

Environmental Protection (Water and Wetland Biodiversity) Amendment Policy (No. 1) 2020

Explanatory Notes for SL 2020 No. 243

made under the

Environmental Protection Act 1994

General outline

Short title

Environmental Protection (Water and Wetland Biodiversity) Amendment Policy (No. 1) 2020

Authorising law

Sections 26 and 33 of the *Environmental Protection Act 1994* (EP Act)

Policy objectives and the reasons for them

The objective of the *Environmental Protection (Water and Wetland Biodiversity) Amendment Policy (No. 1) 2020* (Amendment Policy) is to amend the *Environmental Protection (Water and Wetland Biodiversity) Policy 2019* (Water and Wetland EPP) to:

- establish environmental values and water quality objectives for:
 - the surface waters of the Eastern Cape York basins and adjacent coastal waters;
 - Mitchell and Walsh Rivers upper catchments; and
 - the surface waters and groundwaters of the Queensland Murray-Darling and the Bulloo basins; and
- update the environmental values and water quality objectives for the Wet Tropics coastal waters and minor amendments to Wet Tropics basins.

The Amendment Policy ensures that locally relevant environmental values and water quality objectives inform regulatory decisions made under the *Environmental Protection Regulation 2019* and other statutory instruments. Regulatory decisions based on local water quality information (i.e. environmental values, water quality objectives and aquatic ecosystems mapping) will deliver better environmental, social and economic outcomes than the alternative application of national water quality objectives, that are blanket in nature and not based on any testing of local waters.

The environmental values for waters under the Water and Wetland EPP also inform whether environmental harm under section 493A of the EP Act has been caused.

Achievement of policy objectives

The Water and Wetland EPP provides a framework for identifying environmental values and water quality objectives for specific waters through the development of documents which are listed in schedule 1 of the Policy. The Water and Wetland EPP sets locally relevant environmental values and water quality objectives that apply to receiving waters, not point source emission objectives or treatment train emission objectives. The water quality of receiving waters reflects rural, urban and point source emissions to waters, and locally relevant environmental values and water quality objectives informs both statutory and non-statutory planning and decision-making, including report card reporting.

Documents to be listed in schedule 1 of the Water and Wetland EPP have been prepared for the waters of the following basins and adjacent coastal waters:

- Eastern Cape York (Endeavour River, Jacky Jacky Creek, Jeannie River, Lockhart River, Normanby River, Olive-Pascoe River, Stewart River and adjacent coastal waters);
- Mitchell (Mitchell River and Walsh River (both part));
- Queensland Murray-Darling and Bulloo (Border Rivers, Bulloo River, Condamine River, Maranoa-Balonne Rivers, Moonie River, Nebine Creek, Mungallala Creek Wallam Creek, Paroo River); and
- Wet Tropics (minor amendment to all rivers and adjacent coastal waters).

The Amendment Policy achieves the objective of establishing environmental values and water quality objectives for the above waters by listing these documents in schedule 1 of the Water and Wetland EPP.

Consistency with policy objectives of authorising law

The Amendment Policy is consistent with the objectives of the EP Act. The Amendment Policy helps to achieve the objectives of this Act by establishing environmental values and water quality objectives to enhance or protect the environmental values for waters in Queensland.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Water and Wetland EPP provides policy direction and not regulatory direction. It informs regulatory assessment and decision-making made under the EP Act and other statutory instruments, including the assessment of environmental authorities, monitoring conditions, environmental impact assessments and compliance to protect and enhance water quality. These regulatory decisions assist the achievement of the object of the EP Act with respect to Queensland waters, whilst allowing for ecologically sustainable development.

The amendment policy will not add to the regulatory burden nor have significant adverse impact. However, management of water quality with a goal of achieving the water quality objectives provides numerous ecosystem health and socio-economic benefits. For example, it will protect aquatic ecosystems, ensure human health through reducing risks to water supplies, protect biodiversity and ecosystem function, protect water quality for primary industries and fisheries, prevent increased costs for potable water treatment, and protect visual and aesthetic amenity of the waterways.

Consistency with fundamental legislative principles

The Amendment Policy is consistent with fundamental legislative principles.

Consultation

Extensive consultation for the above waters was completed between 2017 and 2020, in accordance the Water and Wetland EPP.

Notification of the commencement of the process to establish environmental values and water quality objectives for the waters was made through:

- the Queensland Government Gazette, The Courier-Mail and regional newspapers;
- the Department of Environment and Science's website and the Queensland Government 'Get Involved' website;
- emails to stakeholders, including local governments, key industry bodies, environment and conservation groups and Aboriginal Nations.

Draft copies of the environmental values and water quality objectives (draft documents) for the waters were provided to key stakeholders for comment; including First Nations peoples, community, environment and conservation groups, local governments and Peak Bodies (including industry, environmental, agriculture and commerce sectors), research institutions, and regional natural resource management bodies.

Subsequent consultation included meetings, workshops, teleconferences, emails and direct contact. The information and comments provided in response to the draft documents during the consultation rounds informed the Amendment Policy. Further, the water quality data sets made available during consultation were reviewed and integrated into the analysis to derive water quality objectives in the Amendment Policy.

Final consultation with peak bodies occurred in August 2020, including Agforce; Australian Petroleum Production & Exploration Association Ltd; the Great Barrier Marine Park Authority; Local Government Association Qld; Queensland Farmers' Federation (and through Queensland Farmers' Federation - Irrigation Australia and Growcom); Queensland Resources Council; WWF Australia (and through WWF - Environmental Defenders Office and Queensland Conservation Council); and the relevant Regional Natural Resource Management Bodies (Cape York Natural Resource Management, Terrain Natural Resource Management and Southern Queensland Landscapes).

There was general support for the development of environmental values and water quality objectives to inform the future management of the waters. All issues raised in consultation were considered and addressed, where relevant.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation considered the draft Amendment Policy and advised it is unlikely to result in significant adverse impacts and that no further regulatory impact analysis was required.

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