Speech by

JOHN MICKEL

MEMBER FOR LOGAN

Hansard 27 May 1999

STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION AMENDMENT BILL

Mr MICKEL (Logan—ALP) (12.40 p.m.): Members have just heard one of the most unimaginative speeches that one could get from the Leader of the Opposition. One has to ask: why is he so stung? Why is he so nasty? It is because of the shellacking he got in the media this morning over his disgraceful attempts yesterday in relation to National Sorry Day. That is what it is about. He has been smacked around the place by the media and become a laughing-stock in all the sensible quarters in Queensland. And here he is today: no questions, so sullen, so sulky. He had to sit there during question time today while all the other boofheads had to ask their little questions.

Let me tell members something about how sincere and how fair dinkum the Leader of the Opposition was on native title. When my good friend and colleague the member for Townsville was a member of the Townsville Port Authority, he enjoined—he begged—the then Premier to be allowed to go up to Doomadgee and help sort out some of those native title issues. And what was the response?

Mr Reynolds: I was not allowed to go.

Mr MICKEL: As chairman of the Townsville Port Authority he was not allowed to go and sort it out. The Premier was not interested.

The other piece of cynicism we have heard from the Leader of the Opposition is this. We know that he spent taxpayers' money on native title to try to scare the people in the bush. One cannot ever accuse him of letting something go, though. Today he was determined to get his money's worth out of that research. He raked over it again, trying to drag it up in this debate today for no sensible reason. We know that, under this Bill, if there are native claimants of land that has been acquired, procedures within the relevant State and Commonwealth legislation will be applied. There are no hidden tricks, no mirrors; they will be applied.

Then the honourable gentleman went on to ask: what about compulsory acquisition? I thought that, judging by the fact that he was such a High Court specialist when he was the Premier, he would have known that the Constitution says that compulsory acquisition has to be on just terms. Although he was enjoining us to listen to him about the High Court—and I used to sit there fascinated by the honourable gentleman's legal knowledge—the fact that that sort of section has been there since 1901 absolutely eluded him. Where has he been all the time since he came into this place? He knows that compulsory acquisition has to be on just terms. But let me get on to some more substantive matters in this debate, rather than prolong the misery of the honourable gentleman from Surfers Paradise.

The historical development of this section of the State Development and Public Works Organization Act 1971 is, in itself, fascinating. In 1978, the section as it currently reads was included after abolishing a centralised body: the Environmental Control Council, which had been created in the 1971 Act. The 1978 amendments refocused the environmental onus to place an emphasis on Government departments and other local bodies to ensure that they took proper account of environmental effects when approving or undertaking works. The amendments also provided a role for the Coordinator-General to coordinate the departments of the Government in assessing environmental effects associated with major projects.

The process for the conduct of the Coordinator-General's whole-of-Government impact assessment study—IAS—was published in administrative arrangements and policies, the most recent edition in 1987 fondly known as the "Green Book". The impact assessment process supervised by the

Coordinator-General and conducted under this section of the Act conventionally has been well regarded by proponents, environment groups and Government agencies and accepted by the Federal Government.

While these provisions and guidelines have served us well, the legislation is somewhat dated, with current practice in the coordination and conduct of environmental impact assessment overtaking the provisions contained in the Act. These amendments seek to reflect current practice in the conduct of impact assessment and draw on the existing head of power for the Coordinator-General to coordinate Government agencies.

The amendments to section 29 provide clarity and certainty of process by providing a clear head of power for the preparation of comprehensive and accountable environmental impact statements. For Government to be effective in encouraging economic development—and for heaven's sake, I hope that is what we are all about— particularly through significant private sector investment, it needs to have effective tools, such as a rigorous EIS process, to assist in the consideration of major development proposals. Such a process needs also to be sufficiently flexible to take account of individual circumstances. Equally, the process must allow for balanced decision making to occur without undue bureaucratic red tape.

The amendments will put in place a much-needed framework for the assessment of environmental effects by the preparation of environmental impact statements for significant projects. The use of the EIS process set out in the amendments is to be used only—and I stress "only"—for those projects determined by the Coordinator-General to be of State significance; in effect, the kinds of major resource-based and value-adding projects and significant infrastructure initiatives currently facilitated by the Department of State Development.

