

Coalition Senators' Dissenting Report

Introduction

1.1 The Australian Government recognises that the changing climate is one of a number of threats to the Great Barrier Reef. Accordingly, the Australian Government is advancing a suite of climate change policies to improve carbon abatement and reduce carbon emissions.

1.2 Coalition senators acknowledge the need for ongoing action to protect the Great Barrier Reef.

1.3 The major contributors to the decline of the Great Barrier Reef were cyclones, crown of thorns star fish, coral bleaching and land based run off, while dredging activity can have a localised impact.

1.4 Coalition senators are disappointed that the Chair's Report has been made unnecessarily political when all senators involved in the hearings were genuine in their concerns about the future of the Great Barrier Reef and the actions that need to be taken to protect this valuable and important asset now and for future generations.

1.5 Coalition senators support proactive action and accordingly support many of the recommendations of the Chair's Report. However, there were a number of the recommendations in the Chair's Report that Coalition senators believe do not reflect the evidence received during the hearings. Consequently, Coalition senators make the following comments.

Positions of agreement

Recommendation 1

1.6 The Coalition Senators support the recommendation that no further approvals should be given under the *Environment Protection and Biodiversity Conservation Act 1999* or the *Environment Protection (Sea Dumping) Act 1981* for the disposal of capital dredge spoil in the Great Barrier Reef World Heritage Area until the Great Barrier Reef Marine Park Authority and Australian Institute of Marine Science Dredge Panel work is finalised.

1.7 The committee heard evidence from tourism operators in the Whitsundays about sediment increase in their area and the need for an understanding of what has caused the increase in sedimentation. Mr Tony Brown, President of the Whitsunday Charter Boat Industry Association stated:

Overall, our industry deserves some certainty and we expect that sedimentation, which is of great concern for our region—we have seen this through Reef Check. That showed alarming increases in sediment in the past four to five years—I think that was in my submission—and we need to understand whether dredging will have an impact on our area, particularly the sea-dumping aspect of dredging, to create certainty in our industry so

that we can all invest in the future in an industry that is sustainable and hopefully can be there for a long time into the future¹

1.8 Coalition senators note the Queensland Ports Strategy sets the direction for how future port developments will occur in Queensland. Through major reform to port planning, governance, environmental management and supply chain connections, the Strategy will guide an efficient port network that supports economic growth and effectively manages environmental objectives. The Coalition further notes that, within and adjoining the Great Barrier Reef World Heritage Area, the Queensland Government will prohibit dredging for the development of new, or the expansion of existing, port facilities outside Priority Port Development Areas for the next ten years.

Recommendation 2

1.9 The Coalition Senators support the recommendation of the merits of an examination of a cap on the disposal of dredge spoil in the Great Barrier Reef World Heritage Area.

Recommendation 3

1.10 Coalition Senators support the committee's recommendation that the Department of the Environment ensure that conditions of approval under the *Environment Protection and Biodiversity Conservation Act 1999* are stringently worded, monitored and enforced.

Recommendation 4

1.11 Coalition Senators note the recommendation that adequate resources are provided to Department of the Environment ensure adequate capacity to monitor and enforce conditions of approval under the *Environment Protection and Biodiversity Conservation Act 1999* and consider the Department is adequately resourced for this purpose.

Recommendation 5

1.12 Coalition Senators support the committee's recommendation that the Reef 2050 Long-Term Sustainability Plan be drafted and finalised, subject to full community consultation, as a matter of high priority.

1.13 The Coalition and the Queensland Government are working closely, through the Reef 2050 Partnership Group on the development of the Reef 2050 Long Term Sustainability Plan. The Reef 2050 Partnership Group comprises a wide range of stakeholders from industry sectors including agriculture, ports and tourism, as well as conservation groups, Indigenous representatives, natural resource managers and scientific experts. Together, this group are expected to release a Reef 2050 Plan for public comment imminently.

