



Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021



Queensland

Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021

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2021

A Bill

for

An Act to amend the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* and the *Environmental Protection Act 1994* for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Environmental and Other
Legislation (Reversal of Great Barrier Reef Protection
Measures) Amendment Act 2021*. 4
5
6

**Part 2 Amendment of Chemical Usage
(Agricultural and Veterinary)
Control Act 1988** 7
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9

Clause 2 Act amended 10

This part amends the *Chemical Usage (Agricultural and
Veterinary) Control Act 1988*. 11
12

Clause 3 Amendment of s 12W (Definitions for div 3) 13

Section 12W, definition *agricultural ERA*, ‘section 79’— 14
omit, insert— 15
section 75 16

**Clause 4 Amendment of s 13D (Compliance with prescribed
agricultural ERA condition)** 17
18

(1) Section 13D(1), from ‘only if’— 19
omit, insert— 20
only if— 21

(a)	the use, preparation, storage or possession of the product complies with the condition; or	1 2 3
(b)	the person uses, prepares, stores or possesses the product in an alternative way and each of the following applies—	4 5 6
(i)	the person has an accredited ERMP for the agricultural ERA;	7 8
(ii)	the ERMP states the alternative way is an alternative to compliance with the condition for helping to achieve the purpose of the <i>Environmental Protection Act 1994</i> , chapter 4A.	9 10 11 12 13
	<i>Note—</i>	14
	See also the <i>Environmental Protection Act 1994</i> , chapter 7, part 5A in relation to the issue of, and compliance with, direction notices.	15 16 17
(2)	Section 13D(2)—	18
	<i>omit, insert—</i>	19
(2)	In this section—	20
	<i>accredited ERMP</i> means an ERMP that is accredited under the <i>Environmental Protection Act 1994</i> , chapter 4A, part 3.	21 22 23
	<i>ERMP</i> means an ERMP under the <i>Environmental Protection Act 1994</i> , chapter 4A.	24 25
Clause 5	Amendment of schedule (Dictionary)	26
	Schedule, definition <i>agricultural ERA</i> , ‘section 79’—	27
	<i>omit, insert—</i>	28
	section 75	29

Part 3	Amendment of Environmental Protection Act 1994	1 2
Clause 6	Act amended	3
	This part amends the <i>Environmental Protection Act 1994</i> .	4
Clause 7	Amendment of s 18 (Meaning of <i>environmentally relevant activity</i>)	5 6
	Section 18, paragraph (a), ‘section 79’—	7
	<i>omit, insert—</i>	8
	section 75	9
Clause 8	Replacement of ch 4A (Great Barrier Reef protection measures)	10 11
	Chapter 4A—	12
	<i>omit, insert—</i>	13
	Chapter 4A Great Barrier Reef protection measures	14 15
	Part 1 Preliminary	16
	74 Purpose of chapter	17
	The purpose of this chapter is to—	18
	(a) reduce the impact of agricultural activities on the quality of water entering the reef; and	19 20
	(b) contribute to achieving the targets about water quality improvement for the reef under agreements between the State and the Commonwealth from time to time.	21 22 23 24

Note—

At the commencement of this section, the current agreement was the 'Reef 2050 Water Quality Improvement Plan 2017–2022'.

75 What is an *agricultural ERA*

(1) An activity is an *agricultural ERA* if—

(a) the activity is—

(i) commercial sugar cane growing; or

(ii) cattle grazing carried out on an agricultural property of more than 2,000ha; and

Note—

For part 3, see also section 88.

(b) the activity is carried out on an agricultural property in 1 or more of the following catchments (each a *priority catchment*)—

(i) the Wet Tropics catchment;

(ii) the Mackay–Whitsunday catchment;

(iii) the Burdekin dry tropics catchment.

(2) However, if only part of the agricultural property is in 1 or more of the priority catchments, the activity is only an agricultural ERA if—

(a) more than 75% of the lot on which the activity is carried out is in 1 or more of the priority catchments; or

(b) the part of the lot within 1 or more of the priority catchments is more than 20,000ha.

(3) For subsection (1)(b), each priority catchment—

(a) is identified on the map held by the department called 'Map of Great Barrier Reef Catchments covered by the

Queensland Government Reef Protection Package', Map No. g090514-01; and	1 2
(b) includes any other land prescribed by regulation to be part of the priority catchment.	3 4 5
(4) A regulation may be made under subsection (3)(b) only if—	6 7
(a) the other land forms part of an agricultural property that is only partly within any of the catchments identified on the map mentioned in subsection (3)(a); and	8 9 10 11
(b) each priority catchment will, after the making of the regulation, be a contiguous parcel of land.	12 13 14
(5) In this section—	15
<i>lot</i> means—	16
(a) a lot under the <i>Land Title Act 1994</i> ; or	17
(b) a separate, distinct parcel of land for which an interest is recorded in a register under the <i>Land Act 1994</i> .	18 19 20
76 Who carries out an agricultural ERA	21
A person <i>carries out</i> an agricultural ERA only if the person—	22 23
(a) carries it out personally; or	24
(b) employs or engages someone else to carry it out on the person's behalf.	25 26
77 Other definitions for chapter	27
In this chapter—	28
<i>accredited</i> , for an ERMP, means accredited under part 3.	29 30

<i>agricultural chemicals</i> means agricultural chemical products under the Agvet Code of Queensland as applying under the <i>Agricultural and Veterinary Chemicals (Queensland) Act 1994</i> .	1 2 3 4 5
<i>agricultural ERA record</i> see section 83(1)(a).	6
<i>agricultural property</i> means a parcel or parcels of land, managed as 1 unit to carry out an agricultural activity.	7 8 9
<i>cattle</i> means beef cattle of all ages.	10
<i>ERMP</i> means environmental risk management plan.	11 12
<i>ERMP direction</i> see section 89(b).	13
<i>optimum amount</i> , for the application of nitrogen and phosphorus to soil on an agricultural property, means the highest amount of nitrogen and phosphorus that can be applied without over-fertilising the property.	14 15 16 17 18
<i>over-fertilisation</i> , of an agricultural property, means that fertiliser has been applied to soil on the property at above the needs of the plants being or to be fertilised.	19 20 21 22
<i>priority catchment</i> see section 75(1)(b).	23
<i>production requirement</i> see section 85(1).	24
<i>reef</i> means the Great Barrier Reef.	25
<i>relevant agricultural property</i> means—	26
(a) for a provision about an agricultural ERA—the agricultural property on which the agricultural ERA is carried out; or	27 28 29
(b) for a provision about an ERMP—the agricultural property on which the agricultural ERA the subject of the ERMP is carried out.	30 31 32 33

