




Speech by

Hon. Andrew Powell

MEMBER FOR GLASS HOUSE

Hansard Tuesday, 31 July 2012

ENVIRONMENTAL PROTECTION (GREENTAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (2.41 pm), in reply: I start by thanking and acknowledging all honourable members who took part in the debate not only today but over the various days of the preceding sitting week. Members in the House made it clear that there is overwhelming support for the green-tape reduction solutions provided by this bill. This is a bill that is good for industry, it is good for regulators and it is good for the environment.

Just to give some indication of how well received this bill has been by the broader industry as a whole, I recently met with an industry representative who presented me with this lanyard. For those who cannot see it, it says, 'Greentape reduction champion', and there is a picture of a green frog on the back. I note many of the comments made by those opposite, including by the shadow minister, that they really do feel that this is their bill. I would like to think that I am a fairly reasonable guy. I would be happy to share this lanyard with the shadow minister and with members opposite in acknowledgement of the 14 years of effort that they made in preparing the bill and in presenting it to the House. Unfortunately, they let it lapse. But I am very happy to share this in recognition of the work that the government as a whole has done in terms of reducing green tape.

Mr Bleijie interjected.

Mr POWELL: I am not going to take the interjection of the Attorney-General in this instance. But I think it is important to note that industry has been anticipating this bill and it is looking forward to it. Certainly, as the regulator, I know that my department is looking forward to the benefits that it will achieve as well. As most of the key elements in the bill have been sufficiently covered in debate, I will limit my reply largely to responding to the issues and questions raised by members during the debate. Let me start though by addressing some of the less than helpful contributions particularly from those opposite.

A couple of weeks back the member for South Brisbane suggested that the only delay in proceeding with this bill—the only reason it lapsed—was the election. Not only can I point out the fact, as I just did, that they had roughly 14 years in which they could have acted in bringing forward this legislation; but I also point out the fact that it was presented at the time it was and that six other pieces of legislation were introduced at either the same time or after Labor tabled their version of this bill and those were all debated and passed. I commend the member for Beaudesert for picking up on this because that certainly was the case.

If green-tape reduction were the priority for the former Labor government, they would have addressed this. They would have brought it forward for debate like they did six other pieces of legislation. What were those pieces of legislation? We had the failed Building Boost Grant Amendment Bill, the Criminal Organisation Amendment Bill, the Holidays and Other Legislation Amendment Bill, the Strategic Cropping Land Bill and the Civil Partnerships Bill, as the member for Beaudesert pointed out. So the point is not that it was their bill but that it was clear that they had no desire to see it implemented under their jurisdiction, under their government. So we saw it lapse when the election was called.

The member for South Brisbane also referred to the Queensland Law Society submission to both the former EAREC and the new AREC, the parliamentary committee that considered this bill. In relation to the Queensland Law Society submission, I think the former environment minister would answer the same as me. That submission has been provided to the OQPC and ultimately it is for the OQPC to determine the drafting language. Certainly I have taken on board the comments, but ultimately the Queensland Law Society possibly needs to sit down with the OQPC to sort out some of those differences of opinion.

The member for South Brisbane also referred to the bilateral agreement and in fact spent considerable time talking about the bilateral agreement.

Ms Trad: Important issue.

Mr POWELL: It is an important issue. I take the interjection of the member for South Brisbane. It gives me another opportunity to raise what our government is doing. It is worth putting on the table again why UNESCO is at all interested in what is going on in the Great Barrier Reef in the first place—and that is that the federal Labor government and the former state Labor government failed to notify UNESCO when approving projects on Curtis Island in the Gladstone Harbour. It was not anything to do with the management of the environment from our perspective, but it was the inability of the previous Labor governments at the state level and the federal Labor government still operating in Canberra to notify UNESCO that those projects were underway.

But it is worth noting that we are delivering for Queenslanders, we are delivering for the Commonwealth and the World Heritage area state party, and we will deliver for UNESCO, as we have outlined on numerous occasions now the seriousness of the matter, the work we are doing in conjunction with the Commonwealth government in terms of the strategic assessment of the Great Barrier Reef, our work around port strategies and the various other elements that we have committed to as part of our response to that UNESCO report.

A couple of other members have rightly picked up on the reference a number of times throughout the member for South Brisbane's speeches to the 'Labor way'. What we have clearly seen is that the 'Labor way' is not to deliver. They had an opportunity to deliver this bill, to pass this legislation to deliver this reform, and they could not do it. The Labor way is debt.

Ms Trad: The fact that you're doing it is testament to the fact that we did it. You have been in this House for two days.

