

Queensland REEF WATER QUALITY Program



Strengthening Reef regulations

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

Factsheet: February 2019

Protecting the Great Barrier Reef is one of the Queensland Government's six priorities under Our Future State: Advancing Queensland's Priorities.

The Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019 has been introduced into Parliament (February 2019).

If the Bill passes, it will amend existing Reef protection provisions under the *Environmental Protection Act 1994* and broaden their application to all Reef catchments.

New regulations are an important part of the comprehensive effort underway to improve Reef water quality to help preserve the high values held for the Reef and increase the resilience of the Reef to other pressures, such as impacts from climate change.

The new regulations seek to limit nutrient and sediment runoff from land-based agricultural and industrial land uses (e.g. growing sugarcane, sewage treatment, waste disposal, certain mining activities, land-based aquaculture).

Implementing the new regulations is anticipated to result in significant water quality benefits for the Reef.

Why are changes to existing regulations being proposed?

[Scientific consensus](#) confirms that poor water quality continues to be a significant issue for Reef health.

The main cause of poor Reef water quality is the cumulative effect of multiple nutrient and sediment releases from agricultural lands in the Reef regions, along with locally significant contributions from industrial land uses.

Despite significant government and industry investment over many years, particularly in agriculture, voluntary approaches have failed to sufficiently increase the uptake of improved practices to reduce nutrient and sediment runoff. At the present rate of practice change, the water quality targets for a healthy Reef will not be met.

In 2016, the Great Barrier Reef Water Science Taskforce recommended staged regulations across all Reef regions as part of a mix of tools to rapidly reduce nutrients and sediment from agricultural and industrial land uses entering Reef waters.

What are the existing Reef regulations?

[Existing Reef protection regulations](#) include practice standards that apply to the agricultural environmentally relevant activities (ERAs under the legislation) of grazing (on a property of more than 2000 ha) and commercial sugarcane cultivation in the Wet Tropics, Burdekin and Mackay Whitsunday regions.

These standards include using prescribed methods for soil testing and applying fertilisers, and requirements for using chemicals and record keeping.



What are the proposals to be considered by Parliament?

The amendments to be considered by Parliament will apply to all key agricultural sectors including bananas, horticulture and grains as well as sugarcane and grazing and new cropping and industrial development with sediment or nutrient releases.

The regulations would apply to all Reef catchments (at the river basin scale) across the six Reef regions – Cape York, Wet Tropics, Burdekin, the Mackay Whitsunday, Fitzroy and the Burnett Mary. (Refer to figure 1 below)

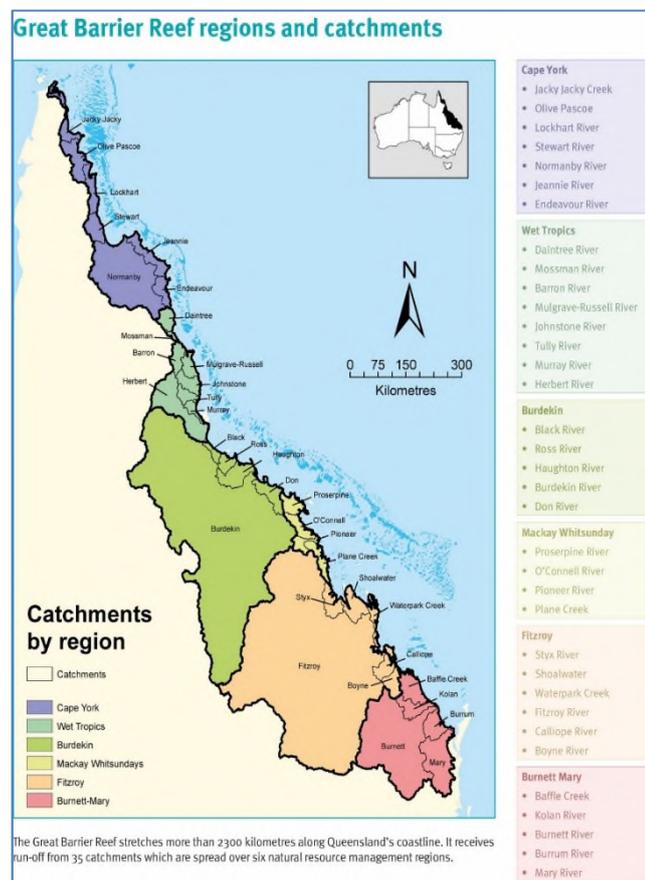


Figure 1: Geographical expanse of the Great Barrier Reef region

The new regulations will:

- Set limits for nutrient and sediment loads in each Reef catchment (i.e., catchment load limits) to guide regulatory decision making for improved water quality outcomes.
- Apply minimum practice standards for agricultural ERAs targeting nutrient and sediment pollution from key industries

(sugarcane, grazing, bananas, horticulture and grains cultivation) in Reef regions.

