

## Environmental Protection and Other Legislation Amendment Bill 2022

**Submission No:** 10  
**Submitted by:** Queensland Water Directorate  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**  
**Submitter Recommendations:**



The Committee Secretary  
Health and Environment Committee  
PARLIAMENT HOUSE QLD 4000  
[hec@parliament.qld.gov.au](mailto:hec@parliament.qld.gov.au)

25 October 2022

Re: Environmental Protection and Other Legislation Amendment Bill 2022.

The Queensland Water Directorate (**qldwater**) is the central advisory and advocacy body within Queensland's urban water and sewerage services industry, providing a collaborative hub for its members to provide safe, secure and sustainable urban water services to Queensland communities. Our members include all local government and local government-owned water service providers in the state, along with other core and affiliate members.

Consultation with our members on the EPOLA Bill 2022 has been undertaken through a number of sessions with urban water industry representatives. **qldwater** thanks the department for the opportunity to consult on an Exposure Draft of the Legislation. It is noted, however, that early consultation was severely restricted by confidentiality requirements which permitted consultation on the substance, but not the detail, of the proposed legislative changes.

**qldwater** believes that the revised Bill, as it was referred to in the Health and Environment Committee was a substantial improvement over the early drafts. **qldwater** supports the following amendments:

- Clause 21, Page 23 – This is a strongly encouraged change potentially enabling an environmental authority application process for pilot/research projects.
- Clause 53, Page 39 – Amendments to support better management in emergency conditions are supported.
- Clause 72, Page 58 – Improved clarity noted by respondents.
- Clause 121, Page 88 – The proposal to introduce a confidentiality provision which imposes a penalty for contravention noted as positive.

However, there remain some specific sections that **qldwater** is unable to support:

- Clause 11, Page 15 – The decision to refuse an EIS is a decision of an administrative character. The decision maker should comply with the requirements for making administrative decisions such as providing an avenue for internal review of the decision. The provisions in the present ss 49A and 50 insofar as they relate to internal review by the Minister should be retained.
- Clause 25, Page 25, line 27-29 – The applicant should not be forever denied access to the court for the application simply because it notifies the Administering Authority that the applicant did not intend, at a particular point in time, to ask for a referral of the application to the Land Court.



- Clause 59, Page 48 – The existing (1)(b) (*...hazardous contaminant contaminating the land is in a concentration that has the potential to cause serious environmental harm...*) has been removed negating the need for the Administering Authority to define its grounds for the environmental investigation. There needs to be a high level of administrative transparency to exclude inappropriately proportioned environmental risk on individual Local Government-owned Environmental Authority holders.
- Clause 114, Page 85, line 20 – The auditor may not be qualified or able to say the document is factually correct in (e). because it may include statements that are beyond the auditor’s ability to verify. There should be an ability to detail exceptions.

Yours faithfully,

A handwritten signature in black ink that reads 'Linda Roberts'.

Linda Roberts  
Interim Chief Executive Officer  
Queensland Water Directorate  
Mob: [REDACTED]  
E: [REDACTED]