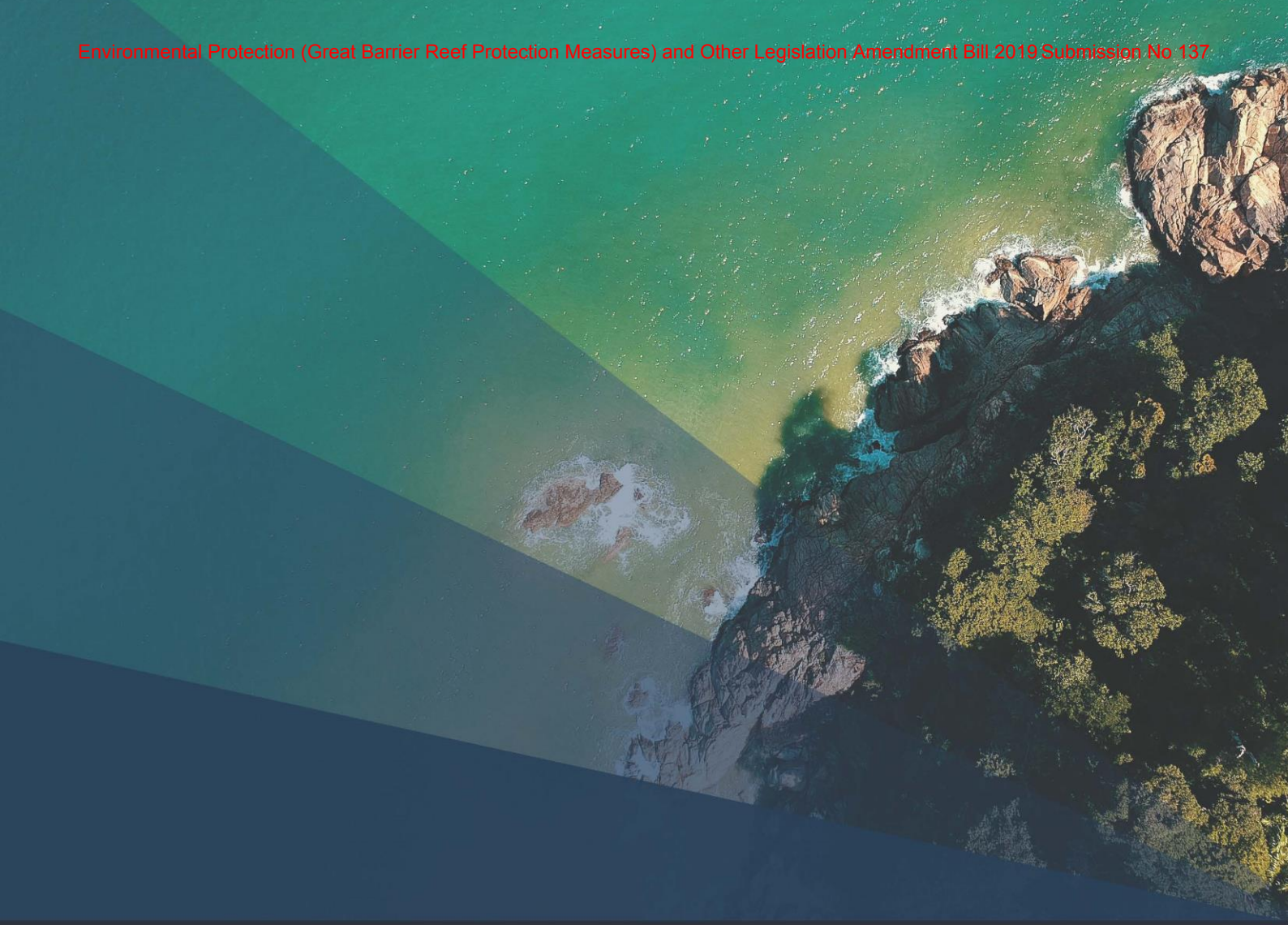

AgForce Queensland Farmers

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

March 2019

AGFORCE

AgForce Queensland Farmers Limited
ABN 57 611 736 700

Second Floor, 110 Mary Street, Brisbane, Qld, 4000
PO Box 13186, North Bank Plaza, cnr Ann & George Sts, Brisbane Qld 4003

Ph: (07) 3236 3100
Fax: (07) 3236 3077
Email: agforce@agforceqld.org.au
Web: www.agforceqld.org.au

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15 March 2019

A/Committee Secretary
Innovation, Tourism Development and Environment Committee,
Parliament House,
George St, Brisbane QLD 4000
Email: itdec@parliament.qld.gov.au

Dear Parliamentary Committee members and Secretariat,

AgForce Queensland Farmers (AgForce) is the peak rural group representing beef, sheep & wool and grain producers in Queensland. The broadacre beef, sheep and grains industries in Queensland generated around $7.2 billion in gross farm-gate value of production in 2016-17. AgForce exists to facilitate the long-term growth, viability, competitiveness and profitability of these industries. Producers who support AgForce provide high-quality food and fibre to Australian and overseas consumers, manage around 40 per cent of the Queensland agricultural landscape and contribute significantly to the social fabric of rural and remote communities.

