



INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES COMMITTEE

Members present:

Mr J Pearce MP (Chair)
Mr MJ Hart MP
Mrs BL Lauga MP
Mr LL Millar MP

Staff present:

Ms E Pasley (Research Director)
Ms M Telford (Principal Research Officer)
Ms M Westcott (Principal Research Officer)

PUBLIC BRIEFING—INQUIRY INTO SUSTAINABLE PORTS DEVELOPMENT BILL 2015

TRANSCRIPT OF PROCEEDINGS

THURSDAY, 25 JUNE 2015

Brisbane

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Committee met at 1.50 pm

CHAIR: Good afternoon to you all. We appreciate your time here this afternoon. I declare open the public briefing for the committee's examination of the Sustainable Ports Development Bill 2015. I thank you for your attendance here today. I am Jim Pearce, the member for Mirani and chair of the committee. The deputy chair is Michael Hart, the member for Burleigh. Other committee members are Mrs Brittany Lauga, the member for Keppel, and Mr Lachlan Millar, the member for Gregory, who will be here shortly. We have apologies from Mr Shane Knuth, the member for Dalrymple, and Mr Glenn Butcher, the member for Gladstone, who has been here all morning but had to catch a plane to head home.

The briefing is being broadcast live via the Parliamentary Service's website and a transcript will be made by parliamentary reporters and published on the committee's website. This briefing is a formal proceeding and, as such, you should be guided by schedules 3 and 8 of the standing orders, a copy of which has been provided. The aim of the briefing today is for the committee to gather preliminary information in relation to the bill. I welcome representatives from the Department of State Development.

COKE, Ms Sue, Director, Policy and Legislation, Department of State Development

McCONE, Ms Sally, Project Manager, Policy and Legislation, Department of State Development

NOONAN, Ms Sally, Executive Director, Policy and Legislation, Department of State Development

SILVESTER, Mr Peter, Director, Policy and Legislation, Department of State Development

CHAIR: Would you like to make an opening statement?

Ms Noonan: Thank you, yes. Good afternoon, Chair and members of the committee. Thank you for the opportunity to provide this briefing regarding the Sustainable Ports Development Bill. The bill was introduced into the Legislative Assembly on 3 June this year. There was an imperative to introduce the bill prior to the United Nations Educational, Scientific and Cultural Organization World Heritage Committee, UNESCO WHC, meeting which is commencing on 28 June to consider listing the Great Barrier Reef World Heritage Area, GBRWHA, as in danger at its 39th session.

The bill confirms to UNESCO that port development in and adjacent to the Great Barrier Reef World Heritage Area will be managed sustainably. Both the UNESCO WHC and the Australian government have acknowledged the value of stand-alone legislation and have expectations in this regard. Stand-alone legislation has been supported by members of the Reef 2050 Long-Term Sustainability Plan Partnership Group including organisations such as Ports Australia, the Queensland Resources Council and the World Wide Fund for Nature, WWF. The LTSP Partnership Group—including the resources, ports, tourism, fishing, agriculture, Indigenous, local government, research and conservation sectors—supported the Australian and Queensland governments in developing the long-term sustainability plan, the LTSP.

The LTSP establishes the overarching framework for the conservation of the Great Barrier Reef, including protection of the reef's outstanding universal value, while allowing ecologically sustainable development and use. The bill will apply to all ports operating in the Great Barrier Reef World Heritage Area and actions key port related Queensland government commitments under the LTSP to—and the key points are—restrict particular future port development; prohibit the sea based disposal of port related capital dredge material in the GBR World Heritage Area; mandate the beneficial re-use of port related capital dredge material such as through land reclamation or, where beneficial re-use is not possible, disposal on land where it is environmentally safe to do so; and require master plans at the major ports of Gladstone, Hay Point Mackay, Abbot Point and Townsville.

The bill is intended to deliver on these commitments to manage port development in and adjacent to the Great Barrier Reef World Heritage Area. The bill prohibits the following port related developments in the Great Barrier Reef World Heritage Area: port facilities outside existing port limits, refer to clause 32 in the bill, and in a state marine park; port related capital dredging, refer to clause 33 in the bill, other than for the four priority ports; and sea based disposal of port related capital dredge material, refer to clause 34 of the bill, in the Great Barrier Reef World Heritage Area.

The bill mandates the beneficial re-use of any port related capital dredge material such as land reclamation or, where beneficial re-use is not possible, disposal on land where it is environmentally safe to do so, and master planning for the priority ports to be operationalised through a port overlay. The bill represents a major step in implementing port related long-term sustainability plan commitments. It does not attempt to implement all port related commitments of the long-term sustainability plan. For example, it does not address the commitments to establish a maintenance dredging framework which identifies future dredging requirements, ascertains appropriate environmental windows to avoid coral spawning and protects seagrass and examines opportunities for beneficial re-use of dredge material or on-land disposal where it is environmentally safe to do so, and nor does it prohibit transshipping operations that may adversely affect the Great Barrier Reef Marine Park. The government will utilise other mechanisms including, where appropriate and necessary, amendments to other legislation to deliver on these commitments.

