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A/Committee Secretary  
Innovation, Tourism Development and Environment Committee  
Parliament House  
George Street  
Brisbane Qld 4000

By email: [itdec@parliament.qld.gov.au](mailto:itdec@parliament.qld.gov.au)

Dear Committee Secretary,

**RE: Environmental Protection (Great Barrier Reef Protection Measures) and other Legislation Bill 2019**

Thank you for the opportunity to make a submission on the *Environmental Protection (Great Barrier Reef Protection Measures) and other Legislation Amendment Bill 2019* ('the Bill').

The Environmental Defenders Office of Northern Queensland Inc. (EDONQ) is a not-for-profit, non-government, community legal centre specialising in public interest environmental law. For over 20 years, we have provided legal representation, advice and information to individuals and communities, in both urban and rural areas, regarding environmental law matters of public interest. We also deliver community legal education and undertake law reform activities. We provide services to communities in northern and far northern Queensland.

EDONQ largely welcomes the objects of the Bill, with climate change and water quality being two of the major threats to the survival of our Great Barrier Reef. Voluntary participation in previous programs aiming to increase water quality has not achieved sufficient results. The imposition of mandatory standards is a required step in protecting the Great Barrier Reef.

**Agricultural ERA**

EDONQ supports the establishment of agricultural ERAs. Agricultural ERAs will need to meet the agricultural ERA standard as set by chief executive. We stress that the standard set by the chief executive must be one supported by scientific evidence to ensure the recovery of the Great Barrier Reef. It is insufficient for the standard to merely be a minimum standard to prevent further damage.

**Accreditation Program**

EDONQ supports the use of accreditation programs as a means to implement compliance with the agricultural ERA standard. Accreditation programs will allow those who carry out agricultural ERAs to work locally and understand how to apply the standard to their personal circumstances.

## **Water Quality Offsets**

EDONQ holds the view that Offsets must only be used as a last resort and clear limits must be placed on the use of offsets. Before offsetting is considered as an option, every effort should be made to avoid and then mitigate the impacts on the Great Barrier Reef.

EDONQ holds reservations to the implementation of water quality offsets. In particular, we assert the need for any offsets to be directly linked with offset projects and not a mere contribution to a fund that may be allocated sometime in the future.

An offset policy which allows for an increase in contaminants from one source, but a reduction from another, may result in a net decrease in contaminants; however, it also results in localised contamination.

The effectiveness of environmental offsets as currently applied in Queensland is currently under review and open for public consultation. EDONQ will be making a submission to that review and we refer the committee to that future submission for further details.

## **Offences and Enforcement**

EDONQ agrees with offence provision in section 82. We do, however, recommend that changes be made to the defence available under subsection 3. It is our understanding that the intention is that the defence is to apply when there has been a change in the standard and the accreditation program has not yet been updated.

However, as failure to comply with section 318YE(3) by not amending an inconsistent program within 3 months after a change to the standard does not result in the automatic suspension or cancellation of accreditation, the defence in section 83(b) will still be available in circumstances where the relevant authority has not yet taken action to address the non-compliance.

EDONQ recommends the following be inserted after section 83(3)(b):

“... ; and

(c) the person’s conduct occurred during a period to which s318YE(3) applies.”

This will ensure that the defence under section 83(3) is not available to those who fail to update an accreditation program as required and are not yet subject to enforcement action.

EDONQ also supports the offence provisions relating to providing misleading information both to the relevant authority in any manner, and by those giving advice on the agricultural ERA standards.

We also note that to ensure the effectiveness of a compliance framework, there must be active enforcement. The Bill grants the Chief Executive the power to request reports and audits on agricultural ERAs and accreditation programs as well as monitor water quality for review. The objects of the Bill must be followed through with funding for on-the-ground compliance activities relating to consultation with stakeholders and enforcement of offence provisions.

### **Standardisation of Species Listing**

The standardisation of threatened species listing nationally across all states and territories will be beneficial to prevent multi-jurisdictional confusion and inconsistencies. It will also create protection for species that are not currently at risk in one jurisdiction that could become at risk in the future.

Narrowing down category listings as per the International Union for Conservation of Nature to: extinct, extinct in the wild, critically endangered, endangered, and vulnerable, is a positive change. It also indicates when a species is close to being of serious risk to allow for extra protection measures; rather than a species going straight from endangered to extinct.

EDONQ agrees with the amendments to the *Fisheries Act 1994*. We note that the amendment will prevent the cross-regulation of native fish species. However, the *Nature Conservation Act 1992* provided a higher level of protection to native species through stronger penalty provisions. Considering this, EDONQ stresses the importance of ongoing research to ensure that fish species that are at risk are appropriately listed under the *Nature Conservation Act*. As such, further resources should be allocated to maintaining and updating the lists.

Thank you for considering our recommendations.

Kirstiana Ward  
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