



AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE

Members present:

Mr IP Rickuss MP (Chair)
Mr JN Costigan MP
Mr SV Cox MP
Mr S Knuth MP
Ms MA Maddern MP
Ms J Trad MP
Mr MJ Trout MP

Staff present:

Mr R Hansen (Research Director)
Ms S McCallan (Principal Research Officer)
Mrs M Johns (Principal Research Officer)

PUBLIC BRIEFING—EXAMINATION OF THE ENVIRONMENTAL OFFSETS BILL 2014

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 19 MARCH 2014

Brisbane

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Committee met at 10.00 am

ALLEN, Mr Mark, Senior Planning Officer, Environment Policy and Planning, Department of Environment and Heritage Protection

BLACK, Mr Jon, Director-General, Department of Environment and Heritage Protection

COVERDALE, Ms Vanessa, Principal Policy Director, Ecosystem Outcomes, Department of Environment and Heritage Protection

HUTCHISON, Mr Peter, Executive Director, Environment and Water Quality, Department of Environment and Heritage Protection

SHIRREFFS, Ms Leslie, Executive Director, Ecosystem Outcomes, Department of Environment and Heritage Protection

CHAIR: Welcome, ladies and gentlemen. I declare this meeting of the Agriculture, Resources and Environment Committee open. I would like to acknowledge the traditional owners of the land on which this meeting is taking place.

I am Ian Rickuss, the member for Lockyer and chair of the committee. The other members of the committee that are here with me today are: Shane Knuth, the member for Dalrymple; Jason Costigan, the member for Whitsunday; Anne Maddern, the member for Maryborough; and Michael Trout, the member for Barron River. Please note that these proceedings are being broadcast live via the parliamentary website.

The purpose of this meeting is to assist the committee in our examination of the Environmental Offsets Bill 2014. There is a later hearing on the Criminal Code and Other Act (Stock) Amendment Bill 2014. We will begin today's briefing with the Department of Environment and Heritage Protection on the Environmental Offsets Bill. We will adjourn at 11.15 for a 15-minute recess and resume at 12 for the briefing from the Department of Justice and Attorney-General and Queensland police on the Criminal Code and Other Act (Stock) Amendment Bill.

I remind the honourable members that the officers providing a briefing today are here to provide factual information and not to give opinions or merits or otherwise for the policies behind the bill or alternative approaches. Any questions about policies of the government that the bill seeks to implement should be directed at first instance to the responsible ministers and not to these officers.

Before we start, can all phones be switched off or put on 'silent', please.

Welcome to the department officers. Jon, would you like to introduce your officers and make a brief statement.

Mr Black: Good morning, Chair. Can I firstly acknowledge you and the other committee members and the officers supporting the committee. I would also if I could, please, record an apology for my minister. I understand he has spoken to you, Mr Chair, and he will make a submission to the committee in due course.

As indicated, my name is Jon Black. I am the Director-General of the Department of Environment and Heritage Protection. I was appointed to the role in September last year. Thank you to yourself and the committee for giving us an opportunity to make a presentation on the bill this morning.

Environmental offset is a compensatory measure that ensures the viability of impacted matters is maintained. It is not a new initiative; it is a standard component of environmental impact assessment and management and has been use in Queensland for the past three decades. In mid-2012 the Queensland government initiated a review into the effectiveness of Queensland's

environmental offset framework. The driver for the review and the policy outcome is to simplify and streamline the offsets framework in Queensland while improving the management of impacts of development on environmental values—an offset framework that enables important projects to proceed without losing irreplaceable and highly valuable species and ecosystems. As part of the review, the Department of Environment and Heritage Protection undertook three rounds of consultation with targeted peak bodies, interest groups and Commonwealth, state and local government representatives.

The Environmental Offsets Bill implements the policy outcomes of the review. The objective of the bill is to counterbalance significant residual impacts on matters of environmental significance through the use of environmental offsets. The Environmental Offsets Bill gives effect to the new integrated environmental offset framework that will cut red tape, shorten project approval times and improve the management of impacts of development on matters of environmental significance. The bill will also facilitate government's reform of the National Trust of Queensland and the Currumbin Wildlife Sanctuary, clarify provisions under the Coastal Management Act 1995 and make minor amendments to the Environmental Protection Act 1994 to improve the operation of the act.

Chairman and committee members, in the first instance I would like to introduce Ms Leslie Shirreffs, the Executive Director of Ecosystems Outcomes from the department. With your concurrence, I would invite her to outline the key features of the bill to the committee. Leslie is accompanied, as you see, by several officers from the department to assist, particularly when we get to the question and answer session.

CHAIR: Certainly. I did not say this, but whoever is going to speak or answer a question, could you just state your name for the benefit of Hansard.

Ms Shirreffs: Thank you and good morning. I too would like to acknowledge the traditional owners of the land on which we gather and pay my respects to elders past and present. I would also like to acknowledge the chair and the committee members and thank you for the opportunity to outline the bill today. As Jon mentioned, my name is Leslie Shirreffs.

The Environmental Offsets Bill is a red tape reduction initiative that simplifies and standardises the assessment and delivery of environmental offsets in Queensland while providing for strategic environmental outcomes. As the Director-General mentioned, an environmental offset is a compensatory measure that ensures the viability of matters of environmental significance impacted by development are maintained. Without an offset a development may not be able to proceed; however, the provision of an offset does not enable a development to proceed that may not otherwise be approved.

Environmental offsets were first introduced in Queensland in the 1980s as a measure to compensate for adverse impacts of development on prescribed environmental values. The current offsets framework applies across multiple pieces of legislation and is informed by numerous policies to support offset decision-making. This provides a very complex network of policies for proponents and assessment agencies to navigate in making a decision; for example, on a development application. Presently, an offset may be required as a condition of development to compensate for any adverse impacts where it has been determined that impacts on the environmental matters cannot be sufficiently avoided or mitigated. This requirement may be imposed on an approval under a number of pieces of legislation including the Sustainable Planning Act, which integrates decisions under the Vegetation Management Act, the Coastal Protection and Management Act, the Fisheries Act, the Environmental Protection Act, the Nature Conservation Act, the Marine Parks Act and the State Development and Public Works Organisation Act.

Under the current system, the offset decisions for state approvals are guided by five separate Queensland environmental offset policies. This comprises the Queensland government Environmental Offsets Policy, which provides overarching principals for the four specific issue policies: the Queensland Biodiversity Offsets Policy, introduced in October 2011; the Policy For Vegetation Management Offsets, introduced in 2005; the Offsets For Net Gain of Koala Habitat in South East Queensland Policy, introduced in May 2010; and the Marine Fish Habitat Offset Policy, introduced in 2002. These policies identify what an environmental offset is, the nature and scale of the offset requirement, where they should be located and how they should be managed; however, each is somewhat different in how the offset size and scale is determined and how it should be delivered. This has resulted in a fragmented approach for offsets, with little strategic focus on landscape level outcomes or on the key threats affecting environmental values such as weeds, fire and feral animals.

