


## **Inquiry into volunteering in Queensland**

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## Executive Summary

This submission highlights the current challenges of volunteering in Queensland's environmental protection, conservation, and sustainability sector. It outlines the importance of legislative instruments, the challenges volunteers face in navigating them, the implications for community consultations, and the urgent need for the government to provide a comprehensive and integrated compliance mechanism to ensure robust oversight of a complex array of legislative requirements.

The suggestions made within aim to empower volunteers and associations, streamline access to environmental and planning compliance information, enhance compliance risk data analytics across the state, and improve opportunities for community engagement in environmental initiatives, particularly in light of the upcoming Brisbane 2032 Olympic and Paralympic Games and the many developments that are planned, anticipated, or proposed, along with projected tourism and population growth over the coming years.

## Introduction

As a committed member of the Bribie Island Environmental Protection Association (BIEPA), I have come to recognize the critical role that volunteer-driven initiatives play in upholding legislative obligations for environmental conservation in Queensland. This submission presents the urgent issues currently facing volunteer-driven environmental protection associations concerning legislative frameworks, tourism objectives, and planning schemes, alongside the capacity challenges encountered by local area volunteers.

## Current Challenges in Volunteering

The stakes for sustainability in Queensland are alarmingly high, given Australia and Queensland have been identified as the world's leading areas for biodiversity decline and losses to extinction.

Volunteers encounter significant challenges when navigating the uncoordinated nature of independent government portfolios and local governments, as well as the scale of community consultations regarding area-specific projects that impact both communities and their unique environments.

### 1. The Burden of Compliance on Volunteer Organizations

Volunteer groups in Queensland, often under-resourced and time-poor, face challenges in raising community awareness about pending Development Applications and planning amendments or consultations. Social media platforms operate as user-pay systems, and group rules impact awareness-raising campaigns, significantly hindering the level of engagement or awareness. Community members and volunteers must register with every Federal, State, and Local Government area to be included in notifications or consultations across multiple portfolios/departments.

The scale and rate of change and growth while trying to engage in the complex review of legislation, present submissions, and operate with limited capacity and resources can be extremely overwhelming as the negative impacts of not objecting to a development proposal can be detrimental to the sustainability of an area.

### 2. Community Consultation Fatigue

Communities are experiencing consultation fatigue as numerous government departments and political entities frequently change their policies. Despite the consistency of environmental protection laws, funding commitments often shift with political changes, undermining community involvement. As new consultations are repeated and repeated without outcomes. Fundamentally creating complacency to participation in the process of consultation.

### 3. Navigating Complexity

The complexity of legislative compliance poses daunting challenges for volunteer organizations. Volunteers are expected to navigate extensive legal requirements to ensure Development Applications comply with international, federal, state, and local laws, detracting from their primary mission of conservation and advocacy with limited expertise in the compliance environment.

### 4. Limitations of Government Reliance on Individual Reporting

Governments rely on individual community members reporting non-compliance with legislative instruments or breaches. However this is limited in its effectiveness to enact systemic changes across all levels of government.

As Non-compliance or breaches identified at local levels are often contained within agencies, lacking a mechanism for escalation to regulators or relevant departments without the additional burden of further submissions by an individual. This reliance places enormous expectations on volunteers and community members without a straightforward way to raise compliance risks if they are apparent or known.

Ideally, a robust integrated Governance Risk and Compliance (GRC) system should today be sophisticated enough to automate and generate reports of local-level non-compliance with legislative instruments directly to the relevant authorizing legislative bodies. Any reported trends across local governments could highlight risks for remediation, allowing the authoritative owners of the legislative instruments to enact systemic changes. Local-level volunteers or associations should not be relied upon to make multiple appeals or objections across agencies where legislative breaches may have occurred.

