



Speech by

Hon. Andrew Powell

MEMBER FOR GLASS HOUSE

Hansard Wednesday, 28 November 2012

ECONOMIC DEVELOPMENT BILL

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (9.01 pm): I, too, rise to support the Economic Development Bill 2012—

Mr Bleijie: And correct the rubbish that came out of the member for South Brisbane.

Mr POWELL: And correct the rubbish that came out of the mouth of the member for South Brisbane for starters.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. I find that remark personally offensive and I ask the minister to withdraw it, please.

Mr DEPUTY SPEAKER (Dr Robinson): Order! I ask the member to withdraw the comment.

Mr POWELL: I withdraw, Mr Deputy Speaker. This evening I would particularly like to focus on those amendments which are being made to the legislation in my portfolio. The amendments to the Environmental Protection Act 1994, which are made by chapter 8, part 2 of this bill, are necessary to implement recommendations of the Queensland Floods Commission of Inquiry about licensing discharge of mine water and emergency powers. But I will come back to that in a moment.

At this point, I wish to correct a number of blatant mistruths and perhaps some more genuine misunderstandings and issues raised not only by the member for South Brisbane but by a number of other interest groups and certainly by the media in recent times. All we have heard from Labor in particular on this is more of the same old scare tactics and sensational headlines as they desperately fight for relevance. It is fast becoming apparent that the member for South Brisbane wants to become the self-appointed Queensland chief conspiracy theorist. The next thing we know is she will be walking in here declaring that man never walked on the moon and that Elvis is still alive.

Mr Bleijie: Elvis is sitting in front of you!

Mr POWELL: My goodness, I take that back. Perhaps the member for Kawana, the Attorney-General, is up there also with the member for South Brisbane as Queensland's chief conspiracy theorist.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. I find the association with the member for Kawana offensive.

Mr BLEIJIE: Mr Deputy Speaker, I rise to a point of order. I, too, find the association with the member for South Brisbane offensive. I ask the honourable minister to withdraw.

Mr DEPUTY SPEAKER: Okay, members. Can we just make sure that points of order are genuine points of order. It is a little light-hearted. It is probably good to have a little light-heartedness, but I am very concerned that the minister has the call and has the opportunity to be heard. I call the minister.

Mr POWELL: For the safety and health and wellbeing of the Attorney-General, I withdraw. But I do want to be clear: the member for South Brisbane has gone out there seeking a conspiracy and has now made an attempt to manufacture one out of nothing. Let me be clear: the Queensland Resources Council has been approaching the previous government trying to address water in mines. They made a lengthy submission last year to the Queensland Floods Commission of Inquiry regarding water in mines. They

spoke to me as the shadow minister for environment late last year regarding water in mines. They made an election statement asking both parties to address water in mines. And in the first meeting that I had with Michael Roche from the QRC in April this year they raised the matter of water in mines.

But let me be clear: what we are talking about tonight does not deliver what the member for South Brisbane has somehow manufactured in her brain. What we are talking about tonight is this government taking the necessary steps to reduce the risk of a major environmental incident in the event of another flood. Members in the House will well remember Ensham. Why did that occur? Because those on the other side put their head in the sand and failed to do anything. What did the Floods Commission of Inquiry do? It has asked us to bring forward legislation that meets the requirements to ensure that something like that does not happen again. But perhaps that is a little too simple. So let me be very clear about what actually does occur through these amendments this evening.

There are three very different tools in the Environmental Protection Act. Firstly, there are the emergency powers which permit an authorised person—in other words, an officer of my department—to take action or to issue an emergency direction which requires another person to take action. This is in response to a recommendation by the Queensland Floods Commission of Inquiry—the very same Floods Commission of Inquiry that the former member for South Brisbane, the former Premier, said that she supported ‘lock, stock and barrel’. So my question to the member for South Brisbane, my question to those opposite, is: if you do not support these emergency powers, if you do not support the provisions in this bill, how then would you have delivered the recommendations of the Floods Commission of Inquiry ‘lock, stock and barrel’?

