



Speech by


# Hon. Andrew Powell

MEMBER FOR GLASS HOUSE

Hansard Wednesday, 11 July 2012

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## ENVIRONMENTAL PROTECTION (GREENTAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection)  
(3.46 pm): I move—

That the bill be now read a second time.

The Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill sets out a new regulatory framework for environmentally relevant activities that streamlines, integrates and coordinates regulatory requirements under the Environmental Protection Act 1994. This bill is the first example of the work this government is committed to achieving in making significant reductions to green and red tape and the regulation of business in this state. We understand that business needs flexibility and certainty to ensure vital economic growth.

In delivering both of these objectives this bill will deliver benefits to a range of industries, specifically those in the small business sector that have been doing it tough for many years. This bill streamlines approvals while ensuring our high environmental standards are maintained and positive environmental outcomes are achieved.

At this point I would like to thank the Agriculture, Resources and Environment Committee, under the leadership of the honourable member for Lockyer, for its constructive comments and recommendations on the bill and note from the outset that it has recommended that the bill be passed. I thank the member for Lockyer for that recommendation. The committee tabled its report on 12 June this year, putting forward seven recommendations and four requests for clarification. I table the government's response to the committee's report.

*Tabled paper:* Agricultural, Resources and Environment Committee report No. 3, Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill—Response from Minister for Environment and Heritage Protection [\[508\]](#).

As a result of the committee's report I have agreed to make one recommended amendment during consideration in detail of the bill and will move further amendments in response to the requests for clarification. These amendments also allow greater opportunities for communities to have a say on a proposed application.

Regarding notification periods for responding to applications for large mining and other resource projects, the committee has recommended that proposed sections 154 and 155 in clause 8 be amended to ensure that individuals and community groups are afforded reasonable opportunities to adequately respond. This is a reasonable recommendation and I am pleased to advise the House that I will move that an amendment be made to the definition of 'business days' in section 155 to ensure time frames for comments exclude the business days between 20 December and 5 January for large petroleum activities, which includes coal seam activities. This will ensure that community groups and individuals will not have to prepare submissions over the busy Christmas period.

These statutory periods for making a submission are the minimum, and there is flexibility so they can be extended by discretion depending on the circumstances. In order to achieve the same intent for notification for mining leases, which is in section 154, we are liaising with the Department of Natural

Resources and Mines as well as my good colleague the Minister for Natural Resources and Mines to develop a guideline for the mining registrar. This guideline will guide mining registrars in using their discretion about the length of the submission period over the Christmas break to exclude the business days between 20 December and 5 January for large mining leases which have not already undergone an environmental impact statement. The guideline would also guide mining registrars in using their discretion to extend the submission period from 20 to 30 business days for these projects at other times. We will consult closely with the Queensland Resources Council, the Australian Petroleum Production and Exploration Association, environmental groups and other interested organisations in developing this guideline.

The committee has drawn particular attention to clause 8 of the bill, seeking clarification as to what action will be taken to ensure the continued suitability of operators of environmental activities. The matter raised by the committee relates to ensuring that environmental safeguards are maintained once operators are registered as suitable operators. In response to the committee's comments ensuring that environmental standards of operators are continuously upheld, the government has undertaken to insert a new subsection which allows the administering authority to remove an operator from the register if the operator has not held an environmental authority for the preceding five years.

**Mr Rickuss:** Good result!

**Mr POWELL:** I take the interjection of the member for Lockyer and I again thank his committee for raising these issues with me and my department. In addition, my department has administrative procedures in place to check the suitability of operators by obtaining information on prosecutions for environmental offences in other jurisdictions. We will engage in discussions with the Local Government Association of Queensland to extend these procedures to local government as well.

Other issues raised by the committee did not require legislative amendment but are important points to clarify. The committee sought clarification regarding how the department would manage the risk of an operator failing to rehabilitate the site after carrying out an environmentally relevant activity. It is a rather pertinent question given some of the situations we are dealing with across the state at this stage and specifically in relation to the methodology for calculating residual risk payments as this methodology is currently under development.

For the information of the House, a residual risk payment may be required if the operator has made an application to surrender their environmental authority and the site has not been rehabilitated to an acceptable level. There is no outstanding risk to the state in not having a preferred methodology or calculation tool completed as the risk may still be quantified on a case-by-case basis. The department still has the discretion to refuse a surrender application if the site has not been appropriately rehabilitated to an acceptable level of risk.

Another very important point for clarification is whether the bill will shift costs for administration of environmental licensing on to local government. Let me be clear: this is not the case. The bill will not shift costs for administration of environmental licensing on to local governments. On the contrary, the proportionate licensing system set out in the bill will benefit local governments and their regulated industries by reducing application and assessment requirements and the corresponding administrative burden on local governments. The provision of better guidance material will ensure that all local governments are on the same page in this regard.

I note the example given by the Local Government Association of Queensland during the public hearing relating to possible future removal or review of environmentally relevant activities which are listed under the Environmental Protection Regulation 2008. There are obvious implications for local government in considering this matter but I note that this is outside the scope of the bill. I have requested that a full impact assessment be done which takes account of any evidence of impacts on local governments as well as on business before any further reforms are progressed.

We will continue to consult closely with the Local Government Association of Queensland and with local governments generally to ensure a smooth transition. I am aware that council budgets will need to take account of the changes provided for in the bill. I will take this opportunity to mention to the member for Lockyer and the shadow minister that this is one of a number of activities that we are intending to undertake in this portfolio. Many of the issues raised will be addressed in the future through our ongoing work to look at the Environmental Protection Regulation itself. I look forward to reporting to the committee in the coming months on our success with regard to that.

This bill offers practical and innovative alternatives to the existing environmental regulatory framework in Queensland. I am confident that this bill, which has received backing from industry and local government, will be supported by both sides of the House as a key regulatory simplification initiative. I commend the bill to the House.