Speech by

Hon. D. WELLS

MEMBER FOR MURRUMBA

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ENVIRONMENTAL PROTECTION LEGISLATION AMENDMENT BILL
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Hon. D. M. WELLS (Murrumba—ALP) (Minister for Environment) (9.44 p.m.), in reply: May I begin by thanking all honourable members who have taken part in the debate. In the case of each and every member who spoke, I acknowledge that the commitment that they expressed to environmental issues was a genuine one. However, I might choose to differ from some of the honourable members on the other side of the House in respect of detail. Nevertheless, I acknowledge the overall commitment of all members of this House to environmental issues.

I am not going to try to respond to every critical comment that was made by honourable members on the other side of the House in the second reading debate because, were I to do so, it might become tedious. It was enough to mention it once, and perhaps even that was superfluous. Let me just address three of the issues that were raised by honourable members on the other side of the House.

First of all, the honourable member for Keppel raised the issue of dingo management on Fraser Island. I would like to point out, as the honourable member for Hervey Bay did, that the dingo management plan has been fully implemented on Fraser Island. The new provision which we are introducing will give Executive Council the capacity to bring down a regulation that will enable a ranger to tell somebody that they must not engage in certain behaviour, such as camping on a beach on Fraser Island, and is something which goes beyond the recommendations of the dingo management plan. It was something, frankly, which I wanted to implement because I wanted to have that additional capacity to protect people in the circumstances of the aftermath of the tragic and awful death of Clinton Gage. That is why that is here now. It is not, as the honourable member for Keppel apparently thought, part of the dingo management plan that is coming a bit later than the rest. No, that has already been fulfilled or is being fulfilled. It is something additional. I think it is a good idea to have up our sleeve. At the moment people have been extremely cooperative with the rangers. They have observed those recommendations that the rangers have made. Should that not occur, it is desirable that the rangers have the capacity to make sure that human life is preserved in these circumstances.

I would like to refer to the matter that the honourable member for Tablelands mentioned. I must say that she seemed to be conflating a number of different ideas. She seemed to think that we were giving ourselves additional powers to prevent pollution and that these additional powers would involve more red tape and that they had something to do with third-party declarations. This is not quite right. We do not appropriate additional powers to enforce pollution regulations by this legislation. However, we target them more precisely and we reduce the amount of red tape that people who are engaging in an environmentally relevant activity have to go through.

An environmentally relevant activity is an activity which is not, as the honourable member for Tablelands thought, particularly relevant to farmers. It is most usually relevant to urban industrial or mining situations. Those environmentally relevant activities can be licensed. In order to get that licence, at the moment people usually have to go through up to eight different applications. We are reducing it to one. We are actually reducing the amount of red tape. However, this does not go with a reduction in enforcement. I make absolutely no apologies for the fact that we enforce the laws against pollution here in Queensland. We are leaders in Australia in terms of the enforcement of pollution laws.

It gives me no joy to see anybody lose their liberty, but the loss of liberty has to be the ultimate sanction of the law. A number of people have lost their liberty over wilful acts of pollution. I make no apology for that. I make no apology for the fact that my department prosecutes polluters when they are unwilling to comply with polite requests to cease their pollution.

We have a record of prosecution of pollution in this state that is second to none. My department has never brought a prosecution that has not led to a conviction. That is a situation of which we can be proud, because this government is committed to getting a cleaner Queensland. At the end of this term of office, Moreton Bay has cleaner water quality than it had at the beginning of this term of the Beattie Labor government. That is not because we were shrinking violets and were unwilling to wield the big stick when the big stick needed to be wielded.

On the other hand, education and prevention is much better than enforcement. We do that as much as we possibly can. I assure the honourable member for Tablelands that all is well, and that we are reducing red tape and not increasing it. I assure her and I assure One Nation—generally speaking, One Nation would like to know this—that I am from the Beattie Labor government, you can trust me and we are not increasing red tape with this measure. I would like to assure One Nation that we did not consult with the Club of Rome before we did this. We did not consult with the Fabian Society. This is not an international conspiracy. In part, it is not because the rest of the world is behind us. We are more advanced in pollution control than the rest of the world.