The bill nominates the strategic bulk ports of Gladstone, Hay Point/Mackay, Abbot Point and Townsville as priority ports. In the years 2013-14, these four priority ports accounted for a combined total throughput of over 242 million tonnes, or 77 per cent of the total throughput of all Queensland ports. As such, they have key roles in regional, state and national development. Though the focus of the bill is on the four priority ports, the bill will apply to all ports operating in the Great Barrier Reef World Heritage Area from north of Bundaberg to the eastern side of the tip of Cape York.

With regard to master planning, master planning under the bill will ensure coordination and consistency of planning and development across a port master planned area. The process will do this through articulating a high-level strategic vision and state interests that must be taken into account by those responsible for planning and assessment decisions in a master planned area. Importantly, the process will retain the autonomy of existing planning authorities in relation to their respective planning instruments within a port planned area. The bill provides for mandatory planning for the four priority ports to optimise the use of existing port infrastructure and to address marine and land based impacts, port and supply chain capacity and connectivity, and environmental and community values.

Master planning will be carried out in consultation with port authorities and other key stakeholders to identify the port state interests that are central to port master planning. Master planning at Queensland's four priority ports will ensure that the Outstanding Universal Value of the Great Barrier Reef World Heritage Area is an intrinsic consideration in future port development, management and governance; optimise the use of the state's port infrastructure in relation to global supply chains and regional competitive strategies; deliver greater certainty for the ports, industry and other stakeholders well into the future; provide for transparent decision-making; and require meaningful engagement with affected stakeholders. Through the bill, Queensland will set a new standard nationally in ecologically sustainable port development that maximises economic outcomes for the regions and, more broadly, the state.

This concludes the department's opening statement. I am happy to take any questions that the committee might have or direct them to my colleagues. Thank you.

CHAIR: Thank you very much. Sally, could you give us an explanation with regard to the process that you have been through to get to where you are today? Who was involved in that process? What consultation with other stakeholders did you have?

Ms Noonan: Sure. Thank you very much for the question. There has been, I suppose, quite a long period of engagement by my colleagues and me on this issue over a period of three years. We commenced work in 2011 on the strategic assessment of the Great Barrier Reef coastal zone. That was a very rigorous exercise that needed to be completed under the terms of the Environment Protection and Biodiversity Conservation Act. That provided a body of evidence with respect to issues along the coast that were creating impacts on the Great Barrier Reef.

As part of that work, we developed a draft Great Barrier Reef ports strategy that was subject to a process of public consultation and also quite extensive engagement with other stakeholders, particularly with the ports industry. Under the previous government, there was a draft ports strategy that was then confirmed as a ports strategy. We have then evolved that piece of work in line with the

Reef 2050 Long-Term Sustainability Plan and developed this piece of legislation in line with the policy commitments of the long-term sustainability plan that have been through a thorough stakeholder engagement process, spearheaded by the partnership group, as I have outlined.

In terms of the bill that you are considering today, we have had an opportunity to consult, prior to its introduction in the House, on an exposure draft with the WWF, the Environmental Defenders Office, the Queensland Ports Association, Ports Australia and the Queensland Resources Council. So all of those organisations did see a copy of the draft bill prior to its introduction and we were able to take on comments.

CHAIR: So they had the opportunity to report back with regard to the issues that impacted on them particularly?

Ms Noonan: On the bill in particular there was quite a short window of opportunity, but we had been engaging with these groups over the period of the three years that I have outlined from the commencement of our work on the strategic assessment and the various related pieces of work that have led to the point that we are at today.

CHAIR: So all of those people you consulted with have ticked off and they are happy with where you are at? Do any of those agencies or particular groups have any concerns about the legislation as it is at the moment?

Ms Noonan: I think it is fair to say that there has been a level of comfort. The policy that is in the bill is a direct translation of the long-term sustainability plan commitments. Those commitments have been endorsed by those groups that I have outlined as members of the long-term sustainability plan partnership group.

CHAIR: How did they do that?

Ms Noonan: It was a process that was managed jointly by the Commonwealth government and the Queensland government over a period of something in the order of six to nine months. There was a series of meetings that were jointly chaired by the federal and state environment ministers involving the senior representatives of a range of those stakeholder groups that I outlined. There was obviously an opportunity to review various drafts to provide input into actions—developing an action plan, that is, the long-term sustainability plan. So it was, yes, quite an intense period of engagement that was managed jointly by state and federal governments.

CHAIR: Just on the issue of transshipping, could you explain the meaning of transshipping to the committee, please?

Ms Noonan: I probably am not the best qualified person to explain transshipping. It is something that we specifically have not addressed in the bill because of the complexities around the definition. I would be a little bit reluctant to provide a definition today, given that it is an area that does require some technical expertise.