	<i>relevant primary document</i> , for an agricultural ERA record, means—	1 2
	(a) a document relating to the carrying out of the agricultural ERA the subject of the record from which information in the record was obtained; and	3 4 5 6
	<i>Example—</i>	7
	an invoice for the purchase of fertiliser	8
	(b) a soil test report mentioned in the record.	9
	<i>sugar cane growing</i> means a system for growing sugar cane, whether or not the system includes the rotation of other crops.	10 11 12
Part 2	Requirements for carrying out agricultural ERAs	13 14 15
Division 1	Fertiliser application requirements	16 17
Subdivision 1	Offence	18
78	Offence about fertiliser application	19
	(1) A person who carries out an agricultural ERA must not apply nitrogen or phosphorus to soil on the relevant agricultural property unless—	20 21 22
	(a) all of the conditions under subdivision 2 have been complied with; or	23 24
	(b) the person has an accredited ERMP for the agricultural ERA that—	25 26

-
- (i) provides for an alternative procedure to prevent over-fertilisation of the property; and
- (ii) states that the procedure is an alternative to compliance with the conditions under subdivision 2.
- Maximum penalty—100 penalty units.
- Notes—*
- 1 See also chapter 7, part 5A in relation to the issue of, and compliance with, direction notices.
- 2 See also section 507(2) for the requirement to accept an enforceable undertaking in relation to a first contravention or alleged first contravention of this section.
- (2) However, a person does not commit an offence against subsection (1) to the extent that—
- (a) the person employs or engages someone else (the *employee*) to carry out the agricultural ERA on the person’s behalf; and
- (b) before nitrogen or phosphorus was applied to the soil in contravention of subsection (1), the person gave instructions to the employee about the carrying out of the agricultural ERA; and
- (c) the employee did not comply with the instructions; and
- (d) the application of the nitrogen or phosphorus would not have contravened subsection (1) if the employee had complied with the instructions.

Subdivision 2 Conditions to prevent over-fertilisation

79 Application of subdivision	1
This subdivision applies to a person carrying out an agricultural ERA.	2 3
80 Working out optimum amount	4
(1) The person must work out the optimum amount of nitrogen and phosphorus that can be applied to soil on the relevant agricultural property.	5 6 7
(2) The working out must use the results of soil tests carried out under section 81.	8 9
(3) A regulation may prescribe a methodology for working out the optimum amount.	10 11
(4) If a methodology is prescribed under subsection (3), the optimum amount must be worked out under the methodology.	12 13 14
81 Soil testing	15
(1) The person must cause—	16
(a) soil tests of the relevant agricultural property to be carried out to test the characteristics of the soil to allow the optimum amount to be worked out; and	17 18 19 20
(b) reports to be prepared for each of the tests that shows its results.	21 22
(2) The tests and the reports must be carried out or prepared by a person with appropriate experience or qualifications.	23 24 25
(3) A regulation may prescribe—	26
(a) the intervals at which the tests must be carried out; and	27 28
(b) a methodology for carrying out the tests.	29
(4) The carrying out of the tests must comply with the	30

regulation.	1
82 Restriction on application of fertiliser	2
Fertiliser containing nitrogen or phosphorus must	3
not be applied to soil on the relevant agricultural	4
property if doing so may result in more than the	5
optimum amount of nitrogen or phosphorus being	6
applied to the soil.	7
Division 2 Document requirements	8
Subdivision 1 Documents that must be kept	9
	10
83 Agricultural ERA records	11
(1) A person who carries out an agricultural ERA	12
must, unless the person has a reasonable excuse—	13
(a) make, or cause to be made, within the	14
required period, a record in the approved	15
form about the matters mentioned in	16
subsection (2) (an <i>agricultural ERA</i>	17
<i>record</i>); and	18
(b) keep the record for at least 5 years.	19
Maximum penalty—100 penalty units.	20
(2) For subsection (1)(a), the matters are all of the	21
following—	22
(a) any of the following applied on the relevant	23
agricultural property—	24
(i) agricultural chemicals;	25
(ii) fertilisers;	26
(iii) soil conditioners;	27

(b)	soil test reports prepared under section 81 in relation to the relevant agricultural property;	1 2
(c)	optimum amounts worked out under section 80 for the relevant agricultural property;	3 4 5
(d)	any other matter prescribed by regulation.	6
(3)	In this section— <i>required period</i> means 10 business days after the happening of the event mentioned in subsection (2) for which the record must be made.	7 8 9 10
84	Obligation to keep relevant primary documents	11 12
(1)	A person who makes an agricultural ERA record must keep all relevant primary documents for the record for the required period for the record unless the person has a reasonable excuse. Maximum penalty—100 penalty units.	13 14 15 16 17
(2)	In this section— <i>required period</i> , for an agricultural ERA record, means the period—	18 19 20
(a)	starting on the day the record is made; and	21
(b)	ending on the day that is 2 years after the last day of the financial year in which the record was made.	22 23 24
	Subdivision 2 Production of documents	25
85	Power to require production of documents	26
(1)	An authorised person may, by written notice, require (a <i>production requirement</i>) a person carrying out an agricultural ERA (the <i>operator</i>) to	27 28 29

produce to the authorised person for inspection within 10 business days—	1 2
(a) the operator’s current agricultural ERA records; or	3 4
(b) the current relevant primary documents for the records.	5 6
(2) A production requirement may be for—	7
(a) all of the operator’s current agricultural ERA records; or	8 9
(b) the operator’s current agricultural ERA records for a stated period; or	10 11
(c) a stated current agricultural ERA record of the operator.	12 13
(3) If the record or document produced is a hard copy, the authorised person—	14 15
(a) may keep the record or document to take an extract from, or make a copy of, the record or document; but	16 17 18
(b) must return the record or document to the operator as soon as practicable after taking the extract or making the copy.	19 20 21
(4) This section does not limit section 466.	22
(5) In this section—	23
<i>current agricultural ERA records</i> , for the operator, means any of the operator’s agricultural ERA records that are still subject to the requirement under section 83(1)(b).	24 25 26 27
<i>current relevant primary documents</i> , for an agricultural ERA record, means any relevant primary documents for the record that are still subject to the requirement under section 84(1).	28 29 30 31

