



Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Mrs CUNNINGHAM (Gladstone—Ind) (3.52 pm): I rise to speak to the Environmental Protection and Other Legislation Amendment Bill 2007. There are only about three issues in the bill that I wish to comment on. Clause 16 institutes an annual fee and return and provides an out for the department in that if the department fails to give the notice that is required under legislation it does not invalidate or otherwise affect the validity of the notice. The intention of the notice is to advise the landowner of the annual fee that is payable, and it has to be paid within 20 business days after the day the notice is given.

I would like the minister to clarify whether, when the department fails to issue a notice and when it finally does wake up to the fact that it has failed to issue a notice and issues one, the landowner will be given the same 20 days to pay that account. If the minister could answer that on the record I would appreciate it. It would be unfair for people to get a notice with the due date being the following day, especially if it is a considerable amount. Sometimes the practicality of getting to wherever the account has to be paid can be problematic. I know that a lot of departmental people and others rely on BPAY and internet banking, but we all know that not everyone can access the internet.

Mr Cripps: You have to get the money together, too.

Mrs CUNNINGHAM: You have to get the money together. But some of those quick fix pay options are not available to rural and regional Queensland.

The bill also devolves powers to local authorities in relation to noise, dust and odour in residential areas. I am unsure which commercial activities, whether they are commercial activities up to a certain size or whether they include major industries. There has been a division—the more minor matters have been dealt with by local government. If there is excessive noise, police are called. I agree with the minister in his second reading speech that perhaps there has been a lack of clarity as to where residents go to make a complaint about noise, odour or dust. Let me say, though, that the current mechanism is to blame one another. One jurisdiction says that it is the other jurisdiction's responsibility, and the other jurisdiction blames the next one and so on it goes.

However, my concern with further devolution to local authorities is the same as it has always been—that is, that governments be adequately resourced for the additional responsibilities. As the local authority areas in some instances become larger regional councils in the future, I hope that there is not going to be an expectation—and this is not necessarily the minister for environment's responsibility; that is not his title now but his portfolio—that they will be able to accept and take on board significant additional responsibilities and additional costs simply because they are larger regional councils. It is the same people paying the bills, and their ability to afford the costs will not be enhanced.

When the councils are amalgamated, there are going to be hidden negative impacts on the councils. They may fall into payroll tax areas that they may have been exempt from, or they may not have reached the higher thresholds previously but as amalgamated councils they will reach those thresholds. Smaller councils that were eligible for assistance because they were rural or remote councils will suddenly be outside of the size classification for councils in order to get that assistance and therefore they are going to

attract additional costs. Yet it is the same ratepayers that are going to have to find the money to pay for those. In future they are the sorts of issues we are going to be debating here in terms of cost shifting between the state government and local councils.

There is another issue that needs to be recognised—and I believe the member for Burdekin already highlighted this, but from my council's perspective I want to put it on the record too. When I was on the council new accounting standards were introduced and new responsibilities and accountabilities for CEOs were introduced; they used to be the shire clerks. Those changes all came at the same time. This is what is going to happen here. The devolution of powers to local authorities comes into play on 1 July 2008, but that is only a couple of months after the formal amalgamated councils come into being. The councillors, the CEOs and the senior executive members of those new councils—albeit that many of us still object to the process that was used—will be coming to terms with new responsibilities, larger responsibilities, new boundaries, new areas that they have to become familiar with. Then on top of that will be the added responsibility for noise, dust and odour. The ability for local authorities to train staff properly, to have the financial resources to employ staff—if indeed they can get them—and the financial ability to pay for the extra responsibilities will come at a very stressful time. I believe that when the state government devolves responsibilities to councils it should attach recurrent funding packages to those devolutions so that the councils do not have to place greater responsibility on their community.

The other issue I wish to raise is one that has been raised already—that is, the increased fines relating to the relocation of flying fox colonies. I know that for many members here this is an issue of environmental concern only. In heavily populated areas the possibility of 6,000 or 20,000 flying foxes roosting across the street from where a person lives is pretty remote. There is just not the opportunity. There is no place for them to roost. If one lives in any area where there are mangroves in proximity to a community then the probability of that occurring is much, much higher.

I have had a great deal of sympathy and admiration for the member for Charters Towers in the manner that he has repeatedly raised his community's concerns, because they are valid concerns. There have been two areas in my electorate where bat colonies have created significant problems for the landowners. One was in Gladstone city, in Park Street. There was a colony of bats across the road from what had been some housing commission houses many, many years earlier. Much of that has been on sold and residents are developing their properties in freehold title. There were thousands of bats and they had completely stripped the mangroves. Just driving past there was bad enough. The odour was intense.

