

Annual strategic compliance priorities 2021–2022 final report



Prepared by: Department of Environment and Science

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INTRODUCTION

Our vision | Our compliance effort protects the health of Queensland's environment and communities.

As Queensland's environmental regulator, the Department of Environment and Science (the department) aims to be a strong and customer-focused regulator that is efficient, modern, responsive, transparent and collaborative in its efforts to protect environmental values while supporting Queensland's economy.

Our Annual Strategic Compliance Priorities (ASCP) provide a targeted and transparent approach to compliance, ensuring our compliance effort is focused on actively reducing risks to the environment and communities, and informing regulated operators about what to expect.

The strategic focus areas were identified using a range of data, tools and intelligence. In 2021–2022, the three strategic compliance priorities were:

- waste management and waste levy compliance
- coal seam gas (CSG)
- the Great Barrier Reef.

The compliance activities and outcomes contained within this report relate to these three strategic compliance priorities only. Our compliance efforts have continued across many industries and activities across the state, and the outcomes of these compliance activities are available on the department's website.

2021–2022 posed many challenges to our regulatory activities. Despite the ongoing impacts of the COVID-19 pandemic and multiple flooding events, we continued to work with operators to understand their circumstances, escalated our intelligence efforts, and utilised Remotely Piloted Aircraft Systems to detect non-compliance.

Our adaptable compliance framework enabled us to continue to implement a risk-based regulatory approach that focused on environmental harm and serious non-compliance.

2021–2022 HIGHLIGHTS

The department is committed to holding environmental offenders to account. During 2021–22, the department conducted **596** compliance activities of waste management facilities, coal seam gas operators and agricultural producers.

Effecting behavioural change to achieve voluntary compliance is recognised as an effective and desirable method of protecting Queensland’s environment and communities. Our communications and engagements with operators resulted in **47** operators obtaining new environmental authorities (EAs) to lawfully operate. The department also utilised a range of compliance tools to hold unlawful and poor performing operators to account, including **8 successful prosecutions** with fines imposed of approximately **\$215,000** and costs of over **\$48,000** awarded.



Notable prosecution outcomes include:

- Jason Atkins and Eric Davis were convicted in relation to waste related offences in Rockhampton. Atkins was convicted of wilfully and unlawfully causing material environmental harm and providing false and misleading information to the department. Atkins was sentenced to three months imprisonment, wholly suspended for 18 months, and Davis was fined **\$9,000** for less serious offences. They were also ordered to pay more than **\$13,000** in legal and investigation costs to the department.
- A Sunshine Coast company was fined **\$30,000** and ordered to pay over **\$3,000** in costs in relation to unlawfully operating a waste disposal business, including unlawfully causing serious environmental harm.
- Two related waste companies were fined a total of **\$36,000** and ordered to pay over **\$4,300** in costs to the department in relation to unlawful activities at a waste disposal facility in Yeppoon.



STRATEGIC COMPLIANCE PRIORITY:

Waste management and waste levy compliance

What we set out to achieve:

- Enforcement is used to deter waste related non-compliance.
- Poor performing and unlicensed waste operators are held to account.
- Illegal dumping is deterred through investigation and enforcement in collaboration with the Local Government Illegal Dumping Partnerships Program.

The waste levy was implemented, and is regulated, under the *Waste Reduction and Recycling Act 2011* and Waste Reduction and Recycling Regulation 2011. The levy underpins Queensland's Waste Management and Resource Strategy. In 2021–2022 the waste compliance program built upon the foundations created in the 2020–2021 ASCP to ensure the waste industry is effectively regulated. This year saw a progression in our compliance strategy from ensuring waste operators clearly understood the expectations of performance and how to comply, to the use of enforcement actions to deter waste-related non-compliance.

The department undertook **7** prosecutions for waste matters in the 2021–2022 financial year. These actions resulted in offenders being issued with a total of **\$155,000** in fines, and **\$27,111.99** in legal and investigation costs.

