

## Agricultural ERA standard for beef cattle grazing – version 2

This **Agricultural Environmentally Relevant Activity (ERA)** standard has been created in accordance with sections 318 and 768 of the *Environmental Protection Act 1994* for the purposes of section 81 of the Act. The agricultural ERA standard for beef cattle grazing provides the minimum standard conditions for an agricultural ERA carrying out, on a commercial basis on land in the **Great Barrier Reef Catchment**, beef cattle grazing.

Eligibility criteria category	Eligibility criteria
Activity general	The activity is beef cattle grazing
Activity location	The activity is located within the Great Barrier Reef Catchment

### 1. Who this document applies to

This agricultural ERA standard, including the standard conditions, applies to all persons carrying out beef cattle grazing on land in the Great Barrier Reef catchment. It will apply to persons carrying out the activity of beef cattle grazing on land that they own or on land the person has arranged to use for the activity. It also applies to persons that are employed or otherwise engaged to carry out beef cattle grazing in the Great Barrier Reef catchment.

### 2. When the Agricultural ERA standard for beef cattle grazing takes effect

Conditions	Activity/Regions	Take effect date
General record keeping (standard conditions SC3, SC5 and SC6)	Beef cattle grazing in the Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary regions within the Great Barrier Reef catchment	1 December 2019
SC1, SC2 and SC4	Beef cattle grazing in the Burdekin region within the Great Barrier Reef catchment	1 December 2020
	Beef cattle grazing in the Fitzroy region within the Great Barrier Reef catchment	1 December 2021
	Beef cattle grazing in the Wet Tropics, Mackay Whitsunday, and Burnett Mary regions within the Great Barrier Reef catchment	1 December 2022

### 3. Standard conditions

Standard conditions are listed in the left hand column of the *Standard conditions for an agricultural ERA for beef cattle grazing* table below. The standard conditions are the mandatory requirements that must be met in order for persons carrying out an agricultural ERA to be considered compliant with the agricultural ERA standard for beef cattle grazing.

#### 4. Advice notes for meeting the standard conditions

Where applicable, advice notes have been provided in the right hand column of the standard conditions for an agricultural ERA for beef cattle grazing table below, including examples of **measures** and recognised approaches that may be undertaken in order to be considered compliant with the relevant standard condition. The measures outlined in the advice notes are not compulsory. A person carrying out the agricultural ERA may choose their own measure/s to comply with the standard condition unless where stated otherwise. The advice notes also provide useful information and links to documents that may be considered relevant.

#### 5. Record keeping

The person carrying out the agricultural ERA for beef cattle grazing must make and keep records about the matters prescribed in the standard conditions and Appendices 1 and 2. The person carrying out the agricultural ERA must also keep all **relevant primary documents** related to the agricultural ERA records (e.g. invoices, receipts). The following standard conditions are the record keeping standard conditions and a lower penalty infringement notice applies under the *State Penalties Enforcement Regulation 2014*:

- SC3
- SC4
- SC5
- SC6

#### 6. Compliance and enforcement of the agricultural ERA standard for beef cattle grazing

Failure to comply with any of the standard conditions contained within the agricultural ERA standard for beef cattle grazing is an offence under Section 82 of the *Environmental Protection Act 1994* and penalties apply. Provisions under the *State Penalties Enforcement Regulation 2014* allow for a penalty infringement notice to be given if an offence has been found to have been committed. General obligations under the *Environmental Protection Act 1994* may also apply to persons conducting an agricultural ERA and those persons are encouraged to familiarise themselves with all requirements related to their specific activity (Appendix 4).

#### 7. Definitions

Words used in this document and defined in Appendix 3 are **bolded** the first time they appear.

#### 8. Other requirements

Other relevant Commonwealth, State and local government legislative requirements may be applicable to beef cattle grazing activities. A list of additional legislative requirements likely to apply to this activity is included in Appendix 4

#### 9. Version history

Version	Date	Description of changes
1	1 December 2019	
2	17 March 2022	Clarifying amendments, including removing an incorrect reference to the Environmental Protection Regulation 2019 and removing record keeping requirements for agricultural chemicals to avoid inconsistency with the <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> .