- Require advisers to provide advice about agricultural ERAs that is not false or misleading and keep and produce records upon request.
- Establish a framework for recognising industry best management practice.
- Introduce measures to address additional nutrient and sediment loads from new cropping and industrial land uses to achieve 'no net decline' in Reef water quality from new development.
- Allow for further detailed regulations to be developed in the future to support the use of water quality offsets for ERAs.

❖ Set limits for nutrient and sediment loads in each of the Reef catchments

For the first time, limits specific for each of the Reef catchments (at the river basin scale) based on the water quality targets in the Reef 2050 Water Quality Improvement Plan will be set in legislation for improved water quality outcomes. The limits are end-of-catchment, annual average volumes of nutrient and sediment pollution loads.

❖ Apply minimum practice agricultural standards

The minimum practice standards, which are currently being refined through consultation, set a base level of required agricultural practice. They are based on the best available science and guided by local and industry expertise. The standards focus on improving catchment water quality whilst improving or maintaining productivity and profitability from improved land management.

This means better water quality in our local creeks and rivers, and ultimately the Reef as well as protection of our valuable farming and grazing lands and their productivity.

The minimum standards will be staged over three years from commencement of the new legislation, depending on the commodity, region and risk to water quality.

The standards will apply to commercial producers who will also be required to keep records related to the implementation of the standards. The practices targeted for regulation include fertiliser application, pasture management, maintaining ground cover, soil and erosion control strategies and keeping records.

Grazing

Graziers in the Burdekin region, with the highest priority for water quality improvement will have 12 months to meet the standards.

Fitzroy graziers will have two years.

Wet Tropics, Mackay Whitsunday and Cape York graziers will be required to meet the standards within three years.

The grazing minimum standards are outcomes based, requiring action, such as wet season spelling, revising stocking rates or managing preferential grazing etc., to be taken to improve land condition when land is in a poor or degraded condition.

This approach limits the impact on graziers with land in fair to good condition and provides flexibility for graziers to choose the most appropriate action to improve conditions on their specific property.

Sugarcane

The current regulated practice standards for nutrient application for sugarcane growers will continue to apply in the already regulated Wet Tropics, Mackay Whitsunday and Burdekin regions, with additional soil and erosion control requirements.

A more refined nutrient management approach will be required in these regions within two years.

Cape York, Fitzroy and Burnett Mary sugarcane growers would be required to meet the new standards and refined nutrient management approach within three years.

Bananas

Banana growers in the Wet Tropics will have 12 months to transition to minimum practice standards for nutrient application and soil and erosion control measures.

Banana growers in all other Reef regions will have three years to meet the minimum standards.

Horticulture and grains

Horticulture and grains producers will be required to meet minimum practice standards within three years of the legislation commencing.

This longer commencement time is due to the lower water quality risk associated with the industries and the complexity of developing standards for these activities.

Minimum standards for horticulture and grains for nutrient application and soil and erosion control measures are yet to be developed, and will be the subject of consultation.

❖ Recognising industry best management practice

Agricultural industry best management practice (BMP) or like programs will be able to apply to be recognised as providing an alternative pathway for producers to meet the minimum regulated standards.

Agricultural producers accredited under a *recognised* BMP or like program will be deemed as meeting the regulated minimum practice standards.

This recognition rewards those producers who are already meeting or exceeding minimum practice standards for reducing risks to water quality through industry BMP programs or like programs.

❖ Advice given to producers

When providing 'tailored advice' about agricultural ERAs, advisers (such as fertiliser sellers and agronomists) will be required to provide advice that is not false or misleading and keep, and produce records on request of the advice given.