For local governments offset requirements are currently established through the previously mentioned koala offset policy, and they may also have requirements for local matters of environmental significance that are set out in local planning schemes made under the Sustainable Planning Act. Additional to the existing five Queensland policies offsets may also be required under the Commonwealth's environmental offsets policy, which was introduced in October 2012, for development under the Commonwealth Environmental Protection and Biodiversity Conservation Act and the Great Barrier Reef Marine Park Act.

Under the existing system an environmental offset may be land based, a proponent-driven offset, a financial payment offset, or a combination of both. A proponent-driven offset is where the developer delivers the offset on their own land or another person's land under common-law contracts to ensure they meet their permit conditions. Whilst financial payments can be made, presently a financial settlement offset is calculated using various and inconsistent formula and fund managers. I will just outline a little bit about how consultation influenced the bill.

The Environmental Offsets Bill gives effect to the new integrated environmental offsets framework and delivers the commitment of the government to red tape reduction, addressing the inconsistencies and duplication of the current policy approach. These outcomes cannot be achieved by simply introducing a new environmental offset policy and making amendments to existing legislation. The primary reason for this is that the bill will establish a consistent framework for offsets and a centralised collection point for financial settlement offsets received in relation to state approvals. It will standardise the calculation of payments and provide the ability to monitor, evaluate and enforce the delivery of offsets using such funds. Many other features of the Environmental Offsets Bill and supporting documents which comprise regulation policy and guidelines address major stakeholder issues associated with the existing offsets framework.

Conservation and land management groups have raised concerns that offsets are not being directed towards the matters that have been impacted. Sections 7 and 11 of the bill make it clear that there must be a nexus between the matter being impacted and the offset to ensure a conservation outcome is achieved; that is, the viability of the matter is maintained. Section 18 of the bill also requires an offset delivery plan for each proponent-driven offset to outline how that conservation outcome will be achieved. These requirements will also apply to financial settlement offsets delivered on behalf of state and local government. The offset must effectively account for and manage the risk of the offset failing to achieve the conservation outcome. This includes effective monitoring and auditing of offset delivery.

The offset must also provide benefits to the impacted value that are in addition to any benefits that may be required for that value under the proponent's condition of approval or the requirements of legislation. Supporting mechanisms such as strategic offset investment corridors and direct benefit management plans will assist in achieving this outcome through more a strategic and landscape approach to protecting environmental matters. Guidelines are also being developed to assist in identifying suitable offset sites for impacted matters so that the environmental matter remains viable over time. To ensure that the viability of the impacted matter is maintained, legally securing an offset site will continue to be a requirement under the revised environmental offset framework.

Current options for legal security will be retained. These include nature refuges under the Nature Conservation Act and voluntary declarations under the Vegetation Management Act. However, industry and local government have raised concerns that the mechanisms available for legally securing environmental offsets are inadequate, in particular where multiple matters are involved or the offset area includes riparian areas, riverine areas or multiple tenures. Part 8 of the bill addresses this issue by introducing a new, simple mechanism called an environmental offset protection area for securing offset areas for any environmental value on any tenure, including multiple tenures. The new legal security mechanism, the environmental offset protection area, as well as offsets delivered by local government and the Department of Environment and Heritage Protection, will be managed using statutory agreements with landholders. The bill also contains a power to issue a notice enforcing compliance with these agreements, an offence for failing to comply with the compliance notice, as well as general investigation powers to monitor compliance with the agreement. This is necessary to ensure that delivery of the offset achieves a conservation outcome and money paid to landholders is used for their assigned purpose.

Adequate monitoring and enforcement of the environmental offset framework is also a prerequisite for achieving Commonwealth accreditation, which I will speak on in a moment.

Industry groups have criticised the existing system and current multiple policies as being inconsistent, complex, onerous and expensive to apply. To address this, it is intended that the framework become more risk focused. Matters of environmental significance that may require offsets are values or matters that are protected under various legislation and are significant to the state, such as threatened species like koalas or cassowaries, endangered vegetation or regional ecosystems, and identified fish habitat.

Section 10 of the bill provides a regulation-making power to prescribe the matters of environmental significance that will be subject to offsets. The proposed list of matters that will be subject to environmental offsets is available on the Department of Environment and Heritage Protection's website.

Section 12 of the bill addresses industry concerns by providing the head of power to prescribe a single environmental offset policy to guide decisions under multiple pieces of legislation. For state approvals, this will replace the five existing policies. Part 6 of the bill also standardises the process for approving an offset and supporting documents for managing proponent driven offsets. Currently, the environmental impacts of a particular development can be assessed multiple times by separate levels of government, each imposing substantially different offset requirements. This inconsistency has led to significant delays and additional cost to industry. Section 15 of the bill addresses this issue by mandating there will be only one offset for the same matter for the one activity. This means where the Commonwealth requires an offset the state will not require an offset for the same impact on the same matter. By way of example, if a development involves the clearing of habitat for, say, the swift parrot, which is listed as endangered under both the Nature Conservation Act in Queensland and the Commonwealth Environment Protection and Biodiversity Conservation Act, the proponent will provide an offset only under the Commonwealth act for the impact on that habitat. In addition, local governments may not require an offset where the state requires an offset.

As mentioned, the environmental offset framework has also been developed with accreditation under the Commonwealth environmental legislation in mind. Discussions are continuing under the one-stop shop collaborations towards accreditation. If accreditation is achieved, this will remove the need for proponents to acquire separate approval for a Commonwealth offset. A key element of accreditation is alignment with the Commonwealth's requirements to offset significant residual impacts. Section 8 of the bill provides a definition for 'significant residual impact' that is modelled on the definition used by the Commonwealth. In general, a significant impact is an impact which is important, notable or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value and quality of the environment that is impacted and upon the intensity, duration, magnitude and geographic extent of that impact.

The natural environment, however, is somewhat complex and impacts can be species specific, so there is no 'one size fits all' answer in determining significance of an activity. The state will develop guidelines consistent with existing Commonwealth guidelines to assist proponents to identify whether or not a proposed impact will be significant for the impacted matter. The state is also developing guidelines to simplify the assessments in relation to ecological equivalence, a formula for assessing the quality of an offset site against the area being impacted. The assessment is being simplified by reducing the number of factors used to determine ecological equivalence from 28 to 20 without affecting the quality of environmental offset or the ability for the offset to maintain the viability of the impacted matter. A simplified formula is also being developed to align with the Commonwealth approach.

Industry has also requested greater flexibility associated with offset selection and delivery. The bill and new policy accommodates the delivery of an environmental offset for a whole project upfront or staged in line with operations, such as stages of a mine or extractive operation. Under the bill, the developer will also continue to have the choice of delivering the offset themselves through a proponent driven offset, providing a financial settlement offset or a combination of both. However, the bill allows for earlier commencement of the development than the current policies in effect. At present, a proponent cannot commence development until an offset for the development is legally secured. For proponent driven offsets, the bill will now allow developers to commence if they have found a suitable offset and have an approved offset delivery plan for the impacted value. In addition, proponents will now be provided with a dispute resolution process for decisions made after the issue of their approvals in relation to offsets—for example, if their offset delivery plan were refused. This power currently does not exist and will address fundamental legislative principles raised by the Office of the Queensland Parliamentary Counsel.

