



Queensland

# Marine Health and Conservation Youth Act 2023

**Youth Act No. 4 of 2023**

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**A Youth Act to establish the Environment Protection Authority, to establish an education program for environmental conservation, to regulate the use of pesticides in Queensland, and to amend the Agricultural Chemicals Distribution Control Act 1966, the Vegetation Management Act 1999, the Planning Regulation 2017, the Nature Conservation Act 1992 and the Fisheries Act 1994 for particular purposes**

**[Assented to 14 November 2023]**





Queensland

# Marine Health and Conservation Youth Act 2023

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**The Youth Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Youth Act may be cited as the *Marine Health and Conservation Youth Act 2023*.

### **2 Commencement**

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

### **3 Main purpose of Youth Act**

The main purpose of this Youth Act is to ensure the health and conservation of the Queensland coast and oceans, including native and remnant vegetation and marine wildlife, and to reduce risks associated with pesticides, land clearing and runoff on oceanic ecosystems.

### **4 Act binds all persons**

This Act binds all persons, including the State.

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## **Part 2**                      **Environment Protection Authority**

### **Division 1**                **Preliminary for part**

#### **5**            **Object of part**

This part establishes the Environment Protection Authority with an independent board with the object of better protecting Queensland's environment.

### **Division 2**                **Establishment**

#### **6**            **Authority established**

The Environment Protection Authority (the *Authority*) is established.

#### **7**            **Legal status**

- (1) The Authority—
  - (a) is a body corporate; and
  - (b) has a seal; and
  - (c) may sue and be sued in its corporate name.
- (2) The Authority represents the State.

#### **8**            **Legal status**

- The Authority is—
- (a) a statutory body under the *Financial Accountability Act 2009*; and
  - (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and



- 
- (c) a unit of public administration under the *Crime and Corruption Act 2001*.

## **Division 3                    The board of the Authority**

### **9                    Board established**

There is a board of the Authority (the *board*).

### **10                  Membership of Board**

- (1) The Board consist of the following persons (each a *board member*)—
- (a) the chief executive officer of the Authority; and
  - (b) at least 4, but not more than 6, part-time members.
- (2) At least 1 of the part-time members mentioned in subsection 1(b) must be an Aboriginal or Torres Strait Islander person.
- (3) Members of the board must be appointed by the Minister.
- (4) In considering whether to appoint a person as a board member, the Minister must have regard to—
- (a) the person’s skills, knowledge and experience in areas relevant to the performance of the board's functions and the authority’s functions; and
  - (b) the diversity of the skills, knowledge and experience of the board’s board members in the following areas—
    - (i) environmental science;
    - (ii) environmental law;
    - (iii) business, risk planning and management;
    - (iv) human health;
    - (v) compliance and regulation;
    - (vi) Aboriginal and Torres Strait Islander cultural values.

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## **11 Conduct of board**

- (1) The board may conduct meetings in the way it considers appropriate.
- (2) The chairperson is to preside over meetings of the board.
- (3) Where the chairperson is absent from a meeting, the board may choose a board member to preside over that meeting.
- (4) At a meeting of the board—
  - (a) questions are to be decided by a majority of the board members present; and
  - (b) each board member is entitled to a vote on any question.
- (5) In the case of a tie, the board member presiding may cast a tie-breaking vote.

## **12 Chairperson of the board**

- (1) The board is to have a chairperson.
- (2) The chairperson must be elected by a majority vote of the board.
- (3) The chief executive officer is not eligible to be the chairperson.

## **13 Functions of board**

- (1) The functions of the board are to—
  - (a) advise the Minister on any matter relating to the protection of the environment, either on its own initiative or at the request of the Minister; and
  - (b) determine the policies and long-term strategic plans of the Authority, including policies and plans relating to organisational governance and risk management; and
  - (c) to oversee the effective, efficient and economical management of the Authority.

