

Environmental Protection and Other Legislation Amendment Bill 2022

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Submitted by: Australian Prawn Farmers Association Inc
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Submitter Recommendations:



AUSTRALIAN
**Prawn
Farmers**
ASSOCIATION

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22 October 2022

Mr Aaron Harper MP
Committee Chair
Health and Environment Committee

E: Thuringowa@parliament.qld.gov.au

E: hec@parliament.qld.gov.au

**RE: Environmental Protection and Other Legislation Amendment Bill 2022 request for additional time
To consult with members**

Dear Chair

The Australian Prawn Farmers Association (APFA) is the peak representative organisation for the Australian farmed prawn industry.

Established in 1993, APFA represents the common interest of members and promotes and supports all aspects of the industry. APFA provides the link for communications between growers and related sectors including infrastructure suppliers, the finance sector, retailers and exporters, technologists, researchers and all levels of government.

In 2020-21 Australia's aquaculture sector represented 51 per cent of Australia's total seafood production with a value over \$2 billion dollars.

The Australian prawn farm industry is undergoing rapid and significant growth in production with the industry currently valued at \$160 million in 2020-21 (Lobegeiger, DPI NSW, 2022). This is up from \$130 million in 2019-20 and \$80 million in 2018-19.

98% of Australian prawn farms are located in Queensland.

Strong ongoing significant growth is planned in Queensland with the industry becoming an important regional economic driver including in the areas of regional investment, labour, new skills and training, increased transport investment and increased feed manufacture investment, all contributing to improved social and economic outcomes for regional communities.

The proposed *Environmental Protection and Other Legislation Amendment Bill 2022* (EPOLA Bill) is a large and complex body of work that has requires a considered response.

Given the extremely short period of time for industry to digest this information and understand its practical implications, and the amount of detailed commentary on the amendments, there is some real confusion



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about the nature and extent of some of the changes that are proposed and how they will operate in practice.

APFA have made a submission to the Health and Environment Committee on the Bill by the closing date of 26th October, however we request additional time to properly consider the Bill and to consult effectively with our members.

The APFA is a significant stakeholder in this Bill on behalf of our Queensland members and the adhoc and restrictive nature of consultation taken with the Exposure Draft (which is different to the Bill tabled) by the Department and now the time between the introduction of the Bill on the 12th October 2022 and the closing date for submissions on the 26th October 2022 also being extremely short, the timing does not allow a measured and considered response developed through consultation with our members.

We therefore respectfully ask for an extension of time until the 9th December 2022 to complete our submission on the EPOLA Bill. This time will allow us to properly digest the amendments we are uncertain about.

We look forward to your consideration and response.

Sincerely

A handwritten signature in black ink, appearing to read 'Kim Hooper', written over a horizontal line.

Kim Hooper
Executive Officer



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**Prawn
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Submission to the
Queensland Health and Environment Committee
on the
Environmental Protection
and Other Legislation Amendment Bill 2022

22 October 2022

Submitted and directed to:

Committee Secretary
Health and Environment Committee
PARLIAMENT HOUSE QLD 4000

Submitted via email: hec@parliament.qld.gov.au

By:

Kim Hooper
Executive Officer
Australian Prawn Farmers Association

The Australian Prawn Farmers Association

The Australian Prawn Farmers Association (APFA) is the peak representative organisation for the Australian farmed prawn industry.

Established in 1993, APFA represents the common interest of members and promotes and supports all aspects of the industry.

APFA provides the link for communications between growers and related sectors including infrastructure suppliers, the finance sector, retailers and exporters, technologists, researchers and all levels of government.

The nature and current status of Australia's prawn farm sector

The Food and Agriculture Organization of the United Nations' (FAO) latest worldwide statistics on aquaculture shows world aquaculture production of 82.1 million tonnes of aquatic animals with a value of approximately US \$250 billion (FAO, 2018). The forecast is that aquaculture will supply the majority of aquatic protein in people's diets by 2050 (FAO, 2018).

As demand for seafood continues to rise and wild-caught fisheries reach ecological sustainable levels, any substantial growth in seafood production will need to be driven by aquaculture (DAFF 2021).

In 2019-20 Australia's aquaculture sector represented 48 per cent of Australia's total seafood production with a value of \$1.64 billion dollars.