Beef cattle grazing is the major land use area in the Great Barrier Reef catchment with over 33.7 million hectares grazed across the six catchments draining into the Great Barrier Reef Lagoon. According to the Australian Bureau of Statistics 2010 survey[1], 12,550 grazing enterprises manage this grazing land use area across the six catchments. This includes all size categories of grazing enterprises with approximately 50 per cent managing grazing areas less than 200ha. The proposed Reef regulations is focused on larger size 'commercial grazing enterprises'. The Queensland Government Decision Regulatory Impact Statement for Reef Protection Regulations estimates 8,500 graziers across the six Reef catchments[2] . It is not clear from the *Environment Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill*

[1] Australian Bureau of Statistics, 4169.0 Land Management Practices Survey in the GBR 2008-09 http://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbytitle/3CE86728B9A50788CA2576930013F277?OpenDocument

[2] Office of the Great Barrier Reef. 2019. Broadening and enhancing Reef protection regulations. Decision Regulatory Impact Statement. State of Queensland, Department of Environment and Science. Page 26. https://www.qld.gov.au/__data/assets/pdf_file/0028/94636/broadening-enhancing-reef-protection-decision-ris.pdf

2019 (the Bill), if the proposed grazing regulations will only apply to grazing properties greater than 2000ha (as per agricultural Environmental Relevant Activity ERA in the *Environmental Protection Act 1999* Sect 751(ii)[3] or there is another way of classifying 'commercial grazing enterprises' which explains the difference between the total number of grazing enterprise across the six Reef catchments (i.e. 12,550 versus 8,500 enterprises).

Broadacre dryland grain cropping areas vary from year to year depending on seasonal growing conditions. Approximately 1,080 graingrowers farm 1.16M ha of cropping land use across the Reef regions.

AgForce voluntary membership represents commercial beef cattle producers and graingrowers who collectively manage 20 per cent (8.7M ha) of grazing and grains land use in the GBR catchment. Our AgForce producers are productive, care for the land, crops and animals while also conserving environmental attributes and caring for the Reef. Producers want a healthy Reef, which is a natural asset and international icon, supporting a vibrant tourism industry. AgForce contributes a unified voice for Reef policy from a large portion of successful producers across the six catchments of the Great Barrier Reef Lagoon.

In summary, the key points raised in our submission are:-

1. **AgForce opposes the proposed Reef Protection regulations in the Bill.**
2. **AgForce seeks recognition of the adoption rate for agricultural best practice, which is higher than reported by annual Reef Report Cards. The Reef Report Card and Paddock to Reef Modelling only count practice change. There is no consideration of producers already at best practice or not involved in Reef grants.**
3. **AgForce seeks a focus on high risk areas for sediment and nutrient runoff rather than blanket Reef regulations over the entire 33.7M ha of grazing and grain cropping land use.**
4. **AgForce seeks to promote innovation through an incentives scheme rather than minimum practice standards.**
5. **AgForce seeks effective consultation with the grains industry on grains minimum practice standards.**
6. **AgForce seeks appropriate farm design standards for new cropping areas that are designed to enable Northern Australian agricultural development.**
7. **Risks of using voluntary BMP programs as an alternative pathway to regulations for minimum practice standards.**
8. **Lack of correlation of fertiliser records from advisors and fertiliser resellers to actual in farm use.**
9. **AgForce believes the proposed penalties for contravening regulations and practice standards are excessive in relation to the practice.**

Protecting the Great Barrier Reef requires a whole community, collective and collaborative approach for management and risks to Reef health. Queensland producers across Reef regions are proud to be part of the co-operative solution towards Reef health. The impost of proposing further regulations on agriculture challenges community trust placed in farmers demonstrating good land management. Rather than the big stick approach of regulations, AgForce recommends Queensland Government works co-operatively alongside farmers to achieve the best outcomes for Reef water quality and agricultural communities.

[3] Queensland *Environment Protection Act 1994*. Sect 75. What is an agricultural ERA. https://www.legislation.qld.gov.au/view/html/inforce/current/act-1994-062#sec.75

Further information to each one of these key points is provided below:-

1. **AgForce opposes the proposed Reef Protection regulations in the Bill**

Emerging Reef science has confirmed the major risks to Reef health are:-

- climate change;
- extreme weather events;
- sediment resuspension;
- warming ocean temperatures.

The proposed regulations for agricultural land use do not address any of these major risks.

There is insufficient evidence that existing Reef regulations imposed by *Great Barrier Reef Protection Amendment Act 2009*[4] through amendments to the *Environmental Protection Act 1994* and *Chemical Usage (Agricultural and Veterinary) Control Act 1988* since 2010 have had any effect on water quality targets within the Reef 2050 Plan.

No data from the previously Reef regulations (Environmental Risk Management Plans ERMP's), from 2010 to 2018, has been used for Paddock to Reef modelling, Reef Report Cards or measuring practice change (R. Schlect, *pers.comm*. 2016).

Existing legislative instruments such as the *Land Act 1994*, *Vegetation Management Act 1999* and *Soil Conservation Act 1986* protect land condition, conserve soil and prevent environmental degradation across Reef catchments and the entire state of Queensland (Table 1). There are 26 pieces of existing legislation and regulations for environmental management and planning which are used across agricultural land in Queensland. The Queensland Government needs to utilise existing legislation before proposing more regulation through this Bill. There is no basis or valid cause-effect argument to conclude an increased rate of progress towards water quality targets will be achieved through simply increasing regulation.

