




Speech by

Mark Ryan

MEMBER FOR MORAYFIELD

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RYAN** (Morayfield—ALP) (12.25 pm): I rise to contribute to the debate on the Environmental Protection and Other Legislation Amendment Bill. Thank goodness for that enlightening contribution from the member for Bundamba. I thought we were going to spiral into some sort of abyss of controversy and fairytale after the contributions from opposition members. I even thought that we were going to get some sort of endorsement of the kind of behaviour that the federal colleagues of the opposition were carrying on with in Canberra yesterday. I even feared that some members of the opposition in this House today would even go as far as calling the Prime Minister a witch, of all things. What we have seen in Canberra from their federal colleagues is an insult not only to the high office of the Prime Minister but also to our democracy. Of course they are actions that I condemn and I am sure all members on our side of the House will condemn them as well.

Many people move to the Morayfield state electorate because of its natural beauty and environmental attributes. Many people live in the Morayfield state electorate because of its lifestyle qualities and its proximity to native vegetation and wildlife. The people of the Morayfield state electorate are very conscious of the need to protect our local environment and, in turn, of the need to protect our lifestyles and the things that make our area such a great place to live. For those reasons, I am pleased to support the important amendments to Queensland's environmental legislation which are set out in this bill. This bill addresses a number of critical environment matters, and I will address the points of the bill that specifically deal with environmental protections, penalties and court orders.

Environmental protection law needs to be balanced and appropriate. These protection laws need to be flexible, but also strict and firm. Importantly, the penalties for breaches of environmental protection laws must also be flexible, strict and firm. This bill amends the Environmental Protection Act to introduce more contemporary and flexible penalty options on sentencing for certain environmental offences and expands the circumstances for which court orders can be made. The new penalty and court order options will allow the courts to make orders for a range of environmental offences which do not require environmental harm to have been caused. For example, I speak of offences relating to the contravention of a development condition or condition of an environmental authority. This means that the courts will have increased flexibility to make orders that are appropriate to the circumstances of the offence and are tailored to achieving the objectives of the Environmental Protection Act more effectively.

A fine or custodial sentence is not always an adequate or appropriate punishment for certain environmental offences. The range of orders available to the court will be expanded to include public benefit orders, education orders, monetary benefit orders, notification orders, and rehabilitation and restoration orders.

For the interest of members, public benefit orders are court orders which restore or enhance the environment in a public place or for the public benefit. These types of orders might be issued by the court where it considers that a fine is not a sufficient deterrent but the land on which the offence occurs would not benefit from additional work. An example would be when the land has since suffered from damage

which is unrelated to the offence. On the other hand, education orders are court orders to conduct an advertising or education campaign. These types of orders might be issued by the court where it considers that advertising or education by the offender would achieve a better outcome than a purely pecuniary penalty.

Further, monetary benefit orders are court orders to pay a sum up to the amount of the monetary benefit derived from the offence. Notification orders are court orders to notify or publish details of the offence. For example, the court may order an offender to give notice of the guilty verdict to the people affected by the offence, such as adjoining landholders, or to publish details of the offence in a newspaper or in a company's annual report.

These orders complement the existing penalty options and will help provide a more effective deterrent for environmental offences. For instance, if an offender wilfully committed an offence because it was cheaper to pay the fine than to meet their environmental obligations, the court would have the discretion to order payment of an additional amount to negate that benefit.

There was a case in Queensland where a company chose to breach its environmental authority and dispose of hazardous material illegally and accept a \$100,000 fine rather than dispose of the material properly and in an environmentally responsible way, which would have been much more expensive. In these circumstances, a court may consider that a monetary benefit order that accounts for the money saved by the company provides a much greater deterrent for this inappropriate practice.

Another example in which these court orders may be beneficial is where a person undertaking a large residential subdivision has released sediment to waters as a result of insufficient sediment and erosion control practices. For this type of offence it would be appropriate for the court to issue an education order that requires the defendant to undertake an education campaign promoting the importance of installing appropriate erosion and sediment control devices as part of good building practices.

These are genuine penalties for serious environmental protection offences. The new orders only apply to offences with penalties of 165 penalty units or more and may only be applied by the court where the court determines that imposition of the orders is appropriate.

The new orders are equivalent to the contemporary tools provided in other environmental jurisdictions around Australia. These new orders will provide for a more flexible and proportionate sentencing response commensurate with the risk and circumstances of individual cases. They will enhance industry performance and they will provide greater environmental protection outcomes.

Greater protections for our environment are good for Queensland and good for our local communities, because ultimately greater protections for our environment mean greater protections for our lifestyles and greater protections for all of those things that make the Morayfield state electorate and Queensland such great places to live.

I would like to take this opportunity to commend the minister, her staff and the department on getting this bill before the House. I also take this opportunity to commend the bill to the House and encourage all members to support it.