

15 March 2019

**A/Committee Secretary**  
**Innovation, Tourism Development and Environment Committee**  
**Parliament House**  
**George Street**  
**BRISBANE QLD 4000**

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**INQUIRY SUBMISSION**  
***Environmental Protection (Great Barrier Reef Protection Measures)***  
***and Other Legislation Amendment Bill 2019***

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I provide this submission in the capacity of a beef producer to the Innovation, Tourism Development and Environment Committee in respect of the Committee Inquiry considering the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019*.

I reside on a beef cattle station just 50 kilometres from the Belyando River system (part of the Burdekin catchment) in central Queensland with my home property Eastmere being a part of broader family operations and cattle properties totalling six properties and 360,000 acres – with one of these being Allambie Station via Clermont located within the Burdekin catchment. I provide this submission on behalf of our overall family business and in particular in respect of our family property that is within the Burdekin catchment. I have the following overarching concerns:

- (a) the effect of this proposed legislation on the Queensland cattle industry as a whole;
- (b) the onerous financial costs and administrative responsibilities placed on landholders for implementing this framework and costs that will flow to landholders from new onerous conditions on experts and advisors;
- (c) the enormous financial Government investment for the proposed framework that will not achieve the desired outcomes; and
- (d) future extension of this legislation beyond initial applications.

I wish to raise the following points:

1. All land owners value land, soil and ground cover and management of erosion and sediment run off is one of our top priorities. Soil is priceless and the vast majority of land owners in a position to do so do everything within their power to retain soil on their own land to prevent a valuable asset being washed away. We as landowners perform ongoing work to manage erosion, repair land structure damage and erosion caused by natural disasters and to improve ground cover. On our personal properties we spend thousands of dollars each year performing grading work to slow and divert water with whoa-boy structures to prevent erosion. We spend thousands of dollars each year adding fencing and additional water points to manage grazing and improve ground cover and soils. We have invested thousands of dollars in seeding some areas of our properties with legumes and grasses to improve ground cover. Without good land management our businesses are not profitable and we do not need onerous, unpractical and desktop dictated legislation to achieve what we are already doing and impede our natural land management. An alternative framework to what is suggested by this proposed legislation is clearly required.
2. In the Introductory Speech by Minister for Environment and Great Barrier Reef the Hon LEEANNE ENOCH MP on 27 February 2019 it is stated:

*“The standards will require growers to replace outdated high-risk practices with practices that are known to limit nutrient and sediment run-off and enhance efficiency, including in cost of production. These changes will be staged to commence between 2019 and 2022 according to water quality risk. The minimum practice standards align with recognised benchmarks for agricultural practices but limit run-off while sustaining farm productivity and profitability.”*

This statement highlights the Government’s assumption and attack on agriculture that all land owners, farmers and graziers are performing the same practices and accuses industry of only utilising ‘outdated high-risk practices’. Australian, and specifically Queensland farmers and graziers, are at the forefront of innovation and have some of the smartest practices and innovation available to improve on-farm profitability, reduce soil and sediment run off and overall improve land and soil quality. It is in the best interest of landowners for land to be in its most pristine condition and no land owner performs outdated practices that are not financially or economically sustainable or cause or lead to land degradation.

3. The current Queensland Labor Government made an election commitment to increase Reef regulations and the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019* allegedly seeks to satisfy that election promise. All Australians want to protect Australia’s Great Barrier Reef asset and the Queensland agricultural industry certainly does not want to be responsible for any damage to the Reef however the implementation of this legislation will not achieve the desired outcomes or results in the proposed format.
4. The proposed legislation perhaps sounds perfect and achievable on paper but is simply a desktop fantasy and clearly lacks tangible data or any knowledge of on-the-

ground implementation of such a proposed framework. There is no evidence that the desired results will be achieved.

5. The proposed legislation defines 'cattle grazing', 'horticulture' and 'cultivation of another crop' as an Environmentally Relevant Activity (ERA) (s79(1)(a)-(c)) – the same onerous obligations given to mining and factory activity under other legislation.
6. Changes to the *Vegetation Management Act 1999* in 2018 directly conflict with the desired outcomes of this proposed legislation. Myself and thousands of Queensland farmers and graziers lodged submissions and attended public hearings to provide evidence and reasoning as to why the new 50 metre vegetation management exclusion along water courses would in fact increase erosion rather than decrease erosion. This means that land owners in the six Reef catchments cannot manage vegetation including trees along their water courses which long term is going to cause increased erosion and now this new proposed legislation mandates that erosion must be managed and landowners will be financially penalised if they don't. The changes in 2018 took away our current environmentally beneficial management of erosion along watercourses and not only are our hands tied we are now being asked to actively prevent and being made liable for fines if erosion is not fixed yet legally with the proposed legislation we are unable to do so.
7. The legislation is a broad blanket approach instead of being targeted at specific problematic areas at a local level. In particular in respect of the Burdekin catchment this will result in more than 90% of the catchment, rather than just the 3% of the Burdekin catchment that is mapped with a high or very high risk of gully erosion, being caught by these onerous provisions.
8. A further statement in the Introductory Speech by Minister for Environment and Great Barrier Reef the Hon Leeanne Enoch MP on 27 February 2019 highlights point 7 above:

