



15 March 2019

Innovation, Tourism Development and Environment Committee
(ITDEC@parliament.qld.gov.au)

Mackay Canegrowers Limited

ABN 24 111 817 559
120 Wood Street (PO Box 117)
MACKAY QLD 4740
T: 07 4944 2600 F: 07 4944 2611
E: mackay@canegrowers.com.au

TO WHOM IT MAY CONCERN

Re: Letter of Support /Submission - Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019

CANEGROWERS Mackay is a member services organisation, which serves the needs of approx. 970 cane farmers in the Mackay and Sarina districts.

CANEGROWERS Mackay welcomes the opportunity to comment on this Bill. This letter is written in support of the main submission being made by CANEGROWERS Queensland.

Cane growers are already regulated through minimum standards developed under provisions of the Great Barrier Reef Protection Amendment Act 2009. The current Bill gives the chief executive of the Department of Environment and Science broad powers to change these regulations without due concern for the effects of any changes on the viability of farmers or their local economies.

We welcome the Bill's provisions that provide growers with an alternative pathway for meeting regulatory requirements through the Smartcane Best Management Practice program.

However, this Bill does have significant flaws, and we therefore urge you to adopt the following four recommendations:

1. *That Section 81 of the Bill include:*
 - a. *Provision for an independent process for any review of the existing minimum standards, including the economic and social impacts of any changes. The findings of this review are to be made public, and will be the basis for any decision of the chief executive.*
 - b. *Provision of an appeal process for industries and individuals whose livelihood is affected by the chief executive's planned changes to the minimum standards.*
2. *That Section 81 of the bill be revised to ensure there are no changes to the existing minimum standards for sugarcane for at least 5 years.*
3. *That Section 89 of the Bill (providing government with broad powers to demand data associated with fertilisers and agricultural chemicals across the supply chain) be removed*

1. The Bill provides government with the power to change minimum standards in any way, and at any time, that it sees fit, with no regard for the impacts on growers and their regional communities.

Under Section 81, the Bill provides the Department's chief executive with the power to make an Energy Resources Australia (ERA) standard and to review and change this at any time. While the chief executive must consider all submissions, there is no implicit or explicit requirements for he/she to account for the impacts of any changes to growers or their regional economies.

In effect, the goal posts may be shifted at any time. Further, there is no commitment to ensuring that changes to an ERA standard are evidence-based or driven by the need to balance environmental, social and economic outcomes. The issues we have identified with the proposed changes to the existing ERA standard for sugarcane (see above) will recur on a regular basis with these powers.

CANEGROWERS Mackay argues it is not reasonable that growers' ability to farm profitably will be at the whim of a Government Department, with no explicit consideration of economic and social impacts, no process for independent review, and no recourse for appeal by affected industries and individuals.

CANEGROWERS Mackay recommends that Section 81 of the Bill include:

- 1. Provision for an independent process for any review of the existing minimum standards, including the economic and social impacts of any changes. The findings of this review are to be made public, and will be the basis for any decision of the chief executive.**
- 2. Provision of an appeal process for industries and individuals whose livelihood is affected by the chief executive's planned changes to the minimum standards.**

2. Minimum standards for sugarcane already exist in law, and there is no reason to change these. Cane growers are already regulated through minimum standards for nutrient management developed under provisions of the Great Barrier Reef Protection Amendment Act 2009. Reports from Government, following the initial discussion paper and the review of the Regulatory Impact Statement (RIS), show that the regulations emerging from Section 81 will make significant changes to these minimum standards for sugarcane.

The new minimum standard proposed by the Department for sugarcane includes requirements for soil loss control (documented in the Decision Regulatory Impact Statement of February 2019). These are unnecessary. There is almost universal adoption of green trash blanketing which ensures protection of the soil at all times. There are no reports or studies in the last 10 years suggesting that sediment loss from cane land is a priority issue for managing reef water quality. This is a case of regulation 'after the fact'. It is concerning that government would propose to spend public funds on regulating a practice that has been widely adopted for a decade.

The proposed additional requirements for nutrient management (from Decision Regulatory Impact Statement of February 2019) are also unnecessary and, we argue below, likely to have perverse outcomes. The current minimum standard for sugarcane requires growers to apply nitrogen and phosphorus at the block-specific rates derived from soil tests and use of the Six Easy Steps program. This provides a block by block nutrient management plan for the crop cycle. There is general agreement that this practice is the most important nutrient-related practice that growers can do to both optimise nitrogen rates and reduce risk to reef water quality.

