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Reef Regulations Discussion Paper Submission  
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## Submission - Enhancing reef regulations discussion paper<sup>1</sup>

Property Rights Australia (PRA) was formed in 2003 to provide a strong voice for landowners with regard to property rights issues. It aims to promote fair treatment of landowners in their dealings with government, business and the community.

Our philosophy is that if the community or business wants our resource for any other purpose such as environmental protection or resource industries and associated infrastructure then the community or enterprise must pay fair and unsterilised value for it.

### Introduction

Property Rights Australia (PRA) is opposed to any further regulation of landowners. We believe that a very inefficient and unwise use has already been made of non-regulatory incentives and it was always a vain hope that primary producers could be responsible for all water quality improvements on the Great Barrier Reef when they were never responsible for all of the damage.

The Minister for Agriculture has said that the Government has used a vinegar and honey process<sup>2</sup> to encourage landowners to undertake steps to stop sediment and other elements going to the GBR. With this new discussion round it would appear that the honey has been given the flick in favour of the vinegar. Once again the Government is to take another in a series of big sticks to landowners. This is in spite of the shortcomings of their own methodology.

One unsuccessful strategy which is set to continue is tying funding for reef works to attendance at a Best Management Practice (BMP) workshop. This approach leaves many willing participants in the reef works without funding; all funding is going to favoured groups rather than across the board. This speaks of maliciousness and other agendas rather than achievement of objectives. Using the completion of a BMP as a quasi-methodology for judgment of how much area is under good reef management is inaccurate and disrespectful of other good land managers because it places no value on their skill.

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<sup>1</sup> <http://www.ehp.qld.gov.au/assets/documents/reef/gbr-discussion-paper.pdf>

<sup>2</sup> <https://www.themorningbulletin.com.au/news/govt-minister-attacks-cq-mines-for-fitzroy-water-d/3162332/>

Having BMP participants outside the focus of compliance programs is a further show of disrespect to other landowners:

*Producers accredited under a BMP or equivalent program in reef catchments will find they have greater access to government grant schemes for on-farm trials or other incentives. They will also remain outside the focus of compliance programs.*<sup>3</sup>

Surely the more sensible approach would be to tie funding to substantive outcomes, not just completion of a program. Unwisely, presenters of the BMP have made some unfortunate NGO partnerships. Landowners are expected to roll up to listen to presenters who have associated themselves with NGO organisations who have a continuing record of harassment and insult towards agricultural producers. There should be more respect forthcoming.

The discussion paper is vague and threatening. It alludes to conditions under which agricultural production can “expand” or “intensify”, “appropriate stocking practices”, and speaks of the necessity of “land use change”, all being dependent on a pre-determined level of sedimentation among other things. It very much sounds like conditions will be so difficult to attain that no expansion of agricultural production will occur and that it is expected to contract.

It is promised that definitions will occur “in consultation with industry”. This must mean broad and widespread consultation, not just consultation with a few favoured bodies or “quasi-consultation” after the fact.

In fact, there is an urgent need for proper consultation. The *Great Barrier Reef Water Science Taskforce - Interim Report December 2015 - Executive Summary* claims that “modelled” (yes “modelled”) results for Nitrogen and sedimentation are not sufficient and that, “ Full adoption of current best management practices for the sugarcane and cattle grazing industries will not be enough to meet our water quality targets. We will need new technologies, innovative practices and land use change”<sup>4</sup>. If governments are going to act on “modelled” data which its own report admits is not sufficient, then it would appear that agriculture is being set up for a wanton beating yet again.

### **Offsets**

PRA would like to point out that the history of “offsets” is that they have been pitched at resources companies in the past and they are way beyond the pockets of agricultural producers. Offsets do not reduce a problem; they simply shift it on to someone else. One consequence of this is that agricultural landowners will bear the brunt of restrictions based on excess loads caused by wealthy polluters who have paid into a mitigation fund. This is a bit like the sale of indulgences by the church during the Renaissance. The appropriate course of action would be to require offsetting works to be performed on site – at whatever cost to the polluting organisation.

We can see a situation where a catchment is exceeding its permissible load due to some industrial or public works and agricultural producers are refused permission to expand or intensify as a result of these third party actions.

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<sup>3</sup> <http://www.ehp.qld.gov.au/assets/documents/reef/gbr-discussion-paper.pdf> p12

<sup>4</sup> Great Barrier Reef Water Science Taskforce - Interim Report December 2015 - Executive Summary p4

We also see potential abuse of the mitigation fund if it allows, “the government, or recognised third parties, to identify suitable projects for strategic pollution reduction.”<sup>5</sup> Many green groups are very good at claiming credit for projects while using other people’s money. If there is to be a mitigation fund (and we do not think there should be) it must be firmly controlled by the government and projects should only be funded following regional consultation.

### **Scientific Background**

The government is planning on introducing regulation based on estimates and modelling of what they claim are anthropogenic increases in sedimentation.

If the Government is to subject landowners to yet more regulation, the Government needs to provide landowners with the empirical scientific evidence on which assumptions and estimates are based in an accessible and easily understood form. It also must (and that is absolutely must) include pollution and sedimentation originating from urban areas as part of the modelling.