86	Offence not to comply with production requirement	1 2
	A person of whom a production requirement is made must comply with the requirement unless the person has a reasonable excuse.	3 4 5
	Maximum penalty—100 penalty units.	6
87	Derivative use immunity for production	7
(1)	It is not a defence to a proceeding for an offence against section 86 that a relevant document contains information that might tend to incriminate the defendant.	8 9 10 11
(2)	However, if the defendant is an individual, incriminating evidence is not admissible in evidence against the defendant in a civil or criminal proceeding.	12 13 14 15
(3)	Subsection (2) does not apply in relation to a proceeding for an offence for which the falsity or misleading nature of the relevant document is relevant.	16 17 18 19
(4)	In this section—	20
	<i>incriminating evidence</i> means evidence of, or evidence directly or indirectly derived from, a relevant document or information a relevant document contains that might tend to incriminate the defendant.	21 22 23 24 25
	<i>relevant document</i> means an agricultural ERA record, or a relevant primary document for an agricultural ERA record, subject to a production requirement.	26 27 28 29

Part 3	Environmental risk management plans	30 31
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Division 1 Preliminary 1

88 Extended meaning of *agricultural ERA* for part 2

- (1) This section applies to cattle grazing carried out 3
on an agricultural property carrying more than 4
100 standard cattle units. 5
- (2) For this part, the cattle grazing is an *agricultural* 6
ERA if, disregarding the size of the property, the 7
cattle grazing would be an agricultural ERA under 8
section 75. 9
- (3) This section does not limit what is an agricultural 10
ERA under section 75 for this part. 11
- (4) In this section— 12
standard cattle units means units of measurement 13
based on the live weight of cattle as follows— 14

Live weight of head (kg)	Number of standard cattle units
up to 350	0.67
more than 350 to 400	0.74
more than 400 to 450	0.81
more than 450 to 500	0.87
more than 500 to 550	0.94
more than 550 to 600	1.00
more than 600 to 650	1.06
more than 650 to 700	1.12
more than 700	1.18

Division 2 General matters 15

89 When an accredited ERMP is required	1
A person who carries out an agricultural ERA must have an accredited ERMP for the agricultural ERA if—	2 3 4
(a) the agricultural ERA consists of—	5
(i) sugar cane growing on more than 70ha in the Wet Tropics catchment under section 75; or	6 7 8
(ii) cattle grazing on more than 2,000ha in the Burdekin dry tropics catchment under section 75; or	9 10 11
(b) the person is the recipient of a direction given under this division (an <i>ERMP direction</i>).	12 13 14
<i>Note—</i>	15
See also section 98.	16
90 When ERMP direction may be given	17
The Minister may give a person carrying out an agricultural ERA an ERMP direction only if—	18 19
(a) the Minister considers an ERMP is necessary or desirable—	20 21
(i) to improve the quality of water being released from the relevant agricultural property; or	22 23 24
(ii) because the agricultural ERA is causing or may cause unlawful environmental harm; and	25 26 27
(b) the direction complies with section 91; and	28
(c) for a direction that has more than 1 recipient—section 92 is complied with.	29 30

91 Form of ERMP direction and what it may require	1 2
(1) An ERMP direction must—	3
(a) be written; and	4
(b) identify the recipient; and	5
(c) state each of the following—	6
(i) the agricultural ERA for which an ERMP is required;	7 8
(ii) the relevant agricultural property;	9
(iii) the recipient’s obligations under section 93;	10 11
(iv) that it is an offence for the recipient not to comply with the obligations under section 93 unless the recipient has a reasonable excuse;	12 13 14 15
(v) the maximum penalty for the offence; and	16 17
(d) be accompanied by or include an information notice about the decision to give the direction.	18 19 20
(2) Despite section 93, an ERMP direction may provide that the ERMP need not include the matters mentioned in section 95(d).	21 22 23
(3) An ERMP direction may require the recipient to include in the ERMP any matter the Minister reasonably considers is necessary or desirable to reduce the impact of the agricultural ERA on the quality of water entering the reef.	24 25 26 27 28
92 Public notice of ERMP directions with multiple recipients	29 30
(1) This section applies if an ERMP direction has more than 1 recipient.	31 32

[s 8]

- (2) As well as giving the ERMP direction to each of the recipients individually, the Minister must also publish the direction in a modified form—
- (a) in a newspaper circulating generally in the State; and
 - (b) in another newspaper published generally in the priority catchment to which the direction relates.
- (3) The modified form—
- (a) must not include any of the recipient's names; but
 - (b) must include enough detail about the area or type of agricultural ERA to which the ERMP direction applies to allow each recipient to be aware that the direction applies to them.

93 Obligations if accredited ERMP required

If, under section 89, a person must have an accredited ERMP for an agricultural ERA, the person must, unless the person has a reasonable excuse—

- (a) prepare, for the agricultural ERA, an ERMP that complies with the requirements under division 3 (the *ERMP content requirements*); and
- (b) within 3 months submit the ERMP to the administering authority for accreditation.

Maximum penalty—300 penalty units.

94 Unaccredited ERMP has no effect

Other than for the purpose of submission to seek accreditation, an ERMP has no effect unless it has been accredited.

Division 3	ERMP content	1
	requirements	2
95	General content requirements	3
	An ERMP must—	4
(a)	state each of the following—	5
(i)	the person who prepared the ERMP;	6
(ii)	the agricultural ERA the subject of the ERMP;	7 8
(iii)	the person carrying out the agricultural ERA;	9 10
(iv)	a description of the relevant agricultural property;	11 12
(v)	the period for which the ERMP applies; and	13 14
(b)	identify any hazards of the property that may cause the release of contaminants into water entering the reef; and	15 16 17
	<i>Examples of things that may be a hazard—</i>	18
	• the application of fertiliser or agricultural chemicals	19 20
	• erosion zones	21
	• low levels of ground cover	22
(c)	include measurable targets and performance indicators for improving the quality of water being discharged from the property; and	23 24 25
(d)	subject to sections 91(2) and 96, include a management plan for the agricultural ERA that provides for the management of—	26 27 28
(i)	the application of agricultural chemicals on the property; and	29 30

[s 8]

- (ii) nutrients applied to soil on the property; and 1
2
 - (iii) sediment loss from the property, including the management of ground cover and erosion zones to prevent sediment loss; and 3
4
5
6
 - (e) if an ERMP direction has been given—provide for any matter that, under section 91(3), must be included in the ERMP; and 7
8
9
10
 - (f) provide for any matter that is reasonably necessary to reduce the impact of the agricultural ERA on the quality of water entering the reef; and 11
12
13
14
 - (g) include any other matter prescribed under an environmental protection policy or a regulation. 15
16
17