The actions taken by the Unlicensed Waste Team have increased the number of lawfully operating waste businesses, with **37** operators obtaining new environmental authorities. Unlicensed waste operators were held to account with **110** enforcement actions issued, including more than **\$350,000** in fines.

The department's compliance officers undertook audits, investigations and enforcement actions in relation to the Queensland waste levy, covering a broad range of levy matters including misuse of waste levy exemptions. As at 30 June 2022, **2** investigations continue into potentially serious waste levy offences.

The waste compliance program tackles litter and illegal dumping through two mechanisms: Litter and Illegal Dumping Compliance Operations (LIDCO) team and the Local Government Illegal Dumping Partnerships Program. LIDCO leads and coordinates investigations into reports of litter and illegal dumping across Queensland. The Local Government Illegal Dumping Partnerships Program supports local governments to tackle the issue of illegal dumping by providing funding and training for council officers in investigation and enforcement techniques.

This multi-faceted approach protects the integrity of the waste levy and ensures the goals set for Queensland in the Waste Management and Resource Strategy, remain on target.

Target industries and activities

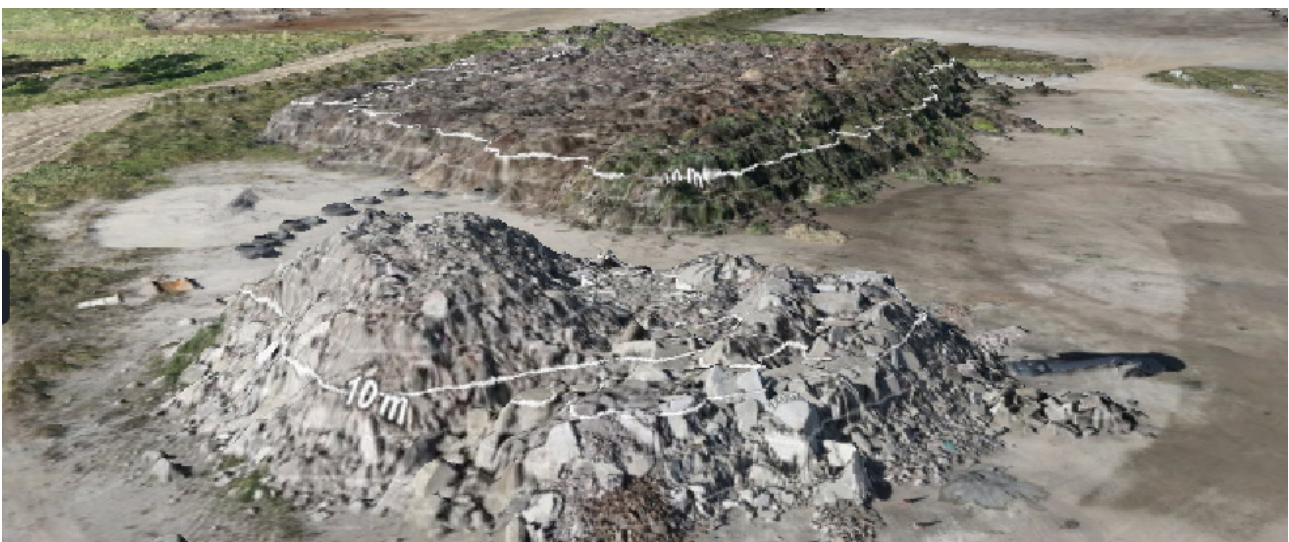


Industry: Licensed waste management operations

Activity: Correct calculation, reporting and payment of the waste levy

Targets	Achievements	
The top 12 landfill sites that account for the highest contributions to Queensland's waste levy are inspected, including volumetric surveys undertaken.	100% of the top 12 landfill sites were inspected including volumetric surveys undertaken. Target exceeded.	For this target a total of 72 Remotely Piloted Aircraft System (RPAS) flights were undertaken to facilitate 19 audits of waste disposal sites. All top 12 sites were inspected with volumetric surveys and waste audits completed. An additional 60 RPAS flights were also undertaken and 7 additional waste audits of levyable waste disposal facilities were completed.
Target inspections conducted for waste levy exemptions based on recent intelligence data.	Exemption usage, including Onsite Operational Purpose Exemptions and General Exemptions, were audited at 45 levyable waste disposal sites across the state.	45 Onsite Operational Purpose General Exemption audits completed. 10 Formal Warnings were issued.
Inspections of high-risk waste generators, transporters, and disposers.	Audits completed of 6 high-risk composting operations, and 16 resource recovery and transfer facility operations, construction and demolition waste operators and waste disposal facilities.	4 Formal Warnings were issued to composting operators. The department collaborated with the Office of Industrial Relations to deliver a compliance program following asbestos through each stage of its life cycle.
	Achieved	In progress Not achieved