*"There will also be little impact on those producers who have already voluntarily moved to improved practice standards. I have met many of those farmers who are working in that space. I acknowledge them."*

The producers referenced in this statement would be those who have worked with local NRM groups with funding assistance and reported to Government. As with any industry advancement a select few producers are part of trials and the initial implementation of improved practice standards but this is backed by funding and support and implementation from local NRM groups. This proposed legislation however blankets everyone with the same approach rather than a local one-on-one or local group based approach that targets and addresses local issues to achieve maximum results and outcomes.

9. The Government's enormous spend of \$330 million is ludicrous and would be better spent with Natural Resource Management (NRM) groups at a local level to target local issues. Some NRM's and local producers have been doing ground breaking erosion and gully repair work and reducing sediment run off at a local level specific to issues in their area. Forcing producers without any land management erosion, run off and weed issues to come under regulations required for producers in problematic areas is unfair.
10. Some of the frameworks behind the legislation including the Reef 2050 Plan contain outdated practices. For instance the Reef 2015 Plan suggests forage rates of 10-30%

should be the aim. Such exclusion and lower stocking rates have in recent years been disproven and do not reflect improved grazing management practices.

11. Land owners will face increased operation costs to implement practices and procedures to satisfy the legislation that will not actually achieve the outcomes. This investment would be better spent on actual land management with tangible results and in many instances is an expense not required at all for those landowners without any land management issues yet caught under the legislation simply for being within a set catchment.
12. Land owners face harsh financial penalties with even contravention of an agricultural ERA standard that is not committed wilfully, but 'otherwise' committed, prescribed to a penalty of 600 penalty units (currently \$78,330.00) – and not stated as a maximum penalty rather a set penalty.
13. Advisors and experts relied upon by land owners (eg. Examples in the Bill given as an agronomist, fertiliser distributor, agent or hydrologist) for advice (a recommendation) or tailored advice (eg. Examples in the Bill given as advice in respect of nutrient, herbicide/pesticide, the sale of fertiliser, the amount of water needed in respect of designing and installing an irrigation system for a crop) face harsh financial penalties and record keeping requirements which will inevitably lead to an increase in professional costs that will have to be met by land owners. Section 85 of the Bill provides that an advisor must not give tailored advice about carrying out an agricultural ERA that the advisor knows, or ought reasonably to know, is false or misleading with a maximum penalty of 600 penalty units (currently \$78,330.00). This brings about onerous obligations on an advisor, insurance issues and costs and will lead to increased costs for landowners.
14. The option to register a BMP is not generous as only about 100 producers in Queensland have completed a registered BMP despite thousands attending BMP courses. This statistic should be overriding proof that the BMP process is not practical especially when thousands of producers only partially completed courses and did not complete the course as the implementation was not practical. In any event the Minister can amend, suspend or cancel recognition of accredited BMP programs. A further statement in the Introductory Speech by Minister for Environment and Great Barrier Reef the Hon Leeanne Enoch MP on 27 February 2019 refers to the limited approximate 100 producers accredited and states 'there will be a bit of work to do for producers who have not already embraced the change needed':

*"Provision has been made to directly recognise producers accredited against registered industry best management practice programs or like programs as meeting the minimum practice standards, but there will be a bit of work to do for producers who have not already embraced the change needed."*

This statement grossly underestimates the work required to implement the legislative framework and regulations at a practical land management level to avoid harsh financial penalties and does not recognise that only an extremely small percentage, in the order of approximately 100 producers, are accredited with thousands of landowners facing the cost for new implementations of this legislation.