For financial settlement offsets, the bill makes it clear the proponent's obligations in relation to offset delivery and once the requirement payment is made. The bill provides the head of power for the financial payment formula to be prescribed by regulation. This is necessary for transparency and because of the detailed nature of the calculation. The total payment required includes a landholder incentive payment, administration costs and the cost of delivering the offset on the site by the landholder. A scientifically based approach is used to calculate the offset obligation that takes into account regional differences, variation in the quality of environmental matters on the impacted and offset site, and the ability to co-locate some matters on an offset site. Costs were based on advice from practising offset brokers, natural resource management bodies and recognised experts in the field of environmental offsets and land restoration. Financial settlement offsets will be directed towards benefiting the matter impacted by development through, for example, improved land management practices such as rehabilitation of degraded remnant vegetation and wildlife habitats. This includes an income stream for landholders who wish to voluntarily participate in the delivery of environmental offsets on all or part of their land.

In summary, as the director-general said, the bill establishes a framework for ensuring a simplified and consistent approach to offset provision that enables development to proceed while ensuring that the viabilities of matters of environmental significance are maintained. The bill also includes a number of amendments to other legislation which I will briefly outline. The bill includes amendments and the subsequent repeal of the National Trust of Queensland Act 1963 and the Currumbin Bird Sanctuary Act 1976. These amendments implement a government commitment to allow the Currumbin Wildlife Sanctuary and the National Trust of Queensland to transition to a company limited by guarantee. Consequential amendments are also required to the Duties Act 2001 and the Queensland Heritage Act 1992 to reflect the new governance arrangements. Once independent of government, the National Trust and Currumbin Wildlife Sanctuary will no longer be subject to an annual audit under the Queensland Auditor-General Act 2009. Additionally, the requirement for the National Trust to submit an annual report to the Department of Environment and Heritage Protection will be removed, as will the requirement to seek ministerial support and Governor in Council approval for actions such as selling property. However, the National Trust will continue its work of promoting the current appreciation of Queensland's national and built heritage and the Currumbin Wildlife Sanctuary, the largest and most visited property of the trust, will also continue its not-for-profit operation.

With respect to amendments associated with coastal development, the bill makes amendments to the Coastal Protection and Management Act 1995 in order to respond to matters identified in a 2013 Planning and Environment Court order. These amendments are required to validate past approvals for development undertaken under tidal watercourse, known as tidal works. A court decision associated with the Gold Coast light rail project highlighted an error in legislation that brought into doubt the validity of most previous tidal works approvals made under the Sustainable Planning Act and the repealed Integrated Planning Act 1997. The amendments in the bill are to rectify this situation. Amendments are also required to address a separate matter in relation to dredge management plans. Provision for approval of dredging operations through dredge management plans were removed from the coastal act when assessable development triggers were simplified in 2011. However, transitional provisions established at that time enabled previously approved dredge management plans to be renewed. Amendments to these transitional provisions are required to ensure that where existing dredge management plans are extended the operators continue to be required to pay royalties where this was required under the original plan. I am now happy to answer any questions that the committee may have.

CHAIR: No-one else wants to make a statement, Jon?

Mr Black: No.

CHAIR: I have a couple of questions. The offset framework is now going to go into primary legislation. Are we going to amend all of those other pieces of legislation? I note that you mentioned the National Trust and the bird sanctuary legislation, but what about some of the DNR legislation and all of that sort of thing that will be involved? Will there be amendments to those?

Ms Shirreffs: There are some consequential amendments in the bill that reflect the offsets bill, but all of the requirements for what an offset is sit within the new Environmental Offsets Bill.

CHAIR: I note that there are the five offset policies. What was the difference between a Queensland government environmental offset policy and the Queensland biodiversity offset policy? Surely they would be very similar, wouldn't they?

Ms Shirreffs: They have similar principles. The Queensland government environmental offsets policy provided an overarching framework, so proponents were subject to that overarching policy as well as a number of specific issue policies that sat underneath it. So this bill brings all of those requirements into a single streamlined process.

CHAIR: Is it the intention then of the department to reduce the green tape or red tape that is involved in this offset policy? Will we end up reducing the green tape and the complexity of the offset issues?

Ms Shirreffs: Absolutely. One of the key purposes of the bill is to simplify the drivers for the bill. It will do it in a number of ways. First, it will for government agencies reduce the workload and the time involved in identifying offsets, particularly through initiatives such as strategic offsets and pre-identified offset corridors where an easier yes is possible. It will make it easier for proponents because they will only have to navigate through one offsets policy and then they have the most cost-effective selection of the way in which they want to satisfy those requirements. So they could do it through a proponent driven offset. For example, if a mining company had those values on a portion of their land that they could offer for an offset, that might be their most cost-effective, or they could make a financial payment. A lot of the costs of offsets are involved in the transaction costs and we expect that the financial settlement offset will be popular for that reason.

CHAIR: Is this modelled on any other state legislation such as Victoria or Tasmania or somewhere that has similar legislation to this?

Ms Shirreffs: I think it takes some of the benefits of many of those. The only other state that has legislation is New South Wales and much of this is modelled on the way that New South Wales has gone, but all states and territories have some form of offsets—some that are statutory, some that are nonstatutory—and we like to think that we have taken the best of the lot.

Mr COX: Can you explain how financial settlement offsets will deliver a direct conservation outcome? Before you answer that, is it that that money will be used to rehabilitate other land or something? How is that going to work?

Ms Shirreffs: The concept of financial settlement offsets is about both enabling a development to proceed without those transaction costs but then the state takes on the risk of delivering that. So to ensure that we achieve a conservation outcome, we will be targeting those towards strategic offset corridors where we have pre-identified that those values within a bioregion exist that are also outside of planning schemes for things like urban development where there is going to be a contest in the future for the land use. So that provides additional income for landholders to manage some of the values on their land. The bill sets out the framework for receiving and how those moneys must be spent, so that must maintain the nexus between what is being impacted and where the offset is. For example, if the department were to receive a financial payment for impacts on cassowary habitat, we could not spend that in South-East Queensland on koalas. It would need to be in cassowary habitat in Far North Queensland. The bill actually sets out those requirements for how you may achieve a conservation outcome. The other thing is that the bill prescribes statutory agreements for the delivery of those offsets. So an offset is a condition of a development approval. If you do not meet your obligation under your development approval, you are in breach of your conditions. But once they hand over financial payment to government, if that is not met there is not an onus back on the original proponent so we issue a statutory agreement and that is why there are provisions that mirror the other legislation in the bill for compliance. Does that cover the scope of your question?

Mr COX: I guess it does. Say there is an introduced weed species that is overrunning a certain habitat, whether that be a private landholding or government land. Are you saying that that money could go towards improving that? So we are saying that it is not just about locking up new land; it is about rehabilitating land if we have to that has weed infestation.

Ms Shirreffs: Absolutely.