- ▼ Spatial imagery captured by Remotely Piloted Aircraft System (RPAS) at a waste management facility. This picture demonstrates the spatial imagery captured by RPAS. Its inclusion in this report is not an indication that any compliance action was taken at the facility captured in the image.





Industry: Unlicensed waste management operations

Activity: Unlawfully undertaking environmentally relevant activities including transport, stockpiling, and disposal of wastes.

Targets	Achievements	
<p>90% of alleged unlicensed waste operations are inspected within four weeks of coming to the department's attention.</p>	<p>148 cases were received. 63 case referrals (45%) were inspected within four weeks of referral.</p>	<p>Response times were impacted by both COVID-19 travel restrictions and other factors including regional and remote localities.</p> <p>115 site inspections were conducted resulting in 69 direction notices, 1 environmental protection order, 39 fines totalling more than \$350,000 and 1 clean-up notice being issued. 37 Environmental Authority applications were lodged with 29 approved and 8 under assessment at the end of the reporting period.</p>
<p>90% of illegal dumping incidents reported to the department have had investigations commenced, or were referred to local government, within four weeks of receiving the report.</p>	<p>730 reactive illegal dumping reports were received. 100% of reports received had investigations commenced or were referred to local government within four weeks of being received.</p>	<p>The department receives, investigates, and takes enforcement action in response to reports of illegal dumping. Where a matter is outside the jurisdiction of the State, reports are immediately referred to local governments to investigate and respond to. Many of these local governments are participants in the department's Local Government Illegal Dumping Partnerships Program.</p>

Achieved

In progress

Not achieved

Case study Illegal dumping—Cooloola Kitchen

On 12 April 2022, a Queensland Parks and Wildlife Service (QPWS) ranger discovered an illegally dumped kitchen near a fire trail in the national park.

The waste included a kitchen sink along with drawers, cupboards, and benchtops.

A departmental investigation discovered the kitchen had been removed from a premises in Rainbow Beach.

The investigation successfully identified the person allegedly responsible, who was issued with a compliance notice to clean up the site, which they failed to respond to. They were fined **\$2,205** for illegal dumping and **\$1,437** for failing to comply with a compliance notice.

As a consequence of the alleged offender failing to comply with the compliance notice and clean-up the site, QPWS (as the manager of the site) carried out the site clean-up and removal of the illegally dumped waste.



Case study Unlicensed scrap metal recycler—Sunshine Coast

An inspection was conducted of an unlicensed metal recycler on the Sunshine Coast.

The owner was carrying out an environmentally relevant activity without an environmental authority and was issued a direction notice and penalty infringement notice for the offence.