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- (2) The board is, on an annual basis, to provide the Minister with a statement that includes—
- (a) an assessment of the success of the Authority in reducing risks to human health and in preventing the degradation of the environment, and whether the level of environmental protection achieved by the Authority is satisfactory in comparison with other Australian jurisdictions; and
  - (b) an assessment of the performance by those industries regulated by the Authority in reducing risks to human health and in preventing the degradation of the environment, and the impact that those industries have on the environment; and
  - (c) recommendations for improving the Authority's performance, and the performance of the industries regulated by the Authority, in relation to the matters mentioned in paragraphs (a) and (b).

#### **14 Independence of board**

- (1) The board is not subject to the control or direction of the Minister in the exercising of its functions.
- (2) However, this section does not apply where the Minister is expressly given a power of direction in this Act or another Act.

### **Division 4 Staff of the Authority**

#### **15 Chief executive officer**

- (1) The Minister may appoint a chief executive officer to administer the Authority.
- (2) The chief executive officer is responsible for the administration of the authority, and for exercising any power delegated to them under this Act or another Act.

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## **16 Employees of authority**

- (1) The Authority may employ individuals to enable it to exercise its functions.
- (2) The Authority may decide upon the terms and conditions of employment of any of its staff.
- (3) Employees of the Authority are employed under this Act and not the *Public Sector Act 2022*.

## **Division 5 Responsibilities of the Authority**

### **17 Functions of the Authority**

- (1) The Authority has the functions conferred or imposed on it by this Act or any other Act.
- (2) Without limiting subsection (1), the Authority has general responsibility for the following—
  - (a) ensuring that best practice measures are taken for environmental protection in accordance with environmental protection legislation;
  - (b) coordinating the activities of all public authorities in respect of those measures;
  - (c) inquiring into and reporting on the efficacy of those measures;
  - (d) reviewing the regulatory framework for environment protection and advising on its rationalisation and simplification;
  - (e) establishing a database on the state of the environment;
  - (f) advising persons engaged in industry and commerce and other members of the community on environmental protection.

### **18 General powers of the Authority**

The Authority may—

- 
- (a) formulate and promote plans for environmental protection; and
  - (b) publish reports and information on any aspect of environmental protection; and
  - (c) carry out or commission research into environmental protection; and
  - (d) coordinate the collection of information on environmental protection which is published or supplied by public or other authorities; and
  - (e) provide or promote the development of specialist guidance and technical advisory services relating to environmental protection; and
  - (f) invite and consider public submissions when it formulates environment protection plans, when it develops objectives, guidelines or policies; and
  - (g) make grants to industry, businesses, public authorities, educational institutions and such other persons who the Authority considers are acting in the public interest for the purpose of funding projects which assist or advance environmental protection; and
  - (h) make grants to groups of citizens incorporated for the purpose of representing the public interest in environmental protection to enable them to obtain technical assistance in making submissions referred to in paragraph (f) or on other environment protection matters.

## **19 Powers of Authority relating to environmental quality**

- (1) The Authority must—
  - (a) develop environmental quality objectives, guidelines and policies to ensure environmental protection; and
  - (b) monitor the state of the environment for the purpose of assessing trends and the achievement of environmental quality objectives, guidelines, policies and standards.

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- (2) The Authority must develop a comprehensive scheme of environmental audit with respect to industry, commerce and public authorities.

## **20 Designation of roosting site**

- (1) The Authority may designate an area as a roosting site for the purposes of making it a protected area under the *Nature Conservation Act 1992*.
- (2) If a land is designated as a roosting site, the Authority must cause a notice to be published in the Gazette stating—
  - (a) the area that has been designated; and
  - (b) the reasons for designating the site as a roosting site.

## **21 State of the environment reports**

- (1) The Authority must report on the state of the environment before the end of 2025, and subsequently every 3 years after the first report is tabled.
- (2) The report must be given to the Minister to be tabled in the Legislative Assembly.
- (3) The report must include—
  - (a) an assessment of the status and conditions of the major environmental resources of Queensland; and
  - (b) an examination of environment trends, including the implications for the environment and human health; and
  - (c) a review of the programs and activities of public authorities and of the private sector related to environmental protection; and
  - (d) an examination of trends in economic analysis and of the costs and benefits of environmental protection; and
  - (e) any general recommendations for future legislative or other action which the Authority considers appropriate to discharge its responsibilities.

