

5 July 2013

By email: arec@parliament.qld.gov.au

Agriculture, Resources and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Committee

Confidential

Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013

This submission is made by Energex Limited (**Energex**) in response to the *Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013 (Bill)*. It is made further to our submission on the *Review of the Protected Plants Legislative Framework under the Nature Conservation Act 1992 – Consultation Regulatory Impact Statement (RIS)* made on 22 March 2013 to the Department of Environment and Heritage Protection.

Energex is a Queensland Government-owned Corporation that supplies electricity to South East Queensland. Energex is an electricity entity with obligations and powers under the *Electricity Act 1994, Electrical Safety Act 2002* and their regulations. Energex has capital and maintenance works programs to meet its electricity supply and reliability obligations. It also has maintenance obligations and powers to trim and control vegetation from contacting power lines and other electrical works. These powers are relied upon to undertake both preventative and remedial vegetation management in proximity to overhead electricity works.

Energex supports reform to the protected plants legislative framework to streamline the regulatory process whilst improving environmental outcomes. Energex believes there are important amendments to be considered to the legislative framework to make it less complex and ensure it does not impose an unnecessary burden. Energex believes that the new protected plants legislative framework should recognise:

- the role that electricity entities have as essential community infrastructure providers; and
- the low impact of clearing for linear infrastructure.

Energex believes the proposed legislative framework should be amended to:

- have greater integration and consistency with existing approval frameworks and exemptions; and
- have a framework that recognises key exemptions within the *Nature Conservation Act*, rather than subordinate legislation.



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Currently the Bill does not propose to integrate the decision making process for Protected Plants with existing approval frameworks (eg. *Sustainable Planning Act 2009*). This creates a regulatory and administrative burden by having disparate and inconsistent permitting requirements for business and government. Any administrative process relating to permitting should align with existing approval processes and have clear decision making timeframes, considerations and conditioning powers and appeal processes.

Currently the Bill provides for a blanket prohibition for taking all *Protected Plants* unless a regulation provides otherwise. A Protected Plant is **any** native plant (regardless of whether it is endemic to the local area). The *Nature Conservation Act (1992)* currently has 12 regulations. The principal criticism of the existing framework is that it is complex and burdensome (RIS–page 6). The Bill does not change the complex nature of the legislation by maintaining the structure of a blanket prohibition in the Act and relying on subordinate legislation to provide for exemptions and permitting processes. This is inconsistent with other environmental legislation which does not seek to provide a prima facie prohibition to *all activities*.

Definition of “low risk clearing activities”

Energex requests a definition of “*low risk clearing activities for electrical infrastructure*” be included as an exemption within the Bill (rather than subordinate legislation). This approach would provide consistency across the different frameworks that currently regulate clearing activities of Energex which provides an essential community infrastructure.

It is submitted that “*low risk clearing activities for electrical infrastructure*” are:

- clearing activities associated with the maintenance of existing electrical infrastructure as defined under the *Sustainable Planning Regulation 2009*;
- clearing activities undertaken for a supply network for electricity, as defined under the *Electricity Act 1994*, or for private electricity works that form an extension of or provide service connections to properties from the network, if the network operates at standard voltages up to and including 66kV;
- clearing activities undertaken for a supply network for electricity, as defined under the *Electricity Act 1994*, in:
 - areas that are non-remnant vegetation as defined under the *Vegetation Management Act 1999*;
 - an area shown on a property map of assessable vegetation (**PMAV**) as a category X area; or
 - an area for which there is no PMAV and the vegetation is not shown on the regional ecosystem map or remnant map as remnant vegetation; or
- clearing activities under:
 - the *Electricity Act 1994*, section 101 or 112A; or
 - the *Electricity Regulation 2006*, section 17.

General comments

Energex does not support requirements for permits or recording of clearing of special least concern plants for essential community infrastructure development. These species have low conservation value and the currently large number of obscure and cryptic species involved makes survey impractical. Similarly commercial harvesting

arrangements should not be relevant for activities relating to essential community infrastructure.

Please do not hesitate to contact Leanne Sommer, Environment Assessments Manager on 0438 368 790 or leannesommer@energex.com.au if you would like Energex to provide any further details in support of this submission.

Yours faithfully



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