and-fro in the House perhaps, members. I might ask that we move to the next session. Thank you very much for your information today. We look forward to getting more information from the department more broadly in the coming term.

Ms PEASE: I have a really strong contingent of QPWS in my electorate. I thank them for the great job they do in looking after the beautiful Moreton Bay.

CHAIR: Thank you.

CURRY, Mr Adrian, Manager, Policy and Legislation, Environmental Policy and Programs, Department of Environment and Science

ROBSON, Mr Geoff, Executive Director, Environmental Policy and Programs, Department of Environment and Science

STEPHAN, Ms Scarlett, Principal Policy and Legislation Officer, Environmental Policy and Programs, Department of Environment and Science

CHAIR: Good morning. Mr Robson, would you like to make a brief opening statement? Then we can move to some questions.

Mr Robson: Thank you for the opportunity to appear before the committee this morning. In making my opening statement I would first like to table a document, which is the Queensland government's transshipping policy.

CHAIR: Is leave granted? Leave is granted.

Mr Robson: The key objective of the Environmental Protection (Transshipping Activities) Amendment Regulation 2020 is to give legislative effect to this government policy. The policy was announced by the government in 2018. The intent of the policy is to prevent transshipping operations from damaging the Great Barrier Reef and to minimise the impacts of transshipping on our marine environment.

The amendment regulation gives effect to the government policy by: clearly prescribing the transshipping of bulk materials as an environmentally relevant activity that requires an environmental authority; and imposing a requirement for the administering authority, that is the Department of Environment and Science, to refuse an environmental authority application for transshipping that is proposed to be carried out either in the Great Barrier Reef Marine Park or outside a port in the Great Barrier Reef World Heritage area. This means that transshipping is not banned across the Great Barrier Reef World Heritage Area; rather, transshipping is restricted to existing port boundaries in the World Heritage area that are outside the marine park. The aim here is to protect the reef by concentrating transshipping activities in these areas.

The policy only regulates the activity of transshipping. It does not, for example, regulate or otherwise restrict port development or dredging activities. There are targeted exclusions outlined in the government's policy which ensure that essential activities can be sustained. For example, the policy does not apply to the supply of essential services to remote communities, refuelling activities and marine emergency response activities. These exclusions are all reflected in the amendment regulation.

In addition to giving legislative effect to the government's policy, the amendment regulation also contains amendments to the Environmental Protection Regulation 2019 to clarify and improve the existing regulation of mineral and bulk material handling. Mineral and bulk material handling is an existing environmentally relevant activity, ERA, often referred to as ERA 50. Minor changes are made to ERA 50 in response to stakeholder feedback. These changes include an amendment to the definitions of 'bulk material' and 'mineral' to better reflect the intent and ensure that materials that are securely held in a container or other packaging and which are unlikely to spill, leak or escape are not subject to regulation under ERA 50. There is also an amendment to remove a duplication of regulation for stockpiling chemicals at a port.

To finish, I will briefly summarise the consultation processes leading to this amendment regulation. The Queensland government's transshipping policy had its own public consultation process, which included the release of a consultation paper for comments over a four-week period in September 2017. During consultation, 2,246 submissions were received of which 2,200 were in a template format and called for a ban on transshipping within the Great Barrier Reef Marine Park and outside priority ports within the Great Barrier Reef World Heritage area.

The department also undertook targeted consultation on a draft of the amendment regulation. This included port operators, resource companies, industry groups such as the Queensland Resources Council and the Australian Petroleum Production and Exploration Association, and environmental groups such as the Environmental Defenders Office. The consultation resulted in the receipt of 11 submissions. Minor changes were made to the drafting to ensure the policy intent was accurately reflected. Thank you very much, and we are happy to take questions.

CHAIR: Thank you, Mr Robson. We will start with Townsville port, the busiest port in Northern Australia. Are there any particular issues around that area? I certainly have not read of any issues recently, but how is that going in terms of the shipping channels?

Mr Robson: In terms of the application of this policy and regulation, there are no specific issues to raise, bearing in mind that the application of this policy and regulation is about transshipping activity per se, which would be allowed in the Townsville port area. Those areas are not covered within the Great Barrier Reef Marine Park boundary. That is how the policy and regulation would apply to the Townsville port, as to other ports in the Great Barrier Reef regions of Queensland. Chair, I think you are asking whether there were any particular stakeholder matters raised in relation to Townsville port. I do not recall any specifically during the process with regard to Townsville.

CHAIR: Excellent. That is good to hear.