The proposed changes to the minimum standards for nutrient management are described as a 'transition to refined nutrient management', presumably to achieve some further reduction in the rate of nitrogen applied.

It will require:

1. Development of an additional nutrient management plan and its review each year, with input from a 'qualified' agronomist.
2. Refinement of N rates based on soil and crop attributes.

This looks like a re-birth of Environmental Risk Management Plans (ERMP), which were a failed component of the early regulation of cane farmers. This new plan will incur significant costs for growers, and the grower who does this for compliance purposes will likely have no ownership of the plan. In addition, the tools to help identify opportunities for refined nutrient management refinement are not yet developed or tested, and their impacts on water quality (assuming the grower is already following Six Easy Steps, as per the current regulations) are likely to small.

CANEGROWERS Mackay sees value in refining nutrient management, however its full benefits for productivity and water quality will only be realised as part of an integrated extension program that focuses on the specific constraints to productivity. Improved nutrient use efficiency is the key, and regulation that just focuses on marginal changes to N rates will be inefficient and ineffective. Further, it will harm efforts, by both industry and governments, to engage growers in continuous improvement of farm practices.

CANEGROWERS was instrumental in initiating development of the so-called Six Easy Steps tool box, which will guide more refined nutrient management in a holistic approach to crop productivity. Such tools were never intended to become part of some blunt regulatory process. Regulating the use of such tools will compromise their credibility and adaptability for growers, and result in superficial uptake with no sense of ownership by the grower.

Rather than changing the current regulatory goal posts for nutrient management, we invite the Queensland Government to join industry in promoting and supporting the holistic adoption of the Six Easy Steps toolbox, and related programs, aimed at improved productivity and nutrient use efficiency. To achieve long lasting and important changes in industry practices, for both production and water quality, we need to work collaboratively with our growers rather, than enforcing additional regulatory requirements.

CANEGROWERS Mackay *therefore recommends that:*

Section 81 of the bill be revised to ensure there are no changes to the existing minimum standards for sugarcane for at least 5 years.

The Bill provides government with unrestrained power to demand and use all data related to the use of fertilisers and agricultural chemicals, from across the farming supply chain, with no checks on confidentiality, use of the data, or its interpretation.

Section 89 will require any person or entity involved in the supply chain for fertiliser, chemicals or the production of raw sugar to keep records that may relate to fertiliser and chemical use on crops, and report these to government. This represents an intrusive and unbounded grab for data on the basis that it will help the Government make decisions about future regulations and intervention programs.

We believe this power is unnecessary, as the existing minimum standards for cane farming already require growers to keep records of fertiliser and chemical applications, and to produce these records to demonstrate compliance. Further, there will be significant transaction costs incurred by each part of the supply chain to meet the additional data grab, and these costs will no doubt be passed on to growers.

It is unclear how these powers will be used in a way that is consistent with the objectives of the Information Privacy Act 2009, which provide for:

- (a) the fair collection and handling in the public sector environment of personal information; and
- (b) a right of access to, and amendment of, personal information in the government's possession or under the government's control.

In particular, the Bill makes no provision for how the government will guarantee confidentiality of data provided, ongoing data quality and integrity, or the responsible use and analysis of the data. This Section is very poorly developed and written, and appears to have been added at short notice in response to lobbying from conservation groups. It does not reflect well on the Government.

***CANEGROWERS Mackay recommends that:
Section 89 of the Bill be removed.***

The imposts upon Growers seeking to bring out of production land back into full production, coupled with the development of new production land, requiring an environmental impact statement are far too broad, not required, as the existing regulatory requirements ensure the practical protections for water quality and afford the Department Officers with powers to guide/direct regarding said. This coupled with the existing industry extension professionalism and guidance for Growers on the ground, would ensure that said activities are productive for the industry, while affording the environment practical protection.

The cane farming families of this region fully understand their stewardship responsibility in caring for our land and thus caring for our Reef, having for a long time focussed on three key elements, regarding the fertiliser and herbicides they use:

1. Maximising incorporation into the soil
2. Maximising uptake by the plant
3. Maximising retention of all inputs into plant growth and health on farm

CANEGROWERS Mackay and all Growers keenly await the opportunity to converse with the Committee in more detail at any regional consultation opportunities that may be held in the Mackay.

Yours faithfully



Kevin Borg
CHAIRMAN