The commitment that has been made in the long-term sustainability plan relates to ensuring that transshipping does not have an impact on the Great Barrier Reef Marine Park, and that is an area that Maritime Safety Queensland and colleagues from the Department of Transport and Main Roads are pursuing through other mechanisms outside of the bill.

CHAIR: You have made a reference to transshipping operations.

Ms Noonan: As it is a commitment under the long-term sustainability plan. There are a range of port related commitments in the long-term sustainability plan, including around transshipping and maintenance dredging, that are not addressed in the bill because of the technical complexities and the need for the consideration of the appropriate mechanisms, which have been deemed at this point not to be in the Sustainable Ports Development Bill.

CHAIR: So even though you have mentioned it as part of your comments, there is nothing in the legislation to do with transshipping?

Ms Noonan: No.

CHAIR: It is an issue.

Ms Noonan: Yes, correct. It is a commitment—

CHAIR: To—

Ms Noonan: By the government. The government has made a commitment in the long-term sustainability plan, the Reef 2050 Long-Term Sustainability Plan. There are over 100 commitments in that plan and the Sustainable Ports Development Bill just picks up on a small number of those. So they are being addressed through other mechanisms.

CHAIR: Are you aware that in the public arena there are concerns about transshipping? People think it is crossing the coral reef, and around Hay Point there is an issue with coal being loaded on to barges and taken out to sea, where it is loaded on to a ship. That is also referred to as transshipping. I am sorry, but I just do not understand why there is nothing in the legislation that refers to that, because it is all part of the whole picture.

Ms Noonan: Sure. If you like, I can pass to my colleague.

Ms Coke: I can help. I can try to answer it as I can. I think what this bill is really trying to do is regulate the development of these ports, in particular the priority ports. Transshipping has been raised on multiple occasions at Hay Point, Port Alma. A number of proposals have been suggested.

Legislation is a very blunt instrument to regulate behaviour. Transshipping is something that is very hard to define. So the department formed the view—and it is subject to the consultation that this committee undertakes—that it is very difficult to introduce in the legislation a definition that would capture the transshipment as you are mentioning, where you have a barge and you are moving things between a barge and another vessel, compared to transshipment of ships moving between ports.

The department formed the view that there were certain things that this legislation could deal with in a very clear way that would be quite clear for industry, and transshipping is just not one of those. It needs a lot more investigation. I realise that it is a commitment, but not everything can be regulated in the same way. So it was really trying to pick the things that were in the long-term sustainability plan that were very amenable to regulatory control through a piece of legislation like this.

CHAIR: I understand now that there is nothing in the legislation to prevent a proponent putting something to the government with regard to the development of a transshipping arrangement at Hay Point. There is nothing in there to stop that from happening.

Ms Noonan: There could be something in there that stops it from happening. The legislation as it appears does not provide development approval powers. Development approval is given effect to through a number of other pieces of legislation, for example the State Development and Public Works Organisation Act. Should there be an assessment that indicates that there might be unacceptable environmental risks either through state or even federal legislation, if it is an issue that would fall under an approval decision under the Environment Protection and Biodiversity Conservation Act, such development may not occur. This legislation of itself does not make development decisions. It does refer to other pieces of legislation for those decisions.

CHAIR: But could it help influence development decisions?

Ms Coke: Yes.

CHAIR: That is what it is about?

Ms Coke: Yes. What it is really trying to do is be facilitative legislation—enabling legislation—where you have different planning jurisdictions that are coordinated through a master planned area regulated through a port overlay. So that is where these sorts of decisions would be fleshed out, because it is all about the future development of those particular priority ports. So these conversations are things that will be discussed and natted out in your master planning process that the bill provides for and then regulated through the port overlay.

Although it does not have the stick for it, it is something that would definitely be a consideration. It would be taken into account, because the minister, in approving a master plan, has to be absolutely sure that the master plan that he is approving is consistent with the principles of ecologically sustainable development.

I think it is probably trying to take a fairly holistic view of port development and that it is something that you facilitate across, knowing that there would be a range of interests. So you will have port authorities in a master planned area, you will have local governments, you will have proponents in state development areas and you might have some in priority development areas under the ED Act. So it is trying to take a much more holistic view.

CHAIR: Okay. With regard to what you have just said, you have obviously heard it from the committee today and you have heard it when you have been out there doing your consultation, that sort of thing. What do you do about that? Do you just push that to the side or do you make sure that other people or other agencies are made aware of that as an issue that should be looked at?

Ms Noonan: In terms of the transshipping issue in particular, it is a very high priority. There is a high level of commitment within government to address the transshipping issue. It was an issue that was explicit when the government came to office. It is an issue that is explicit in the long-term sustainability plan. As I outlined earlier, colleagues in Maritime Safety Queensland and Transport and

Main Roads are currently focused on that issue and also the maintenance dredging issue. So there is action underway to address it. As my colleague has outlined, this bill was just not a good fit for that action.

Mr HART: Sally, you said that the work on this bill started in 2011, there was a draft ports strategy and a bill was introduced to parliament. When was that?