I come to the nub of the opposition's concerns with respect to this bill. I thank the National Party members for their general support for the bill. I thank them for their support for the general provisions of the bill during the second reading debate. I will now address in some detail their concerns with respect to the third-party standing provisions and, firstly, their concerns relating to consultation.

This bill was put on the table of the House in August this year. It was available on the EPA web site from that time. In October, the farming lobby groups were contacted by e-mail and by telephone. In the course of that contact, third-party standing provisions were referred to. A meeting was offered to those groups. My departmental officers indicated that they were available at any time during that month of October. That meeting did not occur. Presumably, the groups concerned had other matters that they had to attend to, as we all do. They were able to make a meeting some time last week. It was at that meeting last week, after the bill had been lying on the table for a couple of months, that they started to express a concern. For the first time—

Mr Seeney: Why didn't you consult them when you were drawing it up?

Mr WELLS: As I indicated to the honourable member, they were consulted. They were invited to a meeting in October and at that meeting third-party standing provisions were referred to.

Mr Seeney: Why didn't you consult them during the preparation of the bill?

Mr WELLS: I do not know why the honourable member says that, because it has been some years since the Australian Law Reform Commission recommended third-party standing provisions. That was in the year 2000. At that stage my predecessor indicated that we would be gradually applying these third-party standing provisions. We applied them in the Environmental Protection Act. They were applied in the Integrated Planning Act. They were applied in the Commonwealth Environmental Protection and Biodiversity Conservation Act.

Since they have been in the Environmental Protection and Biodiversity Conservation Act of the Commonwealth, there has been only one successful case brought under those third-party standing provisions. They have been in the Environmental Protection Act now for some considerable time and only three cases have been brought. They do not lead to an opening of the flood gates. The reason that they do not lead to an opening of the flood gates is multifarious.

One strand of that reason is this: people do not bring court actions lightly. Third parties do not enter into litigation lightly. The costs involved are considerable. One does not go in and do it on a whim. Secondly, the courts take a very dim view of intermeddlers, which is the legal term. They do not like people who come in and, for no good reason, start trying to assert their additional rights. Also, people generally behave responsibly. Nobody is going to gratuitously ruin their reputation by seeking to be a third-party intervener in a case that really has no legs and in respect of which they have no place.

Indeed, what this legislation does is simply gives legislative force to an existing common law right. That common law right is the right to seek a fiat of the Attorney-General. This does not give anybody any powers that they could not successfully get under common law if they went about it by applying for the exercise of a fiat. What it does is to give legislative force to the right of third parties to intervene and, therefore, regularises it and makes it a legislated and vested right of the people. By doing that, it makes our system more democratic and more transparent.

After all, let us consider the results of a third-party standing intervention. It is going to fail unless the person against whom the action is brought is in breach of the law. That is the nub of the whole thing. Unless the person is in breach of the law, the third-party intervention is not going to be

successful. Who would you be protecting if you were opposing third-party standing? You would be protecting those who were in breach of the law. Who would you be assisting if you were in favour of third-party standing? Those who vigilantly wanted to see the laws of Queensland enforced. Now, I ask honourable members opposite: are they seriously going to stand against the laws of Queensland? What is so bad about the laws of Queensland that they do not want members of the public to be able to enforce those laws?

There is a passing inconsistency in any position that says: as a member of parliament I am here to vote for these laws of Queensland and, having passed those laws, being a little bit coy and shy about a procedure that will ensure that those laws are enforced. Is the opposition now going to take a stand against law and order? Is law and order okay if it is appropriate in one—

Mr Seeney: You are taking it a bit wide.

Mr WELLS: I understand that that is a constructive criticism from the honourable member opposite.

Mr Seeney: Just come back onto a reasonable argument.

Mr WELLS: I suggest to the honourable member that, now he has mastered sarcasm, he should move on to wit.

This is a question of the laws of Queensland. The case that the opposition was disconcerted about, the case that Carol Booth brought, was brought under the Environmental Protection and Biodiversity Conservation Act. That case was successful not because there was a damage mitigation permit or that there was not a damage mitigation permit. It did not have anything to do with the damage mitigation permit. It had to do with the fact that there was a killing of much larger numbers of flying foxes than were allowed for by the damage mitigation permit.

This is about the laws of Queensland. I urge honourable members to support the laws that they themselves have enacted by enabling third-party standing provisions to be implemented.