Mr COX: So we will possibly get a better outcome.

Ms Shirreffs: Absolutely.

Mr COX: That is what I am getting at.

Ms Shirreffs: The previous policies identified areas that were not currently protected. So it would essentially be nonremnant. But some of the biggest threats to environmental conditions are weeds and lack of fire, or poor fire, or feral animals, the impacts on species. So the new approach allows for those matters to be—

Mr COX: Better management of the land that we have already locked up.

Ms Shirreffs: Absolutely. Yes.

Mr COX: And that is what I am getting at.

Ms Shirreffs: And that is the idea behind the direct benefit management plans, where we could take a recovery plan for a threatened species and look at all the elements of that that would contribute to its viability.

Mr COX: Thank you very much.

CHAIR: I would like to welcome the deputy chair, Jackie Trad, to the meeting. Flinders-Karawatha would be one of those identified areas that you were just talking about in your offsets. For the monetary offsets, would that be in a fund where it would be available to the community or available to private landholders to apply for? How are we going to deliver some of that money then? Could the Queensland Conservation Council apply to deliver some of that money in looking after some of the biodiversity areas?

Ms Shirreffs: That is a very good question. We have been working with the natural resource management bodies to pre-identify a series of these strategic corridors. Part of that requirement is that they talk to local groups, local councils to find out what their aspirations for areas are.

The policy approach provides for advance offsets as well. A number of groups have come to us and talked about knowing of significant parcels of land that they would like to secure as advance offsets, which would enable them to attract funding to manage those areas for their values. Whilst the contracts could be with a community group, which would then be responsible for delivering them, it is most likely that they will be with the person who owns the land.

Mr TROUT: Is there a mechanism to offset an offset? I will give you an example. If you put some money into an estuary or creek and then another 10 or 20 years later you need to put a weir there, what mechanism is there in this framework to offset an offset?

Ms Shirreffs: There are a couple of things. One is in offsetting an offset. The requirements that the bill set out is that if someone proposes to develop an offset, because it is compensated for something that has happened elsewhere they need to satisfy that original offset as well as the impact that they are making. So it is a disincentive perhaps to do that.

The other thing that is of relevance is the new mechanism for offset protection areas. In the past, to get something legally secured you could not do that over a riparian zone because it was not lot on plan. This new mechanism allows us to give protection to the good work that a lot of community groups have done in restoring riparian areas. Does that answer your question?

Mr TROUT: Yes. What if it is of state significance and something had to happen—a road crossing or something had to happen? Would this pre-empt that completely or would it make it prohibitive for a local council or a state government to proceed?

Ms Shirreffs: You will see that the bill provides that, if it is in the state's interest, we can revoke an offset area.

Mr TROUT: Okay.

Ms Shirreffs: You would want to do that in collaboration with the landholder and ensure that the values were maintained elsewhere.

Mr KNUTH: I just want to get a bit of an understanding to identify who or what criteria determines an offset site. I will just give you an example. The state government works with the private sector to develop respite units in a low-impact vegetation area, but it is right beside a high conservation area. What is the determination that brings it up to that scale of an offset?

Ms Shirreffs: They would need to be able to demonstrate that the matter over time would replace the matter that was being destroyed. The offset delivery plan would have to outline how, if it were a degraded area, they would do a lot more work over a much bigger area to achieve the conservation outcome. Factors like proximity to other environmental values, because they would build the area with those values, would be favourably looked at. But if something is an isolated pocket, that would probably have a lot more difficulty in being an approved offset, because it would be ad hoc and its likelihood of achieving success would be low.

The bill sets out a range of requirements for an offset delivery plan and how it achieves it. In the policy itself, it determines a range of things that must be considered. We have tried to assess a lot of bioregion values upfront to make it easier to provide that information to proponents so that they do not have to do a whole scientific assessment necessarily themselves and we are developing simple language guidelines to help people understand the ecological significance of what they are impacting on and what it needs to be replaced with.

Mr KNUTH: I have just one more question. Thank you very much, Leslie, for that. That clearly gives me an understanding. In regard to the removal of red tape, you mentioned a protected parrot under the federal government's biodiversity act. I just want to get an understanding of this. Say, for example, the private sector approaches the council for a development approval. However, there is a parrot there that is protected by the biodiversity act. They do not have to worry about dealing with the council; the council just wants that assurance that they have been working with the federal government to get that approval through the federal government's biodiversity act.

Ms Shirreffs: It will really depend on what triggers that assessment. In some cases you would only trigger an assessment under local government, but often if there are values such as you mentioned in them, then it will trigger the Sustainable Planning Act, or the Environmental Protection Act, depending on what the value is and which legislation it is covered in. But that is the current state development approvals process that developers work under.

What it means in terms of the Commonwealth is that the onus is currently on a proponent—if it is a significant impact under the Environment Protection and Biodiversity Conservation Act that they must notify the Commonwealth. Under a one-stop shop, that would be considered collectively, so they would not have to go through parallel approval processes. The current integrated approach to development assessment under the Sustainable Planning Act generally manages all of those things. Does that answer your question?

Mr KNUTH: Yes.

Mrs MADDERN: How do you see this new policy, particularly the financial capacity to pay, impacting on the long corridors where you have a little bit here and a little bit there? I mean little, little bits that have to be offset. How do you see this new framework impacting on that kind of situation?

Ms Shirreffs: I think that that is one of the strengths of the framework and its strategic approach and through, as I mentioned before, the strategic corridors that look in the landscape at the places where you could join up those individual parcels and get more, for want of a better word, bang for your buck. The benefits of the financial settlement and being coordinated through a single fund will also allow that to be rolled up so you could achieve a much larger area than you might in an isolated situation. I think one of the learnings from the previous policy is that you are not going to get the environmental outcomes from a little bit here and a little bit there. The other thing with the strategic corridors for proponents who want to make a deal themselves with the landholder is that they know they are going to get a much easier approval process if it is identified in one of those corridors.

Mrs MADDERN: Thank you.

Mr COSTIGAN: Ms Shirreffs, you mentioned significant impact and you used the term, I think from my notes, 'important and notable'. Are you concerned that the interpretation of that could cause issues?

Ms Shirreffs: It is tried and true. Under the Commonwealth framework, many proponents are used to what 'significant residual impact' is. Currently, under Queensland legislation it is 'any impact' and some things just are not enduring and can be mitigated. So by having a 'significant impact' it is not only aligning us with the Commonwealth approval; it is recognising that there is a range of measures a developer could take to ensure that the impact is not permanent on the landscape.

That is very important, because with offsets we do not find that there is an exponential increase in offsets. Offsets policies tend to make people do best practice planning to avoid those values, because it costs if you do not. The idea is to try to maintain those in the landscape at the least cost. But sometimes those values cannot be avoided, such as where a mining resource might be. That is why an offset needs to come in.

Mr COSTIGAN: I note that the Commonwealth Senate has called for an inquiry into the effectiveness of environmental offsets under federal environmental approvals. Could that Senate inquiry have any implications for what we are doing here in Queensland?