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Standard conditions for an agricultural ERA for beef cattle grazing

Standard conditions	Advice notes for complying with the standard condition
<p><b>SC1</b> For land in <b>good or fair condition</b>, continue using measures to maintain the land in good or fair condition.</p>	<p><b>Advice to SC1</b> Land in good or fair condition is land with greater than 50 percent <b>ground cover</b> at 30 September each calendar year.</p>
<p><b>SC2 a)</b> For land in <b>poor condition</b>, measures must be implemented to improve <b>land condition</b> towards achieving good or fair condition.</p> <p><b>SC2 b)</b> For land in <b>degraded condition</b>, measures must be implemented to improve land condition towards achieving good or fair condition OR preventing areas of degraded land condition from further degrading or expanding.</p>	<p><b>Advice to SC2a and SC2b</b> Where land is in poor or degraded condition, the following are examples of measures that may be used to improve land condition OR prevent areas of degraded land condition from further degrading or expanding:</p> <ol style="list-style-type: none"> <li>1) Adjusting grazing pressure/<b>stocking rate</b> to match land condition by:               <ol style="list-style-type: none"> <li>a) stocking to <b>long term carrying capacity</b>,</li> <li>b) determining <b>short term carrying capacity</b> using forage budgets;</li> </ol> </li> <li>2) A planned program of <b>wet season</b> spelling of land to improve land condition;</li> <li>3) Managing <b>preferential grazing</b>, through actions such as:               <ol style="list-style-type: none"> <li>a) additional fencing,</li> <li>b) establishing additional/relocating watering points,</li> <li>c) strategic placement of licks;</li> </ol> </li> <li>4) Managing land around gullies and early signs of gullying;</li> <li>5) Managing <b>linear infrastructure</b> to minimise erosion;</li> <li>6) Establishing <b>diversion banks</b>;</li> <li>7) Sowing pastures;</li> <li>8) Managing weeds;</li> <li>9) Any other measure that improves land condition or prevents areas of degraded land condition from further degrading or expanding.</li> </ol> <p>Note: Full remediation of severely degraded land is not expected, e.g. large gully complexes. Measures must be taken however to prevent areas of degraded land from further degrading or expanding.</p>
<p><b>Record keeping</b></p>	

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<p><b>SC3:</b> From 1 December 2019, for beef cattle grazing in the Wet Tropics, Burdekin, Fitzroy, Mackay Whitsunday and Burnett Mary regions, records must be kept in accordance with <b>Appendix 1</b>.</p>	<p><b>Advice to SC3</b> SC3 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC4:</b> From 1 December 2020, for beef cattle grazing in the Burdekin region, records must be kept in accordance with <b>Appendix 2</b>.</p> <p>From 1 December 2021, for beef cattle grazing in the Fitzroy region, records must be kept in accordance with <b>Appendix 2</b>.</p> <p>From 1 December 2022, for beef cattle grazing in the Wet Tropics, Mackay Whitsunday and Burnett Mary regions, records must be kept in accordance with <b>Appendix 2</b>.</p>	<p><b>Advice to SC4</b> SC4 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC5</b> The person carrying out the agricultural ERA must keep all <b>relevant primary documents</b> related to the agricultural ERA records.</p>	<p><b>Advice to SC5</b> SC5 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>
<p><b>SC6</b> Records required in conditions <b>SC3, SC4 and SC5</b> must be kept for at least six (6) years and made available to the administering authority when requested within the requested timeframe.</p>	<p><b>Advice to SC6</b> Records can be made and kept in any format, including on a property map.</p> <p>SC6 is a record keeping standard condition and subject to a lower penalty infringement notice under the <i>State Penalties Enforcement Regulation 2014</i>.</p>

## Appendix 1: Record keeping requirements – General

The following records are required to be kept by all persons carrying out an agricultural ERA involving beef cattle grazing in the Wet Tropics, Burdekin, Mackay Whitsunday, Fitzroy and Burnett Mary regions within the Great Barrier Reef catchment.