1 Tony Brown, President of the Whitsunday Charter Boat Industry Association, *Committee Hansard*, 22 July 2014, p. 9.

Recommendation 6

1.14 Coalition Senators support the committee's recommendation that the Reef 2050 Long-Term Sustainability Plan bring together all existing strategies, plans and reports in relation to the Great Barrier Reef.

1.15 The committee heard the following evidence from Dr Dripps, Deputy Secretary of the Department of Environment:

The long-term sustainable development plan is intended to bring all of the pieces of reef management together into an easily digestible form so that the community can see what is being done across the whole gamut of different programs, policies, investments and areas, between the Commonwealth, the universities, GBRMPA, the Queensland government and all of the relevant institutions. That is a piece of work that should be out shortly. It is a very complex task to bring together that system of targets and visions, and to bring those actions together into a format that is easy to understand, but that is the purpose of the long-term sustainable development plan.²

Recommendation 7

1.16 Coalition Senators note the committee's recommendation that the Australian and Queensland Governments ensure that the Reef 2050 Long-Term Sustainability Plan contains concrete targets and actions to improve the health of the Great Barrier Reef.

1.17 The Reef 2050 Long-Term Sustainability Plan is the Government's commitment to working in partnership with industry and the community to provide an overarching framework for directing the management of the Great Barrier Reef, and external pressures, out to 2050. It will set out how Australia will improve resilience of the global icon so it is healthier and stronger in the long-term and protected for future generations.

1.18 The Plan recognises it is vital to strike a balance between protecting the cultural, environmental, economic, heritage and social values of the Reef; and providing continuing opportunities for ecologically sustainable multiple-use.

1.19 The Plan will include outcomes, objectives, targets and actions for protecting the Reef's Outstanding Universal Value, as well as an integrated monitoring and reporting program.

1.20 The Plan will integrate actions across jurisdictions and ensure that current and future threats to the Reef are addressed in an effective, efficient and appropriate manner.

Recommendation 8

1.21 Coalition Senators support the committee's recommendation that the Reef 2050 Long-Term Sustainability Plan adequately addresses the cumulative

2 Dr Kimberly Dripps, Deputy Secretary, Department of the Environment, *Committee Hansard*, 21 July 2014, p. 54.

impacts of all activities on the Great Barrier Reef Region and its World Heritage values. Coalition Senators note the *Environment Protection and Biodiversity Conservation Act 1999* and the environmental approval framework for decision-making requires proponents to avoid, mitigate or offset potential impacts to matters of national environmental significance. The principles of the *Environment Protection and Biodiversity Conservation Act 1999* have been used effectively by successive Governments to deliver environmental safeguards in the context of development.

1.22 In addition, the recently released Comprehensive Strategic Assessment of the Great Barrier Reef flags that proponents in or near the Reef zone will have to pay greater attention to how their activities contribute to cumulative impacts on the Reef. To ensure cumulative impacts receive greater prominence in decision-making, a cumulative impact assessment policy and guidelines for a transparent, consistent and systematic approach to identifying, measuring and managing collective impacts on the region and its Outstanding Universal Value will be developed.

Recommendation 9

1.23 Coalition Senators support the recommendation that adequate resources are available to Australian Institute of Marine Science to ensure it can continue to conduct the important research work needed to support management and decision-making in relation to the Great Barrier Reef.

Recommendation 11

1.24 Coalition Senators support the recommendation that adequate resources are available to Great Barrier Reef Marine Park Authority in order to ensure that it can concentrate on providing independent, world-class management of the Great Barrier Reef Marine Park.

Recommendation 12

1.25 Coalition Senators support the creation of a single, searchable database of all relevant reports and publications relating to the Great Barrier Reef.