- 96 Exceptions for management plan requirement 18**
 - (1) Section 95(d)(i) does not apply in relation to an ERMP if the person carrying out the agricultural ERA the subject of the ERMP has been certified as an organic operator by the Australian Quarantine Inspection Service. 19
20
21
22
23
 - (2) If the agricultural ERA the subject of an ERMP is cattle grazing, section 95(d)(ii) only applies in relation to the ERMP for pastures on the relevant agricultural property that are to be fertilised. 24
25
26
27

- 97 Documents that may make up ERMP 28**
 - (1) The ERMP content requirements may be complied with in any number of documents or by incorporating the provisions of other documents into the ERMP. 29
30
31
32
 - (2) The documents may be documents prepared for 33

another purpose.	1
(3) An ERMP need not be called an environmental risk management plan.	2 3
<i>Example—</i>	4
A person carrying out an agricultural ERA will comply with the ERMP content requirements if—	5 6
(a) for good business practice, the person prepares a document called a ‘farm management system’ that includes an environmental management component; and	7 8 9 10
(b) the component consists of a land management agreement under the <i>Land Act 1994</i> and other documents; and	11 12 13
(c) the agreement and the other documents, when read together, comply with the ERMP content requirements, but they are not identified as an ERMP; and	14 15 16 17
(d) the person submits the component for accreditation as an ERMP.	18 19
Division 4 Accreditation of ERMPs	20
98 Application of division	21
This division applies if a person has submitted an ERMP to the administering authority for accreditation, whether or not the person was required to do so under section 93.	22 23 24 25
99 Request for further information	26
The administering authority may, by written notice, ask the person to give the authority further information or documents about the ERMP content requirements by the reasonable day stated in the notice.	27 28 29 30 31

100 Deciding whether to accredit	1
(1) The administering authority must decide to accredit or refuse to accredit the ERMP—	2 3
(a) if additional information is not required—within 60 business days after receiving the ERMP; or	4 5 6
(b) if additional information is required—within 60 business days after the information is received or should have been given, whichever is earlier.	7 8 9 10
(2) The administering authority may decide to accredit the ERMP only if the authority is satisfied the ERMP complies with the ERMP content requirements.	11 12 13 14
101 Notice of decision	15
Within 10 business days after making the decision, the administering authority must give the person—	16 17 18
(a) if the decision is to accredit the ERMP—written notice of the decision; or	19 20
(b) if the decision is to refuse to accredit the ERMP—an information notice about the decision.	21 22 23
102 Amended ERMP required if accreditation refused	24 25
(1) If the decision is to refuse to accredit the ERMP, the person must—	26 27
(a) amend the ERMP to address the reasons for the decision; and	28 29
(b) within 20 business days after receiving notice of the decision or any extended	30 31

period under subsection (2), give the administering authority the amended ERMP.	1 2	
Maximum penalty—100 penalty units.	3	
(2) The administering authority may extend the period of 20 business days mentioned in subsection (1)(b).	4 5 6	
(3) This division applies in relation to the amended ERMP—	7 8	
(a) as if a reference to the ERMP were a reference to the amended ERMP; and	9 10	
(b) with any other necessary changes.	11	
Division 5	Amendment of accredited ERMPs	12 13
103 Application of division		14
This division applies in relation to a person carrying out an agricultural ERA for which there is an accredited ERMP.		15 16 17
104 Voluntary amendment		18
(1) The person may at any time—		19
(a) amend the ERMP; and		20
(b) submit the amended ERMP to the administering authority for accreditation.		21 22
(2) Division 4 applies in relation to the amended ERMP—		23 24
(a) as if a reference to the ERMP were a reference to the amended ERMP; and		25 26

[s 8]

- (b) as if a reference to accreditation of an ERMP were a reference to accreditation of the amended ERMP; and
- (c) with any other necessary changes.

105 Direction to amend

- (1) This section applies if the administering authority considers it is necessary or desirable to amend the ERMP—
 - (a) because it no longer complies with the ERMP content requirements; or
 - (b) to improve the quality of water being discharged from the relevant agricultural property; or
 - (c) because the agricultural ERA the subject of the ERMP is causing or may cause unlawful environmental harm.
- (2) The administering authority may give the person carrying out the agricultural ERA a written direction to—
 - (a) amend the ERMP in a stated way so as to comply with the ERMP content requirements; and
 - (b) within 3 months submit the amended ERMP to the administering authority for accreditation.
- (3) Divisions 2 to 4 apply in relation to the direction and the amended ERMP—
 - (a) as if the direction were an ERMP direction; and
 - (b) as if a reference to an ERMP were a reference to the amended ERMP; and

	(c) as if a reference to accreditation of an ERMP were a reference to accreditation of the amended ERMP; and	1 2 3
	(d) with any other necessary changes.	4
Clause 9	Amendment of s 112 (Other key definitions for ch 5)	5
	Section 112, definition <i>Great Barrier Reef catchment waters</i> , paragraph (a), ‘Great Barrier Reef catchment’—	6 7
	<i>omit, insert—</i>	8
	area shown on a map prescribed by regulation as the Great Barrier Reef catchment	9 10
Clause 10	Amendment of s 125 (Requirements for applications generally)	11 12
	(1) Section 125(5)—	13
	<i>omit.</i>	14
	(2) Section 125(6)—	15
	<i>renumber</i> as section 125(5).	16
Clause 11	Amendment of s 207 (Conditions that may be imposed on environmental authority)	17 18
	(1) Section 207(1)(d)—	19
	<i>omit.</i>	20
	(2) Section 207(1)(e) to (h)—	21
	<i>renumber</i> as section 207(1)(d) to (g).	22
Clause 12	Amendment of s 213 (Amendment of environmental authorities to reflect new standard conditions)	23 24
	Section 213(1)(b), ‘chief executive’—	25
	<i>omit, insert—</i>	26

