



QUEENSLAND FARMERS' FEDERATION

Primary Producers House, Level 3, 183 North Quay, Brisbane QLD 4000
PO Box 12009 George Street, Brisbane QLD 4003
qfarmers@qff.org.au | 07 3837 4720
ABN 44 055 764 488

Submission

6 July 2020

Committee Secretary
Natural Resources, Agricultural Industry Development
and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

Via email NRAIDEC@parliament.qld.gov.au

Dear Sir/Madam

Re: Environmental Protection and Other Legislation Amendment Bill 2020

The Queensland Farmers' Federation (QFF) is the united voice of intensive and irrigated agriculture in Queensland. It is a federation that represents the interests of peak state and national agriculture industry organisations, which in turn collectively represent more than 13,000 farmers across the state. QFF engages in a broad range of economic, social, environmental and regional issues of strategic importance to the productivity, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland farmers by representing the common interests of our member organisations:

- CANEGROWERS
- Cotton Australia
- Growcom
- Nursery & Garden Industry Queensland (NGIQ)
- Queensland Chicken Growers Association (QCGA)
- Queensland Dairyfarmers' Organisation (QDO)
- Australian Cane Farmers Association (ACFA)
- Queensland United Egg Producers (QUEP)
- Turf Queensland
- Queensland Chicken Meat Council (QCMC)
- Bundaberg Regional Irrigators Group (BRIG)
- Burdekin River Irrigation Area Irrigators Ltd (BRIA)
- Central Downs Irrigators Ltd (CDIL)
- Fairbairn Irrigation Network Ltd
- Mallowa Irrigation Ltd
- Pioneer Valley Water Cooperative Ltd (PV Water)
- Theodore Water Pty Ltd
- Eton Irrigation Scheme Ltd
- Pork Queensland Inc

The united voice of intensive, semi-intensive and irrigated agriculture



- Tropical Carbon Farming Innovation Hub.

QFF welcomes the opportunity to provide comment on the Environmental Protection and Other Legislation Amendment Bill 2020. We provide this submission without prejudice to any additional submission from our members or individual farmers.

Background

QFF understands that the principal policy objectives of the Environmental Protection and Other Legislation Amendment Bill 2020 are to provide for the statutory appointment of a Rehabilitation Commissioner that will facilitate better public reporting about rehabilitation in Queensland; and clarify and enhance the residual risk framework to better manage risks on sites after an environmental authority for a resource activity has been surrendered. This will ensure that the State better understands the residual risks associated with resource sites at surrender, so it receives adequate funds from resource companies to manage these risks and appropriately administers the funds received.

QFF also understands that the Bill includes operational amendments to the *Environmental Protection Act 1994* (EP Act). This includes amendments to align application requirements for an environmental authority for cropping and horticulture activities with matters to be considered when deciding to grant the environmental authority.

QFF notes that it was not consulted on the Bill or items pertaining to the application requirements for cropping and horticultural activities; and was only made aware of the Bill on 30 June by another industry association. As such, QFF has been unable to raise the items in the Bill fully or meaningfully with its membership.

QFF has previously made a submission with regards to the Residual Risks Discussion Paper in February 2019 (<https://www.qff.org.au/wp-content/uploads/2017/04/20190201-Submission-to-QLD-Treasury-re-Managing-Residual-Risks-in-Queensland-WEB.pdf>).

Rehabilitation Commissioner

QFF supports the appointment of a new Rehabilitation Commissioner to provide independent, science and evidence-based advice on rehabilitation matters.

Residual Risk Framework

Environmental Authorities (EA) approved under the EP Act include conditions that require the holder to manage and remediate land disturbed by the authorised activity. The EP Act enables environmental authorities to be surrendered, at which time those conditions generally cease to have effect. Before a surrender takes effect, the holder of an environmental authority for a resource activity may be required to make a residual risk payment to cover any future costs associated with the ongoing management or remediation of the site following surrender.

The Queensland Government reviewed the residual risk framework as part of its Financial Assurance Framework Reform and decided it was necessary to provide greater clarity on the processes for determining and managing residual risks.

QFF supports the intent of the Bill, that is, to ensure that liabilities, risks and limitations associated with land that has been subject to resource activity or rehabilitation of a resource activity are transparent and easily discoverable to land owners and prospective buyers of that land. Particularly where limitations of the rehabilitation may impact future land use such as the carrying capacity of land for cattle or installation of irrigation infrastructure as examples. However, we question the mechanisms laid out in the Bill, particularly relating to the details of all apparent risks attaching to the land title.

Future landowners must not be disproportionately encumbered by risk management plans attaching to their titles because of minor or non-credible risks. It appears that Section 264A(1)(f) seeks to avert that unintended outcome.