Table 1: The purposes of existing Queensland legislation protects land condition.

Land Act 1994	Leaseholders must maintain land in good condition through good land management practices and preventing land degradation and contamination
Vegetation Management Act 1999	Regulation of vegetation clearing to ensure no land degradation and maintain ecological processes on freehold and leasehold land.
Soil Conservation Act 1986	Prepare and approve soil conservation plans, run-off control structures to mitigate soil erosion
Environmental Protection Act 1994	Everyone has a general environmental duty. Regulates intensive agriculture (e.g. feedlots, poultry farms) and high impact earthworks in wetland protection areas.
Sustainable Planning Act 2009	Planning approval for new intensive agriculture and farm diversification to ensure ecological sustainability.
Water Act 2000	Responsible management of works within watercourses, lakes, springs or activities that interfere with overland flow or impact on underground water.

[4] Queensland Government Great Barrier Reef Protection Amendment Act 2009 https://www.legislation.qld.gov.au/view/html/asmade/act-2009-042

2. **AgForce seeks recognition of the adoption rate for agricultural best practice, which is higher than reported by annual Reef Report Cards. The Reef Report Card and Paddock to Reef Modelling only count practice change. There is no consideration of producers already at best practice or not involved in Reef grants.**

One driver for the Bill is the government process for reporting management practice adoption. The Paddock to Reef model and annual Reef Report Cards only record progress of producers moving from one practice level to another (i.e practice change) after having either participated in a BMP program or undertaken an activity funded through a Reef grant provided through the Australian or Queensland Government. The Reef reporting process does not enable recognition of producers already working at best practice and self-funded their own infrastructure and productive land management activities. Unless producers are directly involved with the BMP program through the Queensland Department of Agriculture and Fisheries or undertaking a Reef project with one of the six Reef Regional Natural Resource Management Groups, they are not counted towards the 2018 ReefPlan target for '90 per cent of agricultural land under best management practice'. Page 2 of the Reef Report Card 2016 - Management Practice results[5] states "*management adoption through Government projects and programs is reported, while other processes of producer engagement and interaction are not included in Reef report card estimates of adoption or in modelling to estimate pollutant load reductions*". This is the underpinning reason behind the perceived low result in the 2016 Reef Report Card with only 36 per cent of grazing land and 57 per cent of cropping land under best management practice.

This is a flaw in the design of Paddock to Reef modelling and Reef Card reporting. Producers already at best practice **plus** producers demonstrating 'practice change' need to be considered for Reef reporting towards water quality targets.

3. **AgForce seeks a focus on high risk areas for sediment and nutrient runoff rather than blanket Reef regulations over the entire 33.7M ha of grazing and grain cropping land use.**

The proposed Bill does not utilise current Reef science outcomes to enable cost-effective targeting on high risk areas for suspended sediment and nitrogen runoff near coastal areas along the Great Barrier Reef Lagoon. Dam structures such as the Burdekin Dam trap 50 to 85 per cent of coarse sediment[6]. Other dams such as Faust Dam near Proserpine[7] , Boondooma and Paradise Dams in the Burnett trap all runoff from upstream agricultural land except during exceptional wet years, with negligible discharge of suspended sediment.

High-risk erodible soils contribute most of the suspended sediment including sodic soils, duplex soils and other dispersive soils. Targeted areas can be ascertained from the erodible soil maps for Burdekin and

[5] Great Barrier Reef Report Card 2016. Management practice results. https://www.reefplan.qld.gov.au/measuring-success/report-cards/2016/management-practices/

[6] Bartley, R., Waters, D., Turner, R., Kroon, F., Wilkinson, S., Garzon-Garcia, A., Kuhnert, P., Lewis, S., Smith, R., Bainbridge, Z., Olley, J., Brooks, A., Burton, J., Brodie, J., Waterhouse, J., 2017. Scientific Consensus Statement 2017: A synthesis of the science of land-based water quality impacts on the Great Barrier Reef, Chapter 2: Sources of sediment, nutrients, pesticides and other pollutants to the Great Barrier Reef. State of Queensland, 2017. https://www.reefplan.qld.gov.au/about/assets/2017-scientific-consensus-statement-summary-chap02.pdf

[7]Department of Energy and Water Supply, 2016. Whitsunday regional water supply security assessment. Page 8 – Historical performance of Peter Faust Dam https://www.dnrme.qld.gov.au/__data/assets/pdf_file/0004/393961/whitsunday-rwssa.pdf

Fitzroy properties, available from Queensland Government[8]. Sediment tracing in catchments such as the Burdekin confirmed all coarse sediment particles (>16microns) and 80 per cent of particulate nutrients are deposited within 10km of the river mouth[9]. Only a portion of the fine suspended sediment (<16 microns) forms turbid flocs which may impact on the inner shore Reefs within 60km of the coastline[3]. The 2017 Scientific Consensus Statement states 90 per cent of fine sediment runoff is from subsoil erosion from gullies, banks and deep rills[10].