Ms Coke: I am pretty sure it was December last year.

Mr HART: That lapsed on the change of government. That was put in in December in order to give plenty of time before UNESCO made their decision on the Barrier Reef. Why did it take another five months after the change of government before we saw a new version of this bill? I will let you answer that first.

Ms Noonan: That is a very useful question. I think a point that it is very important to make is that, when the new government was formed and we came to develop this new bill, we stripped the process back to drafting instructions. We have not looked at the previous bill and crossed things out. We have gone back to the beginning in terms of looking at what were the lessons from that process, what is consistent with the direction of UNESCO and also what is the direction of the new government. There was a process of the new government confirming its direction around the Great Barrier Reef, particularly through the endorsement of the long-term sustainability plan and the commitments in that. That was made publicly available in March, so that actually set the policy parameters for this piece of legislation. The policy parameters that were set by the long-term sustainability plan are not identical to the policy parameters that were reflected in the ports bill under the previous government. There are some really quite substantial differences.

This piece of legislation, as I have indicated, does not provide approval powers. It is particularly around the port master planning. It is quite a different beast in that it maintains the autonomy of existing planning authorities and entities. It provides for a port overlay process, which is similar to a tailored state interest map around the geographic areas that are defined or will be defined for port master planning. It removes the time restrictions that were outlined in the previous government's bill around some of the prohibitions. It includes a prohibition on the sea based disposal of capital dredge spoil material in the Great Barrier Reef World Heritage Area, which was very specific to this government; it was not a policy of the previous government. It also makes a very specific distinction around Gladstone and Fitzroy, in particular, which was a commitment by the current government. There are a number of quite fundamental points of difference. There are some similarities, that is true, and we were able to draw on those similarities and also the lessons that we learned through the previous committee process and through further government consultation, but there are some very fundamental differences, particularly around the port master planning area.

Mr HART: We had three years of working on this bill and consultation with the various stakeholders, and we threw that all out and started all over again?

Ms Noonan: No, I would not say—again, maybe if I can be a little clearer: we had work in this area that has led up to this point. In terms of actually working on a piece of legislation, we really commenced working on legislation—I look to my colleague Sue on this—last year.

Ms Coke: Yes.

Ms Noonan: We had done all the background work in terms of the research around the Great Barrier Reef, the impact of development on the Great Barrier Reef, the engagement with the ports industry through the draft Great Barrier Reef ports strategy, the engagement with the industry and other stakeholders through the ports strategy. The ports bill of the previous government was an action under the previous government's ports strategy, but the initial piece of work was not around a piece of legislation.

Mr HART: Are you saying that the three years of consultation and work that the department did had no reflection on the previous bill? It did not correlate with what the previous bill said?

Ms Noonan: No, I would not say that at all. I would say that there were some aspects that were consistent with that piece of legislation and this piece of legislation. There are some fundamental policy differences that are reflected in this legislation. There was also a very different government policy last year with respect to ports in terms of being government assets, which is very different from this current government's policy. There are some very big strategic issues that differ from the previous government to this government.

Mr HART: So the changes, then, are policy changes—differences between the two governments?

Ms Noonan: Correct.

Mr HART: Okay. The bill's definition of capital dredging states that it 'does not include dredging to maintain the safe and effective ongoing operation of a port facility'. Is there likely to be any maintenance dredging in restricted areas outside a port's master planned area? If so, can you detail what systems have been put in place to ensure compliance with the restriction, for example, that is not enlarging an existing channel?

Ms Noonan: In terms of maintenance dredging and the way that it has been dealt with in the bill, I might again throw to my colleagues. First I will make an important statement with respect to the ongoing operation of existing ports with respect to ensuring their levels of operation are not affected by this piece of legislation. Maintenance dredging, as it is commonly understood, is necessary for the continued operation of ports. That is something that we strongly acknowledge and it is something that will continue to occur under this piece of legislation. If the committee is satisfied, I might again ask my colleagues if they would like to elaborate on that.

Ms Coke: Probably what this bill is trying to do with the definition of 'capital dredging' is that, in the past, it was really hard to define what is capital dredging and what is maintenance dredging. What we have drawn on is the Great Barrier Reef Marine Park Act. The regulations have been amended and they include a definition of capital dredging. We have drawn on those so that we have some consistency across state and Commonwealth jurisdictions as to what is capital dredging. As Sally says, maintenance dredging is an ongoing and necessary part of any port, whether it be a priority port or any of the others. We are very keen that those ports can continue to operate, as well as the priority ports, and undertake whatever maintenance dredging they need to do. I am not sure if that answers your question, but that is really why the definition was drafted in that way.

Mr HART: That is fine. The capital dredging will be put on the land. What about maintenance dredging? Where will it be disposed of?

Ms Noonan: As we have outlined, the bill is silent on maintenance dredging. There is no proposed change to the way that maintenance dredging is currently conducted.

Mr HART: Have any approvals that were already in place or were under consideration been completely changed by this legislation?