The Australian prawn farm industry is undergoing rapid and significant growth in production with the industry currently **valued at \$160 million in 2020-21** (Lobegeiger, DPI NSW, 2022). This is up from **\$130 million** in 2019-20 and **\$80 million** in 2018-19.

98% of Australian prawn farms are located in Queensland.

Strong ongoing significant growth is planned in Queensland with the industry becoming an important regional economic driver including in the areas of regional investment, labour, new skills and training, increased transport investment and increased feed manufacture investment, all contributing to improved social and economic outcomes for regional communities.

APFA response to the proposed Environmental Protection and Other Legislative Amendment Bill 2022

APFA has strong concerns the Bill will impede the achievement of significant growth in aquaculture as a viable food source, which conflicts with the policy intent of the Queensland government and is also unfairly burdening an industry that is highly sustainable, and science has shown does not adversely impact the receiving environment.

- The prawn farming industry contributes over 1% of Queensland agricultural economic value. The prawn farming industry has a long history of compliance under already very strict water quality control mechanisms, which in general, far exceed the requirements of agricultural operators.
- The Bill fails to provide equitable regulation for aquaculture generally and prawn farming specifically.
- The Bill imposes regulatory burden and restriction that is not commensurate to their impact on the environment v the overwhelming contributors in other agriculture sectors. This failure undermines the importance of aquaculture as one the most sustainable food sources and failure to support growth will place further pressure on dwindling wild catch fish stocks. Such an outcome is contrary to Queensland's Government policy to develop aquaculture.
- There is confusion regarding Amendment of s 215 (Other amendments) on page 25 of the Explanatory Notes which includes *"This clause also inserts s 215(2)(n) so that the administering authority can amend an environmental authority or PRCP schedule in relation to a matter the subject of an enforceable undertaking if it considers the amendment necessary or desirable because of the acceptance of an enforceable undertaking. Where a person has provided a written undertaking in relation to a contravention or alleged contravention of the Act, and where the administering authority accepts that undertaking under s 507, there should be the ability for the administering authority to amend an environmental authority or PRCP schedule. The administering authority may, for example, be able to make amendments that would require better environmental management practices which could avoid future contraventions."* however, is not included in the proposed amendments in the Bill at s 215. If this is to be included, it is **NOT SUPPORTED by APFA** as amendments may include "intensity/yield" measures.
- The Bill shifts aquaculture and prawn farming away from encouraging continuous improvement by working towards a load-based system and the use of technology to solve effluent issues.
- The omission of s 50 (Ministerial review of refusal to allow to proceed) is **NOT SUPPORTED by APFA**. This would result in the Department having further power and removing procedural fairness and natural justice.
- The Minister should always have appeal/review rights.
- The introduction of s 41A concerningly removes due process by allowing the Department to use discretion to refuse a project without undertaking a full assessment upon completion of an Environmental Impact Statement (EIS), denying the applicant the opportunity to fully assess the impacts and develop mitigation and/or prevention strategies to remove the risk of environmental harm. This process is **NOT SUPPORTED by APFA**.
- APFA queries the insertion of new s 319A creating a presumption that the General Environmental Duty has been breached (liability extends to person and corporation) regarding special provision for activities involving relevant industrial chemicals when adequate legislation and penalties already exist under the Industrial Chemicals Environmental Management (Register) Act 2021 (Cwth) already exists. This is **NOT SUPPORTED by APFA**.
- **Amendment of 326BA** (*When environmental investigation required—contamination of land*), **Replacement of s 331** (*Content of program*), **Amendment of s 363AA** (*Definitions for division*) and **Amendment of s 363B** (*Authorised person may issue a direction notice*) these clauses provide the Department with authority to retrospectively amend existing EA conditions on the basis of investigations, direction notices, and amendments based on subjective and discretionary interpretations. This is **NOT SUPPORTED by APFA**.

APFA welcomes the opportunity to further discuss our response to the proposed Environmental Protection and Other Legislative Amendment Bill 2022 as this is a critical piece of legislation that could significantly undermine the sustainable growth of the entire industry, impacting the future of the Australian prawn farming industry, it's workers, Queensland's food security, and contribution to Queensland's economically important seafood sector.

APFA Submission on the Environmental Protection and Other Legislation Amendment Bill 2022