AgForce advocates that Government voluntary and regulatory measures should only focus on these high risk, erodible hotspots. Regulations on agricultural practices across the entire Reef catchment defy Reef science outcomes, create extra reporting burden for producers and pose a high compliance cost for Queensland Government to uphold. Retaining topsoil is essential for agricultural production. This should be the positive focus for working with agriculture rather than creating compliance about loss of sediment.

Sediment tracing monitoring by the TropWater unit from James Cook University JCU is helping pin-point weather events and sediment sources of high risk to Reef water quality[11]. During 2015 to 2018, there was no catchment-wide flow events from the Burdekin catchment into the Reef lagoon (Stephen Lewis JCU 2018. *pers.comm*.). Tropical Cyclone Debbie in 2017 resulted in a flow, below the Burdekin Dam wall, from the Bowen-Broken-Bogie catchments. In the Fitzroy catchment, geochemical tracing indicates the basalt soils of the Nogoa, Comet Rivers and Theresa Creek are the main source of suspended sediment whereas Reef modelling indicates the Isaac, Connor and Dawson Rivers as the main source of suspended sediment (Stephen Lewis JCU 2018. *pers.comm*.).

Queensland Government should focus efforts on pin-pointing the main sources of sediment and nutrient rather than regulating everyone in the Reef catchment, regardless of their runoff risk and proximity to the Great Barrier Reef Lagoon. For example, it is not feasible for runoff water from a property near Alpha to travel 886 km along the entire length of the Burdekin River to reach the Reef lagoon. Agforce recommends better use of ongoing government investment in Reef science to inform and focus on hotspots for reducing suspended sediment and nutrient runoff. Focus on risk areas, rather than cast regulations over the entire Reef catchment area, regardless of erosion risk and potential of suspended sediment runoff to the Reef lagoon.

AgForce recommends a whole-of-catchment response to managing areas of high risk for suspended sediment and nutrient discharge into the Reef Lagoon. The Paddock to Reef model is basing all calculations

[8] Queensland Government, 2019. The Long Paddock, Erodible Soils Report https://www.longpaddock.qld.gov.au/forage/report-information/erodible-soils/

[9] Lewis S, Bartley R, Bainbridge Z, Wilkinson S, Burton J, Bui E. 2015. Burdekin sediment story. Report no 15/50 for NQ Dry Tropics NRM. https://research.jcu.edu.au/tropwater/publications/1550BurdekinSedimentStory.pdf

[10] Waterhouse, J., Schaffelke, B., Bartley, R., Eberhard, R., Brodie, J., Star, M., Thorburn, P., Rolfe, J., Ronan, M., Taylor, B., Kroon, F., 2017. Scientific Consensus Statement 2017: A synthesis of the science of land-based water quality impacts on the Great Barrier Reef, Chapter 5: Overview of key findings, management implications and knowledge gaps. State of Queensland, 2017. https://www.reefplan.qld.gov.au/about/assets/2017-scientific-consensus-statement-summary-chap05.pdf

[11] National Environmental Science Program- Tropical Water Quality Hub. 2018. Project 2.1.5 What's really damaging the Reef? Tracing the origin and fate of the environmentally detrimental sediment. https://nesptropical.edu.au/index.php/round-2-projects/project-2-1-5/

of sediment and nutrient loads from only 32 monitoring sites across the six Reef catchments[12]. Other land uses such as alluvial tin mining and mining leases contribute to suspended sediment loads. The 2017 Reef Consensus Statement attributes 80 per cent of sediment export from the Normanby basin in eastern Cape York is from gully and streambank erosion. Previous studies indicated 41 per cent of sediment load and 36 per cent of nitrogen load from the Johnstone River catchment in the Wet Tropics came from rainforests, which occupied approximately half of the catchment area[13]. Other land uses such as Queensland's protected area estate (eg. Springvale Station Nature Refuge) and mining and petroleum leases should also be considered when calculating whole of landscape sediment and nutrient budgets (Figure 1).