Ms Noonan: There are a number of approvals that—sorry, I will backtrack a little. You will notice there is a transitional provision in the bill which is with respect to section 60 around current EIS processes. There is a transitional provision where there is approval that may or may not be forthcoming, depending on how that EIS process goes ahead. In terms of current approvals, the legislation is very clear that from the moment this becomes law there will be no disposal of capital dredge spoil material in the Great Barrier Reef World Heritage Area.

Mr HART: What current approvals are in place that will be stopped?

Ms Noonan: There is probably one that I can talk about that I am aware of, which is around Townsville. There is a berth-12 approval that involves capital dredging and sea based disposal. Townsville is, of course, one of the priority ports. The disposal of capital dredge spoil material in the Great Barrier Reef World Heritage Area will not be possible following assent of the legislation.

Mr HART: What about Cairns and Trinity Inlet?

Ms Noonan: There is no approval for Cairns. Trinity Inlet is subject to an active EIS but there is no approval. That EIS process has been out for public consultation. The government has been clear around its position on the project as it is currently configured in terms of its commercial and environmental viability or otherwise. But there are no approvals for the Cairns Trinity Inlet proposal.

Mr HART: There are no approvals, but it will not be able to proceed?

Ms Noonan: Under the transitional provision, that would allow the project to proceed. But if that was to proceed, the legislation would not allow the disposal of capital dredge spoil material in the Great Barrier Reef World Heritage Area.

Mr HART: So it could still be done, but the capital dredge spoil material would need to be put on land; is that what you are saying?

Ms Noonan: Correct. Under the transitional provision it could allow it or it could be beneficially re-used. There are two options. The government's preferred position is beneficial re-use of capital dredge spoil material. Where that cannot occur and it is environmentally safe to do so, the dredge material may be disposed of on land.

Mr HART: What does the government class as 'beneficial use'?

Ms Noonan: Beneficial re-use can include—and again I will throw to others for technical detail—land reclamation and beach nourishment. There are a number of beneficial re-use categories outlined in the National Assessment Guidelines for Dredging. I have a little more detail here: engineered use, for example land reclamation, beach nourishment, offshore berms, capping material; agriculture and product uses, for example aquaculture, construction material, liners; and environmental enhancement, for example restoration and establishment of wetlands, upland habitats, nesting island and fisheries. That is included at page 14 of the explanatory notes.

Mr HART: Going back to the process and how long it took, was a draft exposure of this new bill put to, I think you said, the WWF, the EDO and the QRC?

Ms Noonan: Those organisations did see a draft exposure of the bill.

Mr HART: How long did they have to look at it?

Ms Noonan: It was a matter of days.

Mr HART: Days?

Ms Noonan: Yes.

Mr HART: So we have a bill that affects every port on the eastern seaboard of Queensland and they had days to consider it?

Ms Noonan: As I have outlined, the policy content is identical to the policy commitments that were made in the long-term sustainability plan. All those organisations were involved in the development of the long-term sustainability plan. The long-term sustainability plan was finalised and made public in March this year.

Mr HART: I imagine that if they had days you did not get any feedback from them at all, did you?

Ms Noonan: We did, yes.

Mr HART: Within days?

Ms Noonan: Yes, we had quite an intensive engagement with those stakeholder groups over that period of time.

Mr HART: Who responded?

Ms Noonan: All of the organisations responded.

Ms Coke: The organisations all responded. I suppose the best way to explain it is, given that we have been in touch with these people for a very long time—

Mr HART: What is 'a very long time'?

Ms Coke: Since 2011—they have been through various iterations. They all definitely have their own positions on what they would like to see in a piece of legislation. This legislation is reflective of the policy of the government of the day as reflected in the long-term sustainability plan. It does not do anything different to that.

In relation to the meetings we had, we had face-to-face meetings where we could with the people concerned. The people who responded were the heads of the organisation—for example, Michael Roche from QRC and Jo Bragg from EDO. We received pretty detailed responses in a pretty short period of time. They are very well across the issues. They were very detailed responses. We took account of what we could take account of. It is always going to be a fine line given stakeholders have very different and opposing interests, but the bill has tried to be as faithful as it can be to implementing the commitments made in the long-term sustainability plan.

Mr HART: Can you tell me whether the economic prosperity of Queensland was one of the things that was considered during those last four or five months in which the massive changes you are telling us about took place in this bill?

Ms Noonan: Yes, thank you for the question. We are from the Department of State Development. We have a charter to support economic development but in an ecologically sustainable way. We are very mindful of the opportunities that particularly the port master planning process gives around balancing in a responsible way economic development objectives by making efficient use of existing infrastructure, protecting supply chain corridors and being able to have up-front, meaningful engagement with a broad range of stakeholders on economic, environmental, social and cultural factors. That is definitely what we understand to be important in terms of good policy and good planning to achieve economic development outcomes. In the purpose of the act there is a very strong sense of economic as well as environmental outcomes. We believe that this reflects the government's desire for economic development outcomes through the port master planning process.

