

# **Environmental Protection (Reef Protection Measures) Amendment Regulation 2020**

Explanatory notes for SL 2020 No. 77

made under the

*Environmental Protection Act 1994*

## **General Outline**

### **Short title**

*Environmental Protection (Reef Protection Measures) Amendment Regulation 2020*

### **Authorising law**

Section 580 of the *Environmental Protection Act 1994*

### **Policy objectives and the reasons for them**

The primary objective of the *Environmental Protection (Reef Protection Measures) Amendment Regulation 2020* (the Amendment Regulation) is to defer the commencement of the requirements for ‘no net decline’ in Great Barrier Reef water quality from new agricultural and industrial development (e.g. sewage treatment, waste disposal, certain mining activities, and land-based aquaculture) in the Great Barrier Reef catchment until 1 June 2021.

These requirements will be delayed from taking effect to allay potential impacts on stakeholders and the government during the COVID-19 pandemic. The pandemic is expected to have a significant impact on the capacity of the agricultural sector and industry to adequately prepare for the new regulatory requirements.

### **Achievement of policy objectives**

The policy objective will be achieved by amending the provisions in Chapter 11, Part 4 of the *Environmental Protection Regulation 2019*, so that:

- the transition period for prescribed environmentally relevant activities for new or expanded cropping and horticulture activities (ERA 13A) to obtain an environmental authority in the Great Barrier Reef catchment ends on 31 May 2021, rather than 31 May 2020; and

- the transition period for new or expanded resource activities and prescribed ERAs in the Great Barrier Reef catchment to meet a ‘no residual impact’ release standard ends on 31 May 2021, rather than 30 November 2020.

The Amendment Regulation will also amend the transition period that excludes ERA 13A from applying to land that was cropped at any point during the three years prior to ERA 13A commencing, and that does not meet the cropping history test, so that it ends on 31 May 2026, rather than 31 May 2025, to align with the deferred commencement.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the object of the *Environmental Protection Act 1994*, which is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development).

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The COVID-19 pandemic is expected to have a significant impact on the capacity of industry to adequately prepare for the new regulatory requirements for new cropping or horticulture, or new industrial activities, in the Great Barrier Reef catchment. Providing more time for the agricultural sector and other affected industries to prepare for the regulatory changes will also allow them to continue to focus on responding to the impacts of the COVID-19 pandemic in the short term.

Deferring commencement of the regulatory requirements will reduce or defer costs to industry for new cropping or horticulture activities and new industrial activities at a time of high economic uncertainty. This will be in the form of avoided or deferred application preparation and lodgement costs for new cropping or horticulture activities and avoided or deferred potential costs related to complying with the conditions of an environmental authority for new cropping and new industrial activities.

The COVID-19 pandemic has also adversely impacted the capacity of government to implement the new regulatory requirements. Deferring commencement will defer implementation costs to government and provide additional time to complete necessary implementation activities, such as stakeholder consultation, that are hindered by COVID-19 related restrictions.

The environmental impacts of deferring commencement of the regulatory requirements for a relatively short period of time is unlikely to be significant. This is because the effects of the COVID-19 pandemic is likely to stall or decrease, for the foreseeable future, the already low estimated growth in demand for new agricultural and industrial development in the Great Barrier Reef catchment.

## Consistency with fundamental legislative principles

The Amendment Regulation is considered consistent with fundamental legislative principles outlined in Section 4 of the *Legislative Standards Act 1992*.

## Consultation

Peak agricultural and industrial representative bodies and individual producers, conservation groups, local governments and Natural Resource Management bodies were informed of the intention to delay the commencement of the new requirements through a communication campaign. This included a media release, email updates, an e-newsletter and updated website material on 6 April 2020. Stakeholders raised no objections to delaying the new requirements from taking effect for new or expanded cropping and horticulture activities, and industrial activities in the Great Barrier Reef catchment.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation (OBPR) was consulted in relation to the amendments. OBPR advised that the proposal is excluded from further regulatory impact analysis under the Guidelines (Category k – “regulatory proposals designed to reduce the burden of regulation, or that clearly do not add to the burden, and it is reasonably clear there are no significant adverse impacts”).

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