	Minister	1
Clause 13	Amendment of s 226A (Requirements for amendment applications for environmental authorities)	2 3
	Section 226A(4)—	4
	<i>omit.</i>	5
Clause 14	Amendment of s 318 (Chief executive may make ERA standard)	6 7
(1)	Section 318, heading, ‘Chief executive’—	8
	<i>omit, insert—</i>	9
	Minister	10
(2)	Section 318(1), ‘chief executive’—	11
	<i>omit, insert—</i>	12
	Minister	13
Clause 15	Amendment of s 318A (Notice of proposed ERA standards)	14 15
(1)	Section 318A(1) and (2), ‘chief executive’—	16
	<i>omit, insert—</i>	17
	Minister	18
(2)	Section 318A(4)—	19
	<i>omit, insert—</i>	20
	(4) The Minister must give written notice about the proposed ERA standard to—	21 22
	(a) each holder of a relevant existing authority to which the standard conditions will apply and that is in effect immediately before the consultation period for the proposed ERA standard starts; and	23 24 25 26 27

(b)	for each industry affected by the proposed ERA standard—	1 2
(i)	if 1 industry body represents the industry—the industry body; or	3 4
(ii)	if 2 or more industry bodies represent the industry—at least 2 of the industry bodies; and	5 6 7
(c)	the independent regulator.	8
(3)	Section 318A(5)(a)—	9
	<i>omit, insert—</i>	10
(a)	that the Minister proposes to make an ERA standard and that standard conditions provided for under the proposed ERA standard will apply to relevant existing authorities; and	11 12 13 14 15
(4)	Section 318A(5)(c)—	16
	<i>omit, insert—</i>	17
(c)	for a notice given to the holder of a relevant existing authority or an industry body—that the holder or industry body may make a submission to the Minister about the proposed ERA standard during the consultation period; and	18 19 20 21 22 23
(d)	for a notice given to the independent regulator—that the independent regulator may make a recommendation to the Minister about the proposed ERA standard during the consultation period.	24 25 26 27 28
Clause 16	Replacement of s 318B (Consideration of submissions)	29
	Section 318B—	30
	<i>omit, insert—</i>	31

	318B Consideration of submissions and recommendations	1 2
	The Minister must consider the following before deciding whether to make an ERA standard—	3 4
	(a) all submissions about the ERA standard made during the consultation period;	5 6
	(b) a recommendation about the ERA standard made by the independent regulator during the consultation period.	7 8 9
Clause 17	Replacement of s 318C (Publication of ERA standard)	10
	Section 318C—	11
	<i>omit, insert—</i>	12
	318C Publication of ERA standards and recommendations	13 14
	The Minister must publish, on the department’s website, a copy of—	15 16
	(a) each ERA standard made by the Minister; and	17 18
	(b) each recommendation about a proposed ERA standard made by the independent regulator.	19 20 21
Clause 18	Amendment of s 318DA (Minor amendment of ERA standard)	22 23
	Section 318DA(1) and (3), definition <i>minor amendment</i> , paragraph (d), ‘chief executive’—	24 25
	<i>omit, insert—</i>	26
	Minister	27

Clause 19	Omission of ch 5A, pt 5A (Accreditation programs for agricultural ERAs)	1
	Chapter 5A, part 5A—	2
	<i>omit.</i>	3
		4
Clause 20	Amendment of s 320A (Application of div 2)	5
	Section 320A(4)(i)—	6
	<i>omit, insert—</i>	7
	(i) an accredited ERMP.	8
Clause 21	Omission of s 322A (Chief executive may require environmental audit about recognised accreditation program for agricultural ERA)	9
	Section 322A—	10
	<i>omit.</i>	11
		12
		13
Clause 22	Amendment of s 323 (Administering authority may require environmental audit about other matters)	14
	(1) Section 323(1)(a)(iii)—	15
	<i>omit.</i>	16
	(2) Section 323(1)(a)(iv) and (v)—	17
	<i>renumber</i> as section 323(1)(a)(iii) and (iv).	18
		19
Clause 23	Amendment of s 324 (Content of audit notice)	20
	(1) Section 324(1)(c)—	21
	<i>omit.</i>	22
	(2) Section 324(1)(d) and (e)—	23
	<i>renumber</i> as section 324(1)(c) and (d).	24

Clause 24	Amendment of s 326 (Administering authority may conduct environmental audit for particular activities)	1 2
	(1) Section 326, heading, ‘particular’—	3
	<i>omit, insert</i> —	4
	resource	5
	(2) Section 326(1)(a), from ‘resource activity’—	6
	<i>omit, insert</i> —	7
	resource activity; or	8
	(3) Section 326(3) and (4), ‘or owner of the recognised accreditation program’—	9 10
	<i>omit.</i>	11
Clause 25	Amendment of s 326A (Administering authority’s costs of environmental audit or report)	12 13
	(1) Section 326A(2), from ‘, or owner’ to ‘section 326(3)’—	14
	<i>omit.</i>	15
	(2) Section 326A(2)(b), ‘or owner’—	16
	<i>omit.</i>	17
	(3) Section 326A(4)—	18
	<i>omit.</i>	19
Clause 26	Amendment of s 330 (What is a transitional environmental program)	20 21
	Section 330(1)(c)(iv)—	22
	<i>omit.</i>	23
Clause 27	Amendment of s 346 (Effect of compliance with program)	24
	Section 346(2)(f) and (3)(f)—	25
	<i>omit, insert</i> —	26

	(f) an accredited ERMP.	1
Clause 28	Amendment of s 358 (When order may be issued)	2
	Section 358(d)(xii)—	3
	<i>omit, insert—</i>	4
	(xii) an accredited ERMP; or	5
Clause 29	Amendment of s 363A (Prescribed provisions)	6
	(1) Section 363A(1)(b)—	7
	<i>omit, insert—</i>	8
	(b) a provision of an accredited ERMP for an agricultural ERA.	9 10
	(2) Section 363A(2) and note—	11
	<i>omit, insert—</i>	12
	(2) However, a provision of the accredited ERMP is a prescribed provision only if the person contravening the provision is the person carrying out the agricultural ERA.	13 14 15 16
	<i>Note—</i>	17
	See also section 346 for the effect of compliance with a transitional environmental program.	18 19
Clause 30	Amendment of s 426 (Environmental authority required for particular environmentally relevant activities)	20 21
	Section 426(2)(a), ‘that is not a prescribed ERA’—	22
	<i>omit.</i>	23
Clause 31	Amendment of s 444M (Staff services from government agency)	24 25
	Section 444M(4)—	26

omit.