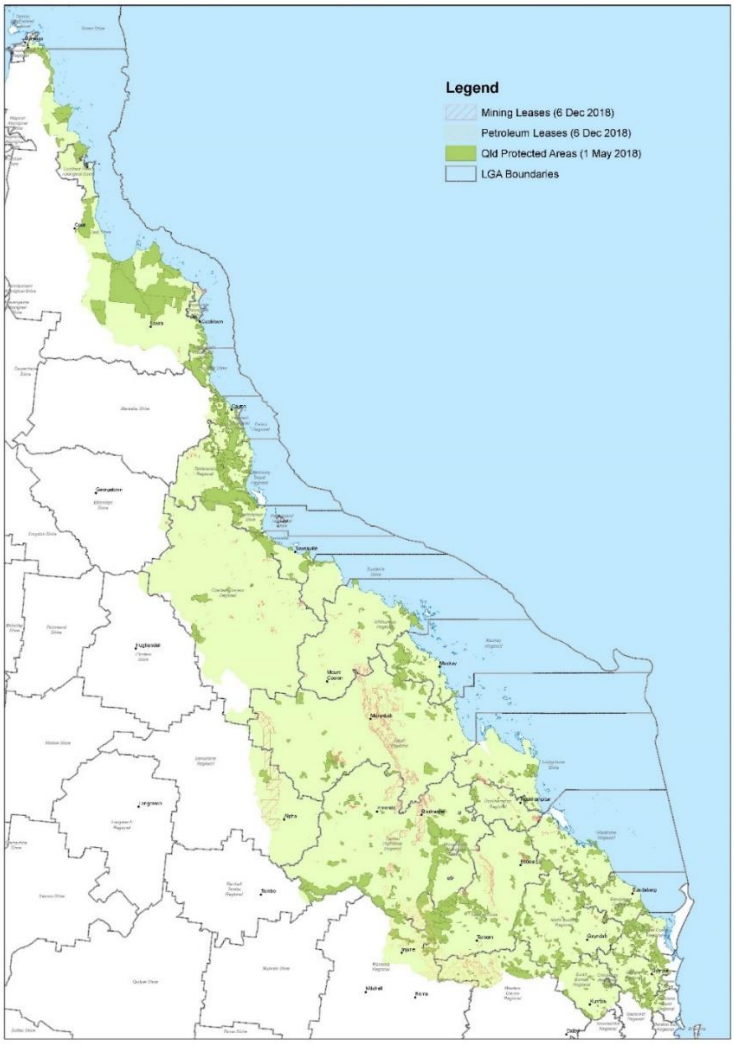

Figure 1. Area of Queensland's protected area estate, petroleum and mining leases within the Reef catchments. Source: Noel Brinsmead, GIS Manager, AgForce.

- GBR Catchment (GBRC) area – 42,312,221 ha
- Area of Protected Areas (PA) within GBRC – 5,760,941 ha or 13.6%
- Area of Petroleum Leases (PL) within GBRC – 1,404,226 ha or 3.3%
- Area of Mining Leases (ML) within GBRC – 1,158,115 ha or 2.7%

[12] 2017 Reef Scientific Consensus Statement. Chapter 2. https://www.reefplan.qld.gov.au/about/assets/2017-scientific-consensus-statement-summary-chap02.pdf. Pages 14-26

[13] Baker J, 2003. A report on the study of land-sourced pollutants and their impacts on water quality in and adjacent to the Great Barrier Reef. https://www.reefplan.qld.gov.au/about/assets/report-impact-of-land-pollutants-on-gbr.pdf Page 46.

4. AgForce seeks to promote innovation through an incentives scheme rather than minimum practice standards.

The grains industry has not been adequately presented with validated scientific evidence that nutrient application to dryland grain paddocks contributes to nitrogen and phosphorus runoff into watercourses. Furthermore, there is no evidence that runoff water from remote, inland grain growing areas across the Fitzroy, Kilcummin and Burnett regions enters the Great Barrier Reef lagoon. Grain growers are highly innovative. Minimal till and water use efficiency techniques maximise soil water holding capacity for grain crops, resulting in minimal runoff (Kim Bremner, AgForce *pers.comm*.).

It has been argued strongly by industry that opting for 'the **lowest common denominator**' of government regulation will **stifle** creativity. Minimum practice standards stifle innovation of new techniques and there is no provision for field trials of new techniques, such as using nitrogen stabilisers like the bacteriostat nitrapyrin product (eNtrench® Hi-Load™[14]). Grain growers are active contributors to a highly innovative industry. Grain growers from Central Queensland have expressed concern their trials for a new fertilising method will need to cease as this new *innovative method* is outside the scope of existing "best practice" methods for cropping. The business of the innovative consultant adviser is also at risk, if prescribed grains minimum practice standards are introduced.

AgForce seeks to continuously enable innovation across agricultural practices by working together with industry, research and development corporations, commercial agribusinesses, creative producers and governments to ensure our Queensland producers are world-leaders in agricultural practices.

5. AgForce seeks effective consultation with the grains industry on grains minimum practice standards.

Grain standards are proposed to be implemented within three years, if the Bill is passed. Lack of grains industry consultation and no prior knowledge of content for the standards has the potential to cause extreme concern and anxiety across the broadacre grains industry. Since public announcement of the Bill on 27 February 2019, feedback to AgForce from graingrower members is shock to see grains now listed as an Environmentally Relevant Activity ERA.

AgForce recommends that he Queensland Government does not proceed to list grains as an ERA until further engagement with graingrowers and the grains industry, along with demonstrated scientific evidence of Reef water quality risks from grain-growing regions.

6. AgForce seeks appropriate farm design standards for new cropping areas that are designed to enable Northern Australian agricultural development.

A lack of proposed options for agricultural offsets and farm design standards requiring no runoff of sediment or nutrient from new cropping areas greater than two hectares is unrealistic and will impede the economic, sustainable development of Northern Australia agriculture. The Australian Government White Paper and CSIRO research studies[15] have identified many opportunities to sustainably develop agriculture across northern Australia, including mosaic irrigation of forage crops, irrigated crops and saltwater ponds of aquaculture. These sustainable economic opportunities are removed from the Reef catchments due to the imposition of site-specific assessment requirements for new cropping areas greater than 30ha and no

[14] Corteva agriscience. eNtrench® Hi-Load https://www.corteva.com.au/products-and-solutions/crop-protection/entrench-hl.html

[15] CSIRO, 2018. Developing Northern Australia https://www.csiro.au/en/Showcase/Northern-Australia

proposed agricultural offsets for runoff. The proposed application fee of $8,500 is prohibitive. The costly, detailed application needs to demonstrate methods to limit runoff from the proposed cropping areas and provide detailed information on soil suitability.