15. There is no allowance for agricultural offsets from good management of land.

16. There is no allowance for the occurrence of natural disasters and weather events that cause erosion and sediment run off beyond the control of a land owner and a land owner facing a review in the month of September could receive a Category C ('Poor') result and a limited time to repair damage at a unaffordable cost in a short timeframe. Also such a result would force a time consuming written action plan onto the land owner for proposed management when this management would be performed as part of normal land management in any event. The agriculture industry is wearing the full blame and cost for all water quality issues and natural disaster outcomes.
17. This legislation seeks to interfere with natural changes in land structure caused over time and by weather events, natural disasters and climate and make the agricultural industry accountable for this.
18. The proposed minimum practice standards are not available for review or comment.
19. The proposed Regulations in respect of the legislation have not been publicly released.
20. In the past regulations and legislation has been extended with a simple amendment to an Act extending the reach of the legislation eg. Amendments to the *Vegetation Management Act 1999* in 2018 extended a 50 metre prohibition of vegetation management along water courses to an additional three catchments (Burnett-Mary, eastern Cape York and Fitzroy catchments). I hold concern for the future of our other properties in adjacent catchments and for producers who do not currently believe they are affected by this proposed legislation and have not as a result lodged a submission.
21. The A, B, C and D grading/classification has not been sufficiently outlined and it appears that all land owners would fall into Category C ('Poor') with all land types, especially with some land holdings spanning across tens of thousands of acres, having at least some historical erosion, weed infestations or ground cover percentage issues given inland and drier areas (also having faced a record drought) do not have ground cover of >70%. There is no allowance for varying land types within a specific lot meaning a landholder is deemed to be managing Category C land even if only a small percentage falls within this. The month of September when reporting is performed is also right at the start of annual wet seasons (which have however been absent in recent drought years) and when ground cover would be at its lowest. This would result in a land owner receiving a C or D result for ground cover beyond their control due to weather events and seasons and there is no evidence that allowance would be made for this.
22. Ground cover as the metric for erosion control does not take account of trees and the recent vegetation management changes that long term are going to cause significant increase in trees and competition with ground cover. Ground cover can be non-existent in heavily timbered areas but this would result in a land owner receiving a C or D result with no regard given to tree cover and other legislation that has put a land owner into that position.
23. Sediment reporting does not seem to be able to distinguish between human induced sediment run off and water quality versus natural disaster and weather events (drought, rain events, flooding) making the agricultural industry accountable for all water quality issues.
24. It is very obvious this broad legislation has the capacity for extension on a number of areas in the future with enormous impact on the Queensland agricultural industry.

- The impact on land owners and agricultural businesses that produce food and fibre within Australia's national interest need to be considered extremely carefully.
25. Currently the Queensland Government does not have the capacity to implement and manage such a proposed framework yet producers face liabilities.
  26. How is the cost of annual audits across these extensive catchments going to be met? Will this cost be beyond Government's \$330 million investment?
  27. We have already witnessed that Government is not subject to the same legislative requirements as farmers and graziers when it comes to Government owned land such as National Parks and roadways. The legislation is discriminatory in that Government would not be subject to the same costly implementation, reporting and assessment as landowners.
  28. The industry and public consultation periods are discriminatory. The Bill was introduced into Parliament on 27 February 2019 and submissions close on 15 March 2019 (13 business days!). This is followed directly by public hearings at short notice making it difficult for land owners to organise travel arrangements and a public briefing within three days of the last public hearing date. Finally the Committee reports back to the Government on 12 April 2019 just 15 business days later. It is impossible for the Committee to adequately research and consider all submissions on the issue in this time frame.
  29. Despite contact with the Committee secretary on 14 and 15 March 2019 I was advised that no dates were available for the public hearings in the week of 22 March making it extremely difficult for landowners to make arrangements to attend the hearings and contribute to the Inquiry.
  30. Alternative frameworks would better achieve the desired outcomes and also result in a better financial spend if industry and landowners with generations of land management experience were adequately consulted. For instance those landowners who utilise fertilisers and pesticides could be required to hold management plans and records however landowners utilising land for cattle grazing for instance without any application of fertilisers or pesticides are exempt from requiring a management plan. Also one-on-one or group land owner management with local NRM groups would achieve far better outcomes specific to local issues than a broad approach across thousands of kilometres encompassing land without issues or risk and landowners with different types of issues/risk.

I respectfully ask that the Committee consider all submissions put forward and in particular those from landowners and operators of agricultural operations who will face the impact of implementing and acting within this new legislation. This is set to be one of the largest impacts to the Queensland agricultural industry. I would suggest that an extended consultation and review period would be a satisfactory result so that the true impact and evidence of outcomes that will not be achieved by this proposed legislation can be determined and alternative frameworks proposed.



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Elisha Parker

15 March 2019  
Dated