Government must make available the assumptions made for the modelling and how they were arrived at. They have been used as the basis for the theory that sedimentation has increased and that livestock production and agriculture are predominantly to blame. The theory is flawed as long as pollution and sedimentation originating from urban areas is excluded from the model. The science on which regulation is based has to be accurate, repeatable and based on hard scientific evidence and scientific method.

### **Re 50% drop in sedimentation by 2025 based on a 2009 baseline.**

If one is to take measurements, set a baseline and a goal, then most of the parameters need to be constant. How can one set levels, limits and timeframes when one parameter is entirely outside the control of the researchers?

Not only is the quantity of rainfall entirely unpredictable and outside the control of the researchers but the pattern of rainfall and its magnitude within catchments and between catchments is also variable.

The total rainfall within a catchment may cause a variation in the sediment load. But how the rain falls is of greater importance: for example, whether it falls all at once across the entire catchment or in staged falls across the sub-catchments, with the first event pattern likely causing more sedimentation than an equal amount of rain with the latter pattern.

Geography will also have an impact with a wide open mouth giving a different result from a narrow, heavily tidal watercourse.

The averaging of results across catchments and within catchments with no allowance for rainfall and rain patterns is a nonsense.

To base regulation on the modelling and measurement that has been the pattern to date is entirely unacceptable. The targets set from a baseline and a percentage reduction on a definite

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<sup>5</sup> <http://www.ehp.qld.gov.au/assets/documents/reef/gbr-discussion-paper.pdf> p16

year guarantees that success or failure in a catchment will be dependent on whether it is a drought year or a flood year in the year of judgment.

A cynic might suggest that this is an example of regulation being set up for failure – to create an excuse to hammer primary producers from another direction. But we suspect the reality is much harsher: there has never been any shortage of “experts” willing to take money from governments to tell them what they want to hear. Those “experts” at least know that there are infinite possibilities to shift blame for the failure of the system.

**Road to recovery:**

- *The latest Great Barrier Reef Report Card 2014 shows modelled reductions in nitrogen and sediment of only 17% and 12% respectively (averaged across all the Reef catchments) compared to a 2009 baseline.*
- *At this rate, our water quality targets will not be achieved.*
- *Full adoption of current best management practices for the sugarcane and cattle grazing industries will not be enough to meet our water quality targets. We will need new technologies, innovative practices and land use change.<sup>6</sup>*

The Interim Report makes many sweeping statements not all of which have repeatable and most importantly accessible science behind them.

The achievement of these targets is unachievable according to the Interim Report but judgment is hugely dependent on rainfall and its patterns. The present flooding of the Fitzroy River is a prime example with major flooding occurring and with the speed of the flow inevitably causing erosion no matter what the circumstance. Are we counter-intuitively to hope that we have a preponderance of drought years between now and 2025 so that it appears that we have achieved unachievable targets which are based on the vagaries of natural events?

Remarkably, the word “flood” does not even appear in the document. With the so-called pollution levels set on what is acceptable for water quality targets, it would appear that researchers are in denial of this natural event. This at least demonstrates the lack of real knowledge or appreciation of reality which underpins the document.

If, as claimed on page 4 of the report, targets will not be achieved by full adoption of current best management practices, perhaps there really is no undue increase in sedimentation.

The claims of sheet erosion from paddocks have already been shown to have been grossly overstated, and that most erosion is from beds and banks. Perhaps it is an entirely natural phenomenon and not hugely exacerbated by livestock grazing and associated activities.

Page 15 of the discussion paper speaks of setting definitions and targets in consultation with industry. This discussion should be wide ranging and public. A behind closed doors discussion involving just one or two organisations for each industry is not acceptable.

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<sup>6</sup> <http://www.gbr.qld.gov.au/documents/gbrwst-interim-report-executive-summary.pdf> p4

## **Nitrogen**

*Nitrogen and Crown of Thorns Starfish Nitrogen runoff from fertiliser is linked to outbreaks of coral eating crown-of-thorns starfish. Excess nutrients in the water also increase the susceptibility of coral to disease and bleaching, and promotes macroalgae growth.<sup>7</sup>*

This is a very definite statement.

At what concentration does Nitrogen affect Crown of Thorns Starfish?

How often is this level exceeded?

In what areas is it exceeded? How often and where is it exceeded in the Great Barrier Reef lagoon?

Where is the publicly available science in an accessible form available to agricultural producers?

## **Conclusion**

It is of great concern to PRA, as outlined on page 16 of the discussion paper, the role considered for “recognised third parties”. This could provide a quasi- statutory role to organisations that may not be fully accountable and are beholden to their own agendas. The people after all elect and hold accountable a government to fulfil these functions.

The ambiguity of the discussion paper allows for a wide scope in which property rights can be impinged. Conditions outlined where agricultural production can “expand” or “intensify”, “appropriate stocking practices”, and speaks of the necessity of “land use change”, point to a possibility of greater control, and regulatory mechanisms made available for government to achieve policy ambitions even though it may not be able to pass through amendments to other existing legislations.

PRA believes that this path towards constricting reef regulation is misguided, unwarranted and should be abandoned.

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Treasurer

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<sup>7</sup> <http://www.gbr.qld.gov.au/documents/gbrwst-interim-report-executive-summary.pdf> p3