Farm design standards for all new developments in Reef regions will impede the emerging wild rice market for northern Australia. A current $0.5M collaborative project funded through the Cooperative Research Centre for Developing Northern Australia (CRCNA) is scoping an action plan to produce 100 tonnes of 'North Australian Rice' next season to grow in value within five years to $10M to $50M annually. Reef regulations may reduce opportunity for indigenous and eastern Cape York enterprises to develop sustainable agricultural industries across far north Queensland.[16]

Sweet sorghum and sugar cane are being cropped in North Queensland for biofuel production, a renewable energy source. Renewable Developments Australia Pty Ltd RDA is proposing a bioethanol facility at Pentland which is in the Burdekin catchment to the Reef. The company plans to farm 19,100 ha for biofuel production. Removal of high value agriculture as a purpose under the Vegetation Management Act 1999, proposed farm design standards for no runoff, costly site assessments and permits for new cropping areas over 30 hectares may stifle this emerging, necessary industry for renewable energy[17]. The Australian Government provided a $3M grant to RDA [18] to progress the bioenergy project. With Reef regulations, the fate of this biofuel industry and other nodes of biofuel industries across Reef catchments is in severe jeopardy.

According to national Office of Australia[19], industry-led research and innovation is driving increased productivity, trade and investment across Northern Australia. Queensland needs to be part of this exciting journey of economic growth and employment opportunities across the north.

No net decline in Reef water quality arising from agriculture totally dismisses the influence of Queensland's variable tropical climate on runoff and the prediction that climate change will increase intense rainfall events. No amount of farming practices, farm design standards or regulations can influence the power of wind and water during an intense flooding event or major cyclone event. The increasing trend of extreme weather events across Northern Queensland has profound impacts on runoff, river flows, floods and flood plumes[20]. Water quality risks arising from extreme weather events cannot be mitigated against from agricultural or any other prescribed ERA activities. Even the pristine, natural rainforest areas of the Wet Tropics World Heritage Area and coastal National Parks have experienced erosion and loss of nitrogen through extreme weather events. Other prescribed ERA's such as mining leases in Reef regions have had issues with runoff from tailings dams in high rainfall events.

AgForce recommends revision of requirements for new developments to have no net decline in water quality to consider impacts of climate change, unpredictable weather events and consider the need for agricultural offsets.

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[16] University of Queensland. 2019. Northern Australia set to go wild about rice. Qld Alliance for Agriculture and Food Innovation QAAFI. https://qaafi.uq.edu.au/article/2019/02/northern-australia-set-go-wild-about-rice

[17] The Queensland Times, 2018. Hundreds of jobs to come with new NQ project. https://www.qt.com.au/news/biofuel-project-to-bring-jobs-boom-to-north-queens/3333838/

[18] Renewable Developments Australia Pty Ltd. Pentland Bioenergy Project https://rdaust.com/pentland-bioenergy-project.html#

[19] Australian Government, Office of Northern Australia, 2018. Developing Northern Australia Implementation Report 2018. https://www.industry.gov.au/sites/g/files/net3906/f/2018-10/our-north-our-future-developing-northern-australia-2018-implementation-report.pdf

[20] Office of Climate Change, 2018. Queensland rainfall – past, present and future. https://data.longpaddock.qld.gov.au/static/about/publications/pdf/walker-report-summary-brochure.pdf

7. Risks of using voluntary BMP programs as an alternative pathway to regulations for minimum practice standards.

BMP programs are voluntary, industry best practice benchmarking and continuous improvement programs. There is high risk that producers will move away from these voluntary programs, if government-directed BMP's become a recognised alternative pathway to meet minimum practice standards (i.e. a pseudo-regulatory instrument, rather than a voluntary, self-improvement tool).

The Bill outlines the process to recognise accreditation BMP programs in Part5A.

Chapter / section reference in Bill	Current content	Issue
Chapter 5A, Part 5A		
Sect 318YA	Definitions. ***Owner***, of an accreditation program, means a person who has right to manage, administer and change the accreditation program.	Grazing BMP and Grains BMP are currently managed by a three-way partnership between Fiztroy Basin Association, Qld Dept of Agriculture and Fisheries and AgForce. In these cases, the owner of BMP are "persons", not "a person". No changes can occur without the consent of all parties in the partnership.
Sect 318YB (b) ii and iii	An accreditation program for an agricultural ERA (ii) audits a person's compliance with the program and accreditation and (iii) responds to non-compliance by suspending or cancelling the person's accreditation	Accreditation with Grazing BMP is an external audit process and not conducted by the BMP program owner. There is no provision in BMP programs to cancel an accreditation. Accredited BMP producers reapply for accreditation every three years.
Sect 318YE 2(d)	The owner of the Program must give the chief executive a copy of the register of accredited producers each year. The register contains person's name, ACN or ABN, address of land carrying out an ERA.	The partnership MOU agreement for BMP specifies only aggregated, de-identified data on management practices can be shared externally from the BMP program. Any release of individual property data or contact information requires permission from each property manager. These are the same requirements for reporting to Paddock to Reef modelled data and would apply to release of any data to the Chief Executive for regulatory processes. The intent is not clear about access to the register for accredited producers outside of the Reef region (western Queensland and northern New South Wales).
Sect 318YE (3)	If an agricultural ERA standard changes, the owner of the recognised accreditation program must review the	BMP programs are 'by industry, for industry'. Benchmarking standards within BMP are reviewed by an expert panel appointed by the BMP

