



SUBMISSION TO:

INQUIRY INTO THE ENVIRONMENTAL & OTHER LEGISLATION (REVERSAL OF GREAT BARRIER REEF PROTECTION MEASURES) AMENDMENT BILL 2021

SUBMISSION COVER SHEET

Closing date for submissions is 30th June 2021.

Extension to COB 2nd July 2021

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Yes, all Yes, part No

JUNE 30, 2021**SUBMISSION**

We, provide this submission as in principle **support** of the Environment and Other Legislation (*Reversal of Great Barrier Reef Protection Measures*) Amendment Bill 2021 and reserve the right to differing opinions on finer points.

Much has been spoken about with regards the consultation process involving the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019*. We do not share the optimism of other representative groups around the state governments perceived improvements in this process.

Consultation with stakeholders is neither acceptance nor agreeance, especially if it is undertaken with what has been perceived by many as an having a predetermined outcome.

Policy makers must consult with each other to avoid creating cumulative or overlapping regulatory burdens¹. Just as they must consider the true cost of compliance, the time impost and financial burden that those targeted are compelled to shoulder in order to meet regulatory requirements.

A genuine consultation process ensures that you have considered the real-world impact of your policy options. This is likely to lead to better outcomes and greater acceptance in the community, particularly among any stakeholders who may be adversely affected by the policy.²

When introducing the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019*, Minister for Environment and Great Barrier Reef the Hon Leeanne Enoch MP on 27 February 2019 stated,

*"The standards will require growers to replace outdated high-risk practices with practices that are known to limit nutrient and sediment run-off and enhance efficiency, including in cost of production. These changes will be staged to commence between 2019 and 2022 according to water quality risk. The minimum practice standards align with recognised benchmarks for agricultural practices but limit run-off while sustaining farm productivity and profitability."*³

This statement yet again highlighted the Queensland Labor Government's incorrect presupposition that the farmers and graziers of the state are not at the cutting edge of innovation and practices that better manage and balance both the environment and profitability.

In fact, the 17th of February 2021 release of the 2019 Reef Water Quality Report Card, and the results therein further calls into question both the Hon Leeanne Enoch MP's statement and the need for draconian reef regulations being forced on the agricultural sector.

Water quality improvements withing the report showed an attained A Grading and a cumulative reduction of 25.5% to June 2019 for nitrogen entering the Great Barrier Lagoon.⁴

¹ <https://www.pmc.gov.au/sites/default/files/publications/best-practice-consultation.pdf>

² <https://www.pmc.gov.au/sites/default/files/publications/best-practice-consultation.pdf>

³ <https://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/190227/Enviro.pdf>

⁴ <https://reportcard.reefplan.qld.gov.au/home>

“These results are considered a conservative estimate of progress as projects are in different stages of implementation so not all activities undertaken during the reporting period are captured and much of the water quality improvement information published is a long way behind on farm and water-quality reality.”

“Additionally, the Report Card does not factor in the impact of severe and unavoidable weather events such as cyclones and droughts, which can quickly undo progress.”⁵

Nor does the report delineate or address other possible variables and causations such as state-owned land or urban areas, or the many other sources that can release dissolved inorganic nitrogen.

Aside from these improvements, evidence from leading scientists like Professor Peter Ridd suggests particulate nutrients and fine sediment are still in such low totals in the outer GBR that their impact is negligible.

What should also be highlighted is that this report is further confirmation that these legislative changes are an unnecessary overreach given these results were obtained in 2019, before these regulations came into effect.

The state government did not provide details of proposed minimum practice standards prior to adoption, nor did they afford those directly affected an adequate time frame in which to state their cases and highlight the significant impact such drastic legislations would cause.

The *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019* neglects any producer undertakings that address measures of ensuring reef quality that are not encapsulated under official Best Management Practice (BMP) initiatives. This skews data surrounding BMP uptake figures.

The legislation does not factor in clear evidence of demonstrated improvements made by the sugar industry in using fallow rotations, trash blanketing and underground fertiliser applications.

It does not consider that over 70% of the states cane growing land is already being operated under industry best practices. It instead gives broad reaching power to a departmental Chief Executive officer in setting minimum standards and the ability to change them without sufficient consultation, accountability, or regard to potential crop yield reduction and increased cost burdens.

Decisions of this magnitude should never be in the hands in the unelected member of the public service. In a unicameral system with only one legislative assembly, parliamentary committees when functioning effectively should perform as a second house for review, where extensive public debate should be undertaken.

Often, industry bodies fail to capture the nuances pertinent to the individual producer. Filtering through peak bodies often leads to a dilution or bias. It must be remembered the vast majority of producers by choice are not represented by peak bodies. This should not preclude them from having a say should they wish to exercise their democratic right.