Ms Shirreffs: I would not have thought that that had anything to do with the bill. I could not really speculate on where that might take us. But if the issue is about the performance of offsets, you will find in the bill that there is a range of matters in terms of monitoring and valuation. The compliance requirements to ensure that the conservation outcome is achieved, the strategic approaches that identify where an offset is going to best perform in the landscape are things that perhaps address more fully than they have in the past how an offset will be successful.

Mr COSTIGAN: Thank you.

Mr TROUT: I have one more question. My question is to you, Leslie, and it is in regard to the Currumbin Wildlife Sanctuary. It is one of the iconic tourism destinations on the Gold Coast, if not Australia. Are you quite comfortable with bringing that back within the National Trust of Queensland governance wise? Do you believe that this new framework protects particularly the direction and so forth when it is a bigger structure than what it is currently?

Ms Shirreffs: I think that the current constitution of the National Trust probably deals with that issue effectively. This enables the Currumbin sanctuary to act in a way that it has previously been constrained by government. It was a commitment of the government to enable them to be a company limited by guarantee. They will continue to operate under the National Trust with its 93,000 members and its governing members—

Mr Hutchison: Six thousand, I think.

Ms Shirreffs: They would be really happy with that. I have read too many figures over the past few days. It will change some things in the way they operate in terms of giving them freedom to do things that a company would be able to do, but they will still operate as a not-for-profit and still operate under the auspices of the National Trust, which has a very clear objective about what its purpose is.

Mr Hutchison: If I might add something to that? This is something that the National Trust has sought for some time. The National Trust owns Currumbin Wildlife Sanctuary and the department has been speaking with them for some years about reviewing their governance arrangements. The trust's view is that, as a company limited by guarantee, they will have greater flexibility, particularly to seek corporate partnerships. They feel a little constrained at the moment because of their statutory standing. They have been tied to legislation since 1976 in the case of Currumbin and for over 50 years in terms of the National Trust of Queensland. These governance arrangements are not particularly novel. Similar arrangements occur in other jurisdictions. This is something that was put to the AGM in November last year and received universal and unanimous approval. So they are very keen to make this move.

Mr COSTIGAN: Can I just jump in there? Just summing up, Mr Hutchison, basically, this opens up the game for them to seek corporate support to take change the game for them, basically?

Mr Hutchison: It does. If you look at the history of Currumbin there have been a series of financial crises over the years.

Mr COSTIGAN: That's right.

Mr Hutchison: On a sort of almost decade-long pattern. Their most recent one followed the floods of 2010-11 and the drop-off in tourism numbers that came through that. Since then they have been able to recover and this they see as part of their long-term process to ensure their continued viability into the future.

CHAIR: Jon, offsets are being delivered now. Who is actually monitoring that they are actually being delivered and will this bill improve that monitoring of what is actually being delivered?

Mr Black: Certainly, Mr Chair, that is the intention of the bill. In terms of the current status of monitoring, I might ask Leslie to answer that. She has more detailed knowledge of that. But certainly the intention of the bill is to ensure that it is undertaken. It is a very important part.

Ms Shirreffs: Currently we are aware of where there are legally secured offsets. Those are monitored, but not in a way that is embedded in the policy and legislation. What we do not know is where all the offsets currently are that are not necessarily legally secured. The bill actually provides that all offsets must be registered and the offset delivery plans require monitoring and reporting on their performance against the conservation outcomes. Then in our annual Statewide Land and Tree Study we also look at offsets spatially to see if they are achieving some of the requirements. The bill will actually enhance and embed in the legislation the requirement for that.

Ms TRAD: Just following on from your answer there, you talked about how the bill would legally anchor the offset program. How are they registered now? Can you talk about what happens currently.

Ms Shirreffs: Currently they are registered in a variety of departmental specific areas. It could be an Excel spreadsheet, it could be within their development assessment. So it is very difficult to determine the extent of offsets or to determine, when someone is providing an offset,

whether or not it is already an offset. That is why in this bill we seek to have a requirement that they be centrally registered which we will publish on the DEHP website so that all can see where there is an offset and that they will be registered on title.

Ms TRAD: Are you saying there has been no attempt in the past to consolidate any of the offsets registers?

Ms Shirreffs: It has been inconsistent. It has been a desirable for some time, but by having primary legislation that sets it out, every department and all offsets will be centrally registered.

Ms TRAD: It was policy driven, now it is legislatively driven. I understand.

Ms Shirreffs: Yes.

Ms TRAD: You did mention the SLATS report just then. When is it due out?

Ms Shirreffs: That would be a question for DSITIA. Our department does not do that.

CHAIR: Who is that?

Ms Shirreffs: The Department of Science, Information Technology, Innovation and the Arts.

Ms TRAD: I agree DSITIA is responsible for it, but I find it interesting that the Department of Environment and Heritage Protection does not know when it is going to come out either. Can I talk about the assessment process on whether or not a development impact is avoidable or unavoidable. Who can conduct that assessment?

Ms Shirreffs: That is part of the assessment process and you will see that in the primary legislation or the assessing legislation by administering agencies, but also in the bill it sets out that an offset only occurs after it has been demonstrated that it has been avoided or mitigated.

Ms TRAD: So who does the assessment?

Ms Shirreffs: The assessment is done by the assessing agency. If it were an application for clearing of vegetation that would be done by the Department of State Development, Infrastructure and Planning under the SDAP, the State Development Assessment Provisions, and they would determine if it had been avoided or mitigated and then if an offset was due.

Ms TRAD: So the Department of State Development will be assessing that.

Ms Shirreffs: Yes, against the current provisions.

Ms TRAD: What role does the Department of Environment and Heritage Protection play in that process?

Ms Shirreffs: Under the integrated framework—

Ms TRAD: SARA.

Ms Shirreffs: Yes. They would be referred to agencies for comment. So we would provide advice on the range of matters that they are looking at, but they make the decision. But once they make a decision the offsets bill is triggered.

Ms TRAD: Is that referral to state agencies mandatory?

Ms Shirreffs: No, I do not believe it is mandatory. No. But then they require the advice and we generally provide it.

Ms TRAD: They could or could not seek your advice in relation to an offset?

Ms Shirreffs: You are talking about the assessment?

Ms TRAD: Yes.

Ms Shirreffs: With the assessment they have the discretion whether they refer it or not, but the coordinated approach of SARA is to send it out to the departments and roll it all into one decision.

Ms TRAD: I understand, but in terms of environmental offsets and assessment, the Department of State Development, I would posit, would not particularly be the best agency to assess whether or not an environmental offset was appropriate for a development considering its focus is more development rather than environmental protection. It has the discretion under SARA whether or not to refer to you in order to assist in the assessment process?

Ms Shirreffs: It would be the triggers in the legislation that they are making considerations under that would determine whether or not they need an offset and what advice they would need. The way it works in practice seems quite robust at the moment.

Ms TRAD: We will drill down on that further with the relevant ministers. Just confirming, the Coordinator-General and state significant projects are exempt from the offsets program; is that right?