1.26 The committee heard from Mr Charles Burke, the Chief Executive Officer of AgForce Queensland that:

We need to ensure a single searchable database for all reef reports and publications. There are thousands of reef reports and publications, and these need to be housed under one searchable, assessable website for end users and researchers. Future research and implementation needs to build on existing knowledge and not duplicate previous efforts.³

3 Mr Charles Burke, Chief Executive Officer, AgForce Queensland, *Committee Hansard*, 21 July 2014, p. 38.

Recommendation 13

1.27 Coalition Senators note the committee's recommendation that the Australian Government take strong action, and an international leadership role, on the issue of climate change.

1.28 Coalition Senators consider that the Abbott Government is already taking strong action on the issue of climate change, with the introduction of a suite of measures including the signature \$2.55 billion Emissions Reduction Fund and complimentary initiatives.

Recommendation 14

1.29 Coalition Senators support the recommendation that the Reef Water Quality Protection Plan identify explicit load reduction targets as well as management strategies to achieve these targets be examined.

1.30 The Reef Water Quality Protection Plan sets ambitious targets for improved water quality and land and catchment management practices and identifies actions to improve the quality of water entering the reef. Water quality targets have been set based on estimated load reductions that can be achieved through delivery of best management practice systems, with the exception of the nitrogen target which remains ambitious and may require new thinking and approaches in the Wet Tropics and Burdekin regions. Land and catchment management targets relate to implementation of best management practice systems across each of the industries and include targets for groundcover and wetland management.

1.31 Reef Plan is developed with advice from a partnership committee of key stakeholders and an independent science panel.

1.32 The efficiency and effectiveness of the Reef Plan is measured through a comprehensive monitoring, evaluation and reporting program. Progress is reported against goals and targets annually through the Reef Plan Report Card.

Recommendation 15

1.33 Coalition Senators support the continuation of research into improved farming technology and practices to make them more cost effective and less likely to negatively impact on the water quality of the Great Barrier Reef.

1.34 Mr Charles Burke, the CEO of AgForce Queensland stated at the Brisbane hearing:

We have been working very successfully with what we call our BMP [best management practice]. It is a voluntary program which the Queensland government assists with. As I alluded to in my opening comments, a lot of the time it is about being able to drive change in practices through an economic imperative and being able to show people that if they implement certain things it will increase their bottom line and, along the way, will deliver environmental outcomes as well. We honestly believe that is the best way. We have had a lot more success with that—bringing people in

voluntarily with a business imperative and delivering environmental outcomes along the way.⁴

Recommendation 17

1.35 Coalition Senators agree with the committee's recommendation that the Australian Government work closely with stakeholders to deliver enhanced environmental outcomes through the Reef Trust Programme and the Reef Water Quality Protection Plan. Coalition senators note the Government is currently working with all relevant stakeholders towards this outcome.

Recommendation 18

1.36 The Coalition Senators support the recommendation that there should be an adherence to the precautionary principle when assessing the potential impact of the development of Northern Australia, especially in previously undeveloped areas in catchments of the Great Barrier Reef.

1.37 Coalition Senators note that the EPBC Act 1999 requires that the precautionary principle apply. The potential impacts of any development, in any landscape, are thoroughly considered and where appropriate, conditions applied to mitigate those impacts.

Recommendation 19

1.38 Coalition Senators recommend the upgrade of sewage treatment plants in the Great Barrier Reef catchment areas to the level of best practice.

Recommendation 20

1.39 Coalition Senators note the recommendation that the Queensland Government improve the enforcement of the *Transport Operations (Marine Pollution) Act 1995* and associated regulations prohibiting the discharge of sewage from vessels into the waters of the Great Barrier Reef. Coalition senators note the Queensland Government's commitment to ensuring adequate resources are provided to this end.

Recommendation 21

1.40 Coalition Senators note the recommendation for high levels of environmental protection being applied to areas on, or adjacent to, the Great Barrier Reef, including the Fitzroy River Delta and the Bathurst Bay Region.

