



Queensland

# Runoff Repair Youth Bill 2009





Queensland

# Runoff Repair Youth Bill 2009

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	4
2	Commencement . . . . .	4
3	Definitions . . . . .	4
<b>Part 2</b>	<b>Auditing</b>	
4	Conditions for auditing . . . . .	5
5	Auditing outcomes . . . . .	5
<b>Part 3</b>	<b>Follow-up actions</b>	
6	Individual property audits . . . . .	6
7	Noncompliance . . . . .	6
8	Penalties for noncompliance . . . . .	7
<b>Part 4</b>	<b>Initial management of waterways and groundwater catchments</b>	
9	Preliminary management plans . . . . .	7
10	Management plan assessments . . . . .	8
<b>Part 5</b>	<b>Follow-up management of waterways and groundwater catchments</b>	
11	Administration of follow-up plans . . . . .	9
12	Timing of follow-up plans . . . . .	9
13	Powers relating to follow-up plans . . . . .	9
<b>Part 6</b>	<b>Suspensions and appeals</b>	
14	Application procedure . . . . .	10
<b>Schedule</b>	<b>List of waterways and groundwater catchments to be audited</b>	12



**2009**

---

**A Bill**

for

**A Youth Act to audit and manage non-source point water  
pollution in major Queensland waterways and water tables**

---

[s 1]

---

**The Youth Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**1 Short title** 3

This Youth Act may be cited as the *Runoff Repair Youth Act 2009*. 4  
5

**2 Commencement** 6

This Act commences on a day to be fixed by proclamation. 7

**3 Definitions** 8

In this Youth Act— 9

*audit* means a process of testing of waterways to ensure levels of potential pollutants are not hazardous. 10  
11

*breach* means a situation where levels of pollutants in a waterway are identified as being hazardous, as determined by the *Queensland Water Quality Guidelines 2006*. 12  
13  
14

*causal factor* means any behaviour or omission that starts or sustains an incident. 15  
16

*civil request* means a situation whereby a member of the public formally requests that the Environmental Protection Agency conduct an audit on a waterway. 17  
18  
19

*corporate body* or *corporation* means any business or collection of businesses with a single governing body overseeing its business operations. 20  
21  
22

*individual property* means any business or collection of businesses that do not have an overarching body overseeing its business operations and owned by a single landholder. 23  
24  
25



[s 6]

---

- (2) If the outcome of the audit identifies any of the conditions of subsection (1), then the Environmental Protection Agency must undergo the actions prescribed in part 3.

## **Part 3 Follow-up actions**

### **6 Individual property audits**

- (1) If a breach of water quality standards is identified in a waterway, individual property audits must be conducted on all properties directly related the affected waterway.
- (2) The Environmental Protection Agency must receive consent from the owner of a property before an audit may be conducted on it.
- (3) If no evidence of causal factors for the particular breach in question is found to result from the audited property, no further action can be taken towards that property.
- (4) If evidence of causal factors for the particular breach in question is found to result from an audited property, then management plans will be issued to the landowner in accordance with part 4.

### **7 Noncompliance**

- (1) If consent for an inspection of a property suspected in relation to a breach is not provided by the owner, then consensual property inspections will continue on all compliant properties to ascertain whether the breach results from any compliant properties.
- (2) If the breach results from a compliant property, then management plans are to be issued in accordance with part 4, and no further action need be taken against all noncompliant properties for the breach in question.

---

(3)	If the breach does not result from a compliant property, then all noncompliant properties are under suspicion as a cause of the breach and the Environmental Protection Agency must obtain a court order to inspect the properties under suspicion without consent of the owner.	1 2 3 4 5
<b>8</b>	<b>Penalties for noncompliance</b>	6
(1)	If a breach is found to result from a non-compliant property of an individual then the owner of that property commits an offence.	7 8 9
	Maximum penalty—	10
(a)	2 penalty units; and	11
(b)	being issued with management plans in accordance with part 4.	12 13
(2)	If a breach is found to result from a non-compliant property of a corporation, then the owner commits an offence.	14 15
	Maximum penalty—	16
(a)	20 penalty units; and	17
(b)	being issued with management plans in accordance with part 4.	18 19
<b>Part 4</b>	<b>Initial management of waterways and groundwater catchments</b>	20 21 22
<b>9</b>	<b>Preliminary management plans</b>	23
(1)	The Environmental Protection Agency is responsible for issuing preliminary management plans.	24 25
(2)	In the preliminary management plan, landholders must be advised of the following—	26 27

[s 10]

---

- (a) a target level of contamination that complies with waterway standards as defined in the *Queensland Water Quality Guidelines 2006*;
  - (b) a reasonable time frame to comply with the preliminary management plan;
  - (c) clear strategies to comply with advised targets in the given time frame.
- (3) Authorities may also suggest changes to the property in question, including the following—
- (a) investment in infrastructure;
  - (b) changing land uses;
  - (c) changing methods used on the land.