	program for consistency and amend the program within 3 months.	partnership. If the Queensland Government overrides the existing BMP content review process and introduced uncertainty, BMP is at risk of losing industry input and producer uptake.
Sect 318YJ	The owner of a recognised accreditation program for an agricultural ERA may apply to the chief executive to approve an amendment of the program or amend a condition imposed on the recognition of the program.	Benchmarking standards within BMP programs will change over time as innovative agricultural practices evolve. The expert review panel process for BMP decides any BMP amendments and not require prior approval from government.
Part 28	**Transitional provisions for Act**	
Ch 13, pt 28. Sect 769	Within first six months after commencement of the Act, recognition of existing accreditation programs for agricultural ERA's, if:- (i) Program is consistent with ERA standard. (ii) A copy of any program amendments be given to chief executive. (iii) Owner of the program ensures each accredited person is carrying out agricultural ERA in a way that does not contravene ERA standard. (iv) Any other condition imposed by the chief executive within 3 months after the regulation commences.	This clause infers automatic recognition of existing BMP programs which have an accreditation process, such as Grazing BMP. Grains BMP would be exempt since there is no accreditation pathway for Grains BMP. There is no provision for owners of BMP programs to opt out of this recognition by the chief executive, if the owners foresee risk to the integrity of BMP programs becoming an alternative pathway to ERA regulations.

AgForce is concerned recognition of BMP's as an alternative pathway to compliance is another example of a landscape planning and extension tool being absorbed into regulation. The inept use of regional ecosystem mapping, originally designed for conservation planning, and its insertion into native vegetation management regulation under the *Vegetation Management Act 1999* (VMA) was a fundamental oversight and mistake by Queensland Government. Mapping errors continue to prevail twenty years after the introduction of the VMA, with inaccuracies very common when it is a landscape planning tool being used at property level for regulation.

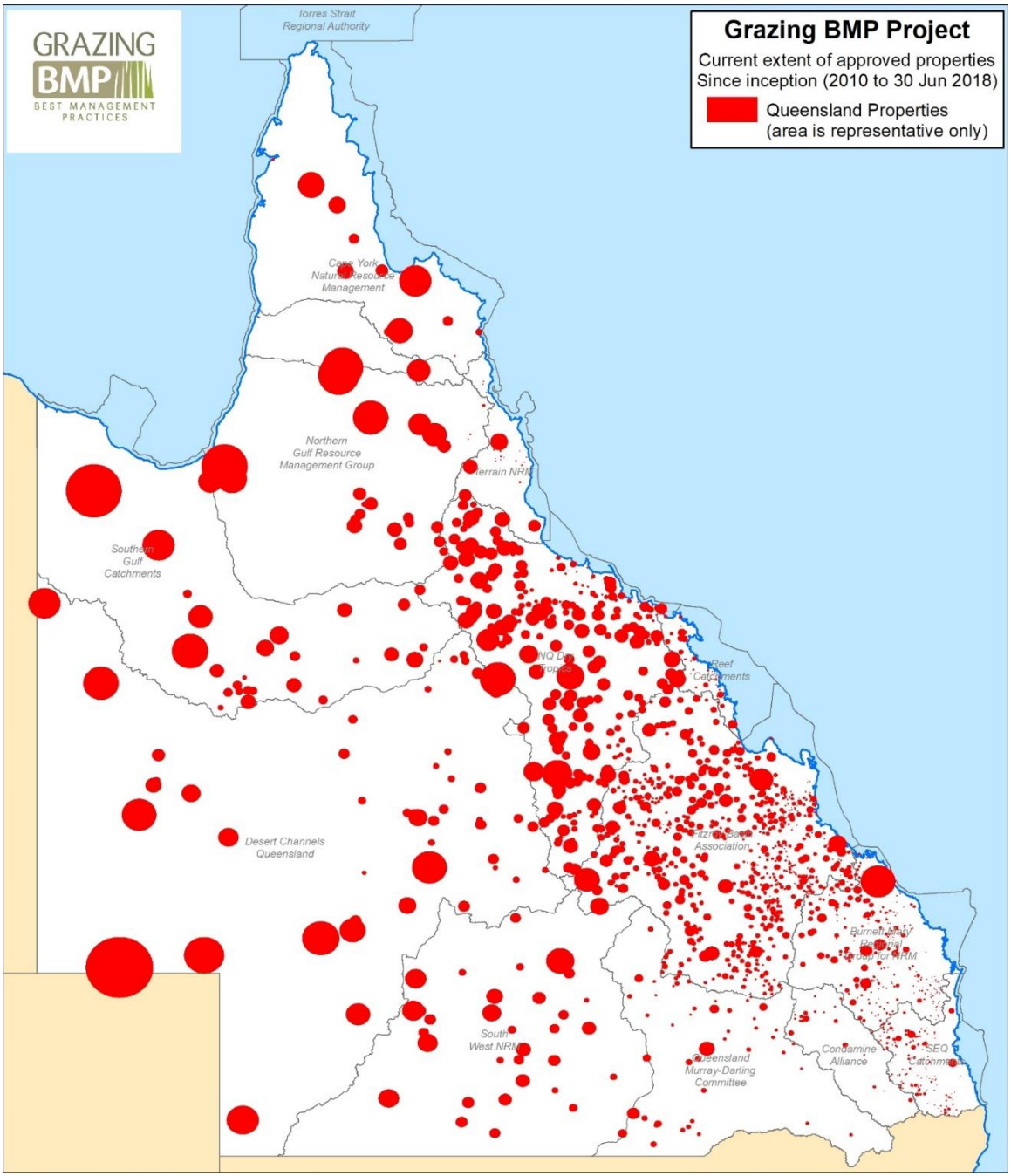
BMP programs were designed as a voluntary benchmarking tool to enable producers to compare their whole-of-farm practices to regional and industry averages and work towards action plans for improvement where necessary. The Bill proposes to empower Queensland Government to amend BMP program contents and require an annual register of accredited BMP producers. There is high risk producer and industry support for BMP will diminish and BMP will become "dead in the water", if linked to Reef regulatory processes.

