



Speech by

ANITA PHILLIPS

MEMBER FOR THURINGOWA

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Ms PHILLIPS (Thuringowa—ALP) (5.52 p.m.): I rise to support the Environmental Protection and Other Legislation Amendment Bill 2002. Local governments administer the Environmental Protection Act for small- to medium-scale enterprises that carry out certain environmentally relevant activities. These activities are referred to as ERAs and before 1998 required an environmental approval. Since 1998 these ERAs have required a developmental approval under the Integrated Planning Act. ERAs, for example enterprises such as a motor vehicle workshop, which has a higher potential for causing environmental harm, still require an environmental licence with a development approval. This duplication of systems has led to some administrative complexities in dealing with ERAs.

This bill will simplify the administration of the Environmental Protection Act for local government by providing more consistent provisions for dealing with ERAs regardless of whether they receive an environmental approval or a development approval. The provisions of the bill were developed in consultation with and with the support of the Local Government Association of Queensland, the LGAQ. Consultation went on for more than 12 months. Local governments have a unique role in the environmental management of Queensland. I know this from my significant contact with the Thuringowa council.

On the one hand, they play a pivotal oversight role in environmental management by managing and monitoring the wide range of licences and approvals they may issue to business operations. On the other hand, they themselves carry out a number of activities, such as sewage treatment works, municipal water supply and treatment plants, motor vehicle workshops and waste management and disposal. These activities require approvals from the Environmental Protection Agency. Local government will experience fewer costs in administering the Environmental Protection Act and, at the same time, will benefit directly from the regulatory reforms the bill will introduce. It is against this background that local governments have supported the amendments in the bill.

The introduction of consistent amendment, transfer, suspension and surrender provisions for all types of environmental authorities will result in appreciable cost reductions for local governments. Improved processes will allow local governments to keep track of ERAs and also update the public register of ERAs to better inform the community. Local governments will also benefit from a new provision that allows for a single amendment if only part of an environmental authority is surrendered, rather than requiring a full surrender application. The bill will also allow a local government to approve the transfer of a level 2 ERA between two businesses without having to assess a new application for a level 2 ERA, as is currently the case.

Currently, the anniversary day for an environmental authority held by a local government cannot be changed even if the authority has been amended or transferred. The bill will reduce the administrative costs for a local government by allowing it to nominate the anniversary day of an environmental authority it holds to better suit its legislative and other reporting requirements. For example, it would be administratively expedient for a local government to set an anniversary date under the Environmental Protection Act that coincides with licence, permit and renewal dates for activities under other legislation. To facilitate consultation on the setting of an anniversary day, the Environmental Protection Agency will not be able to set a new day without the consent of the local government.

The Environmental Protection Act currently only allows a local government to retain a fine imposed by a court for a matter devolved by the EPA. The bill will extend this arrangement to allow a local government to retain court fines or costs in a delegated matter as well. The definition of costs and expenses for investigating an offence against the Environmental Protection Act will also be expanded to include travel, storage of evidence and sampling costs.

The general statutory requirement that a council must delegate powers to the chief executive of a local government will remain unchanged. However, the bill will allow the chief executive of a local government to delegate powers to an appropriate level or person in the local government without the need to seek full council endorsement. These new powers of delegation will be particularly useful to local governments when there are staff changes or realignments of resources within council.

The state government remains committed to keeping administrative costs to local government to a minimum. The bill reduces some fees for business and, at the same time, the administrative cost savings ensure that local governments are not disadvantaged. I have great pleasure in commending this bill to the House.