A record is a note that something has occurred. The actual documents that relate to the record (e.g. **fertiliser invoice**), are relevant primary documents that provide proof of these records and are also required to be kept under SC5.

Records must be made within three (3) business days of the application of fertiliser, **mill mud** or mill mud/**mill ash mix** at the relevant **agricultural property**, kept for at least six (6) years and made available for inspection to an **authorised person** upon request. Records can be kept in any form.

Note, record keeping for agricultural chemicals is required under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*. More information is available on the Queensland Government website <https://www.business.qld.gov.au>.

### Property and person details

1. Person(s) who carries out the agricultural ERA
2. Name of person making record
3. Company name (if applicable)
4. Property address(es)
5. Postal address
6. Farm identification number(s) (if applicable)
7. A list of the cadastral lots included in all the farms within the agricultural enterprise

### Records of fertiliser and mill mud or mill mud/mill ash mix applied

1. Location of each application (e.g. farm number with block name or management zone)
2. Date of each application
3. Fertiliser product (including mill mud or mill mud/mill ash mix) applied to each location:
  - a. Product name
  - b. Application rate (kg/ha, L/ha or tonnes/ha for mill mud or mill mud/mill ash mix)
  - c. For fertiliser, the product percentage of nitrogen and phosphorus

## Appendix 2: Record keeping requirements – Agricultural ERA standard for beef cattle grazing

The following records are required to be kept in accordance with SC4

A record is a note that something has occurred. The actual documents that relate to the record (e.g. fertiliser invoice), are relevant primary documents that provide proof of these records and are also required to be kept under SC5.

A record must be made within three (3) business days of the measure being implemented, kept for at least six (6) years and be made available for inspection by an authorised person upon request. Records can be kept in any form.

### Measures taken

1. Details of the measure(s) taken as per SC2a and SC2b;
2. Date the measures were implemented;
3. The location on the property (i.e. relevant **paddock(s)** or whole property) where the measures(s) were implemented.

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**Appendix 3: Terms and definitions**

<b>Terms</b>	<b>Definitions</b>
Activity	The agricultural environmentally relevant activity (ERA) to which this agricultural ERA standard applies.
Agricultural Environmentally Relevant Activity (agricultural ERA)	Has the same meaning as the <i>Environmental Protection Act 1994</i> : (1) An activity is an agricultural ERA if it is— (a) carrying out any of the following on a commercial basis— (i) cattle grazing; (ii) horticulture; (iii) cultivation of another crop. (b) carried out on a lot that is in the Great Barrier Reef catchment.  (2) However, if only part of the lot is in the Great Barrier Reef catchment, the activity is an agricultural ERA if the part of the lot that is in the catchment is – (a) More than 75 percent of the lot; or (b) More than 20,000 hectares.
Agricultural ERA record	A record that is required to be kept by a person carrying out an agricultural ERA under a relevant agricultural ERA standard.
Agricultural property	In relation to a relevant activity, means the parcel or parcels of land on which the activity is carried out.
Authorised person	Means a person appointed as an authorised person under the <i>Environmental Protection Act 1994</i> by chief executive or chief executive officer of a local government.
Degraded condition	Means land that has less than 20 percent ground cover at 30 September each calendar year.
Diversion banks	Means a structure to divert run-off away from areas where it could cause problems (such as cultivated paddocks or buildings) into stable waterways, natural depressions or water storages.
Fertiliser	Means a product that contains a quantified amount, obtained by analysis, of nitrogen and/or phosphorus.
Good or fair condition	Means land with greater than 50 percent ground cover at 30 September each calendar year.
Great Barrier Reef catchment	Has the same meaning in the <i>Environmental Protection Act 1994</i> . The Great Barrier Reef catchment is the area shown on a map prescribed by regulation as the Great Barrier Reef catchment.
Ground cover	Means plants, plant litter, tree leaf litter, twigs and woody debris capable of protecting the soil surface from erosion.
Land condition	Means the capacity of grazing land to respond to rain and produce useful forage. Indicators of land condition include the proportion of organic ground cover, density of desirable perennial pasture species (i.e. grasses that are perennial, productive and palatable (3P) for cattle), extent of erosion and presence of weeds.