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## Part 3                      Education program at state-owned facilities near marine parks

### 22      Purpose of part

The purpose of this part is to ensure that government facilities play an active role in educating the public about marine animals and fostering responsible behaviour towards their protection.

### 23      Definitions for part

In this part—

*marine park* see *Marine Parks Act 1994*, schedule.

*State-owned facilities* includes any physical infrastructure, properties, or assets owned and operated by the State or an entity representing the State, including a government owned corporation.

### 24      State-owned facilities to develop and implement education programs

All state-owned facilities along the immediate coastline of a marine park must develop and implement education programs (each a *marine education program*) aimed at enhancing public understanding of marine animals, their ecosystems, and the importance of their conservation.

### 25      Marine education programs to target diverse audiences

- (1) Marine education programs must be designed to target diverse audiences, including—
  - (a) students; and
  - (b) tourists; and
  - (c) researchers; and

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- (d) local communities.
- (2) The content of a program must be tailored to each group's age, interests and educational background.

## 26 Mandatory content of marine education programs

- (1) Marine education programs must include the following content—
  - (a) introduction to marine animal species, their characteristics, and ecological roles;
  - (b) description of the conservation challenges and threats faced by marine animals, including habitat degradation, pollution, overfishing, and climate change;
  - (c) explanation of the best practices for responsible behaviour when interacting with marine animals, including guidelines for boating, snorkelling, diving, and wildlife observation;
  - (d) explanation of the importance of marine protected areas, sustainable fishing practices, and habitat conservation for the long-term survival of marine animals;
  - (e) explanation the significance of scientific research, monitoring, and citizen science initiatives in understanding and protecting marine animals;
  - (f) any other topic that the Minister deems appropriate.
- (2) Programs must incorporate various educational methods and tools.
- (3) In this section—

*educational methods and tools* include interactive activities, educational displays, workshops, informational brochures, and digital resources.



**27 Compliance with this part**

- (1) State-owned facilities must ensure compliance with this part by allocating appropriate resources, including funding, staff, and infrastructure.
- (2) The Authority has all the power necessary to monitor state-owned facilities' compliance with this part.
- (3) Any findings from monitoring activities under subsection (2) must be provided to the Minister.
- (4) The Minister must table any findings in the Legislative Assembly within 14 days of receiving the findings.

**Part 4 Amendment of Agricultural Chemicals Distribution Control Act 1966**

**28 Act amended**

This division amends the *Agricultural Chemicals Distribution Control Act 1966*.

**29 Insertion of new pt 4A**

After part 4—

*insert—*

**Part 4A Any distribution of herbicide by any individual**

**16C Herbicide licence**

- (1) The chief executive may issue a herbicide licence to an individual which permits the individual to apply one or more herbicides in one or more areas.

[s 29]

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- (2) The individual's herbicide certification must include conditions about—
  - (a) any herbicides they are permitted to use; and
  - (b) in what area they are permitted to use the herbicide.
- (3) The chief executive must not issue a herbicide licence unless they are satisfied that the individual has completed mandatory herbicide training.
- (4) It is an offence for an individual to apply a herbicide or a preparation containing herbicide without holding a herbicide licence.  
Maximum penalty—10 penalty units
- (5) It is an offence for an individual to apply a herbicide or a preparation containing herbicide in contravention of any conditions imposed on their herbicide licence.  
Maximum penalty—10 penalty units

### **16D Mandatory herbicide training**

- (1) The Environmental Protection Authority established under the *Marine Health and Conservation Youth Act 2023* must establish training (***mandatory herbicide training***) for the purposes of section 16C(3).
- (2) The training must—
  - (a) incorporate the most current scientific research, best practise, and regulatory requirements to promote responsible herbicide use; and
  - (b) include both theoretical instruction and practical hands-on training; and
  - (c) promote the adoption of integrated pest management principles and strategies, emphasising the use of non-chemical pest

