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Committee Secretary
Health and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000
hec@parliament.qld.gov.au

Dear Secretary

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

The Australian Cane Farmers Association Limited (ACFA) supports the *Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021*. Please find our submission, following – we would be happy to answer further questions.

The ACFA looks forward to working with the Qld Government in the interest of our members and the greater community.

Yours sincerely,

Stephen Ryan
General Manager

Submission

The ACFA supports that this Bill, the *Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021* (the Bill), in that it seeks to repeal the amendments made to the *Environmental Protection Act 1994*, via the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019*.

The explanatory notes to the Bill, state that:

In addition to repealing the amendments made to the Environmental Protection Act 1994 by the State Government's Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019, this Bill will also:

- Establish an independent regulator with an extensive agricultural and scientific background who will advise and assist the Minister when making a new Environmentally Relevant Activity (ERA) standard and oversees the administering of offences when a person makes an offence with respect to fertiliser application (see Section 78 of the Bill). The regulator will not, or will have ever been, an employee of the Department of Environment and Science or another government agency. This is to ensure the regulator will not have a conflict of interest with the government of the day and their agenda.

The ACFA supports this action.

- Introduce the penalty of an enforceable undertaking, as opposed to a financial penalty, for a person in relation to a first contravention, or alleged first contravention, by that person of Section 78 of this Bill. This will involve a written undertaking made by a person in relation to their contravention or alleged contravention of Section 78.

The ACFA supports this action.

- Absolve a person of responsibility if Section 78 is contravened by an employee employed or engaged to carry out the agricultural ERA on the person's behalf in

which the employee does not follow the instructions.

The ACFA supports this action.

- Limits the required period that relevant primary documents for an agricultural ERA record must be kept to 2 years after the last day of the financial year in which the record was made.

The ACFA supports this action.

- Transfers the power for making an ERA standard from the Chief Executive to the Minister and the Minister alone. This is to ensure that such a decision is made by an elected official and not by an unelected member of the public service. The Minister will, however, be required to consult with the independent regulator, and representatives from two or more industry bodies that the ERA standard will affect before making a new ERA standard.

The ACFA supports this action.

- Mandate that the Minister must publish on the Department's website a copy of each new ERA standard made by the Minister and the recommendation made by the independent regulator in relation to that ERA standard. This is to be done in the interests of public transparency, such as in scenarios where the Minister's decision to make an ERA standard may go against the recommendation of the regulator.

The ACFA supports this action.

Summary

The ACFA does not support the regulation of farming practices.

The ACFA supports the establishment of an independent regulator.

The ACFA supports the replacement of a penalty with an enforceable undertaking, in relation to a first contravention, or alleged first contravention, of Section 78 of the Bill.

The ACFA supports the provision to absolve a person of responsibility if Section 78 is contravened by an employee employed or engaged to carry out the agricultural ERA on the person's behalf in which the employee does not follow the instructions.

The ACFA supports the provision to limit the required period that relevant primary documents for an agricultural ERA record must be kept to 2 years after the last day of the financial year in which the record was made.

The ACFA supports the transfer of power for making an ERA standard from the Chief Executive to the Minister and the Minister alone.

The ACFA supports the mandatory publishing of each new ERA standard made by the Minister and the recommendation made by the independent regulator in relation to that ERA standard.

End: