Reef Protection Regulations in the Great Barrier Reef regions

Commonly asked questions

The Great Barrier Reef is Queensland’s most valuable natural asset. It contributes billions of dollars and supports thousands of jobs.

Despite significant Government and industry investment and effort over a decade, poor water quality continues to threaten the Reef.

The Queensland Government has introduced new regulations to improve water quality to protect the Reef and the jobs that rely on it.

Better water quality means healthy land for farming, and good farming practices mean long-term business success.

What is the Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019?

The Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Bill 2019 was passed on 19 September 2019 with the new laws proposed to come into effect on 1 December 2019.

The legislation is the framework for new laws that tackle all land-based sources of water pollution to the Great Barrier Reef. This includes all industrial and agricultural activities that release nutrients and sediment across all six Reef regions (Cape York, Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary).

The regulations will be rolled out over three years with different Reef regions and different commodities regulated at different stages to provide time for producers and industry to transition – please refer to the table on page 4.

What are the new requirements?

- Minimum practice standards will apply to all sugarcane, grazing, banana, grains and horticulture production across five of the six Reef regions (excluding Cape York), with commencement staged over three years from when the laws come into effect.
- Producers will need to keep records of soil tests and fertiliser and agricultural chemicals applied.
- Advisers will need to keep records of advice provided.
- New and expanded cropping or horticulture in all six Reef regions will require an environmental authority subject to conditions to minimise impacts to water quality.
- New, expanded or intensified industrial development must not increase nutrient and sediment pollutant loads.

What are the new laws based on?

The Reef regulations are based on the best available science to reduce run-off and improve water quality, while maintaining profitability and productivity. They mirror practices accepted by industry and already used by many farmers.

These good farming practices will become the standard for everyone because ultimately, good farming practices mean long-term business success and a healthy Reef.

Do the new laws only apply to agriculture?

No. New requirements also apply to industrial land uses that release nutrients and sediment such as sewage treatment, aquaculture and mining.
The Queensland Government is also working with councils and the urban development industry to better manage urban point-source run-off.

All other industries that release pollution are generally already regulated under the Environment Protection Act 1994.

**What are the new cropping and horticulture requirements?**

All new and expanded cropping and horticulture activities on more than five hectares on land without a cropping history will require an environmental authority (permit) from 2020.

This means the activity will need to meet farm design standards and to comply with any minimum practice agricultural standards for the commodity.

This applies to changes in land use, for example from grazing to cropping. However, it does not apply to a change from one crop to another (crop rotation) or to fields being cropped after being in fallow for a short time.

A cropping history will be demonstrated where cropping is occurring or has occurred during three out of the last 10 years (with at least one of the years being in the last five years). If the land has a cropping history, you do not need an environmental authority for cropping.

New cropping activity on land between five and 100 hectares is considered lower risk. It will have a simplified application process with standard farm design requirements.

New cropping activity on 100 or more hectares is considered higher risk and requires a site-based land suitability assessment. It will need to meet tailored farm design standards to manage the water quality risks. Where water quality risks cannot be managed for higher risk cropping proposals, the new activity may be refused.

Banana growers who are relocating due to TR4 Panama disease will only be subject to the standard farm design requirements regardless of the size of the property.

How will agricultural producers be aware of what is required?

The new legislation requires agricultural production to meet regulated minimum practice standards for the commercial cultivation of sugarcane, bananas, horticultural and grain crops, beef cattle grazing and new cropping.

The new regulations will establish the standards that set out carefully tailored and industry specific practices for undertaking agriculture in Reef regions. These align with industry best management practice standards.

Guidelines that explain the practice standards and how to comply with them will also be available.

The staged roll out will provide further opportunity for agricultural producers to understand these requirements and time to transition.

Departmental staff will also be available to explain the requirements and options for complying with them.

**What assistance is available?**

A number of programs provide producers with access to funding and support to transition to improved farming practices.

This includes a new $5.72 million Grazing Resilience and Sustainable Solutions (GRASS) program which delivers one-on-one support for graziers in the Burdekin, Fitzroy and Burnett Mary regions.