Mr ANDREW: As the member for Mirani I have the two bulk ports of coal: Hay Point and Dalrymple Bay. Was there anything surrounding those ports that would be of interest to me?

Mr Robson: It is the same situation as with Townsville. The way the policy applies, transshipping activities could occur within those port limits for those parts of the port limits that are outside the Great Barrier Reef Marine Park boundaries. Again, I do not recall any specific issues raised in relation to those two ports during the consultation.

Dr ROBINSON: You mentioned some stakeholder group feedback. Could you provide an overview of the key stakeholder groups as opposed to any of the template type responses?

Mr Robson: I guess there were two processes. The template one occurred during the public consultation on the transshipping policy itself. That is when you had the 2,200 submissions that were following that template. We certainly also consulted with the peak industry groups of QRC and APPEA. That was the public consultation phase back in 2017 leading up to the finalisation of the government's policy. In the development of the regulation we had a targeted consultation approach. We received 11 submissions on that occasion—port operators, resource companies and those peak industry groups as well as some environmental groups such as the EDO.

Dr ROBINSON: What sort of feedback did those key groups provide? Were any particularly dissenting? What is triggering the changes? Are stakeholders needing the changes that trigger this regulation?

Mr Robson: In terms of triggering the regulation, it was the government's policy. It is about giving effect to that policy that was released in 2018, bearing in mind that the release of the policy itself is something that the government and officials follow. The development of the regulation to provide some more specificity of its implementation then follows. In terms of the consultation that occurred on the regulation itself, it was really around the details of how it is drafted, definitions and those types of things. By that stage it was really minor feedback along those lines. We did refine definitions bulk material and so forth, just for a greater understanding of how the regulation applies.

Dr ROBINSON: Was any particular stakeholder greatly negatively affected or particularly dissenting? You seem to be saying that everyone is reasonably happy.

Mr Robson: That is my understanding. I am always a little bit reluctant to speak on behalf of all stakeholders. Generally speaking, in the design of the regulation it was, as I say, around the details of how the regulation itself was written. One thing to bear in mind in terms of the department's role in drafting the regulation is that, ultimately, it flowed from a government election commitment which then became stated in the government policy, as we mentioned, in 2018. In terms of drafting the regulation, those policy parameters were set, so it is really a question of ensuring that the details are correct and sensible in the drafting of the changes to the ERA, the environmentally relevant activity.

Mr MOLHOEK: We have mentioned a couple of the major ports. In what other places would transshipping arrangements take place along the Queensland coast that would be of concern?

Mr Robson: In terms of the regulation of handling of bulk material, that can apply statewide, and there are transshipping activities elsewhere in the state. I am aware of some in the gulf. In terms of the definitions as we have drafted them in this ERA, it does apply statewide. In terms of the specific restrictions on transshipping, as we discussed, that relates to the Great Barrier Reef Marine Park area and Great Barrier Reef World Heritage area. That is where declared ports in those specific areas can undertake transshipping activities, provided it is outside the marine park boundary.

The ports themselves are derived under legislation—the Transport Infrastructure Act if I remember correctly. We have a total of 12 declared ports within the World Heritage area where transshipping would be able to be conducted outside marine park boundaries, provided the environmental authority is obtained obviously.

Mr MOLHOEK: Perhaps we could have that list circulated at a later stage, just for general knowledge. Would transshipping include someone loading some sort of commodity onto a barge, taking it out to a larger ship and then off-loading it? Does much of that happen in Queensland, or is most of it done by conveyer belts and large specialised port facilities?

Mr Robson: I am getting some extra notes, but generally the way you describe is how it operates. In fact, there is one transshipping operator who holds an environmental authority for transshipping. Two others that conduct transshipping in the Gulf of Carpentaria do not require the authority because the transshipment occurs outside of Queensland coastal waters. Generally speaking, the operations are as you describe them in that it is the handling of bulk materials—those bulk commodities that generally fill a ship, if that makes sense, as opposed to containerised cargo. In terms of transshipping activities in the GBR, the government's policy has been designed to get in place ahead of that activity potentially becoming more common in the future in order to protect the reef.

CHAIR: In relation to the benefits and costs of the implementation, the amendment regulation will implement measures designed to enhance the protection of Queensland's marine environments. Can you talk a little to the vision of the Reef 2050 Long-Term Sustainability Plan?