1

Clause 32 Insertion of new ch 8B

2

After section 444O—

3

insert—

4

**Chapter 8B Independent
regulator**

5

6

Part 1 Appointment

7

444P Appointment

8

- (1) The Governor in Council may, on the recommendation of the Minister, appoint an independent regulator. 9 10 11
- (2) The Minister may recommend a person for appointment only if satisfied the person— 12 13
 - (a) has the qualifications, experience or standing, in the fields of agriculture and science, appropriate to perform the functions of the independent regulator; and 14 15 16 17
 - (b) is not, and has never been, an employee of the department or another government agency. 18 19 20
- (3) The independent regulator is appointed under this Act and not the *Public Service Act 2008*. 21 22
- (4) The independent regulator may be appointed on a full-time or part-time basis. 23 24

444Q Term of appointment

25

- (1) The independent regulator holds office for the term decided by the Governor in Council. 26 27

-
- (2) However, the term must not be— 1
- (a) less than 1 year; or 2
- (b) more than 5 years. 3
- (3) The independent regulator may be reappointed. 4

444R Remuneration and conditions 5

- (1) Except as decided by the Governor in Council, the 6
independent regulator is not entitled to receive 7
any payment, interest in property or other 8
valuable consideration or benefit— 9
- (a) by way of remuneration as the independent 10
regulator; or 11
- (b) in connection with retirement from the 12
office or any other ending of the 13
appointment. 14
- (2) The independent regulator holds office on the 15
terms and conditions, not otherwise provided by 16
this Act, that are decided by the Governor in 17
Council. 18

444S Leave of absence 19

The Minister may approve a leave of absence for 20
the independent regulator. 21

444T Vacancy in office 22

- (1) The office of the independent regulator becomes 23
vacant if the independent regulator— 24
- (a) completes a term of office and is not 25
reappointed; or 26
- (b) resigns office by signed notice given to the 27
Minister; or 28
- (c) is convicted of an indictable offence; or 29

(d) is removed from office by the Governor in Council under section 444U(1). 1
2

(2) Also, if the independent regulator is suspended by the Minister under section 444U(3), the office is vacant during the period of suspension. 3
4
5

444U Removal from office and suspension 6

(1) The Governor in Council may, at any time, remove the independent regulator from office on the recommendation of the Minister. 7
8
9

(2) The Minister may recommend the independent regulator's removal from office only if satisfied the independent regulator— 10
11
12

(a) has been guilty of misconduct; or 13

(b) is incapable of performing the functions or exercising the powers of the office of independent regulator; or 14
15
16

(c) has neglected the functions or powers of the office of independent regulator or performed or exercised them incompetently. 17
18
19

(3) The Minister may suspend the independent regulator for up to 60 days by signed notice to the independent regulator if— 20
21
22

(a) there is an allegation of misconduct against the independent regulator; or 23
24

(b) the Minister is satisfied a matter has arisen in relation to the independent regulator that may be grounds for removal from office under this section. 25
26
27
28

444V Acting independent regulator 29

(1) The Minister may appoint a person to act as independent regulator— 30
31

-
- (a) during a vacancy in the office; or 1
- (b) during any period, or during all periods, 2
when the independent regulator is absent 3
from duty or from the State or can not, for 4
another reason, perform the functions of the 5
office. 6
- (2) However, the Minister may appoint a person 7
under subsection (1) only if satisfied the person— 8
- (a) has the qualifications, experience or 9
standing, in the fields of agriculture and 10
science, appropriate to perform the 11
functions of the independent regulator; and 12
- (b) is not, and has never been, an employee of 13
the department or another government 14
agency. 15
- (3) The acting independent regulator is appointed 16
under this Act and not the *Public Service Act* 17
2008. 18

Part 2 Functions and powers 19

444W Functions 20

- The independent regulator has the following 21
functions— 22
- (a) a function under chapter 10, part 5 in 23
relation to an enforceable undertaking made 24
by a person in relation to a contravention or 25
alleged contravention by the person of 26
section 78(1); 27
- (b) developing guidelines about a function 28
mentioned in paragraph (a); 29
- (c) making recommendations about proposed 30
ERA standards under chapter 5A, part 1; 31

- (d) the other functions given to the independent regulator under this Act. 1
2

444X Powers 3

The independent regulator has power to do anything necessary or convenient to be done in the performance of the independent regulator's functions. 4
5
6
7

Examples of things the independent regulator has power to do under this section— 8
9

- 1 access information held by another administering authority 10
11
2 ask an entity to give the independent regulator access to information held by the entity 12
13

444Y Publication of guidelines 14

(1) The independent regulator must publish, on the independent regulator's website, guidelines prepared in the exercise of the functions mentioned in section 444W(b). 15
16
17
18

(2) Guidelines mentioned in subsection (1) must be published in a way that does not disclose confidential information. 19
20
21

(3) In this section— 22

confidential information means information about a person's commercial, business or financial affairs, other than— 23
24
25

(a) statistical or other information that could not reasonably be expected to result in the identification of the person to whom it relates; or 26
27
28
29

(b) information that is publicly available. 30

-
- 444Z Staff services from government agency** 1
- (1) The independent regulator may, with the 2
agreement of the chief executive of a government 3
agency, arrange for the services of officers or 4
employees of the agency to be made available to 5
the independent regulator. 6
- (2) An officer or employee whose services are made 7
available under subsection (1)— 8
- (a) continues to be an officer or employee of the 9
government agency; and 10
- (b) continues to be employed or otherwise 11
engaged by the government agency on the 12
same terms and conditions applying to the 13
officer or employee immediately before the 14
services were made available; and 15
- (c) is subject to the direction of the independent 16
regulator only in relation to the services 17
made available to the independent regulator 18
and for the performance of the independent 19
regulator’s functions; and 20
- (d) is not subject to the direction of the chief 21
executive of the government agency in 22
relation to the services made available to the 23
independent regulator and for the 24
performance of the independent regulator’s 25
functions. 26
- (3) Nothing in subsection (1) requires the chief 27
executive of a government agency to enter into an 28
arrangement mentioned in that subsection. 29

- Clause 33 Amendment of s 452 (Entry of place—general)** 30
- (1) Section 452(1)(f)— 31
omit. 32
- (2) Section 452(1)(g) to (l)— 33

renumber as section 452(1)(f) to (k). 1

Clause 34 **Amendment of s 458 (Order to enter land to conduct investigation or conduct work)** 2
3

