



Environmental
Defenders Office

**Submission to the Environmental and Other
Legislation (Reversal of Great Barrier Reef
Protection Measures) Amendment Bill 2021**

30 June 2021

About EDO

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

Environmental Defenders Office is a legal centre dedicated to protecting the environment.

www.edo.org.au

Submitted to:

Committee Secretary
Health and Environment Committee
Parliament House
Queensland
By email only: hec@parliament.qld.gov.au

For further information on this submission, please contact:

Revel Pointon
Managing Lawyer – Southern and Central Queensland
T: [REDACTED]
E: [REDACTED]

In summary, EDO strongly urges the Committee to recommend that the Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021 *not* be passed.

As the name implies, this Bill will undo laws put in place to help safeguard the future of our Great Barrier Reef. This would be an irresponsible move by the State with the great responsibility of being the custodians of the world-renowned, World Heritage listed Great Barrier Reef.

As stated in the Explanatory Notes to this Bill: '*The policy objective is to repeal all amendments made to the Environmental Protection Act 1994 and Chemical Usage (Agricultural and Veterinary) Control Act 1988 by the State Government in their Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019.*'

This submission notes:

- the purpose and necessity of the 2019 amendments, and the need to strengthen these laws;
- the overwhelming scientific support for regulatory protections to reduce water quality impacts; and
- the inappropriateness of an exemption for agriculture.

EDO recommends that this Bill be rejected. In light of the recent draft decision of the World Heritage Committee to potentially change the status of the Reef to "In Danger", law reform should focus on further reducing impacts in order to build resilience, not repealing protections.

1. The purpose and necessity of the 2019 Reef protection amendments, and the need to strengthen these laws

The Great Barrier Reef protection measures sought to be repealed, implemented by the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019* (Qld) (**2019 Amendment Act**) assisted with the implementation of many of Queensland Government's commitments under the Reef 2050 Water Quality Improvement Plan 2017-2022. These commitments are an essential step in the actions needed to ensure the Reef has a chance of re-building sufficient resilience to withstand the impacts of climate change. The Amendment Act was also part of meeting the international commitments the Queensland and Australian governments made to the World Heritage Committee in 2015 to prevent the Reef being placed on the 'World Heritage In Danger' list.

The 2019 Amendment Act provided for reasonable regulations which simply provided for pollution load reduction targets, minimum practice standards and new permit requirements for the expansion of agriculture in Reef catchments, targeting high risk pollutants of nitrogen and sediment. Pesticides, which can be highly polluting, are not even included in the water quality regulations introduced by the 2019 Amendment Act, and catchments that have met their water quality targets are not required to reduce their nutrient loads. The Queensland Government has provided a soft, staged roll out of these regulations over three years, with extensions granted due to the inconveniences of COVID-19.

In fact, the 2019 Amendment Act did not go far enough in providing for the strong actions needed to build Reef resilience. Our further recommendations to strengthen the amendments included:

- regulating high-risk activities (such as the application of fertilisers and pesticides) in high-risk areas including leaky/permeable soils, riparian areas, tidal and coastal wetlands, steep slopes, acid sulfate soils, low productivity soils, flood prone areas and salinity affected areas;
- expanding the powers for point source pollution from industrial development to be offset to include agriculture, so that agricultural operators will be able to access least cost options for pollution abatement; and
- prohibiting the practice of dumping millions of tonnes of maintenance dredge spoil in GBR catchments - or at the very least effective offsetting of pollution put in place.

Sadly, action to address water quality and climate change have not been fast enough to avoid the World Heritage Committee announcing on 22 June 2021 their draft decision to place the Reef on the World Heritage In Danger list.¹ This is an unsurprising yet tragic result of the Reef suffering three-devastating bleaching events in the last five years, the Australian government not having made a commitment for net-zero emissions, and actions to voluntarily improve water quality remaining inadequately slow given the dire state of the Reef's health.

2. Scientific consensus is overwhelming in support of action to reduce water quality impacts from agricultural activities to protect the Reef

Numerous plans to improve the Reef's chance of survival have been made, most with bipartisan political support. Each of these plans demonstrate the overwhelming scientific consensus on the detrimental impacts of poor water quality to our Reef, including, the [Reef 2050 Long Term Sustainability Plan](#)², the [Reef 2050 Water Quality Improvement Plan](#)³ (WQIP) and the ⁴. The [2017 Scientific Consensus Statement](#)⁵ is a synthesised statement from 48 scientists with expertise in Reef water quality science and management which provides the most comprehensive, consolidated analysis and synthesis of the evidence linking the impacts of water runoff from both agricultural and urban-industrial land uses to the deteriorating health of the Reef. In addition, the [Great Barrier Reef Marine Park Authority Outlook Report 2019](#)⁶, found polluted land-based run-off from agriculture remains the greatest contributor to poor water quality in the inshore areas of our Reef.

¹ <https://whc.unesco.org/archive/2021/whc21-44com-7B.Add-en.pdf>

² <https://www.gbrmpa.gov.au/our-work/reef-strategies/reef-2050>

³

<https://www.google.com/url?q=https://www.reefplan.qld.gov.au/&sa=D&source=editors&ust=1624605480980000&usg=AOvVaw0GaCPy71cO1oOxjTNU-2YC>

⁵ <https://www.reefplan.qld.gov.au/science-and-research/the-scientific-consensus-statement>

Unfortunately, the 2019 GBR Report Card⁷ shows that, after more than a decade, only 36.2% of grazing land and 12.7% of sugarcane land are using best management practice systems—both of these land uses have a target of 90% of land at best management practice systems by 2025. So, whilst many farmers are participating and making a difference, others are not. Regulation is therefore a necessity to improve the rate of uptake of best management practice systems.

3. There is no reason for the agricultural industry to be exempt from the application of laws to mitigate the impact of the industry on the environment

All other industries are subject to regulation of their impacts, including aquaculture, fishing and also tourism, to reduce their impacts to the Reef. There is no reason why agricultural activities should not be subject to regulation to minimise impacts to the Reef. Indeed, agricultural activities should ideally be regulated to minimise impacts to all water catchments around Queensland, not just the Reef.

We strongly support funding for extension officers to assist landholders to understand and implement the laws. However, as with all industries, the agricultural industry needs strong laws to ensure all farmers and graziers achieve minimum standards and that highly polluting practices are phased out.

We urge the Committee to recommend refusal of this Bill, to assist in ensuring the survival of the Great Barrier Reef for future generations.

Yours faithfully

Environmental Defenders Office Ltd



Revel Pointon
Managing Lawyer – Southern and Central Queensland

⁷ <https://www.reefplan.qld.gov.au/tracking-progress/reef-report-card>