Unless members have been and stayed in proximity to a significant bat colony they really do not have an understanding of the level of odour, its acidity and how intrusive it is. I say that in no way critical of members who would be of a different position, but I do say that before they make trite criticism of the members of parliament who do raise concerns they need to go and spend some time adjacent to those bat colonies to fully understand just how intrusive they are. The noise in the morning and at night is quite incredible. Their settling down for the day's sleep is noisy as well and not conducive to a quality of life for the human population.

The other major colony was at Boyne Island. There was a community group who were very active in applying for a permit, in conjunction with and with the support of Calliope Shire Council, to relocate the colony. These were predominantly older members of the community. I do not believe anyone could question or criticise the manner in which they wished to make the relocation. In fact, they made one successful relocation. They did it sensitively, bearing in mind that they wanted the colony to relocate. The second time they attempted to have the relocation approved by the departmental officer, the actual officer in the position had changed and the new officer was far more resistant to them taking action to improve their quality of life.

It was when Wendy Edmond was the Minister for Health that I had the issue about the bat colonies across the street from residents of Park Street and their potential impacts on health. At the time Minister Edmond denied that there could be any health impacts. She cited some internal information that she had in relation to the potential transference of disease from bats. I put on the record that even at the time I had contradictory information, but there was a standard letter that came from her office that said that there was no negative impact on the community from bats in terms of health. There was some literature that was again internally developed by the department of environment that in some measure backed up her position.

Over time, one or two people in my electorate have consistently sent me information on the potential virus-carrying capacity of bats. I will read a couple of pieces into the record. This is from a CSIRO podcast in February 2007—

Bats often play a starring role in horror movies, but did you know they can carry some of the most lethal viruses in the world? Dr Linfa Wang from CSIRO's Australian Animal Health Laboratory in Geelong says bats can carry a wide variety of viruses dangerous to humans, including Ebola, SARS and the Nipah virus. Dr Wang and his team identified the Hendra virus which emerged in Brisbane in the early 1990s. They also helped establish a link between bats and the virus, and he says an incident like the recent SARS outbreak shows that once a virus is transmitted from bats to humans it can spread rapidly.

Dr Wang states—

Our research group really got sort of involved in bat related virus in '94 when we had that disease outbreak in Australia in Brisbane, the suburb of Hendra. Then we had horses dying for sort of unknown reasons and the horse trainer, Vic Rail, who was a quite famous horse trainer, also died. So that really triggers our interest to find out where this new virus was from and we discovered it was from bats. And after that similar viruses were popping up in Malaysia, Bangladesh, India. So we had a long sort of interest now more than, you know, ten years in bat viruses.

That quote reads disjointedly, but it was his verbal contribution to the podcast. A news release of 26 August 2007 relating to a study by the Uniformed Services University of the Health Sciences into Nipah virus states—

The current study, supported by the Middle Atlantic Regional Centers of Excellence and the National Institutes of Health, has important implications for the mechanisms of Nipah virus spread among animal populations and humans. The results affirm observations with Hendra virus in horses, guinea pigs, and bats that demonstrate that henipaviruses can replicate to high titers in both adult and fetal tissues, indicating that both horizontal and vertical routes of transmission can play a role in spillover events. They also suggest a possible role for cats in Hendra and Nipah virus outbreaks that has yet to be fully investigated.

The other virus that has been linked to bats is lyssavirus. That is the one that the previous minister, Wendy Edmond, denied. There is now plenty of literature to give rise to concern in a reasonable person in relation to the contraction of these diseases from bat colonies.

The other thing that occurred at the time was that members of the community were told not to touch bats. I do not know too many people who go out and chase bats. There are none in my electorate, anyway. We had two or three instances where bats actually entered homes. They were the scouts. One was collected by a bat nurser. It was ill. Its sonar had misdirected it. It came in an open window and actually landed in a hallway. Another bat, again presumably a scout, came in a window and landed on a small child's pillow. Nobody chased them and nobody tried to touch them. They found their way into areas of human habitation. We had other instances where bats were roosting in people's yards and fell from their roost because they were not well and were found dead in the yard and people had to pull their dogs away so that neither the dogs nor anyone else was inadvertently injured.

I do not support the increase in these penalties. I believe that there is a balance between human habitation and the ability for bats to live in an appropriate environment. I believe that there is a humane way of moving bat colonies. It has been done in my electorate—not always easily, but it has been done. I believe that the imposition of the fines that are proposed will put fear into people who do not deserve it. I am not saying that somebody who is cruel to these animals—or indeed to any animal—deserves special consideration, because they do not. I cannot support nor understand cruelty to animals. These are generally community members who are looking for quality of life themselves. They are looking to be able to relocate a significantly sized colony of bats to an appropriate place at a time to avoid nursery periods.

However, I will not support legislation that will make it more difficult for communities to enjoy a quality of life themselves—albeit if they are involved in the humane relocation of bat colonies. These fines will go a long way towards threatening or intimidating members of the community and they do not deserve that. I have great concerns with that part of the legislation.