Section 458(1)(a)(iii)(A), ‘agricultural ERA standard’— 4

omit, insert— 5

accredited ERMP 6

Clause 35 **Amendment of s 466 (Power to require production of documents)** 7
8

Section 466(1)(c) and (d)— 9

omit. 10

Clause 36 **Amendment of s 490 (Evidentiary provisions)** 11

Section 490(5)(c), before ‘environmental requirement’— 12

insert— 13

accredited ERMP, 14

Clause 37 **Amendment of s 493A (When environmental harm or related acts are unlawful)** 15
16

(1) Section 493A(4)(a) and (5)(c), ‘agricultural ERA standard’— 17

omit, insert— 18

accredited ERMP 19

(2) Section 493A(4)(b), ‘standard’— 20

omit, insert— 21

ERMP 22

Clause 38	Amendment of s 507 (Administering authority may accept enforceable undertakings)	1 2
(1)	Section 507, heading— <i>omit, insert—</i>	3 4
	507 Accepting enforceable undertakings	5
(2)	Section 507— <i>insert—</i>	6 7
(1A)	Without limiting subsection (1), the administering authority must accept a written undertaking (also an <i>enforceable undertaking</i>) made by a person in relation to a first contravention or alleged first contravention by the person of section 78(1).	8 9 10 11 12
	<i>Note—</i> See also chapter 8B.	13 14
(3)	Section 507(4), ‘The’— <i>omit, insert—</i>	15 16
	For an enforceable undertaking other than an enforceable undertaking mentioned in subsection (2), the	17 18 19
(4)	Section 507(1A) to (7)— <i>renumber</i> as section 507(2) to (8).	20 21
Clause 39	Amendment of s 514 (Devolution of powers)	22
(1)	Section 514(1)(c)— <i>omit, insert—</i>	23 24
	(c) another matter under this Act.	25
(2)	Section 514— <i>insert—</i>	26 27
(2A)	However, the following matters must not be devolved to a local government under this section—	28 29 30

[s 40]

- | | | |
|------|--------------------------------------------------------------------|--------|
| (a) | the administration and enforcement of— | 1 |
| (i) | chapter 2; or | 2 |
| (ii) | chapter 7, part 8; | 3 |
| (b) | a function or power of the independent regulator under chapter 8B. | 4
5 |
| (3) | Section 514(4), ‘subsection (3)(c)’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | subsection (4)(c) | 8 |
| (4) | Section 514(6), ‘subsection (5)(a)’— | 9 |
| | <i>omit, insert—</i> | 10 |
| | subsection (6)(a) | 11 |
| (5) | Section 514(6A), ‘subsection (5)(b)’— | 12 |
| | <i>omit, insert—</i> | 13 |
| | subsection (6)(b) | 14 |
| (6) | Section 514(2A) to (7)— | 15 |
| | <i>renumber</i> as section 514(3) to (9). | 16 |

Clause 40 Amendment of s 520 (Dissatisfied person) 17

- | | | |
|-----|---------------------------------------------------------------------------------------------|----------------|
| (1) | Section 520(1), after paragraph (a)— | 18 |
| | <i>insert—</i> | 19 |
| | (aa) if the decision is to refuse to accredit an ERMP—the person who submitted the ERMP; or | 20
21
22 |
| (2) | Section 520(1)(g) and (h)— | 23 |
| | <i>omit.</i> | 24 |
| (3) | Section 520(1)(i), ‘, 322A’— | 25 |
| | <i>omit.</i> | 26 |
| (4) | Section 520(1)(k), after ‘about an’— | 27 |

insert—

ERMP direction,

(5) Section 520(1)(aa) to (o), first mention—

renumber as section 520(1)(b) to (n).

Clause 41 Amendment of s 538 (Appeals may be heard with planning appeals)

(1) Section 538(1)(a), from ‘decision’—

omit, insert—

decision)—

(i) to refuse to accredit an ERMP; or

(ii) about an application for an environmental authority for a prescribed ERA; and

(2) Section 538(1)(b), after ‘to which the’—

insert—

ERMP or

Clause 42 Amendment of s 540A (Registers to be kept by chief executive)

(1) Section 540A(1), after paragraph (a)—

insert—

(aa) for chapter 4A—

(i) ERMP directions; and

(ii) accredited ERMPs;

(2) Section 540A(1)(b)(vi) and (vii)—

omit.

(3) Section 540A(1)(aa) to (f)—

renumber as section 540A(1)(b) to (g).

Clause 43	Amendment of s 549 (Chief executive may make guidelines to inform persons)	1
	(1) Section 549(1)(b)—	2
	<i>omit.</i>	3
	(2) Section 549(1)(c) and (d)—	4
	<i>renumber</i> as section 549(1)(b) and (c).	5
Clause 44	Amendment of s 565 (Only suitably qualified person can perform regulatory functions)	6
	Section 565, note, ‘section 549(1)(c)’—	7
	<i>omit, insert—</i>	8
	section 549(1)(b)	9
Clause 45	Amendment of s 774 (Review of impact of ch 4A on contaminant levels)	10
	(1) Section 774—	11
	<i>insert—</i>	12
	(3A) This section stops having effect on the commencement of the <i>Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Act 2021</i> , section 8.	13
	(2) Section 774(3A) and (4)—	14
	<i>renumber</i> as section 774(4) and (5).	15
Clause 46	Insertion of new ch 13, pt 31	16
	Chapter 13—	17
	<i>insert—</i>	18

Part 31	Transitional provisions for Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Act 2021	1 2 3 4 5 6 7
792	Definitions for part	8
	In this part—	9
	<i>new</i> , for a provision of this Act, means the provision as in force from the commencement.	10 11
	<i>old</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	12 13 14
793	Recognition of particular accredited ERMPs	15
(1)	An ERMP that was accredited under original chapter 4A, part 3 and in effect immediately before the commencement of the <i>Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019</i> , section 8 is taken to be an ERMP accredited under new chapter 4A, part 3.	16 17 18 19 20 21 22
(2)	In this section—	23
	<i>original chapter 4A, part 3</i> means chapter 4A, part 3 as in force from time to time before the commencement of the <i>Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019</i> , section 8.	24 25 26 27 28 29

794 Proceedings for offences committed before commencement	1 2
(1) This section applies in relation to an offence against old section 82(2), 85 or 318YW(2) or (4) committed by a person before the commencement.	3 4 5 6
(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act, sections 8 and 19 had not commenced.	7 8 9 10 11 12
(3) Subsection (2) applies despite the Criminal Code, section 11.	13 14
(4) In this section— <i>amendment Act</i> means the <i>Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Act 2021</i> .	15 16 17 18
795 Review of impact of new ch 4A on contaminant levels and economy	19 20
(1) The Minister must review the extent to which new chapter 4A—	21 22
(a) has been effective in reducing the load of the following contaminants that enter the water in river basins in the Great Barrier Reef catchment—	23 24 25 26
(i) dissolved inorganic nitrogen in the water;	27 28
(ii) sediment suspended in the water; and	29
(b) impacts the economy of the Great Barrier Reef catchment.	30 31
(2) The review must be—	32