Mr POWELL: Labor had 14 years, member for South Brisbane, in which to see this bill through the chamber and could not achieve it. Instead it put six other pieces of legislation through in the same period of time. As the Premier is often saying, the 'Labor way' is debt, deficit and deceit. I think that pretty much sums up the situation here.

It is also worth pointing out that the member for Mulgrave in his address to this bill suggested that no-one on our side has an environmental bone in our body. I think it is worth stressing again that he said that no-one on this side of the chamber, including our LNP colleagues sitting over there next to the opposition, has an environmental bone in our body. Let us take a look at two former environment ministers. Perhaps I will start with the former member for Ashgrove. Do not take my word for it. Let us look at what Des Houghton had to say about her experience—

Mrs Miller: You make us laugh!

Mr POWELL: They just don't want to hear it, Madam Deputy Speaker.

Ms Trad: No, we don't want to hear from Des Houghton. You're right!

Madam DEPUTY SPEAKER: Order! I call the minister.

Mr Emerson: They hate journalists.

Mr POWELL: I do not know why they hate journalists, Minister for Transport. I really do not. Obviously if it is not on the front page of the *Courier-Mail* it is not worth bringing into the chamber.

Des Houghton said that the former member for Ashgrove 'has been a prisoner of the Labor Party all her adult life and has little experience outside of it'. A quick summation is that, after completing an arts-journalism degree at QUT, the former member for Ashgrove worked in the office of former state Treasurer David Hamill at the age of 21. From there she switched to the office of former public works minister Robert Schwarten. I acknowledge that like a lot of us in this chamber she also worked in small business at the age of 14 and that was with McDonald's. My first job was with Myer at Strathpine—a very reputable organisation.

Ms TRAD: Madam Deputy Speaker, I rise to a point of order. I ask you to rule on relevance. What the former environment minister did for employment purposes before she came into this House has no link at all, I would suggest, to the bill that we are debating.

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! There is no point of order. I ask the minister to return to the bill, but I think he is being encouraged to go elsewhere by the interjections.

Mr POWELL: Thank you, Madam Deputy Speaker. I will return to the bill, but I am, as I said, responding to an issue raised by the member for Mulgrave in his speech on this bill when he said there is no-one on this side of the chamber who has an environmental bone in their body. As I return to the bill, might I add that the former member for Sandgate completed a Bachelor of Arts in recreation and administration at Griffith University—I know that some of those studies touch on environmental matters, so I will acknowledge that—but then worked as a public servant, recruitment consultant, travel agent manager, and TAFE lecturer. I will not focus necessarily on what previous environment ministers did. I will not even speak of the fact that as part of my science degree I studied subjects such as biogeography, climatology and geomorphology, but I will point out that the Assistant Minister for Natural Resources and Mines is an environmental scientist and has worked in the industry. To suggest there is no-one on this side of the chamber with an environmental bone in their body is a bit rich. It is stretching the truth a little too far.

I turn to the more positive and constructive contributions from members on both sides of the chamber. Both the member for South Brisbane and the member for Mulgrave foreshadowed that the opposition have amendments which they believe will improve and enhance this bill. I return to their original statement where they endorsed this bill. I think the member for South Brisbane used the words that this does not neglect the primary goal of protecting the environment. This is purely about administrative change. It does not in any way reflect or neglect the primary goal of my portfolio, and that is of protecting the environment. I thank the member for those words.

I have only recently had an opportunity to see these amendments, but I have gathered from the member's speech supporting this bill that they centre on the public submission period. I imagine we will have considerable further discussion during the consideration in detail stage. Not only has this period already been increased from Labor's bill—and, again, I am sure we will speak at length on that during the consideration in detail stage—I put it on the record as part of my response to the report by the Agriculture, Resources and Environment Committee that my department will work with the Department of Natural Resources and Mines to develop a guideline for the decision maker to use their discretion to extend the submission period from 20 to 30 business days for large mining or petroleum operations. This allows six whole weeks for community groups and individuals to make a submission. I would like to point out that this does not include public holidays or the Christmas period. If this is the case, additional time will be allowed.

I have specifically ensured that the extensions to the public submission period apply only for large mining or petroleum operations and not small to medium operations, the reason being small to medium operations are the least likely to attract third-party submissions and an extended submission period is likely to have a big impact on the company in terms of delay, with little to no gain in community engagement or environmental outcomes. If in doubt and an extended submission period is required, the guideline can be used to exercise the existing discretion and extend the time allowed. This is a common-sense solution to ensure that only those operations which need the extra time will be delayed further. The member for Dalrymple also raised this issue along with the need for the right information to be provided. I agree with him and this is why the bill requires that all application documents are kept on the proponent's website during the assessment process. This means that the right information is accessible to all concerned.