The thousands of submissions and attendances at previous parliamentary committee hearings for issues pertinent to their businesses is evidence that individually, producers want each of their grassroots voices heard.

⁵ <https://www.qff.org.au/media-releases/2019-reef-water-quality-report-card-shows-improvement/>

The classifications used to categorise land conditions used within the regulations are based on an A, B, C, D, framework. With no provision within this framework for percentages of land falling within a classification, graziers with even the smallest proportion of land categorised as “poor”, would then be deemed to be managing this classification over the entire holding.

Signs of historic erosion of any size, weed infestation and ground coverage of <70% would collectively or individually result in a Category C (Poor) classification. This does not take into account the variability of land types within a holding let alone across entire catchments. Land types in the drier areas of the catchment naturally do not support this percentage of ground cover density.

The legislation does not make provisions for drivers that are beyond the control of the landholder. Prolonged periods of drought, flood and rain events and issues of pasture dieback are all factors that may culminate in ground cover non-compliance and are unable to be mitigated by any form of land management.

This legislation does not take into consideration the cumulative effect of other concurrent policies and is irreconcilable with the 2018 Vegetation and Other Amendments Bill. Despite hundreds of submissions from affected producers opposing the Bill and outlining that the inhibiting of producers’ ability to manage vegetation, including along waterways would increase erosion.

The legislation does not consider the 2018 Vegetation and Other Amendments Bill is and will continue to be the causation of increased tree density, leading to intensified competition with ground cover, which is the very criterion being used for erosion control.

The following statement regarding noncompliance extracted from the Consultation Regulatory Impact Statement (Consultation RIS) clarifies the State governments awareness of the difficulty of compliance and it’s recognition of failure without recourse. *“Due to the current climatic and associated economic conditions, it is acknowledged that it will be difficult for parts of the grazing industry in drought or flood-affected areas in the Reef regions to undertake actions to meet the grazing standards.”*⁶

Queensland producers within the six Great Barrier Reef catchments now find themselves possibly facing severe fines for being unable to prevent potential land degradation because they are legally bound to comply with other restrictive legislation.

The penalties for contravening an agricultural ERA standard stated within the legislation whether willing or ‘otherwise’ has been elevated substantially for the previous maximums and are punitive and excessive.

Stakeholders are yet to see any well-grounded rationale to justify the monumental increase in penalties and amalgamation of offences as previously arranged in the Environmental Protection Act 1994. In fact, it appears that as farmers and graziers are disproportionately targeted by this legislation and its severe penalties that it is eluded that there is a preestablished expectation that they will commit the *‘most egregious piece of malfeasance that could be contemplated in an environmental capacity’*.⁷

For individuals and an industry that rely on the use of land and water for their livelihood this assumption could not be further from the truth, is offensive and does little to repair the damage that years of this type of legislative

⁶ https://qpc.blob.core.windows.net/wordpress/2019/03/Decision-RIS_Broadening-and-Enhancing-Reef-Protection-Regulations.pdf page 32

⁷ <https://www.parliament.qld.gov.au/documents/committees/HEC/2021/RGBRPM2021/trns-ph-14Jun2021.pdf> (page 32)

implementation has done to industry's relationship with this states government.

Satellite imagery was used in part to form the science basis of the Vegetations and Other Amendments Bill, despite the inability to accurately record regrowth statistics, as revealed to Ministers prior to the bill being passed, "we have accurate information on losses, but not accurate information on gains"⁸.

The state government again used satellite imagery in the rolling out of new flora survey trigger maps that further impost agricultural producers' ability to manage the land they are custodians over. Maps were released with the onus on the landowner to prove their inaccuracies via their own financial means despite the fact that amongst the areas listed by the government departments as 'high risk areas' where endangered, vulnerable or near threatened plants are present or are likely to be present were identified as Brisbane's Suncorp Stadium, the GABBA, mining stockpiles and even regional airports.

Given these gross inaccuracies, it appears that the ability of satellites to observe ground cover accurately is starkly inadequate, and yet under this legislation would form the foundation upon which classifications are given to producers.

The regulations were contrived to address perceived anthropogenic water quality and sediment load issues alone and fail to differentiate and correctly apportion sediment load between producer undertakings and natural occurrences.

*"Results of multi-temporal monitoring of gullies using LiDAR data and historical imagery suggest that significant gully change is largely event driven."*⁹

Furthermore, it seems that farmers and graziers within the confines of the Great Barrier Reef catchment are disproportionately being laden with the burden of culpability of any anthropogenic threat and purported decline in the health of the reef.

