



Speech by

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ENVIRONMENTAL PROTECTION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (5.55 pm): It is with great pleasure that I rise to reaffirm the Queensland coalition's support for the Environmental Protection Amendment Bill 2007. The shadow minister has expressed our support for the bill. I note the purpose of the bill is to improve the enforcement of litter laws in Queensland specifically targeting motor vehicles. I would like to make the observation that when I came to parliament late last night, at about 11.30, along the M1 I saw, as we often do, maintenance vehicles along the M1. It is a very expensive road to maintain. The maintenance vehicles have very bright lights and when you go past them late at night at 60 kilometres—because obviously we need to slow down—you can see how much work the workmen are doing there amongst all the vegetation, clearly clearing up a lot of litter that has been thrown out of vehicles. It just highlights the point even though you may not notice it as you go past at 110 kilometres that there is obviously a lot of litter there.

When I look back on my past I have to admit I clearly remember when taking my daughter—whom I have mentioned in this House—to kindy when I did think an apple core was biodegradable to the extent that as I drove her to kindy I threw it out of the car window. I clearly remember her mentioning to me that 'Captain Pollution' would think that was a terrible thing I was doing. I quickly learnt even back then that young kids are very susceptible to the education that they are getting about—

Mrs Reilly: How old is she now?

Mr LANGBROEK: She is now 17. I remember her being three or four and her saying, 'Dad, Captain Pollution says that you shouldn't be throwing apple cores out,' and I thought I had done it very subtly over my right shoulder—through the open window of course—but not as subtly as I thought and it was something that certainly came to mind. I now often have the rotting apple core sitting on the centre console which I have to dispose of in the proper way. I think it was the member for Sandgate who pointed out that maybe it is not quite as biodegradable as I thought and there are different ways that I should be disposing of them.

I note that the targeting of motor vehicles is achieved in the bill by introducing two new littering offences and penalties—depositing litter from a vehicle and dangerous littering. I note that litterbug motorists represent one of the biggest challenges for EPA agents enforcing the Environmental Protection Act 1994. I note from the minister's second reading speech that roadside litter makes up a significant proportion of all litter pollution in Queensland. The amendments before the House will allow authorities to issue infringement notices for an offence involving a vehicle to the registered owner of the offending car in the same way speeding and parking laws are enforced. That is the new section 440F. By effect of the proposed new section 440G, authorities can apply the State Penalties Enforcement Act 1999 against litterbug drivers. Thus, if a motorist or their passengers are seen tossing litter from a car, fines of up to \$300,000 may be posted to the offender to enforce the litterbug laws.

The bill seeks to make litter enforcement easier and safer. Currently, to enforce the litter laws, authorities who suspect an offence has occurred must stop the vehicle in order to investigate the matter and, if necessary, issue an offence notice. Such a method of law enforcement for a simple offence is grossly impractical and compromises public safety. This is reflected in the statistics which show that not

one litter infringement notice has been issued to drivers since 2000 under the current laws. So clearly these laws are not being enforced. The bill before the House will enable authorities who observe a litterbug in action to note down the car's registration as well as particulars of the offence in order to issue an infringement notice via the post. Hopefully this bill will improve the safety and imposition of the litterbug laws to create a healthier environment.

I want to highlight that, whilst the bill will improve the enforcement of litter laws in Queensland, there remains a glaring loophole in the legislation which the member for Nicklin just mentioned. Obviously EPA officers and their agents, who are local government officers and police officers—and I have used the Queensland Parliamentary Library research brief entitled *Clamping Down on Littering* for the facts which are, as I understand it, that police officers as well as local government officers are the authorised officers—cannot be witness to every offence against the proposed legislation. That is why some states use public reporting to catch offenders.

In Victoria the EPA investigates tips from the public about offences against their environmental protection and waste management legislation through the litter reporting system. A motorist can call the Pollution Watch Line or contact the EPA via telephone or email and submit a litter report. Public litter reports detail the registration number and a description of the car, along with specific details about the offence such as the road, suburb or town where the alleged offence took place, the date and time it occurred and the type of litter deposited. The EPA and their agent are then able to investigate the report by cross-checking the information contained in the report with VicRoads and issue an infringement notice accordingly.

The Queensland legislation contains no similar provisions which would allow a similar public reporting system to take place in Queensland. I understand the honourable the minister may have provided some information to the shadow minister for environment and multiculturalism in the briefing on this bill. I wonder if I could ask the honourable the minister for an explanation in her reply. I note that in the past the Minister for Environment and Multiculturalism said that she would examine a public reporting system for Queensland.

Ms Nelson-Carr: And we will.