Tailored advice means specific advice about a particular agricultural activity rather than general advice that is broadly applicable.

Agricultural advisers can play a significant role in the land management decisions made by producers.

❖ Regulation-making power to require data from the agricultural sector and to manage water quality offsets

The Bill provides for regulations to be made in the future to require data from the agricultural sector for various purposes. This may include data to assist in determining where over application of fertiliser, and therefore high rates of nutrient run-off, may be occurring.

The results of an independent assessment and further analysis and consultation with key stakeholders, including the agricultural sector, will inform any regulations for providing data.

Further detailed regulations may also be prepared in the future to support the use of water quality offsets, providing industry with greater flexibility on how best to achieve the required nutrient and sediment release standards for intensive environmentally relevant activities.

❖ **Measures to achieve no net decline in water quality from new development**

New cropping development

New intensive cropping activities on more than two hectares without a cropping history will require an environmental authority (licence) to manage the water quality risk associated with the activity through farm design and practice standards. Where water quality risks can't be managed, the new activity may be refused.

This requirement will apply where expansion (e.g. an increase in the area under crops) and intensification (e.g. a change from grazing to cropping) occurs.

A cropping history is demonstrated where the land has been used three out of the last ten years (with at least one of the years being in the last five years) for cropping.

New cropping on land between two and 30 hectares will be considered to be lower risk and subject to standard conditions.

Cropping activities on 30 or more hectares will require a site specific land assessment. Those activities above 30 hectares will be subject to standard conditions, plus additional tailored conditions to manage the risks of the activity to water quality.

New industrial development

To ensure that new development does not negatively impact on water quality improvements made to date, new or expanded point source environmentally relevant activities (ERAs) including sewage and water treatment plants, aquaculture or intensive animal industries etc.) will need to avoid additional nutrient or sediment releases.

For those releases that cannot be avoided by the design and operation of the activity, there will be an option to offset these releases. A Point Source Water Quality Offsets Policy is in development to guide what actions can be undertaken to offset residual nutrient and sediment pollutant loads.

Who has been consulted on the proposed new legislation to date?

Since August 2016, there has been extensive and ongoing consultation on the new regulations with the agricultural sector, industrial stakeholders, local councils, conservation groups, Natural Resource Management bodies, individual producers and the general public.

In March 2017, a discussion paper was released for comment, and in September 2017, a Consultation Regulatory Impact Statement (RIS) presented a suite of regulatory proposals for public consultation.

Following feedback on the Consultation RIS, the proposals were refined and are now available to view online in the [Decision RIS](#).

The Decision RIS provides further information on the regulatory proposals outlined in this fact sheet and reflected in the Bill.

How would the new regulations be enforced?

The new regulations will be supported by an expanded compliance program, prioritising practices and regions that represent the greatest water quality threat to the Reef. If an operator is found to be non-compliant, the department has a range of tools that it may use to ensure compliance, ranging from warnings and direction notices to fines.

Any compliance activities will be moderated on a case-by-case basis during and immediately after declared natural disasters such as drought and flood events.

When would the legislation come into effect?

If the Bill passes, the new legislation is expected to commence in mid-2019.

Producers will be required to keep records of fertiliser application, chemical and soil conditions immediately; minimum standards will apply in a staged approach over three years. The commencement of requirements for new cropping development and industrial development will also be staged.

Find out if you are in a Reef region

Commercial farmers and graziers can find out if their property is in a Reef region by entering their property details into this [web form](#).

What happens next?

Following introduction to Parliament, the Bill will be referred to a Parliamentary Committee for review. The review process by the Parliamentary Committee involves further stakeholder consultation. You can find out more about this by visiting the Queensland Parliamentary Committee website.

After this process and if the Bill is passed, the new legislation is expected to commence in mid-2019.

What support is there?

There are already a number of programs and initiatives underway to support the agricultural industry transition to better practice standards.

This includes expanded and better access to education and agronomic support services, increased water quality monitoring, large-scale on-ground practice change programs, funding for land restoration and on-farm trials, science and research projects and two major integrated projects trialling different land management practices.

In addition, the Queensland Government has allocated \$10.1 million to support farmers. This will fund a rebate scheme to provide financial support for producers to access professional and agronomic advice to assist them in meeting the new minimum practice standards.

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