Ms Shirreffs: You will notice in the bill that we make it clear that we do not fetter the discretion of the Coordinator-General and that is consistent with other legislation. However, in developing the offsets policy, we have worked closely with the office of the Coordinator-General and it is available for them to use. If they issue conditions, because the conditions that the Coordinator-General issue would go back to the departments, for instance, to EHP for an environmental authority, we would only need to ensure that it was not inconsistent with the Coordinator-General's conditions.

Ms TRAD: Can we talk about the offset ratio. It is set at a maximum of four to one.

Ms Shirreffs: It can be up to four to one.

Ms TRAD: What is the Commonwealth government's policy in relation to offset ratios?

Ms Shirreffs: The Commonwealth has a calculator and it could come out at a variety of things.

Ms TRAD: So what is the floor? My understanding is the Commonwealth policy ratio is three to one in terms of an offset ratio.

Ms Shirreffs: Not that I am aware of.

Ms TRAD: And that what Queensland is proposing in terms of a maximum is pretty small-scale.

Ms Shirreffs: Three to one sounds less than four to one. The way the calculator works is it can look at the impact site and it can measure a range of factors and come up with it could be one to one, it could be one to two, one to three. It is capped at one to four. On the law of averages and taking into consideration strategic approaches, it is to give certainty of the maximum cost to developers.

CHAIR: This is Queensland legislation you are talking about?

Ms Shirreffs: This is the Queensland policy. It has nothing to do with the Commonwealth.

CHAIR: You might have to refer your request for federal policy to the federal government.

Ms TRAD: Thank you. I understand there have been some criticisms in terms of the policy about the lack of approach or robustness around marine protection or marine offsets. What do you say in relation to those criticisms?

Ms Shirreffs: My understanding is that the marine calculator works in the same way as the terrestrial calculator and has the same enduring requirements. I am not aware of the criticisms that you are specifically talking about.

Ms TRAD: I think it was a submission from Prof. Hugh Possingham.

Ms Shirreffs: I have not seen that yet. Interestingly, Prof. Possingham worked with us in the development of the calculator under contract.

Ms TRAD: That would make him a very good critic of whether or not the policy was adequate or not.

Ms Shirreffs: I have not seen it so I cannot address the particular issues you are talking about, but I will have a look at it.

Mrs MADDERN: You made comment before about significant residual impact as a change to what is currently there. Does that imply now that there would be some circumstances which under the current policy would require an offset but under the new framework possibly will not, and if that is the case can you give us an example so that we can get our heads around that.

Ms Shirreffs: Potentially. For example, if there were an impact on fisheries habitat that could be addressed in the short-term through different management actions that they were doing you may not impose it as a significant residual impact because the duration of it might be very short, whereas if there was an impact on fisheries habitat that was likely to endure for 10 years then it would be a significant residual impact. It is very situational, but I would suggest that if it were an individual tree or two it would likely not be considered significant, but that again would depend on the species. If it were the only two of those then it would be significant. As I say, we are developing guidelines to give the considerations around it.

Mrs MADDERN: I guess basically what you are saying is some of that minor stuff that is not enduring is going to be taken out because basically in some respects you would call it of nuisance value.

Ms Shirreffs: That is right.

Mrs MADDERN: Obviously then concentrating on the really serious stuff.

Ms Shirreffs: Yes, and ensuring you get a conservation outcome as a result.

CHAIR: You will have some guidelines to work around?

Ms Shirreffs: Absolutely.

Mr COX: While I do not expect you to answer on the Commonwealth side of it, it has been alleged that the Commonwealth offset policies have been failing. There is a Senate inquiry happening now that the Greens have support for. Are you concerned that the Commonwealth accreditation for state offsets will affect what we are doing? I think what we are trying to achieve here is a better outcome for the environment and in regard to financials.

Mr Black: The policy outcome to be achieved is a stronger environmental outcome generally and that is the objective of compliance or accreditation with the one-stop shop; so that we can apply the enshrined legislation under the EPBC under the assessment framework within Queensland. So it is important that we are in step, as outlined by Leslie earlier.

CHAIR: Are there many groups, Herron Todd White type groups, consulting firms, that are established at the moment that assist with offsets to private enterprise and other people who need offsets?

Ms Shirreffs: Sorry, could I ask who they are?

Mr COX: Offset brokers.

CHAIR: Are there many in Queensland?

Ms Shirreffs: It is a maturing market. There is probably a half a dozen that are quite proficient at it. Certainly there is an interest from a number of groups in doing advance offsets, as I mentioned before. We have been working with a number of the offset brokers that have broader businesses than just broking. They have become quite proficient at identifying ecological equivalents and encouraging proponents at times to go further in terms of social licence.

Ms TRAD: Mr Black, in relation to the accreditation with the Commonwealth around the offsets policy, can you outline for the committee some of the criteria that the Commonwealth and state have agreed to in relation to accrediting the offsets policy?

Mr Black: The negotiation on the offsets is being led by the Department of State Development, Infrastructure and Planning with advice from the Department of Environment and Heritage Protection as it relates to particular matters.

Ms TRAD: Do you go to the negotiations?

Mr Black: Yes, we have representation there at the negotiations and, as you are aware, the intention is to ensure that we have a system of assessment that takes into consideration—

Ms TRAD: Who is leading from it the Commonwealth?

Mr Black: The Department of Environment.

Ms TRAD: And State Development is leading it from the state.

Mr Black: Correct.

Ms TRAD: What was the purpose behind that?

Mr Black: I think it is to coordinate the entire framework across the government agencies. The Department of Premier and Cabinet asked specifically that the Department of State Development, Infrastructure and Planning lead that negotiation.

Ms TRAD: Lead the environmental offsets negotiation as opposed to the—

Mr Black: Not environmental offsets per se, but the broad one-stop shop that includes the issue of the environmental offsets as part of that process.

Mr TROUT: Just streamlining it.

Ms Shirreffs: I might add that we have been working closely with the Commonwealth offsets people, our offsets team, throughout the process.

Ms TRAD: In terms of those negotiations, when will they conclude? What is the deadline for their conclusion?

Mr Black: We are aiming for September of this year.

Ms TRAD: Ms Shirreffs, I am not sure if you are the appropriate person to answer this question, but can you advise whether or not there are any offsets that are mandatory for the discharge of mine water into the Fitzroy River Basin?

Ms Shirreffs: I am not aware of that.

Mr Black: Member for South Brisbane, I will have to take that on notice, but not to my knowledge, no.

Ms TRAD: In terms of the salinity trading scheme, are offsets part of that trading scheme, as well? You are not sure?

Mr Black: Talking specifically about Queensland?

Ms TRAD: I am talking about Central Queensland, the Fitzroy River water salinity trading program.

Ms Shirreffs: This policy is not related to water quality, per se, offsets—

CHAIR: I think that some of that might be related to DNR anyway, wouldn't it, the mine water and—

Ms TRAD: Department of Environment and Heritage does actually—

Mr Black: We are managing the program of release on a water quality basis, but it is not related to the offsets, no.

Ms Shirreffs: It is not related to this bill.

Ms TRAD: Why is it not related?