Mr Robson: Yes, certainly. This is one element of that Reef 2050 Long-Term Sustainability Plan. In terms of the role of the Department of Environment and Science, we obviously play a key role in the delivery of that plan. Much of the work is led through the Office of the Great Barrier Reef. That is a different area of my department. It is a whole-of-government document that provides strategic direction for a suite of activities that are designed to protect the reef. Of course, there is a lot of cooperation and work done with the Australian government. This particular regulation does support the long-term sustainability policy. It is but one of a range of initiatives.

Mr ANDREW: Do the bulk coal carriers hold an authority at the moment with the Queensland government to be able to continue shipping? Have they made application, or do they already hold that authority?

Mr Robson: In terms of whether they are making application for a transshipping authority, I am not aware of any that have. You have to bear in mind that the existing activities are generally bulk handling of those materials loading onto a ship within a port as opposed to transshipping. It goes back to the deputy chair's earlier question around the nature of the activity that is going on now. As I said before, the government's policy really was put in place because of the potential for this activity to increase or be used in the Great Barrier Reef Marine Park. Essentially, the policy comes in to prevent that occurring.

Mr MOLHOEK: At this stage there is only one transshipper, so to speak, of any sort of bulk commodities. The others are routine interactions with freight in and out of ports or delivery of supplies?

Mr Robson: There is one outside the park already. In terms of how this policy applies, my understanding is that there is no-one actually requiring a transitional change to their environmental authority to transship within a port boundary, but there is one transshipping operator that holds a permit operating outside the park.

Mr MOLHOEK: It is really a prevention policy?

Mr Robson: That is correct.

Ms PEASE: The objectives of the policy talk about it applying to all marine environments, not just the Great Barrier Reef. In Weipa do they need that approval to be doing that because it is outside the Great Barrier Reef area?

Mr Robson: The ERA, the environmentally relevant authority that this policy is giving effect to, is about the handling of bulk materials and then it has some specific elements for transshipping within the Great Barrier Reef. That is where an operator outside of the Great Barrier Reef area, depending on the nature of their operations, may require that ERA—

Ms PEASE: That is what I am trying to understand. It does not necessarily always apply to the Great Barrier Reef. The Port of Brisbane is in my electorate and obviously they do all of their transfer onsite. If at some point in the future they decide to do it offshore and do the transshipping, because we are not part of the Great Barrier Reef Marine Park would they potentially have to apply for an ERA?

Mr Robson: Potentially, depending on the nature of the activity. Because the ERA broadly covers the handling of bulk materials then, yes, it is potentially correct that they would need to get that environmental authority. The way the regulation has been drafted, we have actually made an amendment to the existing ERA 50 rather than drafting a new ERA.

CHAIR: Thank you, Mr Robson.

FEWINGS, Mr James, Project Manager, Environmental Policy and Programs, Department of Environment and Science

ROBSON, Mr Geoff, Executive Director, Environmental Policy and Programs, Department of Environment and Science

YOUNG, Ms Liz, Director, Environmental Policy and Programs, Department of Environment and Science

CHAIR: Mr Robson, do you want to make an opening statement on the Environmental Protection (Water and Wetland Biodiversity) Amendment Policy?

Mr Robson: Yes, thank you. This opening statement is in regard to the Environmental Protection (Water and Wetland Biodiversity) Amendment Policy No. 1 of 2020. This amends the Environmental Protection (Water and Wetland Biodiversity) Regulation 2019. It was approved by Governor in Council on 1 October 2020.

The amendment will enable the identification of environmental values and water quality objectives for waters of the Eastern Cape York region, the Mitchell region, the Queensland Murray-Darling Basin and Bulloo region, and the Wet Tropics region. The authorising law for this amendment comes under sections 26 and 33 and Environmental Protection Act 1994.

Section 26 of the Environmental Protection Act provides that the minister may make environmental protection policies to enhance or protect Queensland's environment. In accordance with section 33 of the Environmental Protection Act, an environmental protection policy is subordinate legislation and does not have effect until approved by the Governor in Council.

The policy objective of the water and wetland biodiversity amendment policy is to establish environmental values and water quality objectives for a number of waters—namely, the Eastern Cape York basins, and this includes the Endeavour River, Jacky Jacky Creek, Jeannie River, Lockhart River, Normanby River, Olive-Pascoe River and Stewart River, all surface waters and adjacent coastal waters; the Mitchell basin, which includes the upper catchments of both the Mitchell River and the Walsh River, and all surface waters; and the Queensland Murray-Darling and Bulloo basins, and this includes the Border Rivers, Bulloo River, Condamine River, Maranoa and Balonne rivers, Moonie River, Nebine Creek, Mungallala Creek, Wallam Creek, Paroo River and Warrego River and all surface waters and groundwaters; and the Wet Tropics basin amendments involve minor amendments to all surface waters and adjacent coastal waters. That is a quite extensive area of waters and we have the list written down if required.