## **10 Management plan assessments**

- (1) The Environmental Protection Agency must follow-up and assess progress of the implementation of management plans at regular intervals.
- (2) The regular intervals will be determined by the Environmental Protection Agency and are to vary based on the time frames provided in the management plan to rectify the causal factors responsible for the breach.
- (3) If the identified problems are rectified and the property is deemed compliant to waterway standards within the time frame, no further penalties may be imposed upon the landholder.
- (4) If the identified problems have not been rectified and the landowner is deemed noncompliant to waterways standards within the time frame provided by the management plan—
- (a) additional monetary penalties may be prescribed to the landowner at the discretion of the Environmental Protection Agency; and
  - b) a follow-up plan will be prescribed in accordance with part 5.

- 
- (5) Bimonthly auditing of identified problem areas will continue for one to two years after the specified time frame has concluded. 1  
2  
3

**Part 5** **Follow-up management of waterways and groundwater catchments** 4  
5  
6

**11 Administration of follow-up plans** 7

- (1) Landowners of any property mentioned in section 10(4) will be subject to a follow-up plan to forcibly limit the amount of dangerous pollutants being released into waterways. 8  
9  
10
- (2) This plan may be administered by— 11
- (a) the Environmental Protection Agency; or 12
  - (b) an internal court related to the subject in question including Planning and Environment Court; or 13  
14
  - (c) any external party appointed by a Magistrates Court. 15

**12 Timing of follow-up plans** 16

The time frame for follow-up plans is to be determined by the authority administering the follow-up plan. 17  
18

**13 Powers relating to follow-up plans** 19

- (1) Authorities or agencies appointed to enforce follow-up plans may physically enter the property in question to undertake necessary investigations. 20  
21  
22
- (2) Investigations on follow-up plans will occur— 23
- (a) at any time deemed necessary and reasonable by authorities; and 24  
25



[s 14]

---

- (c) accompanied by the notice stating the full grounds and reasons of the review of the original decision. 1  
2

<b>Schedule</b>	<b>List of waterways and groundwater catchments to be audited</b>	1 2 3
	Section 4(2)	4
	Albert River	5
	Annan River	6
	Archer River	7
	Baffle Basin	8
	Balonne River	9
	Banksia Creek	10
	Barcoo River	11
	Barron Basin	12
	Barron River	13
	Basalt River	14
	Belyando River	15
	Black Basin	16
	Bloomfield River	17
	Border Rivers	18
	Boyne Basin	19
	Boyne River	20
	Breakfast Creek	21
	Bremer River	22
	Brisbane River	23
	Bulimba Creek	24
	Bulloo River	25
	Bungil Creek	26

---

Burdekin Basin	1
Burdekin River	2
Burnett Basin	3
Burnett River	4
Burpengary Creek	5
Burrum Basin	6
Caboolture River	7
Calamvale Creek	8
Calliope Basin	9
Calliope River	10
Carpentier River	11
Coen River	12
Comet River	13
Condamine River	14
Coomera River	15
Cooper Creek	16
Culgoa River	17
Currajong Creek	18
Currumbin Creek	19
Daintree Basin	20
Daintree River	21
Darling River	22
Dawson River	23
Diamantina River	24
Don Basin	25
Ducie River	26
Dumaresq River	27
Edward River	28

Schedule

---

Endeavour Basin	1
Endeavour River	2
Fitzroy Basin	3
Fitzroy River	4
Flinders River	5
Georgina River	6
Gilbert-Einasleigh River	7
Gold Creek	8
Haughton Basin	9
Herbert Basin	10
Herbert River	11
Jacky Jacky Basin	12
Jardine River	13
Jeanie Basin	14
Johnstone Basin	15
Johnstone River	16
Kolan Basin	17
Kolan River	18
Laura River	19
Lockhart Basin	20
Lockyer Creek	21
Loders Creek	22
Logan River	23
Macintyre River	24
Mackenzie River (Queensland)	25
Maranoa River	26
Mary Basin	27
Mary River	28

---

Merivale River	1
Mitchell River	2
Moggill Creek	3
Moonie River	4
Mossman Basin	5
Mulgrave River	6
Mulgrave-Russel Basin	7
Murray Basin	8
Nerang River	9
Nogoa River	10
Noosa River	11
Norman Creek	12
Norman River	13
Normanby Basin	14
Normanby River	15
North Pine River	16
O'Connell Basin	17
Olive-Pascoe Basin	18
Oxley Creek	19
Palmer River	20
Paroo River	21
Pennefather River	22
Pike Creek	23
Pimpama River	24
Pine River	25
Pioneer Basin	26
Pioneer River	27
Plane Basin	28

Schedule

---

Proserpine Basin	1
Ross Basin	2
Ross Creek	3
Ross River	4
Russell River	5
Severn River	6
Shoalwater Basin	7
South Pine River	8
Staaten River	9
Stanley River	10
Stewart Basin	11
Stuart River	12
Styx Basin	13
Styx River	14
Susan River	15
Suttor River	16
Tallebudgera Creek	17
Thomson River	18
Tingalpa Creek	19
Tully Basin	20
Tully River	21
Ward River	22
Warrego River	23
Water Park Basin	24
Wenlock River	25