The proposed amendments to this section of the Act reinforce the role played by the Coordinator-General in coordinating the whole-of-Government consideration of significant projects along with linkages to approval mechanisms in other legislation. A shortcoming of the existing provisions has been that the IAS was effectively a discrete document without any clear link to development approvals. It has become apparent that the outcomes and recommendations of these IASs have not adequately been able to link up with the decision-making mechanisms in other legislation—in particular, the major development approvals required for major projects under the integrated development assessment system within the Integrated Planning Act 1997 and the Mineral Resources Act 1989. This has led to concerns about potential duplication of parts of the impact assessment process, particularly related to public notification. The resulting extended time frames lead to potential delays and significant increases in project costs without corresponding benefits to any of the stakeholders in the process.

Importantly, the amendments provide for a more outcome-focused EIS. The amendments enable an EIS prepared under the Act to meet the requirements for impact assessment or similar studies under other State legislation. In particular, the amendments enable an EIS prepared under the State Development and Public Works Organisation Act to fulfil the requirements under the Integrated Planning Act and the Mineral Resources Act and thereby avoid potential duplication of notification and assessment processes contained in each of the pieces of legislation.

In recent years, Government has put in place new legislation aimed at reducing overlap and duplication within Government. Specifically, the coordination of Government approval processes through the integrated development assessment system in the Integrated Planning Act has been a significant achievement in the integration of disparate Government processes.

For the vast majority of developments in this State, the IPA should provide a clear and comprehensive approval process. It must be stressed that the amended section 29 of the EIS process will only be used for a handful of significant projects. It should be mentioned that, apart from the substantial investment which usually characterises significant projects, these developments are frequently distinguished by the complexity of approvals required and Government jurisdictions crossed. In the case of a recent power transmission line and pipeline proposal, fulfilling the administrative requirements of existing legislation would have meant the duplication of notification requirements in no fewer than six different local authorities. The amendments to the Coordinator-General's EIS process will provide for a single, coordinated notification, assessment and setting of conditions for such a project.

In recognition of the interest in and involvement of the Federal Government in some significant projects, the EIS framework set out in these amendments is sufficiently flexible to address Federal Government requirements. The use of the section 29 provisions for the successful completion of joint State/Commonwealth impact assessments to meet both Queensland and Commonwealth requirements has been a feature of the legislation and is not precluded in these revisions to the Act. The effect of the amendments is to place the administrative arrangements for the EIS process and the Coordinator-General's evaluation of that EIS into legislation and to then link that evaluation report with approval mechanisms in legislation, such as the IPA and the MRA.

The inclusion of an EIS process within the legislation also provides and reinforces the commitment by this Government to ensure that a consistent framework is followed in terms of the assessment of environmental effects for significant projects in which a whole-of-Government response is required. Further clarification in the form of guidelines for EISs will be developed to provide additional information and advice to proponents and other interested parties in the preparation of EISs for significant projects.

It should be stressed that the role of the Coordinator-General in coordinating EISs will not usurp the functions of other agencies, specifically the EPA or the assessment managers under the integrated development assessment system. The Coordinator-General will not be responsible for the issue of any approvals; rather, that person will prepare an evaluation report at the completion of an EIS which can then be used by approval-giving agencies in their decision-making processes.

The Government is mindful of increased community interest in the environment, along with the expectation for opportunities for input into Government's assessment process. Likewise, the expectation for transparent decision making about development proposals is acknowledged. These amendments put in place a set of checks and balances to ensure increased accountability of Government throughout the whole process involved in the environmental impact statement.

For all of those reasons, this Bill should be supported by the House. It will give economic benefits to this State. In the end, that is where the jobs, jobs, jobs will come from—through significant projects. I notice that my good friend the Minister for Minerals and Energy is present. He is developing that magnificent resource in Mount Isa. He knows all about the job potential in Mount Isa. He knows about the economic development that will flow from that project. As those of us on this side of the House know, he has been an outstanding Minister. I notice that his predecessor, through his lack of effort, was not returned.

Dr Watson interjected.

Mr MICKEL: My friend, the only job that people around the place seem to want is the job of the Leader of the Opposition. There seems to be no end of personalities wanting to line up for that job. However, they could not even drag a willing horse up to the gate when it was going to be decided earlier in the year, such was the lack of status and lack of ability of any of the alternatives. After that extremely rude interruption by my honourable friend— with whom, of course, I will be happy to share a drink later on in the moment of conviviality that inevitably springs from this place—I support the Bill and commend it to the House.