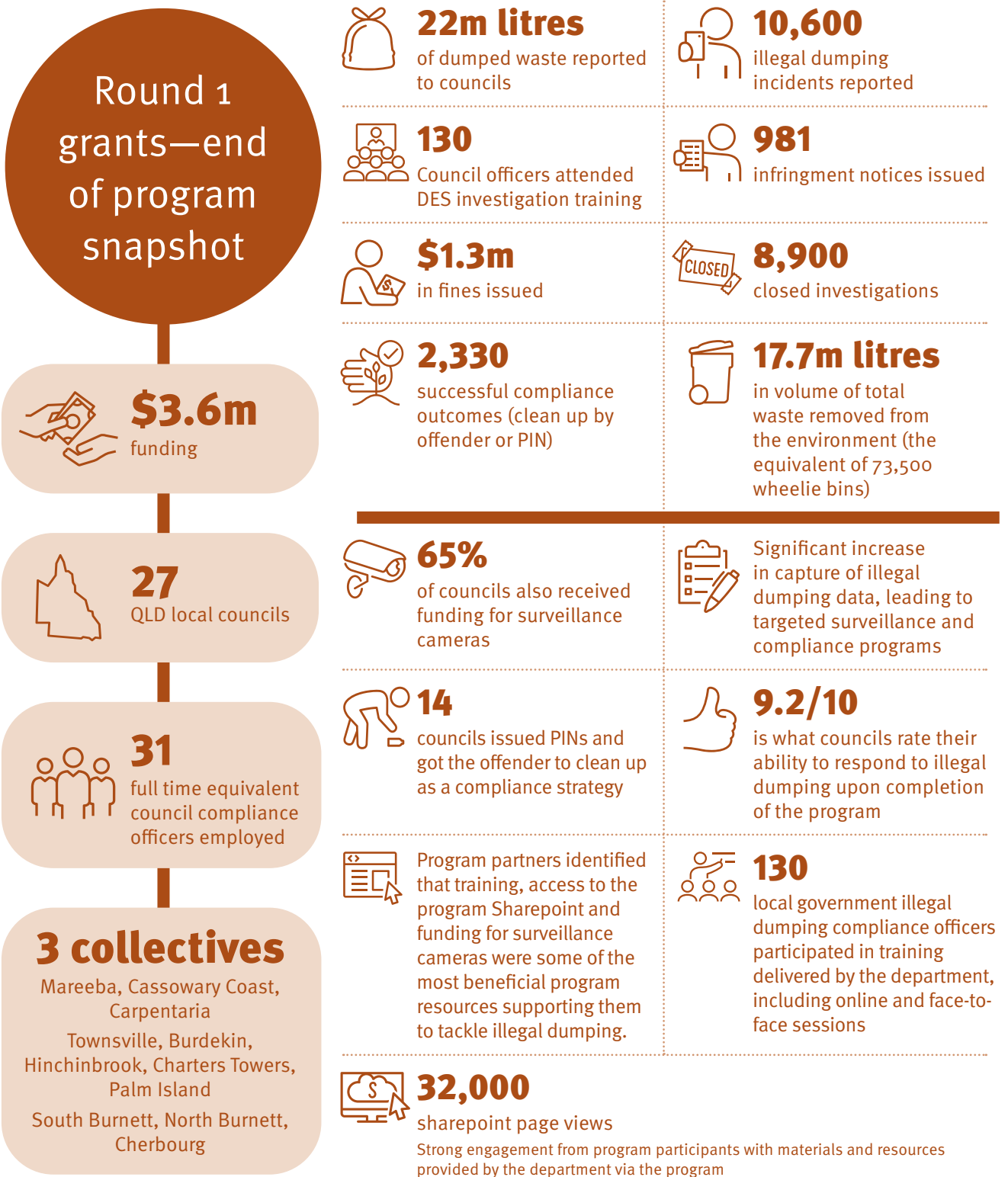
The site was cleaned up within one week, significantly reducing the potential for environmental harm posed by this activity. The Unlicensed Waste Team engaged with the owner throughout the

compliance process to assist them to continue to provide education on their obligations and responsibilities under the *Environmental Protection Act 1994* (EP Act) and operate lawfully (below the ERA62 threshold) until an environmental authority application is granted.

The owner engaged an environmental planner and applied for ERA62.