The member for South Brisbane also asked me whether I would delay commencement of the bill until after this financial year. This bill has already been delayed, as we have just discussed, and to delay it any further would impact on business in Queensland, especially small businesses which can least afford to absorb costs for those extra months. Not only that but smaller local governments which will also reap the benefits of the bill will have to persist with the more expensive system of approvals for a number of months if this bill does not commence in March 2013.

The member for South Brisbane raised concerns about section 133 of the bill, which allows for a simple administrative process to make minor changes to an application. I wish to bring to the member's attention that 'minor change' is fairly narrowly defined and includes changes like correcting a mistake about the name or address of the applicant or correcting a spelling or grammatical error. These are changes that are very unlikely to have a dramatic impact on the community or the environment. The member for South Brisbane also asked that I and my department look into better ways to capture information on suitable operators. I believe we already have systems in place to address this issue. As I mentioned in my tabled response, not only am I moving amendments to the bill to deregister inactive operators after five years, my department has administrative procedures in place to obtain information on prosecutions for environmental offences in other jurisdictions. This information on the operator's environmental record may then be grounds to cancel or suspend the person's registration if my department is satisfied that it amounts to the person not being a suitable operator.

The member for South Brisbane tabled a memorandum issued by the acting director of the Environmental Regulatory Practice Unit in my department. I would like to point out that the advice given in this memorandum is merely common sense and not politically driven. If my department were to interpret ambiguity or uncertainty in the legislation as leading to a greater impost on business, I am informed it is very likely that this decision would be overturned on any appeal since ambiguity or uncertainty in the

legislation tends to be interpreted by the courts in favour of a non-government party to the proceedings. Quite frankly, I saw that so-called leaked document as good news. Not only are we addressing what is really a legal matter around ambiguity and uncertainty; it is also showing that there is a cultural change occurring in the department. We are willing to work with industry where industry is committed to achieving high environmental outcomes.

I thank all members for their contributions during the debate. I note that the many attributes of the bill were widely acknowledged by members of the House. The member for Burdekin, for example, commented on a number of advantages that the proposed risk based licensing system will provide. As outlined previously, the bill contains amendments to the Environmental Protection Act 1994 that remove the current requirement for an environmental approval and amendment to the Sustainable Planning Act 2009 to remove the requirement for a development approval for low-risk environmental activities such as tyre storage. These are low-risk activities usually run by small to medium businesses. The standard application process will save each applicant an average of \$20,000 in preparation costs, save 150 pages of application materials and save the business from waiting 68 days in processing time. These fees will be history following the passage of the bill, as eligible low-risk businesses will instead be able to obtain an automatic environmental approval with standard conditions which are published and developed in a transparent way based on an assessment of the risk associated with the activity.

I am pleased to reassure the House that the new regulatory framework will not come at an environmental cost. Again, I refer to the comments made by the shadow minister that this is not about neglecting our environmental responsibilities. Whether environmental activities are low risk or high risk, they will still be required to meet the conditions set by the department and the environmental outcomes will not be affected. Madam Deputy Speaker, I think that addresses in part some of the concerns you raised, but I will come back to your specific questions later in my summing-up.

The members for Chatsworth and Albert spoke about amendments to the Environmental Protection Act that will change the way environmental approvals work by introducing corporate licences that are more flexible for operators. This will mean a substantial green-tape reduction for many operators in Queensland via two key avenues—No. 1, existing development permits and environmental authorities can be rolled into one and, No. 2, a company with more than one site can operate under one permit instead of separate permits for each site. Once again, these amendments will bring great savings not only for Queensland businesses in the form of reduced application fees, delay fees and annual fees but also for Queensland taxpayers as the hours and resources spent by government administering the permits will be significantly reduced. The flexibility provided by the provisions in the bill mean that businesses may have more say in how they are regulated while ensuring that the same stringent environmental standards are met.

The members for Pine Rivers and Albert conveyed the importance of maintaining strong environmental safeguards. This bill is about ensuring that the greatest regulatory effort is aimed at those activities which present the greatest environmental risk. In addition, by publishing the eligibility criteria and standard conditions for low-risk activities upfront, applicants know what is expected of them in carrying out an environmentally relevant activity and can establish and situate their businesses in appropriate locations with appropriate infrastructure in place to obtain an automatic approval on standard conditions.

I feel it is also worth reiterating points made by the member for Pumicestone in relation to the significant benefits to the mining and petroleum industry. The bill streamlines the approval process for mining and petroleum activities by replacing the current complex process with a clear, easy to follow procedure from initial application through to approval or refusal of the permit—no more duplication, no more onerous administration. This is regulatory simplification that is long overdue. I would like to emphasise that regulatory simplification of this significance and scale could only be achieved with the ongoing commitment of industry, community and government stakeholders more broadly.

