

# Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Meaghan Scanlon, Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs provide this human rights certificate with respect to the *Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021* made under the *Environmental Protection Act 1994*.

In my opinion, the *Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The objective of the *Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021* (the Amendment Regulation) is to support the Reef protection regulations by amending the *Environmental Protection Regulation 2019* to:

- prescribe an environmentally relevant activity (ERA) standard for commercial cropping and horticulture in the Great Barrier Reef catchment (ERA 13A); and
- clarify the intent of particular provisions as a result of consultation.

The Reef protection regulations strengthened the existing Great Barrier Reef protection measures under the *Environmental Protection Act 1994* to improve the quality of the water entering the Great Barrier Reef.

The Amendment Regulation will give effect to the new 'ERA standard' for ERA 13A. The ERA standard will make the application and assessment process for an environmental authority simpler and quicker for small-scale cropping or horticulture activities and for banana cultivation on any scale that is relocating due to the presence of Panama disease tropical race 4. The ERA standard is an application document which provides options for growers in terms of application process. It does not place mandatory requirements or obligations on growers, rather spells out the conditions upfront which will be set in an environmental authority should a person apply for the permit. A person is also able to apply to vary one or more of the standard conditions if they are not able to comply.

The Amendment Regulation also simplifies and clarifies which land the definition of ERA 13A does not apply to. This will simplify the drafting and compliance efforts as well as help address growers' concerns that some existing cropping land that has not been able to be cropped in the past five years, for example, due to extreme weather events such as droughts and crops that require long fallow times (e.g. ginger and sweet potato), would have required an environmental authority.

The Amendment Regulation also amends other provisions to:

- clarify that 'no residual impact' to waters, or catchment waters, of the Great Barrier Reef from new or intensifying industrial and resource activities can be counterbalanced by using off-site measures;
- clarify the fees for applying for, or amending, an environmental authority for ERA 13A only apply when ERA 13A is the only ERA carried out under the environmental authority; and
- return the devolved responsibilities of Banana Shire Council for the administration and enforcement of particular prescribed ERAs under section 133 of the *Environmental Protection Regulation 2019* to the State.

The authorising law for the Amendment Regulation is section 580 of the *Environmental Protection Act 1994*.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The potential impact of the Amendment Regulation on human rights in sections 15 to 37 of the *Human Rights Act 2019* has been considered. The Amendment Regulation is administrative in nature, by prescribing an application document and clarifying existing provisions. No human rights have been identified as being engaged nor limited through this subordinate legislation.

## Conclusion

I consider that the *Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation 2021* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**MEAGHAN SCANLON MP**  
MINISTER FOR THE ENVIRONMENT AND THE GREAT BARRIER REEF  
MINISTER FOR SCIENCE AND YOUTH AFFAIRS