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<b>Terms</b>	<b>Definitions</b>
Linear infrastructure	Means man-made features, such as roads, tracks, fences or drainage channels.
Long term carrying capacity	Means the average number of animals that a paddock can be expected to support over a period of 10 years or more while maintaining or improving land condition.
Measures	Means an action, or procedure, which is planned and implemented to maintain good or fair condition land, improve poor or degraded condition land, or prevent areas of degraded condition land from further degrading or expanding.
Mill ash	Means a by-product produced by sugar mill boilers. Also known as boiler ash.
Mill mud	Means the residual mud and fibre filtered from the raw sugar juice during the sugar refining process. Also called filter mud, filter cake or sugarcane press mud.
Paddock	An area of land that is typically used for beef cattle grazing.
Poor condition	Means land with less than 50 percent ground cover at 30 September each calendar year; <u>unless</u>  It can be demonstrated to the satisfaction of the Department of Environment and Science (through verifiable ground cover records or other reasonable evidence) that for a land type on the agricultural property it is not possible (taking all reasonable steps) to achieve 50 percent ground cover at 30 September each calendar year.
Preferential grazing	Means where cattle selectively graze certain areas in a paddock over others e.g. on certain land types or areas around a watering point, that can result in overgrazed patches of land.
Relevant primary document	Means a document relating to the carrying out of the activity that is the subject of the record from which information in the record was obtained, and can include: <ul style="list-style-type: none"> <li>- Receipts and invoices for the purchase of a fertiliser product;</li> <li>- A summary of tailored advice about carrying out the agricultural ERA (e.g. measures to improve groundcover and land condition).</li> </ul>
Short term carrying capacity	Means the number of animals that a paddock can support for a short period e.g. a week, a season, or a year. It is different from Long Term Carrying Capacity because it varies according to the amount of rainfall received for that period.
Stocking rate	Means the number of livestock per unit area of a paddock or whole grazing property, at a particular time. Classes of stock can be standardised using Adult Equivalents (AE) or equivalent standardised livestock units.
Wet season	For the purpose of this standard, the wet season is between 1 November and 30 April of the following year.



#### Appendix 4: General obligations under the *Environmental Protection Act 1994*

This appendix is not intended to provide a comprehensive list of all obligations under Queensland law. It provides some general information and person(s) carrying out an agricultural ERA for beef cattle grazing are encouraged to familiarise themselves with all requirements related to their specific activity.

Separate to the beef cattle grazing standard, a person carrying out an agricultural ERA for beef cattle grazing must also meet their obligations under the *Environmental Protection Act 1994*, and the regulations made under that Act including the following provisions.

##### **General environmental duty**

Section 319 of the *Environmental Protection Act 1994* states that any person who carries out an activity that causes or is likely to cause environmental harm must comply with their general environmental duty. This means that we are all responsible for the actions we take that affect the environment. We must not carry out any activity that causes, or is likely to cause, environmental harm unless we take all reasonable and practicable measures to prevent or minimise the harm. To decide what meets your general environmental duty, you need to consider:

- the nature of the harm or potential harm;
- the sensitivity of the receiving environment;
- the current state of technical knowledge for the activity;
- the likelihood of successful application of the different measures to prevent or minimise environmental harm that might be taken.

It is not an offence not to comply with the general environmental duty. However, maintaining your general environmental duty is a defence against the following:

- a) an act that causes serious or material environmental harm or an environmental nuisance;
- b) an act that contravenes a noise standard;
- c) a deposit of a contaminant, or release of stormwater run-off, mentioned in section 440ZG.

More information is available on the Queensland Government website <https://www.business.qld.gov.au>.