I will just address a few other points raised by a number of other members. The member for Gaven and a couple of other members suggested that this is a good start but that more work needs to be done. As I informed the House, this is stage 1 of the green-tape reduction that my department is working on. We are currently working on the Environmental Protection Regulation, and we have plans to bring changes to that. Subsequent to that, we will bring further changes to the Environmental Protection Act. I stress again that this is not about watering down environmental standards; it is about improving and streamlining our administrative processes to ensure that the most effort and the most focus is placed on those industries and those approvals that require the most intricate and detailed investigation.

I would like to thank the member for Gympie for his comments. He referred to the fact that what we are seeing today is democracy at work—where the committee had suggested a number of recommendations and sought further clarification and, as the minister, I am given the opportunity to bring forward amendments based on the committee's recommendations. This shows that the committee structure is working and that it is democracy in full flight. I would like to thank the member for Gympie for identifying that and acknowledging that.

If I could turn to you, Madam Deputy Speaker, and the questions you raised in your role as the member for Gladstone. Flexible environmental approvals will not diminish an operator's environmental obligations. As I have said on a number of occasions now, this initiative streamlines administrative processes and does not in any way alter the environmental conditioning of a project. It may be that a number of conditions will be standard. For example, a workshop in an industrial site will have very clear standard conditions that they can meet very easily, as the member for Beaudesert pointed out. On the other hand, some of the industry that the member for Gladstone referred to in her own part of the world obviously needs to be looked at more closely, and that is why we have the three-tier process of environmental approvals.

The ability for the public to comment on major projects is actually improved by this bill, not diminished. Firstly, there are longer public notification periods, and we are also making sure that the publication of application material is on the website. So there is actually a greater opportunity for the community more broadly and for conservation groups, such as the Gladstone Conservation Council, to be able to see the information being put forward and have a period of time in which they can comment on that. We are also introducing the opportunity to do that earlier in the piece so that it will inform the ultimate outcome, and this is a good outcome.

Madam Deputy Speaker, you also raised the environmental management plan. It is being replaced by the application requirements. Previously, there was no opportunity for the community to comment on an EM plan, but the community will have the opportunity to comment on the application documents for larger projects. In that case, we are not watering it down; if anything, again we are enhancing the situation. As I said, a number of members suggested that this is a first step. The member for Beaudesert particularly highlighted this, and I take on board his comments and say that we are working on it. I look forward to bringing back further amendments to both the regulation and the act in coming months as part of that program.

This bill is an outstanding achievement for DEHP and the Queensland industry combined. All stakeholders have been extensively consulted at each stage of the green-tape project and the preparation of the bill. I again want to pause on that note because, yes, this is the culmination of a lengthy process. There was consultation with industry and a range of interest groups over a long time under the former government. There was then consideration under the previous parliamentary committee and, yes, there was a truncated period of time in which the current committee could also view it. But many of the issues raised had previously been raised and addressed. It has been good that those issues have been very minor in the broader scheme of things for what is really quite a significant amendment, alteration and rewrite of the approval process within the Environmental Protection Act.

The responses to the changes in the bill have been extremely positive. The business discussion paper and regulatory assessment statement released in July last year generated feedback from a broad range of industries, and valuable contributions were made by a wide variety of interest groups. I know I mentioned this in my introductory speech but I would like to point out again the key support from such stakeholders as the Queensland Resources Council, the Cement Concrete and Aggregates Association, the Chamber of Commerce and Industry Queensland and the Waste Contractors and Recyclers Association of Queensland, who have each indicated their continuing strong support for the green-tape project.

This bill represents good environmental legislation. The bill introduces sensible changes that mean less time wasted on overly complicated administrative projects and more time spent getting the job done. The bill creates savings for Queensland industry in excess of \$11 million a year. Finally, and perhaps most importantly, the changes do not compromise strong environmental standards.

Before I conclude, I want to thank the staff involved in the preparation of this legislation, in particular those involved in the green-tape reduction project team, especially Elisa and Kate who are here this afternoon. Both of them feel very under the weather, so I ask the shadow minister to please be gentle on them in the consideration in detail stage. They have dragged themselves out of their sick beds to be here today.

Ms Trad: It's not them we're after.

Mr POWELL: All right. As a result of this bill, this champion tag that I was referring to before really should go to staff like Elisa and Kate who have put in the hard yards.

Ms Trad: Hear, hear!

Mr POWELL: I take that interjection from the shadow minister. They are a prime example of DEHP staff who have adopted the Newman government's agenda and focus. We have great staff in DEHP who are excited about working for a positive and focused environmental regulator. I thank them again for all the effort they have put in. I commend this bill to the House.