Mrs LAUGA: I wondered about the disposal options—the beneficial re-use and the on-land disposal. If you could just talk about those and what is involved in terms of costs and time frames, it would be great to understand that.

Mr Silvester: First of all, beneficial re-use is the preferred option of this piece of legislation. Beneficial re-use, as has been outlined, can take a number of different forms. You could have particular environmental requirements that you are trying to satisfy. Some of those might be beach nourishment to satisfy turtle nesting regimes et cetera. Other particular outcomes you might be seeking to achieve are to provide new land for industry or for development, and that necessarily involves quite a long and detailed process from an engineering perspective that requires establishing containment cells. It requires the very detailed and sophisticated establishment of filtering systems and making sure that your disposal methodology does not have any negative environmental impacts. Those particular systems can be quite complex and they do not come without a cost, but you are always trying to achieve the best development or uplift potentially where you can from those systems.

In terms of detailed costs, they do vary quite significantly depending on the circumstance that you find yourself in. Some dredging activities involve very clean sand, and the establishment of new reclamation areas can be quite a cost-effective process. If you find yourself in a dredging circumstance where you are dealing with complex dredge material that includes acid sulphate soils, you have to treat those acid sulphate soils and neutralise them. So in those particular circumstances the costs will increase significantly. It is very much site dependent, and time frames vary accordingly to manage those issues. I am sorry if that is a very simple or very brief explanation.

Mrs LAUGA: No, that is great. It is really interesting to know that there are some cases where it is quite clean sand and beneficial re-use is a relatively straightforward process. It is kind of sad to think that in the past it has been disposed of at sea when it could have been used in a beneficial way but it was not considered as an option because there was not legislation like this. I wondered about the impact of dumping of dredge spoil in the Great Barrier Reef Marine Park area in terms of turbidity and the impact of that dredge spoil on the marine park in terms of especially the fauna. I wondered if you had any information about that in terms of what environmental benefits this legislation will provide.

Ms Noonan: I might just provide a bit of an overview on that. Again, I will refer back to the work that we did a few years ago on the strategic assessment of the Great Barrier Reef coastal zone. The findings around this area through the work that we undertook at the time were that the impacts of dredging and also dredge spoil disposal can be quite significant in a very localised area. I think the issue to bear in mind is the vast expanse and size of the Great Barrier Reef when you are looking at an area of many thousands of kilometres in size. While the impacts can be quite significant for a local area over a defined period of time, the impacts on the World Heritage Area are not as significant and pale in comparison with some of the other impacts with respect to water quality, agricultural run-off and the like.

I suppose the important thing to bear in mind is that every little bit helps with respect to building the resilience of the reef. If there is an opportunity to minimise any contribution to the poor water quality outcomes in some areas of the reef, action should be taken. In the bigger scheme of things it is not one of the major contributors, but I think a really important point, as Peter outlined, is that the composition of dredge spoil material can vary greatly along the coast. The issues around sea currents and what is the native flora and fauna situation in particular areas mean that the impact of capital dredging and dredge spoil disposal can vary significantly along the coast. As I say, while it may not be a major contributor, something can be done about it.

Mr MILLAR: While I do not have any ports in my electorate, they are incredibly important to the export of goods that come out of my electorate. Does this bill seek to retrospectively prohibit projects that have been previously approved or are currently being assessed?

Ms Noonan: Thank you for the question. There is no retrospective component to this piece of legislation. As I have outlined, there is a transitional provision, section 60, with respect to a current EIS process, but when it comes to an approval for or the ability to allow capital dredge spoil material to be disposed of in the World Heritage Area, nothing will be possible after this piece of legislation comes into effect.

Mr MILLAR: So that includes projects that are currently being assessed?

Ms Noonan: If there is no approval, approval cannot be granted unless that project fits the criteria of the transitional provision, section 60.

Mr MILLAR: I guess this is more of an electorate based issue. How will this bill ensure that trade and exports are not lost to interstate ports, namely Darwin?

Ms Noonan: An important point is that the geographic coverage of the legislation is only the extent of the Great Barrier Reef World Heritage Area. As I said, it is from the north of the Port of Bundaberg—so the Port of Bundaberg is not captured by this piece of legislation—up to the tip of the cape. Weipa, for example, is not affected by this legislation. The Port of Karumba is not affected by this legislation. It is just the ports that are in the Great Barrier Reef World Heritage Area.

Mr MILLAR: So how does this bill support the development of any new export opportunities? Does it play a role there?

Ms Noonan: I think the important point to bear in mind is that, through the master planning process as it is outlined in the bill, the bill provides an opportunity for a more strategic consideration of the best use of the port. The way that ports are largely planned at this point in time is under the Transport Infrastructure Act. There are land use planning considerations that are made with respect to strategic port land, but the ability of the port's strategic vision to influence land use planning beyond that strategic port land is very limited.

