

~~and make decisions about the type of food that they want to eat. These provisions will require larger retailers to provide standard information in a manner that is useful to the consumer and displayed consistently. That will be consistent not only within the boundaries of our state but also across state boundaries on a national basis which will help those people who move around and are faced with making similar decisions around the country.~~

~~The bill allows for smaller retailers to opt into the system, which I think is a good thing. If they opt in, those smaller retailers will have to display information that is in line with the legislative requirements. The voluntary opt in mechanism will allow smaller retailers to make decisions about whether they have the capacity to implement the legislation.~~

~~I note the evidence of representatives of the Heart Foundation. They stated that this legislation will not only allow Queenslanders to make informed and healthier choices but also incentivise businesses to reformulate their menu items to offer healthier and less kilojoule dense options. Imagine that! Consumers demanding healthier food, demanding healthier options and businesses responding to that demand, chasing their business! Good information will drive this change and that will only have extremely good benefits for our entire healthcare system. I know that the members of the Heart Foundation have been following this debate quite closely. They were disappointed that they had to wait another two weeks for this legislation to pass not as disappointed as I was in getting the opportunity to get on my feet and speak in support of this legislation.~~

~~Anybody who takes a quick trip through those same food courts that I went through, or who visits any of the fast food restaurants, or who thinks about the eating choices that we are faced with, would know that we are faced with very large corporations with very large advertising budgets that are focused on selling their product and making a good profit in return for their investors. That is good thing, but we have to make sure that the consequence of that is not a social cost that is borne by our entire community in the form of increased numbers of presentations to hospitals from cardiac problems, or an increase in the number of people facing or suffering from stroke, or an increase in the number of people suffering from diabetes, losing vision, requiring kidney transplants, requiring amputations and all of the rehabilitation services that go along with that. The members of the Heart Foundation are following the debate on this legislation, as are the folks from the National Stroke Foundation and Diabetes Queensland, because they know what this legislation means. It puts the power into the hands of the consumers to be able to make good and rational decisions about the sorts of food that they want to eat.~~

~~Much like the legislative changes relating to smoking that have occurred in our country for over 40 years or more, in my opinion we will inevitably have to consider other legislative options to tackle the public health issues created by the way we consume food. This bill is certainly a great start. It empowers consumers to make good decisions. As I said, if members went to their local park, or if they looked at the popularity of foods that pertain to be healthy, they would know that consumers are looking to eat healthily.~~

~~The bill also has the good support of businesses. These are all ingredients of a successful public health initiative. We can try using the stick in public health and we do on occasions but the carrot, particularly one that has its kilojoule levels displayed, will always be a more effective tool. This bill is the start of something that we have to continue to work on, which is to make sure that consumers can make sensible and good choices when it comes to the foods that they consume, because it not just impacts on their waistline, it has flow on impacts on our entire community.~~

~~I support this bill. It allows for improved efficiency in a number of areas of health operations, but, most importantly it takes significant steps steps that have been called for by the Heart Foundation, Diabetes Queensland, the National Stroke Foundation and by many clinicians to tackle a major public health issue. I certainly support this bill. I support its objectives. I commend this bill to the House.~~

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

~~Sitting suspended from 12.58 pm to 2.30 pm.~~

022

ENVIRONMENTAL PROTECTION (CHAIN OF RESPONSIBILITY) AMENDMENT BILL

Introduction



Hon. SJ MILES (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (2.30 pm): I present a bill for an act to amend

the Environmental Protection Act 1994 for particular purposes. I table the bill and explanatory notes. I nominate the Agriculture and Environment Committee to consider the bill.

Tabled paper: Environmental Protection (Chain of Responsibility) Amendment Bill.

Tabled paper: Environmental Protection (Chain of Responsibility) Amendment Bill, explanatory notes.

I present to the House today a bill to amend the Environmental Protection Act 1994 so as to better protect the environment, the community and taxpayers from the decisions and actions of businesses that fail to take steps to meet their proper responsibilities.

There are two longstanding requirements of environmental law accepted by both sides of this House. They are that, firstly, intensive industries should be required to manage their operations so as to control their pollution and, secondly, that they should be required to clean up after themselves when their business concludes—that is, intensive industries should be required to rehabilitate and stabilise any sites upon which their businesses have operated when those operations come to a conclusion.

Over the past 12 months it has become clear that Queensland's current laws do not adequately ensure that major industrial or mining sites will always take a responsible approach to fulfilling their environmental obligations. This is particularly the case when operated by companies in financial difficulty. This problem is widespread. It has emerged at the Texas silver mine located in the electorate of the member for Southern Downs, we have seen it at the Collingwood tin mine and at the Mount Chalmers gold mine—and these are just the recent examples. At these places Queensland has seen businesses closing their doors without completing the work required to rehabilitate and stabilise their site of operations and without leaving adequate funds available to allow this work to occur.

Right now Queensland is facing down the unacceptable prospect of the taxpayer being left to clean up after the owner of the Yabulu nickel refinery. Any possibility that the Yabulu nickel refinery will be allowed to fall into disrepair should be utterly unacceptable to all in this House. The refinery is located one kilometre from the coast, right beside the Great Barrier Reef World Heritage area. Its tailings storage facility contains 3.2 billion litres of contaminated water and its brine pond contains a further 1.2 billion litres of contaminated water. This site requires regular active management to control risks to the environment. Every day contaminated water seeps from the tailings storage facility and this must be pumped back into the holding facility to prevent it reaching the Great Barrier Reef. Any possibility, however remote, that this site might be simply abandoned without any financial provision being made for its rehabilitation must not be tolerated. As the minister for the environment it is my priority to ensure that the refinery's tailings dams and pumping equipment are appropriately managed into the future.