-
- (a) started no earlier than 2 years, and no later than 2 years and 3 months, after the commencement of new chapter 4A; and
- (b) completed within 1 year.
- (3) The Minister must, as soon as practicable after finishing the review, table a report about the outcome of the review in the Legislative Assembly.
- (4) In this section—
- Great Barrier Reef catchment*** means the area shown as the Great Barrier Reef catchment on the Great Barrier Reef catchment map.
- Great Barrier Reef catchment map*** means a map prescribed by regulation as the Great Barrier Reef catchment map.
- load***, of a contaminant that enters water, means the total mass of the contaminant that enters the water in a year.
- river basin*** means a part of the Great Barrier Reef catchment shown as a river basin on the Great Barrier Reef catchment map.
- 796 ERA standards made or amended by the chief executive**
- (1) This section applies in relation to an ERA standard made or amended by the chief executive under old chapter 5A, part 1 and in effect immediately before the commencement.
- (2) From the commencement, the ERA standard is taken to have been made or amended by the Minister under new chapter 5A, part 1.

797 Notice of proposed ERA standards published or given before commencement	1
	2
(1) This section applies if—	3
(a) before the commencement, the chief executive published or gave notice of a proposed ERA standard under old section 318A; and	4 5 6 7
(b) immediately before the commencement, the chief executive had not made the proposed ERA standard under old chapter 5A, part 1.	8 9 10
(2) From the commencement—	11
(a) the notice is taken to have been published or given by the Minister under new section 318A; and	12 13 14
(b) any submissions made to the chief executive about the proposed ERA standard are taken to have been made to the Minister.	15 16 17

Clause 47	Amendment of sch 2 (Original decisions)	18
(1)	Schedule 2, part 1—	19
	<i>insert—</i>	20
	Division 2	Decisions under
		chapter 4A
		21
		22

Section	Description of decision	
90	decision to give ERMP direction	
100	decision to refuse to accredit ERMP	
(2)	Schedule 2, part 1, division 3, entries for sections 318YN(1)(b), 318YN(1)(c) and 318YU(2)—	23 24
	<i>omit.</i>	25

- (3) Schedule 2, part 2, division 4, entry for section 322A(1)— 1
omit. 2

Clause 48 Amendment of sch 4 (Dictionary) 3

- (1) Schedule 4, definitions *accreditation program, accredited, adviser, agricultural chemical product, agricultural ERA, agricultural ERA standard, carries out, give advice, Great Barrier Reef catchment, Great Barrier Reef water quality offset condition, recognised accreditation program, river basin, show cause period* and *tailored advice*— 4
omit. 10

- (2) Schedule 4, definition *owner*, first mention— 11
omit. 12

- (3) Schedule 4— 13
insert— 14

accredited, for an ERMP, see section 77. 15

agricultural chemicals see section 77. 16

agricultural ERA means— 17

(a) generally—an agricultural ERA as defined under section 75; and 18
19

(b) for chapter 4A, part 3—see also section 88. 20

agricultural ERA record see section 83(1)(a). 21

agricultural property see section 77. 22

carries out, an agricultural ERA, see section 76. 23

cattle, for chapter 4A, see section 77. 24

ERMP see section 77. 25

ERMP content requirements see section 93(a). 26

ERMP direction see section 89(b). 27

government agency means— 28

[s 48]

- | | | |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| (a) | a department or an administrative unit within a department; or | 1
2 |
| (b) | a government owned corporation or a subsidiary of a government owned corporation; or | 3
4
5 |
| (c) | an entity that is established under an Act and represents the State; or | 6
7 |
| (d) | a local government. | 8 |
| | <i>independent regulator</i> means the independent regulator appointed under section 444P. | 9
10 |
| | <i>optimum amount</i> , for the application of nitrogen and phosphorus to soil on an agricultural property, see section 77. | 11
12
13 |
| | <i>over-fertilisation</i> , of an agricultural property, see section 77. | 14
15 |
| | <i>priority catchment</i> see section 75(1)(b). | 16 |
| | <i>production requirement</i> see section 85(1). | 17 |
| | <i>reef</i> see section 77. | 18 |
| | <i>relevant agricultural property</i> see section 77. | 19 |
| | <i>relevant primary document</i> , for an agricultural ERA record, see section 77. | 20
21 |
| | <i>sugar cane growing</i> see section 77. | 22 |
| (4) | Schedule 4, definition <i>administering authority</i> , paragraph (b)— | 23
24 |
| | <i>omit, insert</i> — | 25 |
| | (b) for an enforceable undertaking made by a person in relation to a contravention or alleged contravention by the person of section 78(1)—the independent regulator; or | 26
27
28
29 |
| | (c) for another matter—the chief executive. | 30 |
| (5) | Schedule 4, definition <i>audit notice</i> , ‘, 322A(1)’— | 31 |

-
- omit.* 1
- (6) Schedule 4, definition *enforceable undertaking*, ‘section 507(1)’— 2
3
omit, insert— 4
section 507(1) and (2) 5
- (7) Schedule 4, definition *environmental audit*, ‘, 322A(1)(a)’— 6
omit. 7
- (8) Schedule 4, definition *proposed action*, paragraph (c)— 8
omit. 9
- (9) Schedule 4, definition *proposed action*, paragraph (d)— 10
renumber as paragraph (c). 11
- (10) Schedule 4, definition *recipient*, after paragraph (b)— 12
insert— 13
(ba) for a clean-up notice, cost recovery notice, 14
direction notice or ERMP direction—the 15
person to whom the notice or direction is 16
given; or 17
- (11) Schedule 4, definition *recipient*, paragraphs (ba) to (d)— 18
renumber as paragraphs (c) to (e). 19
- (12) Schedule 4, definition *show cause notice*, paragraph (a)— 20
omit. 21
- (13) Schedule 4, definition *show cause notice*, paragraphs (b) to 22
(d)— 23
renumber as paragraphs (a) to (c). 24
- (14) Schedule 4, definition *standard conditions*, paragraph (c)— 25
omit. 26