These emergency directions are very limited—very limited—and can only be issued where serious or material environmental harm is threatened or where human health or safety is threatened and urgent action is needed. These powers can only be used in a true emergency situation. For the members representing the Fitzroy Basin, for the member for Rockhampton, let me repeat that again: these powers can only be used in a true emergency situation. As a result, the government did not support the committee’s recommendation that the legislation require that the emergency direction must be confirmed in writing within an hour because it would risk diverting the skills of authorised officers away from essential response activities.

The confirmation of the direction is an issue that is best left to business rules and administrative processes which can build in the type of flexibility needed for an emergency tool. The committee also recommended that the legislation be changed so that only senior officers could direct the release of contaminants into the environment during an emergency. Again, this is an issue which is best addressed by business rules. Limiting the authorisation to only senior officers has the potential to restrict the ability of the officer who is on the spot.

The second tool, which has been confused with the emergency direction, is the new tool—the temporary emissions licence. This licence is not a direction by the department. Instead, the operator must make an application in writing—I want the member for South Brisbane to hear that again: in writing—and the authorised person must make a decision on set decision criteria. Written notice of the decision is then provided by either issuing the temporary emissions licence complete with conditions or giving notice of refusal. As part of an application for a temporary emissions licence, proponents would be required to provide information on any increased risks arising from additional discharges and the proposed monitoring and mitigation strategies to offset these risks.

While the decision criteria are limited, we are not walking away from our role as a strong environmental regulator. The criteria still include essential considerations such as the likelihood that the release will adversely impact the health, safety or wellbeing of another person and the likelihood of environmental harm being caused by the release.

In addition, to balance the quick decision time frame, the licence is fully flexible. It can be immediately amended, cancelled or suspended without receiving and considering submissions from the operator if, for example, downstream drinking water is adversely affected by the release. The tool is also designed to be in effect for only a short period of time, possibly as little as hours and for no longer than months. We are preparing guidance material and that material will be available on the department’s website so that the department’s decision can be anticipated by operators, concerned landholders and the community.

The third tool that we use in the Department of Environment and Heritage Protection around these matters is the transitional environmental program, which was used to authorise the release of water from mines during the recent flood emergencies. The Queensland Floods Commission of Inquiry identified a number of concerns about the use of this tool for the emergency response. That is why we are introducing in this legislation the temporary emissions licence. This tool would not be used—that is, the TEP—for the immediate response to an emergency situation but is about the ongoing management of a site such as upgrading on-site water management infrastructure to ensure that the site is flood ready.

The legislative framework for the use of transitional environmental programs has not been watered down. It is as robust as ever. The other issue raised by the media is whether the water still in the mines as a legacy of the 2010-11 floods would be released under the new temporary emissions licence.

Mr Newman: Who did that pun? Is that deliberate?

Mr POWELL: The Premier would be very pleased to note that the short answer is no.

Mr Newman: It is no that it was a pun?

Mr POWELL: It is 'no'. The legislation was not introduced retrospectively and there is no intention to use the temporary emissions licence to allow mines to release legacy water held from previous floods. As the Deputy Premier and I have said in this House on a number of occasions, unlike those opposite who put their head in the sand and refuse to do anything, we are looking for a permanent solution to deal with mine water issues on an ongoing basis. We are committed to developing a rigorous, science based management system for salinity management that will sustain continued economic development while ensuring water quality. I give my commitment to the member for Rockhampton that his constituents in Rockhampton city will not notice any difference as a result of those discussions.

Let me also be clear that the discussions we had, despite the member for South Brisbane saying that there was no consultation with the Fitzroy Water Quality Advisory Group, meant that we got support from a range of stakeholders including landholders and the Conservation Council.

The amendments to the Environmental Protection Act are sensible changes which will permit realistic decisions to be made in response to an emergency. It is worth noting that, despite what the member for South Brisbane has said, this draft bill has been shared far more broadly than simply the QRC. It has gone to a range of groups including the Queensland Farmers Federation and the Waste Contractors and Recyclers Association. We have consulted broadly and we are delivering an outcome for Queensland.