Ms Shirreffs: We have some work happening on water quality trading and offsets at the moment, but it is not part of this bill at this stage.

Mr Black: If I could add that I think, certainly as discussed by the committee, with the benefits of the pool fund arrangement it would allow investment in corridors such as riparian areas that may assist water quality outcomes. I think that is something that could benefit from this policy in terms of how we do that.

Ms TRAD: Or we could just not dump contaminated mine water in the Fitzroy River Basin and out to the Great Barrier Reef.

Mr Black: That is not for me to comment on.

Ms TRAD: No, that is why I am making the comment. I would like clarification as to whether or not there is any requirement for offsets in terms of mine water discharge.

Mr Black: If we could take that on notice?

Ms TRAD: Absolutely. Thank you, Mr Black.

CHAIR: Are there any other questions?

Mr COSTIGAN: Just one more on the offset delivery plan. Mr Black, just summing-up: once that is lodged, is it ready, set, go? Is that how it works?

Mr Black: I would not say 'ready, set, go'. I think the outline and certainly the intention of the delivery plan is not to impede the progress of development, but to ensure that it meets the offset requirements under the permit, so we must make sure the measuring system is in place. It has to be approved by the assessment agency obviously, as well, prior to going ahead.

Mr COSTIGAN: So not just lodged; it certainly has to be approved. That is a fact.

Mr Black: It has to be approved. You have to have a permit.

Mr COSTIGAN: Thank you for clarifying that.

CHAIR: You mentioned before that this will make all offsets register-able because it is a stand-alone piece of legislation. How are we going to pick up the ones that you do not already have a record of, some of those offsets?

Ms Shirreffs: Ones in the past: yes, that is a challenge. At the moment we are trying to get information on that so we can populate it. Anything we have will go up on the website when this becomes live and anything that is added in the future.

CHAIR: You will be looking at the community, virtually, to come forward if there are offsets somewhere?

Ms Shirreffs: We are looking at the agencies to trawl through their previous approvals to see if they can provide us with the data on that.

CHAIR: That would be some of the private people who have been involved, as well?

Ms Shirreffs: Not necessarily.

CHAIR: The consultants and that sort of thing?

Ms Shirreffs: They may be able to assist, you are right. It is more finding the conditions for offsets and making sure that we have captured them.

Ms TRAD: One last question, or maybe it is not the last: the credit and trading scheme. I know that that is part of the Victorian and New South Wales models. Why have we not included it, in terms of a conservation base?

Ms Shirreffs: For a couple of reasons. We do provide for advanced offsets which would enable people to attract people towards those offsets if they had the values that they were looking to maintain. I guess one of the main drivers for not having a trading regime is that it is expensive to operate and there is not the level of market for offsets that would make it a tradeable commodity. It does not prevent trading happening, but we would wish to maintain the effective costs for offsets, not drive them up.

Ms TRAD: How expensive is it to maintain?

Ms Shirreffs: A trading system? You would have to have someone who was coordinating those trades. The bill does not provide for trading, but neither does it preclude it.

Ms TRAD: But it is just that the state is not playing a role in terms of facilitating that?

Ms Shirreffs: We are not playing a role in that, but by having advanced offsets, if an offset broker chose to enter agreement with the whole of the strategic corridor and started marketing it, they could do that under this framework. We are just not contemplating a trading scheme per se.

Ms TRAD: Are we going to register the offset traders?

Ms Shirreffs: We will not be having them on a register. We are not having the offset brokers on a register, no. If they were delivering for a proponent, there would need to be an agreement between them and the proponent. The proponent would remain liable for the conditions being satisfied of their development approval.

Ms TRAD: What sort of process does the trader go through to become accredited? How do we know they are ridgy-didge, is my question?

Ms Shirreffs: An offset broker? For us to deliver offsets using financial settlement offsets, we are likely to engage the brokers ourselves. They would have to demonstrate that they were a suitable person to do that, that they had the experience to deliver the offset and that they had the relationships with the landholders to enter into a statutory agreement.

Ms TRAD: What sort of experience are you looking for?

Ms Shirreffs: I think that is probably getting down into issues that we have not written the guidelines on yet and that are not articulated in the bill.

Ms TRAD: It is putting a bit of responsibility in unknown form.

Ms Shirreffs: If your question is ‘do we wish to register and assess the offset brokers?’, the way of ensuring that the conservation outcome is achieved is that, for proponent-driven offsets, the proponent is required to satisfy the conditions of their approval in delivering the offset delivery plan. If they choose to engage a broker to do that, they can do that. For financial settlement offsets, if we choose to deliver those offsets through a broker they would need to, under contract, as we would with any procurement process, have to demonstrate that they meet all of the requirements to be able to be the successful tenderer for that. We do not see the need for a register in legislation or regulation of people who are pre-assessed.

CHAIR: That might be an issue that a watching brief needs to be kept on. The classic example is I have heard of blokes who hire a block of land and dump a heap of tyres on it and just disappear. They are saying that they are environmentally sustainably managing the tyres, for instance, but all of a sudden you have an owner—

Mr Black: It is the permit holder who is the critical one in terms of accountability.

Ms Shirreffs: And that the contracts are statutory. The agreements with the landholder for the delivery offsets are statutory.

CHAIR: It is something that the department should be aware of.

Mr Black: The guidelines will be very important to articulate that.

Ms TRAD: When will the guidelines be ready, Mr Black?

Ms Shirreffs: They will be available for when the bill commences. We are working with our stakeholder groups now on those, because we want them to be able to understand them.

Ms TRAD: Will there be regulations that accompany the bill?

Ms Shirreffs: Yes.

Ms TRAD: There will be regulations, guidelines—

Ms Shirreffs: Yes, and everything will be ready for commencement.

Ms TRAD: And State Development will be leading it.

Ms Shirreffs: They will be assessing the parts that are triggered under that.

Ms TRAD: I understand.

Ms Shirreffs: Because EHP will be doing offsets under the Nature Conservation Act and the Environmental Protection Act.

Ms TRAD: I understand, but the development, which is where most of the offsets—

Ms Shirreffs: Actually, a lot of them do come from mining under environmental authorities, under EHP.

Ms TRAD: That is why I asked the question about the Fitzroy River Basin.

Mr COX: Obviously, the bill is not just about reducing red and green tape, but it is also about trying to get better outcomes in the environment. You have explained that very well this morning, thank you. In regards to the financial offsets—and you can answer this quickly—is there going to be a consideration for future value, if you know what I mean? How do you determine that in the future something may be worth more or worth less, if that makes sense? Will that come into the calculation somewhere?

Mr Black: Can I clarify that you are talking about the value?

Mr COX: The buyer value, yes. Will that question be raised?

Ms Shirreffs: That is determined under legislation if it is listed and the risk is in the calculator. There is a risk of the matter being sustainable over time. For instance, there will be a more stringent score for something that was endangered than there would be for something that was vulnerable, because the calculator takes into consideration the risk of it surviving. The ratio and the payment and everything would be higher if the risk was higher.

Mr COX: Which, again, should get us a better outcome.