In terms of the benefits and costs of the implementation of this policy, it is important to bear in mind it provides policy direction and not regulatory prescription. It informs regulatory assessment and decision-making approvals under the Environmental Protection Act and other statutory instruments. These regulatory decisions assist the government to achieve the objective of the Environmental Protection Act with respect to Queensland waters and allow for ecologically sustainable development.

The regulatory implementation of the water and wetland biodiversity amendment policy is undertaken primarily as part of the administration and enforcement of the Environmental Protection Act. The water and wetland biodiversity policy in this regard will not involve any increase in the regulatory burden.

The management of water quality in a manner that achieves these objectives provides numerous ecosystem, health and socio-economic benefits. For example, it helps to protect aquatic ecosystems and biodiversity and ecosystem function; it protects water quality for primary industries and fisheries; it prevents increased costs for potable water treatment; and it protects the recreational, visual and aesthetic amenity of the waters. In the development of these values and objectives for these waters, independent reports did demonstrate the social and economic impacts of protecting these environmental values of the waters and do find widespread economic benefits within those basins and then the reef coastal waters. Further significant social benefits are also found through maintaining social and economic wellbeing through the protection and expansion of employment opportunities and recreational activities that come from protecting the water quality and environmental values for water.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation did consider the draft water and wetland biodiversity amendment policy and advised it was unlikely to result in significant adverse impacts and that no further regulatory impact analysis was required.

Public Briefing—Department of Environment and Science: Inquiry into the Forestry and Other Legislation Amendment Regulation 2020; Environmental Protection (Transshipping Activities) Amendment Regulation 2020; and Environmental Protection (Water and Wetland

In regard to the consultation for the amendment, there was extensive consultation between 2017 and 2020. This included stakeholder consultation with meetings and workshops, teleconferences, emails and direct contact with stakeholders. The responses received during consultation informed the final water and wetland biodiversity amendment policy, and the water quality datasets made available during consultation were integrated into the analysis to help drive the water quality objectives. Final consultation occurred in August 2020 with peak bodies and state agencies prior to the amendments being made.

There was general support for the development of the environmental values and water quality objectives. The consultation undertaken has ensured a robust process for establishing these values and water quality objectives and helped to produce sustainable, practical and locally relevant environmental values and water quality objectives. This amendment policy also supports the Queensland government's obligations under the Murray-Darling Basin Plan and the Reef 2050 Long-Term Sustainability Plan. Thanks for the opportunity to provide the overview. We are happy to take questions.

CHAIR: Thank you, Mr Robson. You said there was extensive consultation. Perhaps you could give us a view of who those stakeholders were in the first instance. There is a note here—

There was general support for the development of environmental values and water quality objectives to inform future management of the waters. All issues raised in consultation were considered and addressed, where relevant.

What were some of those issues?

Mr Robson: The nature of the consultation process is both local consultation as well as dealing with the peak groups and so forth. Some of the issues might be to get an understanding in terms of the data that we have, our understanding of water quality, to actually have meetings with local stakeholders to get their understanding as well. There were some 80-plus meetings. As I mentioned, you have meetings with local-level stakeholders as well as the peak groups. The sorts of issues raised are ones of just trying to obtain detailed understandings of the values of the water, so the types of uses, and then we look at the detailed data in terms of the actual water quality itself and the nature of those waters. Jim can probably go into further detail if you want, Chair, because he was involved in so much of that consultation himself. We will be guided by you as to whether you want further detail.

CHAIR: That would be good. I only ask that because in Townsville, even though that body of water on the Ross Dam is not controlled by the department—it is the council—there are so many issues around people trying to access and do recreational activities on there. I imagine that would have come up as part of the issues that might have come from those 80-plus meetings. Perhaps you could talk to some of those, Mr Fewings.

Mr Fewings: I think Mr Robson has summarised it fairly well. There are issues in terms of people wishing to go further than the legislation allows us. That is always a challenge. You would expect that no-one is seeking to downgrade water quality. Everyone has a view about where it might go and what values need to be protected. The legislation is the key driver. Separate to that is the data that Mr Robson mentioned. I have to say that we have had extraordinary cooperation from mining companies and local governments giving us data which then adds to our data so that we know that the end product is really detailed, relevant and locally applicable. A major part of the work is getting data access by numerous parties. That has been a bonus.