The Palaszczuk government wants to ensure our Great Barrier Reef is protected from toxic discharge and the taxpayer is protected from having to foot the bill. That is why the government today presents amendments that will allow the Department of Environment and Heritage Protection to effectively impose a legal chain of responsibility for the prevention and remediation of environmental harm. These changes will mean that environmental responsibilities cannot be avoided even when companies are in financial difficulty. It is essential to introduce this legislation into parliament immediately to address the real prospect that substantial clean-up costs could be left behind by operators who have failed to clean up after themselves. This will send a strong message to individuals and companies: if you make a mess you clean it up; if you try to walk away from your mess we will impose a chain of responsibility to bring you back to clean up after yourself; and if you try to avoid your responsibilities by hiding behind elaborate, artificial corporate structures we will impose a chain of responsibility to reach beyond those contrived legal barriers.

This legislation seeks to remedy a longstanding problem which current circumstances have brought into the spotlight. These reforms are long overdue. The Environmental Protection (Chain of Responsibility) Amendment Bill 2016 proposes amendments to ensure we have the tools needed to make companies in financial difficulty and their related parties, such as parent companies, responsible for managing sites against risk of environmental harm and incomplete rehabilitation work. The bill will allow the regulator to take action before a company's financial situation deteriorates by requiring parties who are in a position of influence to take the proper reasonable steps to manage their facilities. The key tool proposed by the bill is to allow an environmental protection order to be issued to a party with a relevant connection to an environmental authority holder. The relevant connection test will capture related parties that have profited from activities carried out under the environmental authority. It will also capture parties that have the ability to influence environmental performance on the site, whether financially through the ability to give directions or otherwise. Examples of a related party under this test include parent companies or company directors. This means that a related party, like a parent company or a company director, can be held responsible for taking action to prevent or clean up environmental

harm. In addition, where the state needs to step in to undertake this work itself or through contractors the regulator can seek to recover the relevant costs. This is similar to existing provisions in the Environmental Protection Act providing for recovery of costs in association with a clean-up notice for contaminated sites.

This bill will allow this parliament to protect the taxpayer from being forced to pay for costs which other parties have allowed to accumulate over a number of years. The bill is designed to prevent any last-minute manoeuvring to avoid the effects of its provisions. I am proposing that certain provisions of this bill, if passed by this parliament, will take effect from today, the date of its introduction.

The government has a clear focus on parties who are actively avoiding their proper responsibilities. The chain of responsibility will not attach itself to genuine arm's length investors, be they merchant bankers or mum-and-dad investors. It will not impact contractors or employees. This legislation targets those who stand to make large profits, those who are really standing behind the company and whose decisions have put the environment at risk and who in many cases have personally profited from the operations that have contributed to the environmental risk or harm.

To supplement these environmental protection order provisions, the bill also strengthens related provisions such as the evidentiary powers, financial assurance requirements and access powers of authorised officers. The bill improves the ability of departmental officers to access sites that are no longer in operation or are in administration. This will ensure that authorised officers have access to sites to monitor the risk of environmental harm in situations of insolvency and financial difficulty. Evidentiary powers are expanded in order to ensure that authorised officers have access to the information required to make decisions about the issuing of EPOs. Authorised officers will also be able to better gather evidence through strengthened legal powers to ask questions about alleged offences committed by an operator.

023 I am introducing this bill to parliament to ensure that operators continue to meet their environmental responsibilities, even in situations of insolvency or financial difficulty, and that clean-up costs are not borne by the Queensland taxpayer.

The government's greatest hope is that the Yabulu nickel refinery will continue to operate and provide jobs for Queenslanders, whether that be under current or new ownership and management. However, should the worst come to pass, it should be for Queensland Nickel, Queensland Nickel Sales or their associated companies or officers to bear the cost of managing and rehabilitating the refinery. This should not be up to Queensland taxpayers. I commend the bill to the House. 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.

Referral to the Agriculture and Environment Committee


Mr DEPUTY SPEAKER (Mr Elmes): In accordance with standing order 131, the bill is now referred to the Agriculture and Environment Committee.

~~HEALTH LEGISLATION AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 25 February (see p. 627), on motion of Mr Dick~~

~~That the bill be now read a second time.~~

 ~~**Ms PEASE** (Lytton ALP) (2.40 pm): Today I rise to speak in support of the Health Legislation Amendment Bill 2015. Unhealthy eating is a leading cause of excess weight and chronic disease. Shockingly, more than half of Queensland's population is overweight, that is, 2.3 million or close to 65 per cent of Queensland adults are overweight. That is a terribly sobering thought. Obesity causes serious economic, physical and social damage. This is a serious issue and one that I am pleased to see the Palaszczuk government is addressing.~~

~~The Health Legislation Amendment Bill 2015 amends six health portfolio acts to support the Palaszczuk government's commitment to ensuring the health of all Queenslanders. The bill amends the Food Act 2000 and will require large food outlets to list the kilojoule content in foods that they sell.~~