The Local Government Illegal Dumping Partnerships Program

The department provides funding to Queensland local governments to employ compliance officers dedicated to tackling illegal dumping, under the Local Government Illegal Dumping Partnerships Program (LGIDPP). Training in illegal dumping compliance skills is provided to all participating local governments and support services are provided to additional non-participant councils. Round 1 of the program is completed, with Round 2 now underway.



Round 2 of the program is being rolled out in two phases. As at 30 June 2022 Round 2A is currently underway and continues to provide funding and support to local governments who participated in Round 1 of the Program. Round 2B of the program is open to local governments that have not previously participated in the program. Following an assessment of applications, funding will be provided during the 2022–23 financial year.

Round 2a grants



\$2.9m

funding



31

dedicated illegal
dumping compliance
officers



27

Qld Local Councils

Round 2b grants



\$2.9m

requested



21

applications received

STRATEGIC COMPLIANCE PRIORITY:

Coal Seam Gas (CSG)

What we set out to achieve:

- Non-compliance associated with hydraulic fracture stimulation activities continues to be identified with appropriate enforcement action taken.
- Continue to take appropriate enforcement action against all high-risk releases of CSG water.
- Compliance with environmental offset requirements associated with CSG activity.

In response to what we set out to achieve, the department has carried out compliance and enforcement action in relation to hydraulic fracture stimulation activities (fracking activities), unplanned CSG water releases and environmental offset requirements.

CSG operators that undertake, or plan to undertake, fracking activities in Queensland have conditions in their Environmental Authorities (EA) authorising fracking, including risk assessment conditions. Validation of risk assessments (RA) associated with hydraulically fractured wells is a priority to understand if the CSG industry meets or exceeds regulatory requirements. Inspections of fracking activities were undertaken focussing on the RA. One operator was identified as being non-compliant with its environmental authority (EA) condition relating to the fracking risk assessment. A penalty infringement notice and an environmental protection order was issued to the company for failing to comply. The company has submitted an updated risk assessment and the requirements of the EPO have since been met.

Environmental offsets compensate for unavoidable significant impacts on prescribed environmental matters, such as highly valuable species and ecosystems. A range of CSG exploration and production activities have obligations to have environmental offsets in effect, in accordance with the *Environmental Offsets Act 2014*. Compliance has identified instances where EA holders have failed to implement the environmental offsets framework appropriately (see table on page 13).

Despite field inspections being significantly impacted by wet weather, **60** enforcement actions were issued to the CSG industry including **46** formal warnings, **11** penalty infringement notices, **2** environmental protection orders and **1** prosecution.

The department continues inspecting sites, and where a non-compliance is identified, takes appropriate enforcement action. The community can view the CSG Compliance and Enforcement Report on the department's website.

Target industries and activities



Industry: Coal seam gas

Activity: Storage, management and treatment of coal seam gas water, re-injection of ground water, management of salt and brine waste, hydraulic fracture stimulation and air quality monitoring

Targets	Achievements	
Undertake 4 joint audits of hydraulic fracture stimulation activities with Resources Safety and Health Queensland.	Our compliance team undertook 4 audits of hydraulic fracture stimulation activities. This target was not achieved as officers from Resources Safety and Health Queensland were not able to attend two of the audits in person.	One company was identified as being non-compliant. Our compliance response included: 1 environmental protection order and a fine of \$13,345 . The company has since submitted an updated risk assessment and is now compliant with its obligations.
Respond to all high-risk unplanned releases of CSG water.	All reported unplanned releases of CSG water were investigated. 39 compliance activities were completed in response to CSG Water Release Notifications which include 6 site inspections.	17 enforcement actions were taken in response to industry notifications. This included 13 warnings, 2 PINs, 1 EPO and a prosecution was commenced. Multiple companies are investing in preventative measures, technology, and dedicated programs to reduce the frequency of CSG water releases. For example one company replaced a number of booster pumps with an alternative pump less prone to failure and therefore reduced the likelihood of a release of CSG water.
Undertake audits of project areas that have declared sites with an environmental offset.	Audits of 3 CSG land-based offsets were completed. This included inspections of both the impacted areas and declared environmental offset areas.	An EA holder notified a breach of requirements related to impacts on a prescribed environmental matter. An investigation and corrective measures were carried out with a new environmental offset proposed. 1 formal warning was issued to the EA holder and administrative compliance was proposed. Investigations for alleged unauthorised impacts on a prescribed environmental matter and failure to implement offset delivery plans are ongoing.

