Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

Hansard Thursday, 11 November 2004

ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (6.10 p.m.): I rise to speak to the Environmental Protection and Other Legislation Amendment Bill 2004. The member for Nanango touched on comments by the member for Charters Towers. I want to add to those comments and mention the very real problem that conflict between bat habitats and human habitats creates. We have two particular areas in my electorate where there has been a pronounced conflict. One is on Boyne Island and the other is in Gladstone at Palm Drive. I have to concur with the member for Nanango in that the majority of people who say that the two can survive and enjoy life together have not had to enjoy the privilege.

The Boyne Island community joined with a National Parks and Wildlife Service ranger and devised a plan of relocation. It takes a great deal of dedication on the part of the community members in getting up early in the morning and rattling cans and doing other things. They did successfully relocate a group of bats, but they had to do it for two years. There was an appropriate habitat across the river and the bats relocated there. The process to get that plan approved was long, arduous and frustrating.

I think the only reason things did not boil over more than they did, and this is at Boyne Island, is that the committee which was established consisted predominantly of retired people who had the time to pull together all of the required detail and the other paraphernalia required to get a relocation plan approved. That is not a criticism of the officer. In fact, he was a particularly helpful and cooperative person to have meetings with. He had an understanding of the circumstances in which those residents found themselves.

The community at Palm Drive has not been quite so fortunate. It was a previous minister for the environment in a previous Labor government where the most correspondence was entered into in relation to the Palm Drive colony. That was never successfully finalised. At the time, Minister Edmond was the Minister for Health, and I made a number of approaches to her in relation to community concerns about lyssavirus and other bat-borne infections to the point where there was a significant contradiction in the position of the Minister for Health and that of the Environment Minister.

At one stage the residents were told not to touch the bats. If they did not touch them or handle them, they should be right. But the reality was that on at least three occasions it was documented that scout bats entered homes. One landed on the pillow beside a young child and another landed on the pillow beside an adult male. It was because they may have been ill and perhaps their radar had been affected, but that does not remove the reality that they entered homes and they created and presented a significant threat to the residents. They were also worried about sick animals dropping into yards and pets perhaps taking to them, as dogs will.

People who live in proximity to these colonies have to tolerate—and find it very difficult to tolerate—noise, odour, waste and potential infection. For those members who made light of the member for Charters Towers's comments, and perhaps in some ways ridiculed him, I say to them: if they had a community in their electorate which had problems with bat colonies, I think it would take the laugh out of them fairly quickly.

Mr Springborg interjected.

Mrs LIZ CUNNINGHAM: It is a worry, and they do present a problem to people's quality of life. I am not for one minute saying that we have not contributed to that; we have. We have reduced their habitat, we have allowed housing subdivisions to occur either adjacent to or within their habitat, and I am not resiling from that. But, once that has been legally approved, there is also an obligation on the government—whether local or state—to play a part in relocating that colony to reduce bat conflict.

This legislation also deals with dredge management plans and some of the transitional issues occurring between IDAS and IPA. I know that the legislation is intending to clarify and simplify some of those transitional issues. We have a similar issue in my electorate at the moment with an area of land that was owned by Queensland Rail. It was used as a depot of sorts for QR, and it is in the middle of the Calliope township. It is currently a matter under consideration by the Calliope Shire Council. It is telling residents who are lobbying against the approval of this land—it is a change of use application to light industry—that its hands are tied because of IDAS. The community is frustrated—and I understand the community's frustration—because the proposed change of use to light industry in the centre of a growing community is inappropriate.

Light industry is more appropriately situated on the fringe of communities where traffic movements and potentially low-level noise will not impact on quality of life. The proposal is that the re-use—it was a rezoning—once approved be used by a bus company for a bus depot. There will be noise issues, because at 4.30 or 5 o'clock in the morning they do not need to hear bus reversing beepers. They are required to be kept on under workplace health and safety, but they are fairly intrusive. There will be traffic movement conflicts because a lot of students not only catch buses to school but also walk to school. So there will be conflicts there. There are emerging subdivisions on one roadside of this proposed light industry area. So this transition from IDAS and IPA is providing a deal of frustration for the community. A delegation went to the council to present its point of view and object to the change of use. The council has said that there is little it can do because of the obligations under IDAS and the transfer into IPA.

The legislation also deals with 'the government's continuing commitment to cutting red tape', which are the words used in the minister's second reading speech. One environmental authority will be issued for the life of each petroleum development. A relevant environmental authority is required to be issued prior to the granting of specified tenures under the Petroleum and Gas (Production and Safety) Act 2004. This will enable environmental requirements to be known when native title issues are addressed in conjunction with the granting of tenure under the Petroleum and Gas (Production and Safety) Act 2004.