Through the port overlay extending over what may be expected to be a larger geographic area than the strategic port land, issues of state interest such as supply chain corridors can be properly planned for and managed as they relate to other land use planning instruments. So that is quite significant in terms of being able to ensure that economic development and supply chain considerations are not constrained inadvertently through other planning decisions.

Importantly, the port overlay and the port master planning process require an environmental management framework as well. So it is important to bear in mind that the land that is considered in the study area that will be a master planning area will have a range of different land uses. There will be some land that will be protected for environmental areas. There will be some land or precincts that will be appropriately identified for future development. There will be other pieces of land that will be identified as important supply chain corridors or buffers between residential areas, for example. So it is really about bringing all the planning systems together in a coordinated way to ensure there are not any inadvertent land use conflicts.

Mr MILLAR: Ms Coke, you mentioned in answer to the member for Burleigh that there were a couple of days of consultation. Can you be clear about that? When you say a 'couple of days', was it one or two days or a week?

Ms Coke: In relation to the exposure draft of the bill?

Mr MILLAR: Yes.

Ms Coke: We were given a week, in which we were given the opportunity to provide an exposure draft to particular organisations and get their feedback within that week. So effectively I would say it was a week.

Mr MILLAR: When was that?

Ms Noonan: That was in the week leading up to the consideration by parliament.

Mr MILLAR: So which week was that?

Ms Noonan: It was introduced on 3 June. So it was from 27 May that we began engaging in a detailed way on an exposure draft with external organisations.

Mr MILLAR: Is that enough time?

Ms Noonan: I think this again comes to the question that the member for Burleigh has raised. With respect to there being no policy directions in this that are different from what has been agreed through the long-term sustainability plan, there were no surprises in terms of the policy direction. That had been thoroughly consulted on through the Reef 2050 process.

Mr MILLAR: Surely more than a week would not be out of the question, given that it is drafting.

Ms Noonan: Again, I think it comes down to the issue of complexity. It is not an overly large piece of legislation. There had been a long period of engagement with these groups on this broad subject matter over a period of some years. At the end of the day, we consider that there has been a level of satisfaction. I think taking into account that level of satisfaction is an important consideration in the question as well.

Mr MILLAR: How many submissions did you get from outside?

Ms Noonan: It is still going through the submission process, which closes on 2 July, and we are expecting that there will be quite a few submissions to the committee.

Mr HART: I am staggered about a couple of days. It just amazes me. Were any changes made from feedback in that week?

Ms Coke: It was a very big week. I am thinking of the major points that were raised by the stakeholders. There were, for instance, more updated techniques of social media, for example, using departmental websites. We had very much government bureaucratic, *Government Gazette* type notifications, so we were able to introduce those sorts of things and make sure they were in the bill.

Mr HART: Who suggested that?

Ms Coke: That was the green groups, so EDO—I am not sure which particular group it was—but it was—

Mr HART: So there were changes made for the WWF or the EDO, but were there any changes from the port authorities or QRC?

Ms Coke: In relation to the port authorities, QPA and Ports Australia, we have engaged really closely with QPA and David Anderson from Ports Australia. The master planning provisions in this bill very much built on the work that Ports Australia prepared. I forget the name of the actual document but it is something like master planning best practice or master planning guidelines that were prepared in 2013. This is probably the next step up from that.

The bill, in relation to the port authorities, is trying to take the work that that industry—and I understand there is a fairly good level of agreement with the work that Ports Australia has done. We have always engaged with them very closely. That came back from the National Ports Strategy 2012 that you really needed to do the master planning for ports. That was really about taking ports so that they did not just do their land use plans and were more inward looking—that they started looking beyond the boundaries. I think this bill is pretty reflective of what was in the previous bill and really tries to get ports to look beyond their port boundaries and work out what areas will be needed for future port development.

From that point of view, the ports authorities and ports associations are very supportive of that. It also tries to retain the autonomy of the port authorities as opposed to the previous bill. Land use plans are still prepared by the port authorities. They are regulated by the overlay and they will have to incorporate those provisions into their land use planning at some stage, but this work is not something that was just dreamt up. We have moved with the industry and tried to incorporate that. I would think that the master planning is really a refinement of what we had in the previous bill.

Mr HART: In politics, perception is everything. I watch TV of a night and I see these ads on TV where somebody is dredging something. They have dug a big hole somewhere and they take it out and they dump it on the most pristine part of our Great Barrier Reef. Does that ever happen?

Ms Noonan: As you understand, there are pieces of legislation that govern and regulate the act of dredging and sea based disposal. The Australian government and Queensland as part of the Commonwealth are signatories to agreements such as the London Protocol, which has very high standards with respect to sea dumping. There is both Commonwealth and state legislation around sea dumping. There is the Great Barrier Reef Marine Park Authority, which has its own piece of legislation—the Great Barrier Reef Marine Park Act. If there is dredging in the Great Barrier Reef Marine Park it is required to ascertain a permit from the Great Barrier Reef Marine Park Authority. That sort of activity is extremely well regulated. For such an activity to happen, as you have described it, would be in serious contravention of any of the Commonwealth laws.

