



Speech by

**Hon. D. WELLS**

**MEMBER FOR MURRUMBA**

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Hansard 27 November 2002

**ENVIRONMENTAL LEGISLATION AMENDMENT BILL**

**Hon. D. M. WELLS** (Murrumba—ALP) (Minister for Environment) (3.01 p.m.), in reply: May I thank all members who participated in the debate. The public does not know that most of the material that we deal with in this chamber is in fact of a non-controversial kind and that most of it is passed with the consent of all parties. This is a bill that is of this kind. It is a workmanlike piece of legislation which simply modernises and adapts pieces of legislation that already exist so that we may better fulfil their purposes in a more modern context. I thank members for their support for the legislation.

I divert to a couple of matters raised by the members who sought clarification. The member for Gladstone raised the issue relating to nature refuges. She wanted to know whether somebody entering into a nature refuge agreement could cancel it. A nature refuge agreement is a legal agreement, like any other agreement, whether it be a contract for sale, a contract for land or a contract for marriage. All of these are legal agreements which require both parties to agree to enter into them and require both parties to exit from them, otherwise by force of a court decision. So it is a legal agreement, the same as any other. People who enter into nature refuge agreements do so clearly with that understanding, as does the government.

I would like to respond to the issues raised by the member for Keppel relating to the bill. The member asked a question about the new powers. These new powers of inspection under the Brisbane Forest Parks Act are being transferred from the regulations to the statute in order to accommodate more readily the fundamental legislative principles. It is a principle of our statutory system that, where such powers exist, they exist in the statute rather than simply by way of regulation so that if they are to be changed or extended it is necessary for recourse to be had to the parliament itself rather than to executive decree. That is why that is being done. There is no essential change to those powers. They are simply being modernised and regularised in the context of the fundamental legislative principles.

The other aspect raised by the member for Keppel related to the proclamation of the Coastal Act. The next step will be in March. We want a regulatory impact statement to be in place by March. That is why the old act is being continued in order that out of an abundance of democracy we can consult with more people. It will become effective at the end of the year after we have done adequate training of people in local governments and other people involved with planning so that the new system which was supported by all sides of this House can get off to a flying start. In deference to the member for Keppel, those are the reasons that those steps were taken. Once more, I thank members and commend the bill to the House.

Motion agreed to.