Achieved

In progress

Not achieved

Case study

Releases of CSG water to land—Wandoan

In 2021–22, prosecution proceedings commenced against three companies in relation to two releases of CSG water to land near Wandoan. The releases occurred following heavy rainfall events during February and March 2020 and resulted in increased soil salinity levels, adversely impacting soil and vegetation over an area of

approximately 2,754m². A clean-up notice was issued to resolve the immediate impacts of the release. A company was fined **\$60,000** for the unauthorised release, noting that approximately **\$2 million** was spent by the company on the clean-up. Proceedings against two other companies are ongoing.



Notable CSG compliance outcomes	
Unauthorised release	A CSG company was fined \$13,745.00 for contravention of EA condition in relation to the unauthorised release of 250,000 litres of produced water from a feed tank to a roadside drain, flowing to an unnamed ephemeral watercourse.
Release of CSG water to land	A CSG company was fined \$13,345 for an unauthorised release of 245,000 litres of CSG water to land.
Irrigation of associated water	A CSG company was fined \$13,345 for irrigation of associated water above authorised limits, and a formal warning for failing to notify the department of a breach of section 158 of the WRR Act.
Non-compliance in relation to hydraulic fracture stimulation activities	A CSG company was issued an environmental protection order (EPO) and fined \$13,345 after a joint audit conducted by the department and Resources Safety and Health Queensland identified the company as non-compliant.

Coal Seam Gas (CSG) Compliance and Enforcement for 2021-22

Coal Seam Gas (CSG) activities are regulated by the Department of Environment and Science (the department) to avoid and/or minimise environmental impacts. Compliance and enforcement activities undertaken by the department during the 2021–22 financial year are detailed below.



REPORTS AND NOTIFICATIONS

The department responds to Reports and Notifications of non-compliance from the community and industry, which includes resource activities such as those associated with CSG related Environmental Authorities (EAs).

Reports and Notifications: 106

Reports: 18

Notifications: 88

- There has been a decrease in the total number of Reports and Notifications received by the Department since 2020-21
- 33 Notifications relate to CSG Water Releases
- Nearly all Reports were received within The Western Downs Regional Council Area
- The department issued 14 Enforcement Actions where non-compliance was identified from these Reports and Notifications

Further information: Reports from the community include environmental nuisance and significant pollution incidents. Notifications are made by operators under the duty to notify of environmental harm (including serious and material environmental harm) under ss. 320 to 320G of the *Environmental Protection Act 1994* and under condition requirements of their EA.



COMPLIANCE ACTIVITIES

Through appropriate Compliance Activities such as Site Inspections and Desktop Actions, the department monitors the performance of licensed operators, detects and responds to unlicensed and/or non-compliant activities and ensures the environment is being protected.

Compliance Activities: 147

Site inspections: 47

Desktop actions: 100

- There was an increase in the total number of compliance activities conducted by the department when compared with 2020-21
- There was an increase in the total number of proactive and targeted compliance conducted by the department when compared with 2020-21, when 90 compliance activities were conducted
- 39 compliance activities were conducted in response to CSG Water Releases

Further information: Site Inspections include targeted, risk-based inspections. Desktop Actions can include any action that does not involve a physical inspection. This may include reviewing reports and submissions, desktop site reviews to assess culpability and environmental impacts and any other review of departmental holdings.



ENFORCEMENT

If the department identifies that a person or company has breached a condition of the relevant EA or failed to comply with an obligation under legislation, the department will take action to bring the person or company back into compliance. The type of Enforcement Action taken by the department will depend on the nature and seriousness of the offence and the most effective means to achieve compliance and minimise any impact to the environment.

