



Speech by

Ms Grace Grace

MEMBER FOR BRISBANE CENTRAL

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

Ms GRACE (Brisbane Central—ALP) (8.49 pm): I rise to support the Environmental Protection and Other Legislation Amendment Bill (No. 2) 2008 and welcome the provisions contained in the bill. Soon after I was elected the member for Brisbane Central it became clear that managing construction noise issues, particularly in the CBD, such as noise and dust was going to be a major issue. It was constantly being raised by constituents. In fact, one of the first speeches I made in this House on this issue was on 26 February. I outlined the concerns of inner-city residents, particularly when it came to addressing many issues they had with regard to noise and dust and the often confusing position existing between the EPA and the Brisbane City Council as to who had the jurisdiction to regulate noise and dust emitting primarily from construction sites. It is, therefore, extremely pleasing to be supporting this bill which addresses many of the issues I have been raising with the minister's office on behalf of constituents over many months. I commend the minister for many of the provisions contained in the bill.

The bill greatly improves the effectiveness of Queensland's environmental legislation because it clarifies the roles and responsibilities of councils, particularly the Brisbane City Council, and the Environmental Protection Agency. This, as I have previously said, has been a major issue for constituents in my area. There have been constituents who have lodged complaints and who have had to endure the finger-pointing exercise that was often carried out between the BCC and the EPA, often to the point of great frustration and confusion to complainants.

Importantly, the changes will benefit residents of Queensland in the Brisbane area as they will clarify where people should go to complain about noise coming from a neighbouring property. The amendments mean that from 1 January next year all councils will have the responsibility for most minor water pollution matters and environmental nuisance matters, which includes unreasonable noise, dust, odour or light emissions—exactly the type of issues that have been raised by constituents of the Brisbane CBD.

Of course, the Queensland government will also take the lead on managing the effects of serious and material environmental harm and will continue to regulate nuisance from activities administered by or carried out by the state and from council activities. It is great to have the cooperation of councils, particularly the BCC, that with the state government acknowledge that they really are best placed to regulate these minor environmental matters and that the lead on major environmental problems should remain and rest with the state.

This bill transfers many provisions from the Environmental Protection Regulation and other subordinate legislation to the Environmental Protection Act. Moving these provisions to the primary legislation provides the government with the opportunity to address some of the problems with the regulation. I am aware that there have been problems with the nuisance provisions—part 2A of the Environmental Protection Regulation—for some time. Although local governments have the ability to condition development approvals to prevent foreseeable nuisance, some do not do so. In particular this was an issue where these development approval conditions were not being placed on construction sites in the CBD. Although recently the EPA and the BCC have been working together to develop a set of model

conditions for future development approvals addressing common nuisance issues such as noise, dust and light from construction activities, I believe this bill now gives the teeth necessary to councils to carry out their roles and responsibilities effectively.

In particular I welcome the inclusion of section 440R 'Building work' in the act, which has a specific intention to restrict commercial builders, their contractors and owner/builders from carrying out building work during unreasonable hours. The previous section of the Environmental Protection Regulation 1998 was considered too complex, requiring drawn out assessments. I welcome this bill which has simplified the process by removing all references to the Queensland Building Services Authority Act 1991 as an example. It is also pleasing to note that other sections of the bill also provide for the regulation of other devices such as air-conditioning equipment, refrigeration equipment and pumps that often cause noise, particularly in the CBD. I welcome the ability of councils to issue on-the-spot fines for breaching the provisions contained in this bill and that councils can also develop local laws for nuisance and enforce these laws. I also note that increasing the maximum penalty under the bill to 300 penalty units will also allow on-the-spot fines to be increased and allow the courts to impose higher penalties if there are court proceedings. Court proceedings, of course, are generally a last resort after other enforcement actions have failed.

I also welcome the introduction of the direction notice which replaces the nuisance abatement notice and streamlines the abatement notice process to make one notice effective for environmental nuisance, noise standards and minor water pollution matters. The primary ground for issuing a direction notice is that there has been a contravention of the legislation by causing environmental nuisance. Environmental nuisance is defined in the Environmental Protection Act 1994 and includes unreasonable interference with an environmental value caused by aerosols, fumes, light, noise, odour, particles or smoke.

Currently, there are a number of offences in the Environmental Protection Regulation 1998 for failure to comply with specific noise criteria—for example, decibel levels for refrigeration equipment or operating hours for building work. These criteria will now be contained in the specific noise standards in the Environmental Protection Act 1994, and I welcome their containment in that area. Breaching these standards will now be an offence under the Environmental Protection Act 1994 and will be grounds for issuing a direction notice. This will also greatly assist administering authorities in their enforcement of these standards.

In summing-up, I particularly welcome the principal objectives of this bill. I believe the bill has made great steps in a number of areas, particularly clarifying the role and responsibility of the councils and the state, inserting a new chapter for new direction notices which will apply to environmental nuisance and minor water pollution matters, providing increased penalties and ensuring that councils can now have access to all of the enforcement tools under the Environmental Protection Act. These are things such as direction notices, environment protection orders and temporary environment programs and the ability to issue fines that act as a real deterrent. It will also enable councils and the state to be better able to respond to environmental issues in their local areas and contribute to improved water quality.

I commend the minister for introducing this bill. It includes a lot of other entitlements and a lot of other sections which go a long way to benefitting the environment of Queensland. It is great legislation. I am proud to support it. I think it shows that this party—the Labor Party and the Bligh government—is definitely a party that embraces green issues. I commend the bill to the House.