The legislation forces the responsibility of reef guardianship to primary producers alone, with the multitude of people who live in coastal communities remaining unregulated and unaffected by the legislation. Impacts of pesticides and fertilizers readily available and used within these communities whose position is in far closer proximity to the coast has not been addressed. Their residents do not have to attain best management practices levels as custodians of their holdings, nor do they face punitive fines for non-compliance. The legislation also does not factor in the abundance of visitors to the Great Barrier Reef.

*"Visitation to the entire Great Barrier Reef Marine Park for the calendar year ending 30 December 2018 was approximately 2.26 million visitor days. This figure does not include stand alone coral viewing activities, scenic flights and transfer passengers."*¹⁰

⁸ <https://www.theaustralian.com.au/national-affairs/state-politics/queensland-government-admits-treesurvey-flawed/news-story/40982ccbd8bee4e30129cbd3f272327e>

⁹ Dan Tindall, Bleuenn Marchand, Uri Gilad, Nicholas Goodwin, Robert Denham, Skye Byer. 2014 Gully Mapping and Drivers in the grazing lands of the Burdekin Catchment. Synthesis Report RP66G Department of Science, Information Technology, Innovation and the Arts

¹⁰ <http://www.gbrmpa.gov.au/our-work/reef-strategies/visitor-contributions/numbers>

The proposition that agricultural pesticides are a major contributor to the deterioration of the health of the reef is to be questioned given that data shows many pesticides are in such small concentrations that they are almost undetected by susceptible scientific equipment during data collection in close proximity to the coast, let alone further from the coast throughout the reef proper, a further 30 to 100km offshore.¹¹

Chemicals used in agricultural and in veterinary medicine products need to be approved by the Australian Pesticides and Veterinary Medicines Authority (APVMA).¹² This methodology already reviewed by scientists both at home and abroad has not been observed by the Queensland government when making assessment on pesticide risk to the Reef. Rather, as outlined in the *Pesticide Risk Baseline Methods*, the government has chosen a methodology with supporting documentation that at the time of implementation was only 'in preparation' and hence unable to be viewed by stakeholders and the wider public, but most importantly inferring a lack of review by the scientific community. This unestablished methodology is determined using predictive modelling with the extensive assumptions made across the GBR catchments.

A further causation for questioning the reliability of this methodology, is the Queensland Governments own **one-to-five-star confidence ranking** of the methods used to calculate the pesticide risk baseline.

Rationale for Confidence Rating

Maturity of methods: A **score of one** was awarded because not all individual methods used have been reviewed, the combination of methods used have not been reviewed, and the relationships used to predict pesticide risk have not been reviewed.

Validation: A **score of two** was awarded because the land use, spatial and hydrologic variables for predicting the pesticide risk (per cent of species affected), the pesticide monitoring (concentration) data, and the relationships used to predict pesticide risk were validated, but there is no validation of the per cent of species protected at the end of catchments.

Representativeness: A **score of three** was awarded because in 28 of the 35 basins that discharge to the Great Barrier Reef at least one catchment was monitored for pesticides. The seven basins without any pesticide monitoring are in Cape York, which should have a very low risk from pesticides (based on land use statistics).

Directness: A **score of two** was awarded because the assessment uses a mix of quantified assessments (i.e., catchment monitoring data, laboratory-based ecotoxicology data, remotely sensed land-use and spatial data, and modelled hydrological data) however, the per cent of species protected at the end of catchments is not directly measured.

Measurement error: A **score of one** was awarded because the error in the multiple data sources used and the multiple steps in the methodology is not able to be quantified at this point in time.¹³

¹¹ Gallen C, Devlin M, Thompson K, Paxman C, Mueller J (2014) Pesticide Monitoring in Inshore Waters of the Great Barrier Reef Using Both Time-Integrated and Event Monitoring Techniques (2013–2014). The University of Queensland, The National Research Centre for Environmental Toxicology (Entox), Brisbane, Australia. See pages 71-82

¹² <https://apvma.gov.au/node/11636>

¹³ https://www.reefplan.qld.gov.au/__data/assets/pdf_file/0026/82925/report-card-2017-2018-methods-pesticide-risk-baseline.pdf

It is 'scientifically inferred' that farms are the only source of nutrients in the Great Barrier Reef and are the causation of plagues of Crown of Thorns Starfish due to farm fertilizer runoff. Whereas the amount of nutrients that cycle across the seabed, in fact, dwarfs any nutrients detectable from river fluxes.¹⁴

By the use of measurements of salinity, temperature gradients, satellite tracked drifters and hydrodynamic modelling it has been proven that even minimal pollutants would be flushed from the system by the sheer volume of water entering from the Pacific Ocean¹⁵.

