

# Queensland REEF WATER QUALITY Program



## Reef protection regulations in the Great Barrier Reef regions Compliance

The Reef protection regulations address land-based sources of water pollution flowing to the Great Barrier Reef. This includes agricultural and [industrial sources](#) of nutrient and sediment pollution from all six [Reef regions](#) – Cape York, Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary.

The Department of Environment, Science and Innovation (the department) assesses compliance with the Reef protection regulations. The regulations include Agricultural Environmentally Relevant Activity standards for [sugarcane cultivation](#), [banana cultivation](#) and [beef cattle grazing](#). The Agricultural Environmentally Relevant Activity standards are often referred to as ‘minimum practice standards’, including as an action under the [Reef 2050 Water Quality Improvement Plan](#).

The department’s approach is to work with agricultural producers and industry to provide information about the Reef protection regulation requirements, ways to achieve voluntary compliance and identify whether the requirements are being met.

The department carries out planned inspections of agricultural activities covered by the Agricultural ERA standards, and ERA 13A Commercial Cropping and Horticulture, to monitor and enforce compliance. Inspections of these and other agricultural activities also take place in response to concerns being raised about potential environmental harm or nuisance.

### How are compliance visits planned?

Agricultural Officers from the Reef Compliance and Regulation team within the department will visit properties across all river basins, with a focus on

those basins identified as the highest risk to Reef water quality. These high priority areas are identified in the [Reef 2050 Water Quality Improvement Plan](#).

The department uses a range of data sources to assess risk, and prioritises visits to agricultural activities being conducted in high-risk areas.

Agricultural Officers will contact landowners, managers, graziers and farmers when a visit is planned. It is at this time that landowners can let the department know if the property is leased or farmed by another producer or is being used for another purpose.

### Who are Agricultural Officers?

An Agricultural Officer is an authorised government employee who conducts Reef compliance visits, assessments and investigations to ensure compliance with Queensland’s environmental laws.

Agricultural Officers are identified by their authorised officer card, which will be clearly displayed or produced for inspection to confirm they are authorised by the Queensland Government to undertake compliance visits on a property.

An Agricultural Officer is an Authorised Person under the Environmental Protection Act 1994 and has powers to:

- enter and inspect a commercial agricultural property in the Reef catchments areas
- take photos and ask the producer for records
- ask for all relevant information related to the Reef protection regulations
- collect samples including soil or water samples



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- take any equipment or person needed onto the property to conduct the inspection.

Agricultural Officers can legally request and take copies of farm records as part of the compliance visit. They take their information security and privacy obligations very seriously and will only review those records required under the Reef regulations.

### **What happens if there is a major event? Will compliance visits proceed?**

The department will consider unforeseen events such as natural disasters, biosecurity incidents (such as Panama disease and others) as part of its compliance program planning.

The department assesses planned compliance visits on a case-by-case basis during and immediately after declared natural disasters. These natural disasters include events such as drought, fire, and flood events.

### **Are agricultural producers involved in accreditation programs and acknowledged projects visited?**

[Smartcane BMP](#) and [Freshcare Environmental](#) are recognised accreditation programs under the *Environmental Protection Act 1994* (the Act).

Agricultural producers who are accredited and continue to meet their accreditation requirements are a low priority for compliance visits.

Several additional projects have been evaluated as acknowledged practice change projects by the department. Producers actively participating in these projects are also a low priority for compliance visits.

For information on the benefits of being involved, please refer to the [Recognised accreditation programs and acknowledged practice change projects factsheet](#).

If you are a producer taking part in a recognised accreditation program or acknowledged project, agreeing to provide your contact details to the department will ensure you are included on the low priority list. Producers who are not on the low priority list may be included on the list for planned compliance visits.

### **What will a compliance visit involve?**

Producers are asked to familiarise themselves with the standard conditions in the Agricultural Environmentally Relevant Activity standards, even if they believe they are already meeting them. Keeping up to date helps producers to ensure current operations or any planned changes to operations meet the activity and record-keeping requirements under their specific agricultural environmentally relevant activity (ERA).

Agricultural Officers will meet with producers to review the requirements under the standard conditions (or permit for ERA13A commercial cropping and horticulture) and assess if the producer meets these requirements.

Agricultural Officers will:

- explain the purpose of the visit and the legislated requirements which must be complied with
- review records and documents which relate to the records to assess compliance with conditions of the standard or permit
- review farm practices against the conditions of the standard for the commodity or the conditions of the permit
- if conditions are not being complied with, advise the producer of the corrective action which needs to be taken and the approach the department will take to ensure this is done
- follow up to ensure that the corrective action has been taken.

The usual steps for a compliance visit are:

- producers will receive a letter from the department to arrange a suitable time for the visit
- Agricultural Officers will follow-up this letter with further contact, usually by phone, to discuss arrangements for the visit, including farm hygiene and/or biosecurity protocols
- records and other documents which are required to be kept as a condition of an Agricultural ERA standard or ERA 13A permit may be requested by the Agricultural Officer for review before the visit, or will be reviewed at the visit

- during the visit, Agricultural Officers may need to inspect areas of the farm to review erosion and sediment control measures or management of land condition on grazing properties and may take photos of the measures and records
- Agricultural Officers may need to use departmental vehicles to access and inspect areas of the farm. Biosecurity protocols for department vehicles are adhered to. Agricultural Officers are unable to use farm vehicles (as driver or passenger) unless prior arrangement has been made and specific conditions have been met
- Agricultural Officers will review the farm operations against the standard conditions or permit conditions for the applicable commodity
- following the visit, a letter with the outcome and identifying any areas that do not meet the legislated requirements will be sent to the producer
- if any areas are identified as not meeting the legislated requirements, producers will be required to put in place corrective action as soon as practicable. A follow up visit may be arranged at an appropriate time in the future.