Enforcement Activities: 60

Warnings: 46

Infringement Notice: 11

Environmental Protection Order: 2

Prosecution Commenced: 1

- Nearly all Enforcement Actions were issued within the Western Downs Regional Council area
- The rate of Enforcement in response to CSG non-compliance has almost tripled since 2020-21
- 17 Enforcement Actions were issued as a result of CSG Water Releases
- There has been an increase in the number of Enforcement Actions in response to non-compliances detected with regard to CSG offsets and regulated structures

Further Information: The department's Regulatory Strategy and Enforcement Guidelines is available at <https://environment.des.qld.gov.au/management/compliance-enforcement>



CSG WATER RELEASE ENFORCEMENT

To produce CSG, wells are drilled into underground coal seams, bringing water (CSG water) from the seams to the surface. The quality of CSG water varies greatly, however it is generally rich in salts and other minerals. The department's CSG Water Management Policy guides CSG operators in managing CSG water which includes monitoring and notification requirements under their EA.

CSG Water Release Enforcement Activities: 17

Warnings: 13

Infringement Notice: 2

Environmental Protection Order: 1

Prosecution Commenced: 1

- CSG Water Releases were predominately reported from within the Western Downs Regional Council area
- All CSG Water Releases were responded to by the department through Compliance Activities
- The total number of CSG Water Release notifications has increased since 2020-21 when 26 were issued
- There has been an increase in the number of Enforcement Actions taken in response to unlawful CSG Water Releases

Further information: https://environment.des.qld.gov.au/management/activities/non-mining/water/csg-water#csg_water_management_policy

STRATEGIC COMPLIANCE PRIORITY:

Great Barrier Reef

What we set out to achieve:

- Inform and enable industry to voluntarily comply with Reef protection measures under the *Environmental Protection Act 1994*.
- Non-compliance is detected with enforcement action taken.

The Reef Regulation and Compliance Program aims to increase adoption of improved farm management practices, and drive improvements to Reef water quality. The Great Barrier Reef protection measures under the Environmental Protection Act 1994 were amended in 2019, with the addition of new areas and commodities expanding the number of regulated agricultural producers to approximately 12,600. The regulations came into effect for differing commodities and regions over a five-year period to December 2024. The Reef Regulation and Compliance Team (RCR team), established in May 2021, operates from multiple locations within the catchment area to deliver targeted capabilities in the agricultural sector. The team continues to evolve to implement compliance activities for new regulations as they come online.

129 initial compliance engagements were completed in 2021–22 to inform agricultural producers about the Chapter 4A regulatory requirements. **141** additional follow-up compliance activities were undertaken targeting producers identified as non-compliant when initially assessed. Our compliance approach has delivered positive results. Non-compliance rates across the sugarcane program were generally high at initial engagement, however, compliance levels improved on follow-up engagement with approximately **74%** producers either compliant or involved in an accreditation or practice change program such as Smartcane Best Management Practice. Non-compliance was responded to using a range of compliance tools including **9** formal warnings, **2** statutory notices and **1** PIN. A number of cases remained in progress as of 30 June 2022. It is expected that these enforcement actions will continue to improve operator compliance.

We supported producers to complete online applications for Environmentally Relevant Activity 13A (commercial cropping and horticulture in Great Barrier Reef catchment) and provided pre-lodgement meetings to assist them through the application process. **10** environmental authorities were issued for ERA13A.

Work to improve engagement with agricultural producers through cross-government collaborations continued and this will be ongoing in 2022–2023.

A Compliance and Enforcement Strategy: Reef Protection Regulations was developed and outlines our approach to compliance engagement.

The strategy and program delivery are underpinned by recommendations of the 2020 Reef Protection Regulations: Change Management Strategy and social monitoring data collected through the Queensland Reef Water Quality Program. A compliance program fact sheet and associated web content were developed and are available on the Queensland Government website along with program results.

