

Great Barrier Reef Protection Amendment Bill 2009

Amendments agreed to during Consideration

1 Amendment of long title—

Page 5, long title, from ‘amend’ to ‘purposes’—

omit, insert—

‘amend the *Chemical Usage (Agricultural and Veterinary) Control Act 1988, the Environmental Protection Act 1994, the Integrated Planning Act 1997 and the Sustainable Planning Act 2009* for particular purposes’.

2 After clause 2—

Page 6, after line 8—

insert—

‘Part 1A Amendment of Chemical Usage (Agricultural and Veterinary) Control Act 1988

‘2A Act amended

‘This part amends the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

‘2B Insertion of new pt 2, div 3, sdiv 1 and sdiv 2 hdg

‘Part 2, division 3, after division 3 heading—

insert—

‘Subdivision 1 Preliminary

‘12W Definitions for div 3

‘In this division—

agricultural ERA see the *Environmental Protection Act 1994*, section 75.

carrying out, an agricultural ERA, has the same meaning as carrying out an agricultural ERA under the *Environmental Protection Act 1994*.

preparing, for a prescribed agricultural ERA product, means mixing the product or using it for testing.

prescribed agricultural ERA conditions, for a prescribed agricultural ERA product, means the conditions prescribed for using, preparing, storing or possessing the product under section 13C(1)(b).

prescribed agricultural ERA product means an agricultural chemical product prescribed under section 13C(1)(a).

‘Subdivision 2 General provisions’.

‘2C Amendment of s 13A (Use of unregistered agricultural chemical products)

‘Section 13A(3)—

insert—

- ‘(e) if the offence relates to the use of a prescribed agricultural ERA product for carrying out an agricultural ERA—the defendant’s use of the product complied with the prescribed agricultural ERA conditions for the product.’.

‘2D Insertion of new pt 2, div 3, sdiv 3

‘Part 2, division 3, after section 13B—

insert—

‘Subdivision 3 Great Barrier Reef protection measures

‘13C Prescribed agricultural ERA products and conditions

- ‘(1) A regulation may—
- (a) declare an agricultural chemical product to be a prescribed agricultural ERA product; and
 - (b) prescribe conditions for using, preparing, storing and possessing the product for carrying out an agricultural ERA.
- ‘(2) However, a regulation may be made under subsection (1) only if the Minister considers it is necessary or desirable to help achieve the purpose of the *Environmental Protection Act 1994*, chapter 4A.

Editor’s note—

Environmental Protection Act 1994, chapter 4A (Great Barrier Reef protection measures), section 74 (Purpose of ch 4A)

- ‘(3) To remove any doubt, it is declared that an agricultural chemical product may be declared as a prescribed agricultural ERA product under subsection (1)(a) and conditions may be prescribed for the product under subsection (1)(b) whether or not the product is a registered agricultural chemical product.

‘13D Compliance with prescribed agricultural ERA condition

- ‘(1) A person uses, prepares, stores or possesses a prescribed agricultural ERA product for carrying out an agricultural ERA in compliance with a prescribed agricultural ERA condition for the product only if—
- (a) the use, preparation, storage or possession of the product complies with the condition; or
 - (b) the person uses, prepares, stores or possesses the product in an alternative way and each of the following applies—
 - (i) the person has an accredited ERMP for the agricultural ERA;
 - (ii) the ERMP states the alternative way is an alternative to compliance with the condition for

helping to achieve the purpose of the *Environmental Protection Act 1994*, chapter 4A.

‘(2) In this section—

accredited ERMP means an ERMP that is accredited under the *Environmental Protection Act 1994*, chapter 4A, part 3.

ERMP means an environmental risk management plan under the *Environmental Protection Act 1994*, chapter 4A.

Note—

Noncompliance with an accredited ERMP is not, in itself, an offence. However, the non-compliance may be the subject of a direction notice under the *Environmental Protection Act 1994*, section 363B.

‘13E Use etc. of registered agricultural ERA products for agricultural ERAs

‘(1) A person must not use, prepare, store or possess a registered agricultural ERA product for carrying out an agricultural ERA other than in a way that complies with the prescribed agricultural ERA conditions for the product.

Maximum penalty—100 penalty units.

‘(2) This section is an eligible law for the definition ‘*permit*’ under section 109 of the Agvet Code.

‘(3) In this section—

registered agricultural ERA product means a registered agricultural chemical product that is a prescribed agricultural ERA product.’.

‘2E Amendment of schedule (Dictionary)

‘Schedule—

insert—

‘***agricultural ERA***, for part 2, division 3, see the *Environmental Protection Act 1994*, section 75.

carrying out, an agricultural ERA, see section 12W.

preparing, for a prescribed agricultural ERA product, see section 12W.

prescribed agricultural ERA conditions see section 12W.

prescribed agricultural ERA product see section 12W.’.’.

3 Clause 6 (Insertion of new ch 4A)—

Page 8, lines 6 and 7—

omit, insert—

‘property of more than 2000ha; and

Note—

For part 3, see also section 87A (Extended meaning of agricultural ERA for pt 3).’.

4 Clause 6 (Insertion of new ch 4A)—

Page 9, lines 11 and 12 and table after line 12—

omit.

5 Clause 6 (Insertion of new ch 4A)—

Page 10, lines 11 to 13—

omit, insert—

‘*cattle* means beef cattle of all ages.’.

6 Clause 6 (Insertion of new ch 4A)—

Page 13, lines 5 and 6, ‘at more than the optimum rate’—

omit, insert—

‘if doing so may result in more than the optimum amount of nitrogen or phosphorus being applied to the soil’.

7 Clause 6 (Insertion of new ch 4A)—

Page 14, lines 1 to 10—

omit, insert—

‘(d) any other matter prescribed under a regulation.

‘(3) In this section—

required period means 10 business days after the happening of the event mentioned in subsection (2) for which the record must be made.’.

8 Clause 6 (Insertion of new ch 4A)—

Page 16, after line 16—

insert—

‘Division 1AA Preliminary

‘87A Extended meaning of *agricultural ERA* for pt 3

‘(1) This section applies to cattle grazing carried out on an agricultural property carrying more than 100 standard cattle units.

‘(2) For this part, the cattle grazing is an ***agricultural ERA*** if, disregarding the size of the property, the cattle grazing would be an agricultural ERA under section 75.

‘(3) This section does not limit what is an agricultural ERA under section 75 for this part.

‘(4) In this section—

standard cattle units means units of measurement based on the live weight of cattle as follows—

Live weight of head (kg)	Number of standard cattle units
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00

Live weight of head (kg)	Number of standard cattle units
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18.’.

9 Clause 20 (Amendment of sch 4 (Dictionary))

Page 29, line 11—

omit, insert—

‘*agricultural ERA* means—

- (a) generally—an agricultural ERA as defined under section 75; and
- (b) for chapter 4A, part 3—see also section 87A.’.

10 After clause 24—

Page 32, after line 12—

insert—

‘Part 4 Amendment of Sustainable Planning Act 2009

‘25 Act amended

‘This part amends the *Sustainable Planning Act 2009*.

‘26 Amendment of s 10 (Definitions for terms used in development)

‘Section 10(1), definition *material change of use*, paragraph (b), after ‘, other than for’—

insert—

‘an agricultural ERA under the Environmental Protection Act, section 75,’.’.

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