The Banana Best Management Practice program is receiving an additional $1 million for incentives and on-ground extension support to help banana growers reduce sediment and nutrient run-off.

Eligible graziers, sugarcane producers and banana growers will soon be able to receive a Farming in Reef Catchments rebate of up to $1000 to help offset the costs of obtaining professional and agronomic advice.

**What checks are in place for making new or amending the standards?**

The Queensland Government has made a commitment that, once in place, the regulated practice standards will not change for five years.

The creation or amendment of environmentally relevant activity (ERA) standards for new legislation must also follow a mandatory consultation process with Parliamentary oversight.

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The standard farm design requirements are being developed and will be subject to future consultation for a statutory period of at least 30 business days under Section 318A of the Environmental Protection Act 1994.
This includes seeking public submissions and comments through the release of a Regulatory Impact Statement, which assesses the costs and benefits of proposed changes.

The standards under the new Reef protection regulations were subject to this same rigorous process. They also considered input from producers and industry and the latest Reef water quality science.

**What data will be required from producers?**

Agricultural producers will need to keep certain records such as soil tests, fertiliser and agricultural chemicals applied, which may be requested as part of a compliance inspection by authorised departmental officers. This information will not be made publically available.

**Is data required from advisers?**

Yes. Agricultural advisers, such as fertiliser sellers and agronomists, operating in Reef regions need to keep records of any tailored advice they provide to agricultural producers about meeting the standards. Tailored advice means advice that is not general in nature and is specific to a particular property and related set of circumstances. The requirements also only capture advice provided for a fee or reward. Records of this advice can be requested by authorised departmental officers.

These records will help demonstrate that advisers are not providing false or misleading information to landholders. This information will not be made publically available.

**Is the government able to request or acquire any other data?**

The Queensland Government cannot automatically acquire paddock level data. However, in order to treat Best Management Practice accredited producers or producers accredited by a like program as a low priority for compliance, the details of these producers will be needed. This information will not be made publically available.

There is provision for a regulation to be made in the future for the government to acquire specific agricultural data from the agricultural sector, but this is limited to fertiliser and chemical use, soil testing and crop yield. This provision will not be activated.

**What penalties will apply?**

Enforcement is a last resort and comes after compliance officers have worked with agricultural producers to improve their practices through education and awareness raising.

If an operator is found to be non-compliant, the department has a range of tools available ranging from warning and direction notices to fines. The maximum penalty of 600 penalty units is generally reserved for only the most serious examples of non-compliance. It is up to a court to determine an appropriate penalty depending on the circumstances of any non-compliance and penalties are not automatically imposed.

However, if a fine is imposed – and it will only be after all other means of encouraging compliance have been exhausted - it will most likely be through a penalty infringement notice which are much smaller amounts. For example, applying too much fertiliser in breach of a minimum standard carries a penalty of fifteen penalty units ($2,001.75) for an individual or seventy-five penalty units ($10,008.25) for a corporation or failure to keep records will have a penalty of five penalty units ($667.25) for an individual or twenty-five penalty units ($3,336.25) for a corporation.

Compliance activities will be moderated on a case-by-case basis during and immediately after declared natural disasters such as drought and flood events.

**What has been the consultation process around the new regulations?**

Since 2016, the Queensland Government has consulted with industry representative bodies and individual landholders to develop minimum practice standards to improve the condition of land managed under agriculture. Industry consultation has been detailed and extensive with over 60 consultation sessions held throughout the six Reef regions. Many industry stakeholders have recognised the regulatory standards as ‘good farming practice’.

**Where can I find more information?**

You can find more information about the Reef protection regulations and existing regulations, or contact the Queensland Office of the Great Barrier Reef at the following:

- Email: officeofthegbr@des.qld.gov.au
- Telephone: 13 QGOV (13 74 68).
<table>
<thead>
<tr>
<th>Commodity</th>
<th>Region</th>
<th>Record keeping requirements</th>
<th>Minimum practice agricultural standards</th>
<th>Farm nitrogen and phosphorus budget (cane only)</th>
<th>New cropping and horticulture standards</th>
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<td>Six months</td>
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