Mr LANGBROEK: I thank the minister. The member for Mundingburra also drew a comparison between litter in Queensland and Victoria in her second reading speech, suggesting that where the public reporting system is in place 32 per cent of rubbish originates from roadsides as opposed to 55 per cent in Queensland. The establishment of a public reporting system is not contained within this bill before the House, but I note the minister's words a moment ago that that will be investigated. That is why I was seeking an explanation as to why this means of enforcing litter laws was omitted from the current bill. But I note that the minister is saying that at the next stage it may well be incorporated, and that is something I certainly would welcome.

My concern is that by not closing a loophole like this or not making the legislation as broad as it might be we will not be clamping down on litter and we will not enforce this legislation in the same way that we fail to enforce legislation about stopping smoking in business vehicles and stopping the sale of drug paraphernalia in retail stores in Queensland. Generally, whilst there was a bit of a blitz when the smoking laws were first announced, most people would say that they think the smoking laws are generally not enforced and that it is very frustrating when you are out somewhere and see people smoking and the laws are not being enforced. So we do not want another piece of token Labor government legislation that sits on the statute shelves unenforced.

Anyone who has visited Singapore will know that it is one of the cleanest cities in the world because the Singaporean government is serious about stamping out rubbish. In Singapore, offenders face a fine of up to 1,000 Singapore dollars for the first offence, which is equivalent to about \$A800. Repeat offenders can be fined as much as 2,000 Singapore dollars, or \$A1,600, and be ordered to serve a corrective work order picking up rubbish around the city. It is a tough line but it works. In order for this bill to work, it needs to be enforced by a government serious about getting rid of rubbish.

I also call upon the minister to clarify in detail how the laws will be enforced, such as the administrative and operational costs of implementing the bill. I note that the explanatory notes under 'Administrative cost and savings to Government' state—

For Government, as a guide, approximately 1.5 Fulltime Equivalent (FTEs) administration staff are needed for every 1000 Penalty Infringement Notices (PINs) issued by the Environmental Protection Agency.

I would like to know what the administrative and operational costs of implementing the bill are, as well as how many 'authorised persons' from the EPA will police these laws and how many full-time equivalents will be responsible for administering the bill.

I have mentioned already that the bill contains a provision which will allow authorised persons—and, as I understood it, that is EPA officers, local government officers and police—to order and direct the clean-up of litter illegally dumped. Part 2A of the bill will introduce a new section 463A which will make persons

found dumping more than 20 litres of litter responsible for the clean-up. I believe this is an important aspect of the bill because it encourages social responsibility when it comes to waste management. This new section sends a clear message to the community that dumping rubbish illegally will not be tolerated in Queensland. I also welcome the fines of up to \$7,500 that will apply to those who refuse to accept responsibility for their muck.

The bill also creates an additional offence of dangerous littering, defined in the proposed new section 440D as litter that causes or is likely to cause harm to a person, animal or property. Dangerous littering can include things such as throwing lit cigarettes on to dry grass where there is a fire danger. As we once again approach the bushfire season, it will be important to enforce this aspect of the legislation to ensure that we are protecting Queenslanders as far as is possible against the threat of fire.

The Keep Australia Beautiful Council has reported an increase in the number of cigarette butts being tossed out of car windows and anecdotally, walking around my electorate of Surfers Paradise, I have certainly noticed this increase. Cigarette butts are a real problem in waste management. The new offence created under the bill will hopefully go some of the way towards addressing this problem.

The bill before the House will repeal the Environmental Protection (Waste Management) Regulation 2000, herein incorporating the regulation's littering offences into the amended act. This bill is important to ensure that the Gold Coast remains among the cleanest liveable cities in Australia. As all of us know, litter is a challenge in this state as it is around Australia. Anyone who has walked the streets in the aftermath of schoolies or New Year's celebrations in my electorate of Surfers Paradise and seen the collateral damage will appreciate how important it is to manage waste.

On New Year's Day this year the streetsweepers started cleaning up in Cavill Avenue only half an hour into the New Year and it took more than 10 hours to restore Surfers Paradise to a state of normalcy. In the past the Gold Coast City Council has embarked on a fantastic litter enforcement strategy and litter awareness campaign which has taken a multifaceted approach to cleaning up the city. Apart from on-the-spot fines of up to \$150, advertising campaigns discouraging smokers from 'sticking their butts out the car window' and initiatives such as the distribution of 'butt buckets' at public events are having an effect on the Gold Coast.

Mr Lawlor interjected.

Mr LANGBROEK: Their cigarette butts. I conclude by noting that page 10 of the explanatory notes states—

A person may commit a littering offence if they throw litter on the ground at a football stadium—
or obviously any sporting event—
and fail to deposit it in a bin when they leave.

I suggest that should this actually be enforced we could make a fortune for the Queensland budget at every sporting and pop event throughout the year in Queensland. The Queensland budget would be even more in surplus than it currently is.