Grains BMP program does not have an accreditation process for Grains BMP producers completing all modules. Therefore Grains BMP does not qualify within the criteria required for BMP programs to be recognised by the Bill as alternative pathway to minimum practice standards.

As of June 2018, 1431 Reef graziers have benchmarked their practices within Grazing BMP and use action plans for continuous improvement. Of the 1431 Reef graziers, 102 have completed audits for recognition as accredited BMP graziers (Figure 1). To date, there has been limited market drivers to recognise accredited BMP status and hence the low uptake. AgForce recommends Grazing and Grains BMP programs remain

voluntary, industry-led benchmarking programs for producers to implement continuous improvement. There is no benefit to linking BMP accreditation as an alternative pathway to minimum practice standards, for the very few accredited BMP graziers.

Figure 1: Uptake of Grazing BMP program across Queensland from July 2010 to June 2018



	Grazing area under BMP	No of Grazing BMP businesses	No of accredited BMP graziers
Qld wide	29.7M ha	2,115	114
Reef wide	13.4M ha	1,431	102

Source: AgForce Qld, 2018. Grazing BMP Annual Review 2017-18 https://www.bmpgrazing.com.au/

8. Lack of correlation of fertiliser records from advisors and fertiliser resellers to actual in farm use.

AgForce cautions against the regulatory interpretation of fertiliser sales, if reseller data is available. A fertiliser sale transaction has no correlation to when, where or how frequently the fertiliser is applied. Many producers have diversified industries on the farm. Urea and phosphorus are also used as supplementary food sources for grazing livestock and not applied directly to pasture. AgForce is concerned the use of fertiliser data by the Queensland Government and Reef modelling experts will be 'false and misleading', rather than the risk of farm advisors providing 'false, misleading advice', as outlined in the Explanatory Notes to the Bill.

9. **AgForce believes the proposed penalties for contravening regulations and practice standards are excessive in relation to the practice.**

The Bill proposes willful contravention of a Minimum Practice Standard is up to 1665 penalty units ($217,365 fine). Other offences arising are up to 600 penalty units ($78,330 fine). The current value of one penalty unit is $130.55 in Queensland[21]. AgForce believes these penalties are excessive for a producer not have a written action plan for managing poor land condition, as per standard. Producer practices result in positive outcomes for managing runoff, not whether an action plan is written or not. These excessive penalties undermine the building of trust and co-operation between Queensland Government and producers to collectively work towards Reef water quality. These penalties portray the 'big stick' approach by Government.

Previously under the *Great Barrier Reef Protection Amendment Act 2009*[22], the maximum penalty for not keeping ERMP records or other required agricultural records was 100 penalty units ($13,055 fine). Other penalty infringement notices under the *Environmental Protection Act 1994* are only 100 units for offences such as cause environmental harm(Section 438(2)); placing contaminant where environmental harm may occur (Section 443(b)) or contravening an environmental protection order (Section 361(2))[23]. AgForce does not support Queensland Labor Government elevating breach of Reef minimum practice standard penalty units by six to sixteen-fold above existing environmental protection penalty units. Everyone cares for the Reef. Work towards industry and community self-regulation rather than compliance through social control regulations.

[21] Queensland Government 2018. Sentencing fines and penalties for offences https://www.qld.gov.au/law/fines-and-penalties/types-of-fines/sentencing-fines-and-penalties-for-offences

[22] Queensland Government 2009. *Great Barrier Reef Protection Amendment Act 2009.* Penalties for not producing ERA documents https://www.legislation.qld.gov.au/view/html/asmade/act-2009-042#act-2009-042

[23] Queensland Government 2015. Summary of changes to penalty infringement notices (PINs) relating to the *Environmental Protection Act 1994*. https://environment.des.qld.gov.au/management/planning-guidelines/ep-act-pins.html

Thank you for the opportunity to provide feedback to the Bill and proposed minimum practice standards. Please contact AgForce if you require further information or clarification on any points raised in this submission.

Yours sincerely

Michael Guerin

CEO

AgForce Queensland Farmers