Mr MOLHOEK: Mr Robson, I am back at a slightly more elementary level on this issue. When you say 'establish environmental values and water quality objectives', what does that mean? Does that mean water-testing programs?

Mr Robson: In the first instance, it means a statement in the environmental protection policy of what they are, for each of the different catchments. The environmental protection policy itself does contain this information in a schedule to the policy. It is quite a long list of catchments that get mentioned and then some information in regards to both the values and the objectives. I should point out that when we talk about water quality values we are often talking about qualitative values: what is the use of the water? Is it recreational, agricultural, ecosystems—those sorts of things? Then when we are talking about objectives we are talking about more specific data in terms of what the water quality is like in terms of things like turbidity and so forth. The policy itself provides a statement of what they are for the various catchments, and that can then be referred to when it comes to separate regulatory decision-making that occurs. It is a source of information that is placed within a regulatory or legislative instrument, if you like.

Mr MOLHOEK: I am assuming the policy is about either maintaining or improving water quality in the various catchments.

Mr Robson: That is correct, yes.

Mr MOLHOEK: To draw on one of my past experiences as a councillor, there was a lot of work done on water quality within Moreton Bay. There were issues around wastewater releases at the northern end from Brisbane versus the southern end. There was a whole lot of discussion around the impact of that wastewater release. I am assuming that in these catchments there are very different issues. Would it be more to do with erosion and the protection of banks?

Mr Robson: You do find quite a wide range of issues, given the range of catchments we have looked at in this particular amendment policy. Yes, you are quite correct: you could get issues of concern around erosion in some catchments—in fact, pretty much every catchment. Then you mentioned sewage treatment plants in Moreton Bay. They are the subject of specific regulatory licences. The sort of data and information that can be obtained on water quality through the water and wetland biodiversity policy can be used to inform whether there is a regulatory decision being made in a particular area. You can make reference to the data to ensure that the water quality is maintained through whatever the licensing arrangement would be.

Mr MOLHOEK: Who undertakes the water quality checks? Is there an ongoing program that the department oversees or do local council authorities have responsibility? Who would monitor the water quality in these areas?

Mr Robson: It depends on the nature of the activities we are monitoring for. For example, we partner with and help fund Healthy Land and Water, who produce report cards. You would be familiar with the Healthy Land and Water SEQ report card that is produced. The department helps to fund those sorts of activities. Of course, with this data being in a regulatory instrument like this, it can be drawn upon for those report cards as a reference point.

Mr MOLHOEK: You mentioned the Murray-Darling Basin in the list, I think.

Mr Robson: That is correct.

Mr MOLHOEK: What are some of the issues you are dealing with or having to manage in that respect? There has been a lot of discussion around water quality downstream, and I think Queensland has been getting blamed for killing off the carp populations of the Murray River down near Mildura—I am embellishing slightly. What are some of the more specific roles that we play in monitoring that catchment?

Mr Robson: One of the important things to distinguish in terms of water quality is that we are looking at the nature of the quality of the water as opposed to the separate questions around allocation and quantitative take of water. Of course, in the Murray-Darling Basin we hear a lot of debate around those quantitative allocations and so forth. The particular piece of work we are referring to here is separate to that in that we are looking specifically at water quality and not looking at any issues with regard to the determination of how much quantitative take of water is appropriate versus how much water should go to environmental flows.

As we mentioned before, a range of issues might get raised in different catchments with respect to the water quality issues that are there. In the Murray-Darling Basin, if you look at the environmental values of the water, you obviously have significant values with respect to agriculture as well as the environment. In that regard we are talking about identifying those as values, not as quantitative measures. Then in terms of the actual quality itself, you might have issues of turbidity and so forth. As you mentioned before, Deputy Chair, issues like erosion and so forth might be things that affect the water quality of those basins, so the data with respect to matters like turbidity is something that could be considered in this work here—not the measurement of erosion itself but the effect on the water.

Mr ANDREW: What are you trying to achieve? Is there a baseline of what you are looking for? As the national parks increase, the net benefit of the gain of particular run-off will change as well. As it destocks, that benefit increases. Is there a baseline of what you are trying to achieve across all these agricultural/grazing type properties?

Mr Robson: The water quality data work looks at the water itself. In terms of what is occurring on the land use, that is a separate matter. You mentioned a baseline. Essentially, the data we produce here can be effective in terms of identifying that baseline for water quality data.