There will be two types of environmental authorities: a code compliant authority, which will be able to be issued automatically if the applicant certifies that they can comply with the standard environmental conditions of a relevant code of environmental compliance; and a non-code compliant authority, which will be issued if the applicant requires conditions other than the standard conditions. I would like to seek some clarification from the minister on this matter. One very well-known project in my electorate is the Southern Pacific Petroleum development, which has subsequently been purchased by Queensland Energy Resources Ltd, QERL, and is at the moment being mothballed.

Community concern has been expressed over a period of time that this operation was emitting airborne pollutants and odours that were detrimental to the quality of life of the community that lived downwind. Initially the project was approved as an R&D project under the Mining Act, and it was transferred a couple of years ago to the Department of Environment as part of its jurisdiction.

In relation to these amendments, I stand to be corrected because I have not been briefed on this legislation and there may be quite a different set of circumstances. I wonder about a time in the future when the project is restarted. It is stage 1 now and the operators may be looking for a stage 2 approval to increase the production of the plant and increase the outputs. Obviously, that is the product outputs as well as emissions. I wonder whether the bill will still ensure that projects like QERL—ex-SPP—will not be able to operate in a manner detrimental to the community or will not be issued with a code compliant authority when their outputs are significantly injuriously affecting the community by their airborne emissions.

I think that many of the properties of people in my region have been bought out by the government and shifted. There will be instances, particularly if the plant goes to stage 2, where the wind conditions will take airborne pollutants across the city of Gladstone. Our community needs to know that a plant such as the oil shale production plant will be required to administer its activities in a way that does not affect its community. In the EIS process, such as it was, it was stated that there would be no odour or other impacts on the community. The reality, even in stage 1 of an R&D state project, was far from that. I am seeking clarification that these simplified approvals will not mean that the community will be disadvantaged because a company puts the paperwork in that says it can be a code compliant authority or that it can achieve a code compliant authority and, therefore, the community will have a reduced opportunity to seek comfort.

It is stated that the current uncertainty that an existing environmental authority may be cancelled when an application for additional surface area of a mine is sought will be removed and that references to

an environmental management overview strategy will be replaced by references to environmental management plans. Again I may be way off the mark, but I would seek an assurance from the minister on this. I will give an example. We have a plant at Gladstone that operates well in terms of its output at its production plant—that is, Queensland Cement Ltd. I have not heard too much in terms of complaints about odour or anything else with regard to it. However, the farms in the area from which the company retrieves its cement clinker have been dewatered and that has caused a lot of concern.

It is a problem that has been around for 10 or 12 years. The farm owners around there have not had a satisfactory result to date, but this has had a detrimental impact in terms of the dewatering of their underground aquifers. They have relied on reviews of environmental management plans and EMOSs to, in some small way, require the company to review its management of the mine. It does not matter whether it is clinker plant, whether it is somebody retrieving marble—we have a little bit of that in Gladstone as well and land-holders are detrimentally affected—but I would like clarification that landowners will not be left in a position where they have no recourse where a mining operation has a detrimental impact, particularly on things such as water and the rehabilitation of a mining site. Landowners must know that they have that protection because they deserve some kind of comfort from the government.

Mr Wellington: And certainty.

Mrs LIZ CUNNINGHAM: And certainty—absolutely! The other issue that I wanted to raise is one that many have raised in terms of beekeeping. I would have to concur with many of the comments made by the member for Nanango and others that beekeeping has been going on in forests and national parks for many years. The material that I have read—and I have to admit that it has not been extensive—still leaves me unconvinced that European bees in our national parks and forests are detrimental, at least to such an extent that it requires them to be totally removed.

These amendments give beekeepers certainty until 2024, and I commend the minister for that. It at least gives many of those whose lives have been completely involved in the beekeeping industry some certainty for the future and certainly time to acquire any other scientific information that may be able to lend weight to their arguments.

However, I wish to raise in general terms in that same area of the legislation changes to the periods of time for revocation of state forests and timber reserves, declarations of dedicated protected areas and revocations of protected areas where the period of time is being reduced from 14 sitting days to 28 calendar days. It has been stated that the reason for that is concern that the previous 14 sitting day requirement resulted in periods of several months between the giving of the notice of motion and resolution. The objective of the amendment that is being proposed is to balance more efficiently the need of parliament to progress dedications of protected areas that involve revocation of state forests or timber reserves in a timely manner with the need to provide sufficient time for members of the public to make representations to members of parliament on proposed revocations.

Whilst I am sure that the principle is sound, I believe that 28 calendar days will be found to be insufficient time for many people because it is not an obvious notification that we get. Usually those sorts of things are in a long list of information and it is very easy for members of parliament not to pick it up, and members of the public could also find it difficult to pick it up in that period of time. I believe that the 14 sitting days, while it was a protracted period of time, gave a significant cushion of comfort to those who would be affected by revocations or dedications to be able to get information of concern not only to their elected member but also to the minister of the day. I raise that concern, although I acknowledge that the government will get these changes through without any problem. Those are the major concerns that I wish to raise in relation to this legislation. I look forward to the minister's response.