Ms Shirreffs: Yes and those things can change over time. If something was found to be endangered and then listed in the Nature Conversation Act, it would influence that.

Mr Black: One of the advantages of going with the scale issue is that if we can get the size of the biodiversity area increased we have a better quality outcome. That is what I am learning, certainly, that that is an important factor to consider, rather than, as the committee identified, the piecemeal-type approach which is not as effective for biodiversity conservation.

CHAIR: What impact do you think the strategic offsets will have for landholders in the investment corridors, for example, the Flinders-Karawatha? Do you anticipate any difficulties securing these areas?

Ms Shirreffs: No. Actually, at the moment, we are working on how we are going to make landholders aware. In the Galilee Basin, for instance, we did a strategic corridor. Landholders were overwhelmingly supportive of it. They saw it as a way to maintain the values on their land and provide income to manage them more effectively in terms of weeds and fire and those sorts of things. In terms of the value of the land, all of the areas will be outside areas zoned for development. For example, in the Galilee Basin we worked with the Department of Natural Resources and Mines to make sure there were not any mining leases that were about to become live within the area, so that they would not be at threat and have to be offset and offset in the future. Similarly, with Flinders-Karawatha, it is not zoned for urban development, so landholders would welcome additional revenue streams to manage those values.

CHAIR: An area on the escarpment of the Toowoomba Range, from Ravensbourne around, is very difficult to manage for landholders and very expensive, but it quite a fire risk for Toowoomba, for instance. That is where we could look at doing something.

Ms Shirreffs: If that had the values that a proponent needed to maintain because they were impacting elsewhere, that could be suitable for that type of approach.

CHAIR: Just to clarify, are the Dandenong Ranges, just outside of Melbourne, Victoria in that sort of situation?

Mr Black: I am not sure. The other example you gave also correlates to the member for South Brisbane's issue around water quality, because you can get the beneficial outcome as well as the biodiversity effect of the terrestrial thing, but obviously offsetting receding waters as well.

Ms TRAD: Ms Shirreffs, in relation to the guidelines and the regs, given that they are being prepared currently to accompany the bill on its introduction, can you advise whether or not it is going to go through a public consultation process? The regs and the guidelines?

Ms Shirreffs: First of all, the policy that forms part of the regulation is already up on the EHP website

Ms TRAD: This one.

Ms Shirreffs: Is that the one? All our publications look the same.

Ms TRAD: Is it still confidential?

Ms Shirreffs: No, there is a new one up there. It has incorporated all aspects of the bill. We sent a group email to all of the people we consulted with to make them aware that it was now up on the website. I believe other matters of state environmental significance are on the website as well now. Also, many of the elements are already up on the web and we are continuing to talk to the people we have been consulting with about those matters and in developing the guidelines, because they are the ones that will need to use them.

Ms TRAD: Can you give me a rough sketch, or I am happy for you to take it on notice if you want to supply it to the committee, of a list of those people you have been consulting with?

Ms Shirreffs: Sure. Some of them are in the explanatory notes, but we would be happy to do that.

Ms TRAD: So you will keep talking to them in relation to developing some guidelines?

Ms Shirreffs: Absolutely, yes. We are not formally consulting on all these things, because the bill sets the framework for what it is. So we are not consulting on whether the things in the bill are any longer relevant, but certainly on the materials that support it we are keeping people informed.

Ms TRAD: Can I just ask: is Environment and Heritage Protection leading the drafting of the guidelines and the regs?

Ms Shirreffs: Absolutely and we lead the development of all of these materials across all of the agencies, so across Agriculture, Fisheries and Forestry; Natural Resources and Mines; State Development, Infrastructure and Planning; the Coordinator-General. We led all of that.

Ms TRAD: Are they the agencies that you need to consult with in order to get all of the already registered offsets?

Ms Shirreffs: Yes.

Ms TRAD: That is the extent?

Ms Shirreffs: That is right.

Ms TRAD: In terms of the 19 agencies—

Ms Shirreffs: And they are all the ones that administer legislation that call up offsets that this bill now captures.

Ms TRAD: Are you having difficulty getting from those agencies all of the—

Ms Shirreffs: No difficulty at all. It is just because of the multiple different policies and differences over time; we want a level of certainty that we have them all. We are all just trying to make sure we have that level of certainty.

CHAIR: They have not been together in one—

Ms TRAD: I understand that.

Ms Shirreffs: They are being very collaborative. In fact, this has been a really collaborative process.

Mr COSTIGAN: We have had a fair bit of discussion about land this morning. It would be remiss of us to not ask you, Ms Shirreffs, to take us through the offset obligations in relation to marine or aquatic habitat and how they compare, if that is a fair question?

Ms Shirreffs: We are finalising how the marine part will work in terms of regulations because it is essentially quite different to on land. Vanessa, are you able to talk about the elements for the marine part or should we provide back—

Ms Coverdale: The actual calculator is currently being developed in conjunction with the Great Barrier Reef Marine Park Authority, the Department of National Parks, Recreation, Sport and Racing and the Department of Agriculture, Fisheries and Forestry. I cannot really tell you how it will differ because we are still in the reasonably early stages of development, but the general principle is that as far as possible the calculator will be similar to the land based calculator.

Mr COSTIGAN: Similar but not necessarily the same?

Ms Coverdale: That could be an outcome.

Ms Shirreffs: Similar to the extent of the principles, but clearly the values and the consideration are somewhat different.

Mr COSTIGAN: Of course, thank you very much.

Ms TRAD: When are you hoping to have that completed?

Ms Shirreffs: By commencement.

Ms TRAD: And commencement is when?

Ms Shirreffs: Depending on the deliberations of the committee and the bill going through parliament, we would hope that for the new financial year we were ready to roll everything out.

Ms TRAD: But we do not yet have the marine calculator?

Ms Shirreffs: We have the elements of it. We are just making sure it works. We have been working with industry to trial all of the different calculations and using previous offsets to see what it throws up and that sort of thing. They are all the supporting tools that support the bill.

CHAIR: So there is already a set of guidelines that you use for marine areas?

Ms Shirreffs: Yes.

CHAIR: John, thank you very much for your attendance and your officers' attendance. Did we end up with any questions on notice?

Mr Black: There is just one about salinity trading. Member for South Brisbane, I am almost positive that we do not have a salinity trading scheme per se. What we do obviously is manage the water quality in the Fitzroy Basin to ensure the minimum standard that was set is maintained. The only salinity trading scheme in Australia that I am aware of is in the Hunter Valley.

Ms TRAD: Mr Black, I can guarantee you that there is a trading scheme in the Fitzroy.

Mr Black: It is not managed by the government.

Ms TRAD: No. It was announced by the Deputy Premier last year. I will send you the press release, Mr Black.

Ms Shirreffs: The other thing was to provide a list of all those we consulted with, which we will provide.

CHAIR: Thank you very much for your useful introduction to the bill. I declare the public briefing closed. We will adjourn for a short break and return at 12 o'clock for the public briefing on the Criminal Code and Another Act (Stock) Amendment Bill.

Committee adjourned at 11.19 am