##### **Duty to notify**

Section 320A of the *Environmental Protection Act 1994* explains the duty to notify. The duty to notify applies to all persons and requires a person or company to give notice where serious or material environmental harm is caused or threatened. Notice must be given of the event, its nature and the circumstances in which the event happened. Notification can be verbal, written or by public notice depending on who is notifying and being notified.

The duty to notify arises where:

- a person carries out activities or becomes aware of an act of another person arising from, or connected to, those activities that causes or threatens serious or material environmental harm;

- while carrying out activities, a person becomes aware of the happening of one or both of the following events:
  - the activity negatively affects (or is reasonably likely to negatively affect) the water quality of an aquifer
  - the activity has caused the unauthorised connection of two or more aquifers;
- the owner or occupier of contaminated land or an auditor performing an auditor's function (as defined in section 568(b) of the *Environmental Protection Act 1994*) becomes aware of:
  - the happening of an event involving a hazardous contaminant on the contaminated land; or
  - a change in the condition of the contaminated land; or
  - a notifiable activity having been carried out, or being carried out, on the contaminated land that is causing, or is reasonably likely to cause, serious or material environmental harm.

For more information on the duty to notify requirements refer to the guideline 'Duty to notify of environmental harm' (ESR/2016/2271).

### **Some relevant offences under the *Environmental Protection Act 1994***

#### **Causing serious or material environmental harm (sections 437 and 438)**

Material environmental harm is when the harm is not trivial or negligible in nature. Serious environmental harm is harm that is irreversible, of a high impact or widespread, or that is caused to an area of high conservation value or special significance.

Serious or material environmental harm excludes environmental nuisance.

#### **Causing environmental nuisance (section 440)**

Environmental nuisance is unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke. It may also include an unhealthy, offensive or unsightly condition because of contamination.

#### **Depositing a prescribed water contaminant in waters (section 440ZG)**

Prescribed water contaminants include a wide variety of contaminants listed in schedule 9 of the *Environmental Protection Regulation 2008*.

It is your responsibility to ensure that prescribed water contaminants are not left in a place where they may or do enter a waterway, the ocean or a stormwater drain. This includes making sure that stormwater falling on or running across your site does not leave the site contaminated. Where stormwater contamination occurs you must ensure that it is treated to remove contaminants. You should also consider where and how you store material used in your processes onsite to reduce the chance of water contamination.

#### **Placing a contaminant where environmental harm or nuisance may be caused (section 443)**

A person must not cause or allow a contaminant to be placed in a position where it could reasonably be expected to cause serious or material environmental harm or environmental nuisance.

### **Responsibilities under other legislation**

An agricultural ERA pursuant to the *Environmental Protection Act 1994* does not remove the need to obtain any additional approval for the activity that might be required by other state and/or Commonwealth legislation. Other legislation for which a permit may be required includes, but is not limited to:

- *Aboriginal Cultural Heritage Act 2003*;
- *Chemical Usage (Agricultural and Veterinary) Control Act 1988*
- *Fisheries Act 1994*;
- *Forestry Act 1959*;
- *Nature Conservation Act 1992*;
- *Petroleum and Gas (Production and Safety) Act 2004 / Petroleum Act 1923*;
- *Queensland Heritage Act 1992*;
- *Planning Act 2016*;
- *Waste Reduction and Recycling Regulation 2011*;
- *Water Supply (Safety and Reliability) Act 2008*;
- *Water Act 2000*;
- *Work Health and Safety Act 2011, Work Health and Safety Regulation 2011* and Work Health and Safety (Codes of Practice) Notice 2011.

Additional obligations may be applicable including, but not limited to:

- Safe Work Australia Code of Practice on How to Safely Remove Asbestos 2011 or the Safe Work Australia Code of Practice on How to Manage and Control Asbestos in the Workplace 2011 or any subsequent versions;
- Australian Dangerous Goods Code;
- Australian and New Zealand Environment and Conservation Council (ANZECC) Polychlorinated Biphenyls Management Plan Revised Edition – April 2003.

Persons are advised to check with all relevant statutory authorities and comply with all relevant legislation.