1.41 Coalition senators note that on 18 August 2014, the Commonwealth Environment Minister stated that the Commonwealth and Queensland Governments had agreed that the development at the Fitzroy Delta would not be proceeding.⁵

4 Charles Burke, CEO AgForce Queensland, *Committee Hansard*, 21 July 2014, p. 40.

5 The Hon Greg Hunt MP, Minister for the Environment, 'The Battle for the Barrier Reef', *Four Corners*, 18 August 2014, <http://www.abc.net.au/4corners/stories/2014/08/18/4067593.htm> (accessed 1 September 2014).

Recommendation 22

1.42 Coalition Senators support the recommendation to examine measures to reduce coal particulate pollution in the Great Barrier Reef region.

1.43 The Chairman and Chief Executive Officer of the Great Barrier Reef Marine Park Authority, Dr Russell Reichelt, stated during the Townsville hearing:

What I think we do need is more work on the impact of coal particles, because they are definitely spread. I fully accept that they are detectable at fine levels right across the continental shelf. I think that should be a very high priority to prevent in the future.⁶

Recommendation 23

1.44 Coalition Senators support the examination of the International Maritime Organisation's *Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life* with a view to possible adoption.

Recommendation 24

1.45 Coalition Senators support ongoing consultation in relation to the draft North-East Shipping Management Plan.

Recommendation 27

1.46 Coalition Senators note the recommendation to examine ways to improve the rigour and independence of the environmental assessment process under the *Environment Protection and Biodiversity Conservation Act 1999*.

1.47 Coalition senators consider the process is both rigorous and independent, providing for the application of exacting environmental standards.

Dissenting comments**Recommendation 10**

1.48 Coalition Senators do not support any additional or expanded audits by the Australian National Audit Office into the Great Barrier Reef Marine Park Authority. The recommendation to increase or expand an audit of the Great Barrier Reef Marine Park Authority implies that during the hearing evidence suggested the need for additional scrutiny. Coalition senators consider this assertion is unsubstantiated by the evidence.

Recommendation 16

1.49 Coalition Senators consider that the commissioning of another scientific review into the impact on water quality of farm-related fertiliser and pesticides is unnecessary as existing and ongoing research is currently successfully addressing the issues. Coalition senators support, to ensure accuracy, investigating the data

6 Dr Russell Reichelt, Chairman and Chief Executive Officer, Great Barrier Reef Marine Park Authority, *Committee Hansard*, 23 July 2014, p59.

and assumptions for the modelling used to predict the impact of pesticide usage on the Great Barrier Reef.

1.50 In point 4 of their submission AgForce Queensland raised the issue of pesticide runoff:

In some cases, reef scientific work has not considered other existing science in regards to agriculture and pesticide environmental toxicology. The adequacy and transparency of reef pesticide runoff science is therefore subject to question by industry. There have been instances where incorrect assumptions and toxicity impacts have been used for pesticide modelling...

AgForce is concerned that reef pesticide science, at times, has resulted in false claims about detected levels of pesticide runoff causing impact on marine organisms in coastal receiving waters. The pesticide model is unique to the reef and does not consider all the pesticide properties considered by national runoff models used by the Australian Pesticides and Veterinary Medicines Authority (APVMA).⁷

1.51 This point was discussed at the hearing in Brisbane:

Senator RUSTON: As a farmer myself, I was just interested in your point No. 4 in relation to the pesticide run-off, the way the information has been collected and the inference that some of the modelling has probably suggested a much worse situation than currently exists. Am I reading what you are saying correctly?

Mrs Vitelli: Yes.

Mr Burke: There are assumptions made. When there is a measurement taken it ascribes that measurement right across all the agricultural producers in a catchment at a certain time, and that is unrealistic in practical agricultural terms because that does not always happen at once and not everybody uses the same pesticide—and not everybody uses pesticide—that may have been included in the assumption. So it is very difficult to be categorical and say, 'This is what is happening,' when the assumptions are not necessarily accurate.⁸

Recommendations 25

1.52 Coalition Senators reject the committee's recommendation not to accredit Queensland development approval processes under the *Environment Protection and Biodiversity Conservation Act 1999*.