### **Implications of Non-Compliance with International Laws and Treaties**

Australia is a signatory to several international laws and treaties focused on environmental protection, including:

1. Ramsar Convention on Wetlands (1971): This treaty aims to conserve wetlands of international importance and promotes their sustainable use. Non-compliance may result in the degradation of critical wetland ecosystems and the loss of biodiversity.
2. Convention on Biological Diversity (CBD): This agreement seeks to preserve biological diversity and ensure sustainable development. Failure to comply can lead to increased extinction rates and habitat loss.
3. United Nations Framework Convention on Climate Change (UNFCCC): Non-compliance with this treaty could exacerbate climate change impacts, threatening ecosystems and communities alike.
4. Convention on Migratory Species (CMS): This treaty aims to conserve migratory species and their habitats. Non-compliance may lead to decreased populations of migratory species, disrupting ecosystems.
5. Bonn Convention: Focused on conserving migratory species, failure to comply could result in significant biodiversity loss.
6. East Asian-Australasian Flyway Partnership: This partnership protects migratory waterbirds and their habitats. Non-compliance threatens these vital species and their ecosystems.

Non-compliance with these international obligations not only undermines global environmental efforts but can also lead to legal repercussions and damage Australia's international reputation. It emphasizes the necessity for effective local compliance mechanisms and robust community engagement to monitor and enforce adherence to these treaties. It is local community concerned individuals who are reporting non compliance or concerns

Possible Non compliance or breaches are indicated by Australia and Queensland having been identified as the world's leading areas for biodiversity decline and losses to extinction.

### **Queensland Audit Office Findings**

These experiences of compliance risk are supported by findings from the Queensland Audit Office.

The recent findings from the Queensland Audit Office (QAO) underscore the limitations of governance, risk, and compliance frameworks within state and local governments, summarized below:

- Governance Gaps: The QAO highlighted significant gaps in governance structures, which are crucial for overseeing compliance with planning regulations. These gaps can result in inconsistencies in how amendments and material change of uses are handled across local governments.
- Quality of Information: Many councils struggle with the quality of information used in decision-making processes, leading to insufficient assessments of risks associated with planning and development.
- Asset Management Shortcomings: The audit revealed that numerous councils lack comprehensive asset management plans, which can hinder their ability to assess the implications of material change of use on existing services and facilities.
- Leadership and Capacity Building: The QAO emphasized the need for stronger leadership in embedding governance and compliance processes. A lack of capacity can prevent councils from evaluating and responding appropriately to planning changes.

- Departmental Support: The report pointed out that the Department of State Development, Infrastructure, Local Government and Planning has not provided sufficient guidance or support for councils, hindering their ability to manage risks effectively.

These findings illustrate the critical need for volunteer organizations to engage with local councils and the government to address compliance issues and advocate for a more robust governance framework.

The environment and planning legislative framework is extensive and inclusive of international, federal, state, and local laws, including but not limited to:

- Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act): Protects nationally and internationally important flora, fauna, and ecological communities.
- Queensland Planning Act 2016: Establishes a framework for land use planning and development assessment aimed at ensuring ecological sustainability.
- Environmental Protection Act 1994 (EP Act): Protects the environment while allowing for development.
- Native Title Act 1993 (NT Act): Recognizes the rights of Aboriginal and Torres Strait Islander peoples.
- Aboriginal Cultural Heritage Act 2003 & Torres Strait Islander Cultural Heritage Act 2003: Protect cultural heritage by recognizing the importance of traditional land and cultural sites.
- Environmental Protection (Water and Wetland Biodiversity) Policy 2019: Establishes environmental values for waters and wetlands, providing guidance for their management.

All laws and regulations create a framework that governs land use and environmental protection but often processes disproportionately favour developers and local councils, allowing them to fast-track developments with no minimum community input required. There is no obligation to achieve a reasonable representative sample of feedback. This raises concerns about the democratic process when the sustainability of local ecosystems is at stake.

### **Opportunities for Government Support**

There are significant opportunities for the Queensland Government to support volunteers focused on environmental sustainability. Recommendations include:

#### **1. Streamlining Development Processes:**

The State Government could implement a process to identify applicable legislation/regulatory obligations by local community area. All applicable legislative instruments would be provided and risk-assessed prior to a publicly notifiable requirement or public consultations.

