



The Research Director  
Environment, Agriculture, Resources and Energy Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Thursday, 22 December 2011

**Re: Environmental Protection (Greentape Reduction) and Other Legislation  
Amendment Bill 2011**

On behalf of the Queensland Branch of the Australian Contaminated Land Consultants Association Inc. (ACLCA), we have collated a series of responses from our member companies and would like to make the following submission to the research director of the Environment, Agriculture, Resources and Energy Committee.

**Background to ACLCA**

As background, ACLCA was formed in 1995 to represent our member companies formed from consultancies practising in the area of contaminated land within Australia. This has provided the opportunity to assist decision makers in Australia on matters associated with contaminated land management. The association represents a large portion of the major environmental consulting firms involved in the assessment and management of contaminated sites in Australia. It currently has representative branches in Queensland, New South Wales, Victoria, South Australia, and Western Australia.

**Submission on the Environmental Protection (Greentape Reduction) and Other  
Legislation Amendment Bill 2011**

ACLCA would like to make the following submission in regards to the proposed new legislation Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2011.

If possible ACLCA would like to be advised of all operational policies from the Queensland Government Department of Environment and Resource Management (DERM) to be enacted by this Bill and if these operational policies are to be published on DERM website, as stated in s318 (3) "The administering authority must keep a copy of a code of practice made under subsection (1) available on its website".

Also ACLCA has the following comments on the following sections of the Bill:



- Part 3, Clause 64 Amendment of s 10, ACLCA wishes to request if the current rate of 10% change in material use is still considered a trigger for a change in Material Change in Use (MCU) and if the operational policy to enact the change will be published on the DERM website.
- S122 – Standard Application. ACLCA seeks clarification that activities in Schedule 2 notifiable activities will not fall into a standard application for Environmentally Relevant Activities (ERAs).
- s540 - A registers to be kept by chief executive. ACLCA would like to see suitable qualified persons (SQPs) and Auditors kept on a publicly available register.
- s574 and s564 refer to SQPs and Auditors, both sections refer to levels of competency; 'qualifications and experience relevant to performing the function' (SQPs) or 'state the functions proposed to be performed by the Applicant' (Auditors application); ACLCA wish to seek clarification on the operational policy in defining the levels of competency of both SQPs and Auditors.

In addition to the above points, ACLCA has the following general comments on the legislation:

- ACLCA would like to see in the Act a section on Performance of SQP's Function, in a similar manner as Auditors.
- Currently the legislation for third party certification only applies to site investigations and not ERA applications. Given the streamlining (relaxing) of some prescribed ERA applications (standard or site specific), ACLCA would like to suggest that ERA applications of activities on schedule 2 notifiable activities are signed off by a SQP and/or an Auditor.
- We would suggest the schedule 2 activities are ranked into medium and high risk activities depending on the activity and the size of the operation.
- ACLCA suggest that ERA applications for the medium activities require a sign off by an SQP and high risk activities also require third party certification by Auditors, as well as a sign off by SQPs.

Furthermore, we have the following points, which would like to seek clarification and consideration in the development of operational policies for the Act.

- “SQPs will not need to be approved”. How will this work?
- That Third Party Certifiers will work under a code of conduct. Who is to develop this code?
- The bill is specific to the state of QLD and not uniform with or complimentary to Commonwealth or another state. How does this work with NEPM etc.
- References guidelines. Are any of these planned for contaminated land



operations and if so when? Are the Draft 1998 Guidelines to be revised?

- SQP – Are the “appropriate qualifications and experience” to be defined? Are the “appropriate organisation” to be defined? What are the changes to “the regulatory functions” that can be performed by a SQP?
- Statutory Declarations – Have the SQP stat decs formats to change?
- Guidelines for type of Auditor and criteria – When will these be issued and in what format?
- Term of approval. It is assumed there will now be a panel of Auditors for certain functions? It is assumed that this panel will run for a period of time, how long will this be? It is assumed that the current appointment of TPRs on a site specific basis will cease? Will the current panel of TPRs automatically qualify for the panel of Auditors or will they need to reapply?
- Conditions of approval for an Auditor - Is it known what these may be?
- Code of practice – Are any codes planned to be developed by DERM in the near future and if so when?
- Clauses relating to “business days” - Is this from receipt by PALM and not DERM. If by DERM, how many days are allowed for internal processing and how will the applicant know when the time period commences?
- How is “best practice environmental management” to be defined?

We would like to thank you for the opportunity of assisting in the development of new legislation, guidelines and policies and hope the above comments are both self explanatory and helpful in the process. However, if the committee wishes to discuss any of the above, please do not hesitate to contact us via the current ACLCA Queensland email [qldaclca@yahoo.com.au](mailto:qldaclca@yahoo.com.au) or phone me directly on 0400 823 993, thank you.

Yours sincerely,

President, ACLCA Inc. Queensland

For and on behalf the Queensland ACLCA.