Recommendation 26

1.53 Coalition Senators reject the committee's recommendation that the *Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014* not be passed.

7 *Submission 14*, p. 6.

8 Mr Charles Burke, Chief Executive Officer, Mrs Marie Vitelli, Policy Officer, AgForce Queensland, *Committee Hansard*, 21 July 2014, p. 41.

1.54 The Government's One-Stop Shop will streamline environmental assessment and approval processes by removing duplication between the Australian Government and states and territories. Importantly, this will be achieved while maintaining high environmental standards.

1.55 The One-Stop Shop will be implemented through approval bilateral agreements with the states and territories under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). Approval bilateral agreements allow a state to conduct a single environmental assessment and approval process that satisfies both state and Australian Government requirements.

1.56 Approval bilateral agreements have been possible under the EPBC Act since it was first passed. The Government is now implementing the efficiencies envisaged when the EPBC Act was first introduced.

1.57 All states and territories have committed to implementing the One-Stop Shop by the end of 2014.

1.58 Queensland is pursuing a bilateral approval agreement under the One Stop Shop to streamline regulation while maintaining high environmental standards and have already introduced legislation to make sure they are well placed to meet high Commonwealth environmental standards.

1.59 Australia's strong environmental standards will be maintained and business efficiency will be improved through this process:

- Business will only need to deal with one regulator and undertake one assessment and approval process.
- A simpler, faster, more comprehensive assessment and approval process will increase certainty for investors, reduce costs for business, boost productivity and create jobs.
- There will be increased sharing of environmental information and data between business, governments and the community which will improve our ability to understand and manage the environment.

Recommendation 28

1.60 Coalition Senators reject the committee's recommendation that the Department of the Environment develop a separate offsets policy in relation to the marine environment. Coalition senators consider existing Government policy provides for adequate coverage.

Recommendation 29

1.61 Coalition Senators reject the recommendation that the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy* be revised to provide greater guidance on developments in which offsets are unacceptable, such as a list of 'red flag' areas, including within the Great Barrier Reef World Heritage Area.

1.62 Dr Dripps stated during the Brisbane Hearing:

The way in which it will work, should the Commonwealth enter into an approvals bilateral, is that there are a number of pieces of Queensland law that are being considered for accreditation under the one-stop shop. Those laws need to demonstrate that they meet the 112 standards under the EPBC Act for accreditation, including offsets. They need to demonstrate that they deliver an equivalent outcome to the Commonwealth offsets calculator. There are, of course, differences in the approaches to environmental assessment between Queensland and the Commonwealth, because the Commonwealth only looks at matters of national environmental significance. So we need to be quite sure that the protection that the Queensland legislation is providing to matters of state significance is not unintentionally lost as part of the process. The draft approvals bilateral with Queensland was out for public comment in April and early May, and, if I recall correctly, it states that the Queensland government will, in regard to matters of national environmental significance, use the Commonwealth's offset calculator and guide in calculating what an offset ought to be.⁹

Additional comments

1.63 Coalition senators note evidence received from the owners of the Gladstone Fish Market in relation to pollution impacts from the Gladstone Harbour bund wall breach. Coalition senators note that fishermen impacted by the bund wall breach were compensated under the conditions of the EIS, however secondary industries, and specifically the Gladstone Fish Market, were denied compensation by the Gladstone Port Corporation on the basis of the conditions of the EIS. Coalition senators consider the case for compensating the Gladstone Fish Markets should be considered through appropriate channels.

Senator Anne Ruston
Deputy Chair
Senator for South Australia

Senator James McGrath
Senator for Queensland

Senator the Hon Ian Macdonald
Senator for Queensland

Senator Matthew Canavan
Senator for Queensland

9 Dr Kimberly Dripps, Deputy Secretary, Department of the Environment, *Committee Hansard*, 21 July 2014, p. 52.