Mr HART: I would be absolutely horrified if that ever happened. So the answer to that is, no, it has never happened. No government has ever let anything like that happen. Do we allow them to dump on any reef at all?

Ms Noonan: Not under our compliance with the London Protocol and the supporting legislation.

Mr HART: I am glad to hear it.

Mrs LAUGA: I think it is an interesting concept, this idea of getting dredge spoil and dumping it on a bunch of coral and clown fish, and Nemo gets choked with dredge spoil, but it is not necessarily the case because we have a whole Great Barrier Reef World Heritage Area and it is a massive ecosystem that all works together. It is not just about a little bit of coral here or there; it all works together in all sorts of different ways. I see that UNESCO has specifically mentioned the government's plans to ban capital dredging in this legislation as one of the primary reasons that it decided not to list the Great Barrier Reef World Heritage Area as in danger. Are there other elements of the bill that appeased UNESCO and made it make this decision?

Ms Noonan: Again, I would hate to be trying to read the World Heritage Committee's mind on this, but I can outline some of the other issues that were of note in previous recommendations. Two in particular that are noteworthy concern the protection of greenfields areas from port development. The bill specifically prohibits port development outside the long-established existing port boundaries. That is quite significant in terms of the limitations that it provides with respect to greenfields development.

The other issue I touched on briefly previously was the Fitzroy delta. That was an issue of some concern to the World Heritage Committee in terms of ensuring that that area was not included in the master planning area for the Port of Gladstone master plan. The committee may be aware that we currently have out for public consultation a draft boundary for consideration for the master planning area of the Port of Gladstone, and that explicitly excludes the Fitzroy delta, North Curtis Island and the Port of Rockhampton. That is something that has been an explicit concern by the World Heritage Committee in the past.

Mrs LAUGA: I know the answer because I am the local member for the area, but why was the exclusion of the Fitzroy delta from the master planning area a particular request on behalf of UNESCO?

Ms Noonan: As we all know, Port Alma lies within the port limits of the Port of Rockhampton. That is a very low-key, small scale facility. The proposals that had previously been subject to EIS around Balaclava and North Curtis Island, for example, would involve a significant change in character to the port development activity as it is currently configured at Port Alma to allow for the export of coal from that particular port. There would be a requirement for specific and quite extensive infrastructure development. As I said, the nature of the use of the port would change quite significantly. There are some particular species that are endemic to the area that are threatened—the snub nosed dolphin, for example. Those factors combined meant it was something that got the attention of the World Heritage Committee.

Mr HART: Did the 2014 bill have all of those things in it as well? Would it have appeased UNESCO?

Ms Noonan: The ports bill under the previous government did not specifically exclude the Fitzroy delta from being part of the Port of Gladstone master planning area. There was a possibility that it could have extended into part of that area—

Mr HART: Sorry, during the briefing we had on that bill I am sure we asked the department whether Port Alma was excluded, and I am fairly certain you said it was.

Ms Noonan: Again, it comes down to the differences around terminology that we use in this piece of legislation as opposed to the previous one. The previous legislation talked about priority port development areas. That terminology is not included in this. The priority port development area geographically was not as well defined as it is in this piece of legislation. Although the Port of Rockhampton was not a priority port development area, there was no technical exclusion in terms of the geographic scope of a priority port development area.

Mr HART: That is a long bow, isn't it? You are saying that the minister could have pushed it out had he chosen to at the time but they hadn't. So everything that UNESCO wanted was in the 2014 bill?

Ms Noonan: It was not explicit, and that was a question that consistently came back from the World Heritage Committee. They wanted to see black and white that Fitzroy delta was excluded and we could not explicitly show that. We have been able to show that with the draft port master planning area that is out on public display at the moment.

Mrs LAUGA: Was that the only item essentially on UNESCO's wish list that was not in the previous bill that is in the bill now?

Ms Noonan: The other issue that UNESCO raised with respect to the previous bill was time limits. The prohibitions in the previous bill had sunset clauses. This legislation does not have those time limits applying, so that was something that was of concern to the World Heritage Committee as well.

Ms Coke: Can I add also the dumping of dredge material—

Ms Noonan: In the World Heritage Area.

CHAIR: Thank you very much for your involvement this afternoon. We have gone a little over time, but we have to take advantage of it when we have you sitting opposite.

Mr HART: Can we put the rest of those questions in and get answers to those as well in written form?

CHAIR: We do have some questions here that we did not get an opportunity to ask. Can we forward them to you and have answers back by next Thursday?

Ms Noonan: Yes, that is fine.

CHAIR: Thank you again for your involvement. We have certainly learned a lot, as we do from every organisation or government agency that sits across from us. Before I close the briefing, I need a mover and a seconder for the committee to authorise the publication of the proof transcript of today's proceedings.

Mr MILLAR: I so move.

Mrs LAUGA: I second it.

CHAIR: I declare this briefing closed.

Committee adjourned at 2.59 pm