- control methods, monitoring techniques, and targeted pesticide application when necessary; and
- (d) address the potential impacts of herbicides on non-target organisms, such as pollinators and aquatic life, and educate participants on methods to minimise unintended harm to these species; and
  - (e) highlight the importance of record-keeping, including accurate documentation of herbicide applications, product usage, weather conditions, and any adverse effects observed; and
  - (f) emphasise the importance of continuous education and staying informed about new developments, advancements, and alternative pest management strategies in the field of herbicide application.
- (3) Also, the training must include training in—
- (a) equipment calibration; and
  - (b) application techniques; and
  - (c) drift reduction strategies; and
  - (d) safe pesticide storage; and
  - (e) mitigating risks posed to humans; and
  - (f) integrated pest management principles; and
  - (g) environmental protection; and
  - (h) emergency response procedures; and
  - (i) pesticide labels, product-specific guidelines and laws regulating the use of herbicides; and
  - (j) the proper handling and disposal of herbicides; and



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Maximum penalty—3,000 penalty units

**32 Amendment of s 20AM (What is a *category B area*)**

Section 20AM—

*insert—*

(aa) contains a wetland; or

**33 Amendment of s 22A (When development is for a relevant purpose)**

Section 22A(2B)—

*insert—*

(ba) clearing in a category A area if the land on which the development is carried out is freehold land, indigenous land or the subject of a lease issues under the Land Act 1994 for agriculture or grazing purposes or an occupation licence under that Act; or

(bb) clearing in a category B area if the land on which the development is carried out is freehold land, indigenous land or the subject of a lease issues under the Land Act 1994 for agriculture or grazing purposes or an occupation licence under that Act; or

**34 Amendment of s 54A (Stop work notice)**

Section 54A(5), penalty—

*omit, insert—*

Maximum penalty—10,000 penalty units.

**35 Amendment of schedule (Dictionary)**

(1) Definition of *clear*, paragraph (b)—

*omit.*

[s 36]

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- (2) Definition of *high value regrowth vegetation*, ‘15 years’—  
*omit, insert*—  
10 years

## **Part 6**                      **Amendment of Planning Regulation 2017**

### **36**      **Regulation amended**

This part amends the *Planning Regulation 2017*.

### **37**      **Amendment of sch 21, s 2 (Freehold land)**

Sections 2(g)(i) to (ii)—  
*omit*.

## **Part 7**                      **Amendment of Nature Conservation Act 1992**

### **38**      **Act amended**

This part amends the *Nature Conservation Act 1992*.

### **39**      **Amendment of s 28 (Meaning of *protected area* in division)**

Section 28—  
*insert*—  
(ca) a roosting site; or

**40 Amendment of s 88 (Restrictions on taking protected animal and keeping or use of unlawfully taken protected animal)**

Section 88(2), penalty—

*omit, insert—*

Maximum penalty—

- (i) for a class 1 offence—3,500 penalty units or 3 years imprisonment; or
- (ii) for a class 2 offence—1,500 penalty units or 2 years imprisonment; or
- (iii) for a class 3 offence— 500 penalty units; or
- (iv) for a class 4 offence—200 penalty units.

**41 Amendment of schedule (Dictionary)**

Schedule—

*insert—*

*roosting site* means an area designated as a roosting site under the *Marine Health and Conservation Youth Act 2023*.

**Part 8 Amendment of the Marine Parks Act 2004**

**42 Act amended**

This part amends the *Marine Parks Act 2004*.

**43 Amendment of s 39 (Review of management plan)**

Section 39(1), ‘10 years’—

*omit, insert—*

5 years





configurations, seasonal deployment adjustments, and exclusion zones in sensitive areas identified through scientific research and consultation.

- (7) Every 6 months, the chief executive must collaborate with research institutions, conservation organisations, and scientific experts to conduct ongoing research on shark behaviour, population dynamics, and non-lethal shark management methods.
- (8) The chief executive must provide quarterly reports to the Minister, outlining the outcomes of risk assessments, catch statistics, research and other sections.
- (9) The Minister must table a quarterly report in the Legislative Assembly within 14 days of receiving the report.
- (10) The shark safety programs effectiveness must be reviewed annually, considering scientific advancements, public feedback, and the evolving understanding of shark management.
- (11) In this section—  
*alternatives* includes drone surveillance, acoustic deterrents and satellite tracking systems.