#### **2. Legal Resources:**

Establish dedicated free independent legal assistance for environmental organizations in navigating compliance requirements to support government enforcement of compliance with their laws/legislative instruments.

#### **3. Community Engagement Initiatives:**

The government could ensure that a minimum representative sample of the community is engaged in development processes or notifiable noticed by local government, organized by locality and linked across government portfolios by simplifying the way in which community members are connected to notifiable information regarding consultations.

### **Suggestions**

To address the challenges faced by volunteers and all respective not-for-profit environmental agencies, as well as the findings from the QAO, I present the following longer-term and immediate actions for consideration:

#### **1. Integrated Governance Risk and Compliance (GRC) System:**

The State Government invest in an integrated system to create a robust compliance framework that registers and monitors legislative obligations, automating the reporting of non-compliance or breaches directly to relevant monitoring authorities/stakeholders simultaneously (i.e., federal, state, local government), with data analytics by Council and by local areas

#### **2. Mandatory Legislative Compliance Risk Review of All Local Development Applications or Publicly Notifiable Matters Prior to Community Consultation:**

This information must be made publicly accessible as part of the consultation process.

Particularly, Performance Based Development Applications to a council for material change of use must include a detailed listing of legislation reviewed related to a development proposal. An independent compliance analysis must accompany any such application.

**3. Reporting Breaches and Non-compliance:**

Establish a Breach Notice Register compliance report, by local area, accessible to local residents and environmental groups, ensuring transparency and accountability by each level of government providing data analytics of relevant legislation, impact, remediation

**4. Short-term Financial Grants to Support Independent Compliance Reviews:**

The State Government should provide funding for local organizations to conduct independent compliance assessments on community notifiable matters.

**5. Prioritize Local Community Areas with Cultural, Environmental, and International Significance:**

Areas with high cultural, heritage, and ecological assets should be prioritized for oversight and protection.

## **Conclusion**

In conclusion, I urge the Queensland Parliament to recognize the pivotal role of volunteers in environmental protection and to address the significant barriers that hinder their contributions. By providing necessary resources and support, we can empower volunteer organizations to navigate the legislative landscape effectively and safeguard our natural and cultural heritage assets into the future.

I appreciate the committee's consideration of these pressing issues and look forward to collaboratively advancing the intent of legislative instruments that ensure environmental protection and sustainability through empowering volunteers who undertake activities in their communities.

## **A list of some key reference materials**

1. Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) - Federal Legislation
2. Queensland Planning Act 2016 - Queensland Legislation
3. Environmental Protection Act 1994 (EP Act) - Queensland Legislation
4. Native Title Act 1993 (NT Act) - Federal Legislation
5. Aboriginal Cultural Heritage Act 2003 - Queensland Legislation
6. Torres Strait Islander Cultural Heritage Act 2003 - Queensland Legislation
7. Environmental Protection (Water and Wetland Biodiversity) Policy 2019 - Queensland Legislation
8. Ramsar Convention on Wetlands (1971)
9. Convention on Biological Diversity (CBD)
10. United Nations Framework Convention on Climate Change (UNFCCC)
11. Convention on Migratory Species (CMS)
12. Bonn Convention
13. East Asian-Australasian Flyway Partnership
14. Queensland Audit Office Reports - QAO Reports

For full report details:

1. Effectiveness of audit committee in state government entities Report 2:2020-21

<https://www.qao.qld.gov.au/sites/default/files/202009/Effectiveness%20of%20audit%20committees%20in%20state%20government%20entities%20%28Report%20%E2%80%942020%E2%80%9321%29.pdf>

2. The Queensland Audit Office's report titled "Local government 2023 (Report 8: 2023–24)

[https://www.qao.qld.gov.au/sites/default/files/202401/Local%20government%202023%20%28Report%20%E2%80%932023%E2%80%9324%29\\_0.pdf](https://www.qao.qld.gov.au/sites/default/files/202401/Local%20government%202023%20%28Report%20%E2%80%932023%E2%80%9324%29_0.pdf)

3. Improving Asset Management Local Government

<https://www.qao.qld.gov.au/reports-resources/reports-parliament/improving-asset-management-local-government>