

~~The separate, revised bills create the conditions for business success by facilitating a business climate which is well understood and respected through a simplified and effective regulatory framework. This is achieved while also protecting the interests of Queensland consumers. I commend the bill to the House.~~

~~Debate, on motion of Mr Stevens, adjourned.~~

ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

First Reading

Hon. KJ JONES (Ashgrove—ALP) (Minister for Climate Change and Sustainability) (2.52 pm): I present a bill for an act to amend the Aboriginal Cultural Heritage Act 2003, the Coastal Protection and Management Act 1995, the Environmental Protection Act 1994, the Marine Parks Act 2004, the Nature Conservation Act 1992, the Queensland Heritage Act 1992, the Recreation Areas Management Act 2006, the Torres Strait Islander Cultural Heritage Act 2003, the Water Supply (Safety and Reliability) Act 2008 and the other acts mentioned in the schedule for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Environmental Protection and Other Legislation Amendment Bill.

Tabled paper: Environmental Protection and Other Legislation Amendment Bill, explanatory notes.

Second Reading

Hon. KJ JONES (Ashgrove—ALP) (Minister for Climate Change and Sustainability) (2.53 pm): I move—

That the bill be now read a second time.

The Environmental Protection and Other Legislation Amendment Bill 2010 makes changes to implement a range of environmental measures and makes minor and technical amendments for improved administration of environmental legislation in Queensland. I am pleased to inform the House that the bill also amends the Environmental Protection Act 1994 that strengthens the Department of Environment and Resource Management's role as an environmental watchdog and toughens up the enforcement and penalty regime for environmental offences.

Specifically, it will provide more contemporary and flexible penalty options for the courts. The courts will now have access to new court orders for a range of offences. These orders can be issued in addition to any fine imposed as a result of prosecution and therefore provide a further deterrent to breaching the legislation, such as recklessly contaminating waterways or unlawful clearing.

The new orders include: a public benefit order, where the offender can be required to restore the environment in a public place for the public benefit; a publication or notification order, where the offender is 'named and shamed' by being required to publish details of their offence; and a monetary benefit order, where the offender can be required to pay the financial benefit they received from committing the offence.

These court orders send a strong message to industry to improve their environmental performance and to consistently meet their environmental responsibilities. This is particularly the case in the last order—the monetary benefit order—as it tackles situations where companies merely factor in the cost of paying prescribed penalties in their cost of doing business if the penalties are clearly lower than the commercial benefit of committing the offence. This will reinforce the message to CEOs and managing directors that doing the environmentally responsible thing is also the most cost-effective and smarter way of doing business.

For instance, there was a recent case in Queensland where a company chose to bury 78 drums of copper chrome arsenate on their premises, in contravention of their environmental authority. Copper chrome arsenate is a chemical preservative used to protect wood from pest infestations and rotting. It must be disposed of properly due to its arsenic content and the potential for it to leach and reach soil or groundwater. Rather than dispose of the material responsibly, the company chose to risk a \$100,000 fine if caught. While they were indeed caught and charged, in these circumstances a monetary benefit order that accounted for the money saved by the company from not meeting their legal obligations would have provided a much greater deterrent for companies who are considering taking short cuts in good environmental management.

In another compliance measure, operators carrying out mobile and temporary activities such as abrasive blasting or asphalt plants for roadworks must keep a basic diary of locations they have worked.

This will be a useful compliance tool and has received the strong backing of industry groups who have been concerned that operators with a temporary permit can overstay their approved time frame, disadvantaging holders of permanent permits.

The bill also amends the Recreation Areas Management Act 2006 to provide a more secure investment framework for commercial operators by extending the maximum term of commercial activity agreements from 10 to 15 years. This is welcome news for commercial operators as it allows more time for operators to build a recognised brand in the market, secure capital investment and recoup costs for assets such as tour buses.

Mr Stevens interjected.

Ms JONES: I welcome the support of the shadow minister for tourism. The bill introduces amendments identified as part of the Queensland Regulatory Simplification Plan 2009-13, as a step towards reducing the compliance burden on business. These simplification amendments include: amendments to the Recreation Areas Management Act 2006 to remove the requirement for a permit for small scale commercial filming or photography activities; amendments to the Coastal Protection and Management Act 1995 that will reduce the complexity in the assessment process for tidal works applications that also require a resource allocation for quarry materials; and amendments to the Environmental Protection Act 1994 to ensure that industry does not prematurely pay fees for a registration certificate before obtaining a development permit.

The bill also makes a series of amendments to the Coastal Protection and Management Act 1995 in preparation for the finalisation of the Queensland Coastal Plan. These amendments are required to ensure a greater focus on coastal hazards in land use decisions near the coast as hazards become more significant due to climate change and sea level rise and to align the coastal planning framework with that of the Sustainable Planning Act 2009. The amendments will provide for the Queensland Coastal Plan to incorporate a state planning policy for coastal protection, which will also be made as a state planning policy under the Sustainable Planning Act.

The state planning policy will address four major policy issues: development in coastal hazard areas, maritime development, protection of areas of high ecological significance, and urban settlement patterns in the coastal zone. The state planning policy will ensure consistent and transparent treatment of these important issues by all coastal local governments across the state—something the local government sector has been supporting for some time.

The bill also amends a variety of other acts which the Department of Environment and Resource Management administers, harmonises the provisions in relation to the issue of warrants to be executed by authorised officers and provides more flexibility in the execution of these warrants. The remaining amendments are minor or technical and necessary to provide for effective and efficient administration and enforcement of the legislation.

I am pleased to introduce a bill that makes common-sense amendments to Queensland's environment legislation to ensure that it is clear and simple to use and, most importantly, so that it is effective in protecting our valuable environmental resources. I commend this bill to the House.

Debate, on motion of Mr Horan, adjourned.

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~~CRIMINAL CODE AND OTHER LEGISLATION AMENDMENT BILL~~

~~Message from Governor~~

~~Hon. CR DICK (Greenslopes ALP) (Attorney General and Minister for Industrial Relations) (2.59 pm): I present a message from Her Excellency the Governor.~~

~~Mr Deputy Speaker (Mr Hoolihan) read the following message—~~

~~MESSAGE~~

~~CRIMINAL CODE AND OTHER LEGISLATION AMENDMENT BILL 2010~~

~~Constitution of Queensland 2001, section 68~~

~~I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intitled—~~

~~A Bill for an Act to amend the Criminal Code, the Appeal Costs Fund Act 1973, the Appeal Costs Fund Regulation 2010, the Retail Shop Leases Act 1994 and the Summary Offences Act 2005 for particular purposes.~~

~~(sgd)~~

~~GOVERNOR~~

~~Date: 18 Nov 2010~~

~~Tabled paper: Message, dated 18 November 2010, from Her Excellency the Governor recommending the Criminal Code and Other Legislation Amendment Bill.~~