### What if I don't comply?

The department has an obligation to ensure agricultural producers are complying with Agricultural ERA Standard conditions and an enforcement response may be taken where non-compliance is identified.

There are a range of enforcement tools available including formal warnings, Environmental Enforcement Orders, penalty infringement notices (fines) and court prosecution.

Maximum penalties are generally reserved for the most serious examples of non-compliance and are applied by a court of law. The court will determine an appropriate penalty, and this depends on the circumstances of any non-compliance. Penalties are not automatically imposed.

For more information, please refer to the [Department of Environment and Science compliance and enforcement](http://www.environment.des.qld.gov.au/management/compliance-enforcement) page at [www.environment.des.qld.gov.au/management/compliance-enforcement](http://www.environment.des.qld.gov.au/management/compliance-enforcement).

### Can producers refuse a compliance visit?

The department aims to work with producers to seek agreement to enter the property, pre-arrange the meeting at a mutually agreed time and inspect properties with the producer.

There may be occasions, however, where the producer cannot be contacted or where an environmental incident has been reported by a member of the community. In these circumstances, an Agricultural Officer may need to enter a farm to investigate without prior notice. The cooperation of producers will help to resolve any issues as quickly as possible.

Producers are reminded Agricultural Officers are authorised under the Act and have powers to enter agricultural properties in Reef catchments and carry out compliance visits. Under the Act, it is an offence to prevent officers from exercising a power and penalties apply.

### For banana producers

Banana producers must comply with the minimum practice conditions set out in the [Agricultural ERA Standard for banana cultivation](#).

Key focus areas for banana compliance visits are the Johnstone and Tully River basins.

### For sugarcane producers

Sugarcane producers must comply with the minimum practice conditions set out in the [Agricultural ERA Standard for sugarcane cultivation](#).

Key focus areas for sugarcane compliance visits are the Proserpine, Plane, O'Connell, Haughton and Pioneer River basins; followed by the Mulgrave-Russell, Herbert, Burdekin, Burnett and Mary River basins.

### For graziers

Graziers must comply with the minimum practice conditions set out in the [Agricultural ERA Standard for beef cattle grazing](#).

Key focus areas for grazing compliance visits are the Burdekin and Fitzroy regions, and Mary River basin.

## Where do I find more information?

The documents and other factsheets referred to in this document are available online or by registering to receive an information pack:

**Web:** [www.qld.gov.au/ReefRegulations](http://www.qld.gov.au/ReefRegulations)

**Email:** [ESReef@des.qld.gov.au](mailto:ESReef@des.qld.gov.au)

**Telephone:** 13 QGOV (13 74 68)

The [records checklist](#) below will help producers ensure they have the required records for a compliance visit.

Producers may also contact the department via email at [ESReef@des.qld.gov.au](mailto:ESReef@des.qld.gov.au) if they have farm-specific queries about how to comply with the regulations.

More information about the department's approach to compliance and the results achieved to date is on a [compliance dashboard](#), available online at [www.qld.gov.au/ReefRegulations](http://www.qld.gov.au/ReefRegulations).

## Records checklist

|  |                          |
|--|--------------------------|
| <b>General records</b>   |                          |
| Property and person details (person who carries out the agricultural environmentally relevant activity, name of person making the record, company name (if applicable), property address/es, postal address, farm identification number/s (if applicable), a list of the cadastral lots included in all the farms within the agricultural enterprise). | <input type="checkbox"/> |
| Notes of the fertiliser and mill mud or mill mud/mill ash mix applied on the property (including the location and date of each application and the product applied – product name, application rate and percentage of nitrogen and phosphorus for fertiliser).   | <input type="checkbox"/> |
| <b>Minimum standard records</b>  |                          |
| For <b>sugarcane</b> , records of nitrogen and phosphorus amounts calculated, fertiliser application methods, soil testing results, property and soil maps.  | <input type="checkbox"/> |
| For <b>grazing</b> , records of the measures taken to improve land towards good or fair condition, along with the location and date of these actions.  | <input type="checkbox"/> |
| For <b>bananas</b> , records of nitrogen and phosphorus calculated and fertiliser application methods. When the amount of nitrogen and phosphorus exceeds the threshold level in the agricultural environmentally relevant activity standard, growers must also develop a nutrient management plan and record the elements of the plan.                | <input type="checkbox"/> |
| <b>Farm nitrogen and phosphorus budget records (sugarcane only)</b>  |                          |
| Records of the whole-of-farm amounts of nitrogen and phosphorus calculated, previously applied amounts, actual and historic yields, and a farm map including constraints to yield.   | <input type="checkbox"/> |
| <b>Primary documents</b>   |                          |
| Documents that relate to the record, for example a leaf or soil test report, fertiliser contractor print out, or fertiliser invoice.   | <input type="checkbox"/> |