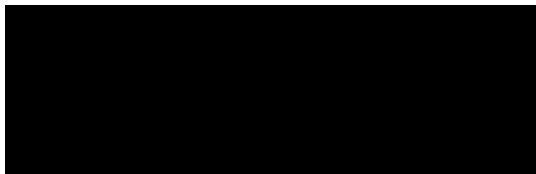


To the committee for the ITDEC inquiry into the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019 - Call for submissions

Please accept my submission on Environment Protection (Great Barrier Reef Protection Measures) & Other Legislation Amendment Bill 2019.

Submission by:

Colin Verrall



I have read:

1. The Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019; and
2. The explanatory Notes to that Bill.

Clearly there is insufficient time and space here to properly respond to every Section of the Bill and every paragraph of the explanatory notes and clearly the committee might not appreciate such a lengthy submission.

I have therefore précised my submission to what I have written below.

I would be prepared to speak to the committee to answer any questions about the content and purpose of my submission.

Dear Committee,

I strongly support the intent of the proposed Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019, however I believe there are key gaps.

Sediment and fertiliser runoff from farms is a major threat to inshore coral reefs and seagrass meadows of our Great Barrier Reef. **This pollution can lead to devastating impacts to corals and seagrass ecosystems, critical habitats for threatened dugongs, turtles and many juvenile commercial fish species.**

This Bill before the committee **is critical to give the Reef** the clean water it needs to help restore its health **but it must be amended in the following ways to be truly effective in achieving its intents.**

Strong support for main elements of the Bill

I strongly support the main elements of the Bill, which have the intent to provide:

1. **Catchment pollution targets** that will provide an opportunity to give the Reef clean water.
2. The possibility of **an ability to regulate** all industries, all agriculture sectors and all catchments.
3. The **laws should apply to everyone** so that progress can be made as rapidly and as equitably as possible.

4. The **introduction of minimum practice standards that limit** the cumulative run off from large scale catchments of nutrient and sediment run-off from sugar cane, grazing, bananas, grains, horticulture and local scale contributions from urban, mining and industrial land uses.
5. The **ability to collect essential data** that can drive productivity improvements but also ensure full regulatory compliance.
6. **An opportunity to ensure** there is no decline in water quality from new developments.

Areas of the Bill that must be addressed

However, there are some key gaps in the new laws that must be addressed if the Bill is to **stem the historical tide of non achievement of current legislation** and be effective in delivering on its intent **in order to protect and give the Reef the resilience it needs** in this time of crisis:

1. The Bill **may not effectively address** activities in high risk areas such as along creek beds and riparian zones, erodible soils and wetlands.
2. The Bill sets out **to ensure there is no decline in water quality from** new developments **but this excludes new agricultural developments**, which must also be considered.
3. Whilst these laws set out to stop outdated polluting practices in the catchment, **the practice of dumping millions of tonnes of maintenance dredge spoil continues to be allowed** and must be addressed.
4. The Bill **does not require that the following needs to be written into** the Preliminary parts of the below mentioned Acts and the Acts mentioned in the Bill including the requirement for:
 1. The **achievement of** the Purposes, Principles and Obligations **should not be subverted by** subjective rhetoric and exploitation of legislation weaknesses of exemptions and loopholes **that might be used to capture the support of** government, industry, commerce and communities that might benefit from the historic failure to achieve the requirements in respect of Environmental (perhaps for both the Built and Natural Environments) Relevant Activity and so called historical failure of Best Management Practice.
 2. **Proponents and Executants of Environmental Relevant Activities be required by law to** establish and be guided by **Codes of Conduct including** Policy, Mission Statement, Value Statement and Procedures written in the framework of the principles of Good Governance with an undertaking to achieve the Purpose, Principles and Obligation requirements of relevant legislation.
 3. Such **codes of practice to be**:
 - a. Certified by accredited organizations.
 - b. Audited both internally and externally by an independent auditor.
 4. **The indemnity of** State and Federal government indemnity from prosecution **to be removed from** the obligation sections of the above Acts.

Historical failure of current approaches

Most importantly the Bill does not address the facts that:

1. **Despite significant government and industry investment** particularly in agriculture, previous **voluntary approaches have failed** to facilitate sufficient uptake of improved practices and at the present trajectory, the **Reef water quality targets will not be met**.
2. **Historically the Purpose, Principles and obligations of** existing Planning Act 2016, Environmental Protection Act 1994, Environmental Protection and Biodiversity Conservation Act 1999 and Nature Conservation Act 1992 and provisions in the Economic Development Act 2012 **have been subverted by**:

- a. Simple **rejection or subversion of through powerful subjective rhetoric or exploitation of** legislation weaknesses, exemptions and loopholes; and
 - b. The top end of town **exploiting the strong and persuasive forces of** self preservation, greed for power, wealth, economic development and purported delivery of jobs, economic, physical and social wellbeing of people and communities (propositions that needs to be properly objectively tested) **to capture** and gain the support of those **who might benefit from the clearly legislated but relatively uncontrolled** Environmental Relevant Activities.
3. **Proponents and perpetrators of** Environmental Relevant Actions that have the potential to cause adverse impacts on the ecological sustainability **must be held to auditable account** in the area of the **facilitation and the achievement of Ecological Sustainability through the integration of the protection of** ecological processes and natural systems at a local, regional, State and wider levels and ecologically sustainable development and maintenance of cultural, economic, physical and social wellbeing and be **held to proper auditable account for compliance**.
4. The **life supporting capacities of** air, ecosystems, soil and water **must not be traded off for** power and economic gains by governments and the top end of town **at the expense of** the wellbeing of the natural and the built environment and the people and communities at large.
5. **Human or anthropogenic impact on the environment** causes changes to biophysical environments and ecosystems, biodiversity, and natural resources that is increasingly being supported by scientifically empirical evidence as leading to global warming, environmental degradation, mass extinction and biodiversity loss, ecological crisis, and ecological collapse.
6. **The time to stop modifying the environment to** fit the needs of society in the face of the continuing problems of human overpopulation, reproduction, overconsumption, overexploitation, pollution, and deforestation, etc. has come.
7. **Problems**, including global warming and biodiversity loss may **pose an existential risk to the human race itself**.

Aspects of the Westminster System of Government

Under our Westminster system of government **it might be reasonable to expect governments and councils might act responsibly to** the parliament / council. However it is important **not to confuse this with** members of governments, public servants, judiciary **“behaving responsibly”**.

Responsible Government is a political concept and that has nothing to do with the idea of governments, elected members and public servants, behaving in a correct, proper or responsible manner when making decisions. Responsible Government **is about the people’s control of their government**, expressed through the lower house and council at the ballot box.

Hopefully speakers for and against the Bill and amendments to the Bill and their voting patterns will be judged at the ballot box.

Conclusion

Thank you for accepting this submission!

Governments, the Top End of Town and the community at large are depending on you to safeguard our precious Great Barrier Reef ecosystem and all the life that depends on it.

Good Governance and the “Rule of Law” must prevail otherwise all the good effort and intentions will be in vain.