However, unlike the Explanatory Notes¹, the Bill does not explicitly recognise ‘credible [residual] risks’: “As part of the risk assessment, there will be an identification of all credible risk events related to a failure of the rehabilitation or management action to perform as intended. An event is credible if there is a reasonable expectation that it is likely to occur at least once within a time span measured in hundreds or possibly thousands of years, and the event would result in a cost consequence”.

The Bill defines ‘residual risks’² in a way which is inclusive of any and all risks (regardless of scale or impact) to the extent it relates to resource activities carried out on the land.

The Member for Bundaberg, Mr David Batt MP raised this question with the Department of Environment and Science during the Public Briefing on 1 July 2020. From the Departments response, further work quantifying ‘credible risks’ for the purpose of the calculator and also for additional guideline materials is not yet completed.

QFF understands that the post-surrender management report should provide an overview of the entire area the subject of the surrender application. Some of the mining sites are extensive, will host ancillary land-use activities and also may be subject to progressive rehabilitation. As such, the breakdown of risks under a post-surrender management report would be more useful for prospective buyers if broken down on a Lot and Plan basis as defined under the *Land Titles Act 1994* or *Land Act 1994*.

In QFF’s submission to the Residual Risks Discussion Paper in February 2019, QFF recommended the maintenance of a public register for the land management plan connecting this to the land title. Linking this register to the Contaminated Land Register and the Environmental Management Register could also provide a desirable outcome.

Application Requirements for an EA for Cropping and Horticulture Activities

Under the current proposed amendments for this Bill, it is based around clarification and streamlining the requirements for cropping and horticulture activities in relation to sediments and nutrients on reef quality which are in reference to the Great Barrier Reef protection measures. This amendment includes aligning application requirements for an environmental authority for cropping and horticulture activities with matters to be considered when deciding to grant the environmental authority.

It is understood that the application requirements will now see that to get an EA, the full list of information requirements are no longer required to be addressed. This is a positive step for the agricultural sector, minimising time that is currently allocated to address all application requirements for land use on farms.

Amendment of s 82 (Offence to contravene agricultural ERA standard)

Clause 5 replaces section 82(1). This is so it is clear that while the offence provision applies to an environmentally relevant activity (ERA) that meets the definition of agricultural ERA in section 79 of the

¹ *Environmental Protection and Other Legislation Amendment Bill 2020* Explanatory Notes, page 27

² **residual risks**, of land, means either or both of the following to the extent it relates to resource activities carried out on the land—

- (a) the risk that, although the land has been rehabilitated and appropriately managed, remedial action will need to be carried out in relation to the land in the foreseeable future;
- (b) the risk that ongoing management activities will need to be carried out in relation to the land, including—
 - (i) monitoring the condition of the land or site features of the land; and
 - (j) taking action to prevent or minimise environmental harm caused by the land or site features of the land.

EP Act, it still applies if the agricultural ERA is also a prescribed ERA for new commercial cropping and horticulture in the Great Barrier Reef catchment.

QFF supports the extension of the amendment to new commercial cropping and agriculture in the Great Barrier Reef Catchment.

Amendment of s 125 (Requirements for applications generally)

Clause 12 makes a consequential amendment to section 125(1)(f) to reflect the amendment to section 116 made through this Bill. This clause also inserts section 125(5) to limit the matters that need to be addressed in variation or site-specific applications for an environmental authority for new cropping and horticulture activities in the Great Barrier Reef catchment (ERA 13A). Under new section 125(5)(a), a variation or site-specific application for an environmental authority for ERA 13A only needs to include the matters in section 125(1)(l)(i)(A) to (D), (ii) and (iii) to the extent each matter relates to the release of fine sediment, or dissolved inorganic nitrogen, into the waters of the Great Barrier Reef catchment or waters of the Great Barrier Reef. Under new section 125(5)(b), a variation or site-specific application for an environmental authority for ERA 13A does not need to include details of how the land will be rehabilitated after the activity ceases.

Under the EP Act, the regulation of new commercial cropping and horticulture in the Great Barrier Reef catchment is limited to the water quality impacts caused by the release of dissolved inorganic nitrogen and fine sediment into a watercourse in the Great Barrier Reef catchment or directly into waters of the Great Barrier Reef. The broad range of matters that must be included in applications for environmental authorities for other prescribed ERAs and for resource activities do not need to be included in a variation or site-specific application for ERA 13A as they will not be considered or assessed for ERA 13A.

QFF supports the amendments to the variation or site-specific application for an ERA 13A, which now does not include details of how the land is to be rehabilitated after an activity ceases.

It is noted that impacts of flood events need to be incorporated as to not impose large fines or restriction on the agricultural sector, when DIN and fine sediment is released during these times into Great Barrier Reef Catchments.

If you have any question regarding this submission, please do not hesitate to contact Ms Sharon McIntosh at sharon@qff.org.au.

Yours sincerely

Dr Georgina Davis
Chief Executive Officer