A range of programs and projects are coordinated by the department, and delivered through the Queensland Reef Water Quality Program, to inform and enable producers and advisers to voluntarily comply with regulated minimum farm practice standards.

Target industries and activities



Industry: Agriculture

Activity: Regulated agricultural producers

Targets	Achievements	
Continue to educate agricultural producers and advisers about the requirements under Chapter 4A of the <i>Environmental Protection Act 1994</i> (EP Act) prioritising newly regulated areas and commodities.	One-on-one and small group meetings with industry stakeholders were held to provide detailed information about implementing regulatory requirements to support education across the agricultural sector.	Engaged with 128 agricultural advisers to improve the accuracy of information provided to farmers.
Implement compliance program for newly regulated areas and commodities, as well as continuing compliance for those existing.	We implemented our compliance program and delivered: <ul style="list-style-type: none"> • 214 sugarcane activities in the Wet Tropics, Burdekin, and Mackay-Whitsundays regions • 23 banana activities in the Wet Tropics region • 33 grazing activities in the Burdekin and Fitzroy regions. • 19 Investigations into community reports of alleged environmental harm at agricultural properties, for example, noise nuisance, water contamination and unlicensed activities. 	<ul style="list-style-type: none"> • 9 formal warnings • 2 statutory notices • 1 penalty infringement notice.
Implement Environmentally Relevant Activity 13A (commercial cropping and horticulture in Great Barrier Reef catchment) assessment and compliance functions.	Capability to enable online applications for ERA 13A was implemented including an electronic workflow management system (EA Hub). Pre-lodgement meetings conducted upon request.	10 environmental authorities issued for ERA13A including: <ul style="list-style-type: none"> • 8 standard and 2 site-specific. • 1 application for a site-specific EA is currently under assessment.
Focus inspection activities in areas identified as high risk for reef water quality and undertake compliance activities in accordance with the Reef compliance strategy.	Inspections were focused on the highest risk areas for reef water quality using the 2050 Reef Water Quality Improvement Plan target areas, spatial data and remote sensing, and client history. A Reef Catchments Science Partnership (RCSP) was established between the University of Queensland and DES to develop customised monitoring tools and data products to support compliance prioritisation.	A Compliance and Enforcement Strategy: Reef Protection Regulations was developed and published communicating our approach to compliance engagement. A team of 20 staff was recruited during the reporting period, further supporting the Reef Regulation and Compliance Program.

Achieved

In progress

Not achieved

Case study

Changing farm practices through informing and enabling industry to voluntarily comply with Reef protection measures—Burdekin sugarcane farmer

The department aims to drive voluntary compliance with the Reef protection measures through its agricultural compliance program. This will accelerate Reef water quality improvements through the adoption of improved farm practice. Experience has shown most producers will make changes to farm practice voluntarily after initial engagement through the compliance program.

An example of this is a Burdekin sugarcane farmer who had numerous areas of non-compliance with the regulatory requirements for sugarcane growing when first inspected. The program's compliance strategy is to initially

educate the producer about the regulatory requirements and enable voluntary compliance. When officers revisited, the producer had made significant improvements to their farming practices and are now compliant with all requirements. The producer provided very positive feedback about the compliance officers and their work to assist them in understanding the regulatory requirements. This case highlights the effectiveness of informing and enabling sugarcane growers to drive farm practice change and achieve voluntary compliance with the Reef protection measures.



Case study

Escalated enforcement response—detecting and deterring non-compliance

The department responded to ongoing non-compliance by a producer who had not made farm practice changes despite multiple engagements.

Accordingly, the department followed an escalating approach in responding to the non-compliances, from a formal warning to the issuing of a PIN. The producer has now actively engaged the

local Productivity Services Board to assist in making the required amendments to their farm practices to meet their legislative obligations into the future. This case highlights how the department will address ongoing non-compliance through enforcement action in order to deter future non-compliance and drive voluntary farm practice change.