Mr ANDREW: It is a difficult thing to understand because you have natural run-off and you have run-off that occurs from stocking and grazing type practices. The Pioneer River, in our catchment, has the second best quality drinking water in the world. You are trying to reduce run-off, but what is your level of it? With natural run-off et cetera, it is very difficult to try to come to some arrangement. I am just trying to understand it, sorry.

Mr Robson: I appreciate your question. We are looking at the waters that are in those catchments and the rivers and looking at their specific water quality. I appreciate that that water quality will be affected by the run-off from those activities that you describe. The purpose or role of the environmental protection policy is to record what those qualities are and set them as objectives. In that sense, yes, you are setting a baseline, but it is a baseline that then informs, for example, regulatory decisions if you are talking about, say, a point source that requires an environmental authority to operate, but you are also talking about a baseline that can be used, as I mentioned before, in reference to water quality reports and that type of thing. In that regard, the statement of these values in the policy is quite specific. That is why I am trying to determine the separation or the boundary between describing some objectives which are to a great extent data based versus discussion around the actual use of the lands in which there might be run-off going into those catchments.

Mr ANDREW: The reason I ask is that the point of origin and where the tests are taken can change in results. It is like putting a thermometer on an airstrip runway and at another point down at the dam. They are two very different areas and it makes it hard to get an understanding. Would NRM groups provide you with their information and feedback from all their water-taking around the areas?

Mr Robson: Yes. One of the reasons for the quite extensive consultation is to engage with those local groups, like NRM groups, to give them our understanding of the waters and for them to share that understanding back. In terms of all the meetings that Mr Fewings referred to and so forth, yes, it is quite an extensive process and quite a broad public process. The consultation arrangements for this process were advertised in newspapers at the beginning of the process a few years ago. One of the matters to understand is that this is an amendment for certain catchments in Queensland. We have obviously done work in other catchments and we are continuing to do work in other catchments as we go. It is an ongoing piece of work.

Mr MOLHOEK: In regard to the Healthy Land and Water report cards, can we get a link to them or a copy of those so that we can better understand what catchments are being looked at?

Mr Robson: Absolutely.

Mr ANDREW: I have a question with regard to reef credits. Is any of this hand-in-glove with reef credits going forward?

Mr Robson: I would have to take that on notice.

Mr ANDREW: Would you mind? I am just trying to work that out in my mind as well.

Mr Robson: I am aware of the reef credits program, but it is a different area. If it is okay, I will get some information on that and follow that up.

Mr ANDREW: Thank you.

Mr MOLHOEK: I think it would be instructive to see the Healthy Land and Water report cards. I know from my limited experience on the Gold Coast that regular monitoring and seeing the results fluctuate provides a real incentive to certainly the local councillors to look at what practices can be put in place to improve water quality. I assume that is the underlying goal of this legislation across the state. It would be interesting to see what is happening across the state.

Mr Robson: We can follow up and provide information on those report cards and links to that information. The protection policy itself has a very specific role and you will find that those report cards might cover a range of issues.

Dr ROBINSON: In terms of implications in the southern Moreton Bay area, over a long period of time the report card on the Logan River has been an F for 'fail'—very problematic. Also in the southern Moreton Bay area of shallow waters, a lot of flow through the bay in those areas creates high turbidity, impacting on fisheries potentially. Are they important aspects of what you are looking at in terms of the water quality? Are there some solutions and implications that might come out of this that are helpful?

Mr Robson: The first thing to note is that this particular amendment does not deal with that region—

Dr ROBINSON: Sorry, can I can jump in there? You have just made some—

CHAIR: This is subordinate legislation and it is specific. I think Mr Robson is right. Perhaps it is better taken on notice.

Dr ROBINSON: We were talking before about more generic and broader principles and ideology.

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Mr MOLHOEK: I think that is what we can put on notice, as part of the question.

Dr ROBINSON: I am happy for that.

Mr Robson: I was giving an illustration, when I referred to those report cards, where this sort of work can be used. Those report cards sit outside the environmental protection policy but, because you have a record of water quality objectives for various catchments, obviously they can be used as a reference point in terms of the data that we produce for the making of these objectives.

CHAIR: We thank you very much for your time today and informing the committee on those particular elements of subordinate legislation. We appreciate it. Can we have answers to the questions taken on notice back by Monday, 15 March, please? Thank you for your time today. I now declare this public briefing closed.

The committee adjourned at 11.47 am.