It is useful to compare the volumes of water entering the lagoon from the Pacific Ocean with the volume entering from rivers. Between 17°S and 20°S, each year an average of 26 km³ of water is discharged into the lagoon¹⁶ by rivers. This region includes much of the wet tropics zone plus the largest river on the Queensland coast, the Burdekin. Water volume for the deep shelf (deeper than 20 m) in this region is 2300 km³. If this volume is exchanged with the Pacific Ocean every 100 d, an extreme upper estimate based on the drifter data, the exchange is 23 km³/d, i.e., a daily exchange similar to the river discharge in one year.¹⁷

It is evident from the above that the quality of water pertaining to the GBR in particular, the reef proper where 99% of coral lives, is undisputedly commanded by the currents of the Pacific Oceans.

Much is said about the turbidity of water surrounding the inshore reefs which make up just 1% of the entire Great Barrier System. Blame is disproportionately attributed to river flumes, and in turn, farm sediment runoff. However, turbidity from rivers is massively reduced close to the river mouth as particulates slow and sink due to the decrease in speed of sea water flow or flocculate forming more laden particles that sink.

Whilst water surrounding the inshore reefs can be muddy, this does not necessarily point to degradation but to their proximity to the coast and having a seabed that has naturally been formed over thousands of years constantly resuspended due to wave action and weather events such as severe storms and cyclones.

The protection of our agricultural sector and reliant communities, along with the Great Barrier Reef must encompass robust science. The Queensland Labor Government has set a precedent in developing detrimental agricultural policy based on incomplete, flawed and unassured science with this offending bill being no exception.

Based on questionable science it shows no regard for the impacts of the real economic burden that farming families and their communities must shoulder as a result.

This legislation does not come without extraordinary financial implications. The Consultation Regulatory Impact Statement (Consultation RIS) states the financial benefits for the agricultural sector and government to be \$285,817,474, whilst the costs for the agricultural sector, industry and government are \$609,857,252. The net impost over the next ten years is \$324,039,778 as a direct result of the legislations enforcement.¹⁸ The cost trammel of farm

¹⁴ Furnas, M. & Alongi, Daniel & Mckinnon, Alexander & Trott, L. & Skuza, Michele. (2011). Regional-scale nitrogen and phosphorus budgets for the northern (14°S) and central (17°S) Great Barrier Reef shelf ecosystem. *Continental Shelf Research - CONT SHELF RES.* 31. 10.1016/j.csr.2011.09.007.

¹⁵ <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2015JC010745>

¹⁶ <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2009JC005761#jgrc11537-bib-0013>

¹⁷ <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2009JC005761>

¹⁸ https://qpc.blob.core.windows.net/wordpress/2019/03/Decision-RIS_Broadening-and-Enhancing-Reef-Protection-Regulations.pdf page 9

design standards has not been included in the RIS values due to variables in farm size and juxtaposition to water courses.

Compounding to the economic strain of the legislation is that of the VMA, the financial implications of which remain uncoded by the Queensland Labor Government as highlighted in the below transcript from the State Development, Natural Resources and Agricultural Industry Development Committee Public briefing - Vegetation Management and Other Legislation Amendment Bill 2018 (19/3/2018)

"Has the Department (DNRME) undertaken any modelling in relation to the effects the proposed legislation will have on agricultural production across the state in the future?"

Response: "No".

"Does it intend to"?

Response: "No"¹⁹

This legislation adds another layer of regulation, additional production costs, and reduces productivity and the economic viability of the farmers of our state. No longer can we subscribe to the age-old adage of "being able *TO DO MORE* with less". More regulations such as this, simply put, means less. Less economic growth for our state and fewer family farmers providing the food and fibre.

Before any science becomes that which underpins legislation it is paramount that it undergoes a rigorous antagonistic audit. The implications of such far reaching legislations are too great to solely rely on the acceptance of peer review as the only scrutinising system. This is especially prudent given the amplitude of data that offers other interpretations to that which is being offered as the basis of the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019*.

The Green Shirts Movement remain supportive of an Office of Scientific Review to review the existing science used in policymaking not only regarding the Great Barrier Reef but also legislation. The current science that relies heavily on modelling and assumptions needs independent review and data must be replicable. A far greater emphasis also needs to be applied to the use of empirical data. Legislations with such broad impacts to individuals, industries and communities should not be implemented without this level of assurance, as without it, their purpose and integrity remain questionable.

It is for the reasons expressed in this submission we strongly reject the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019*, and ***support in principle*** the ***Environment and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021***.

The Green Shirts Movement Queensland will be available to provide additional information and attend parliamentary hearings as required and on request.

¹⁹<http://tv.parliament.qld.gov.au/Committees?reference=C4529&terms=%20State%20Development,%20Natural%20Resources%20and%20Agricultural%20Industry%20Development%20Committee#parentVerticalTab9>

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