




Speech by  
**Bill Byrne**

**MEMBER FOR ROCKHAMPTON**

Hansard Wednesday, 28 November 2012

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## **ECONOMIC DEVELOPMENT BILL**

 **Mr BYRNE** (Rockhampton—ALP) (9.29 pm): The Economic Development Bill was introduced into the parliament by the Deputy Premier as essentially a procedural bill. Unfortunately, and despite assurances, elements of the bill have raised serious concerns with me as the member for Rockhampton. I am particularly focused on the provisions of the bill dealing with mining company wastewater discharges into the Fitzroy Basin. Government ministers have repeatedly couched this element of the bill as a response to the Queensland Floods Commission of Inquiry final report. I contend that the bill goes well beyond any of the recommendations provided by the inquiry. The State Development, Infrastructure and Industry Committee reflected on these concerns within its report. It stated—

The very limited consultation in the development of this Bill has given rise to the large number of issues, both significant policy issues and technical issues ...

The committee also said—

In the time allowed by the House, the committee has not been able to give adequate consideration to many of the very detailed issues raised in submissions ...

In light of the committee's comments I cannot reconcile the notion that this is a procedural bill. I doubt that any member of the committee, if asked freely and honestly, would actually believe that, given the substance of their report, this is a procedural bill. To go out and provide draft legislation to the Queensland Resources Council for feedback and input but not to the likes of Rockhampton Regional Council nor apparently AgForce, the Farmers Federation or the Capricorn Conservation Council, to name but a few, is a disgrace. I have heard this evening that the minister had circulated a consultation plan prior to the presentation of this bill. If so, I invite him to table it this evening along with the names of the people he consulted prior to the bill being introduced into this House. I would like to know who has been consulted on this bill prior to its tabling in the House. So take that one away!

People should be rightly worried about the way this government has gone about this and about the consultation process in general, particularly in light of what the committee has said. It is not just me criticising the government; it is also the government's own members of the committee. As the committee report at page 4 sets out, the consideration of a bill by the parliament—being them—should not be seen as being part of the government consultation process. The government's consultation process on this bill has been grossly inadequate. This is where half the problems originate in the first place. This was a committee report dominated by government members. On a number of occasions the government has suggested that no secret deals were done with miners. Again, I ask it to table the consultation program for the bill. This has been asked repeatedly.

The mines minister refused to even answer questions at estimates about this issue or give any details because discharges from mines belong to the environment minister. I find it very hard to believe—and nobody living in the real world would consider this possible—that this bill and the opinions underpinning it have not been extensively discussed among the Deputy Premier, the Treasurer, the mines minister and the environment minister. That is common sense and any denial of that is just unbelievable. Despite the denials from all quarters, it was interesting to note that at the public hearing held on this bill comments were made by the Resources Council representative. She said—

Queensland Resources Council did see a draft of those sections of the bill before it went to the Parliament.

She went on to say that there are a couple of issues regarding consultation. You bet there are a few issues with consultation as far as this bill is concerned! Firstly, the evidence clearly demonstrates a detailed and perhaps covert working relationship between this government and the Queensland Resources Council leading up to the introduction of this bill, and that relationship was exclusive and existed prior to the presentation of the budget. By definition this demonstrates who is the key stakeholder for this section of the bill as far as the government is concerned. It certainly was not, and is not, the people who live downstream and who have no choice but to take the water. They should have been the first people to be engaged, not the last as part of some retrofit to cover people's backsides. The Resources Council said that in their view there are a couple of issues with consultation. They stated—

One is that we would have liked to have seen other stakeholders consulted to a greater degree because it would have avoided some of the concern that has occurred afterwards.

Whacko! Even the miners get it. What is the matter with this government? Even vested interests have a greater sense of balance when it comes to dealing with appropriate and rightful stakeholders. I do acknowledge some of the late efforts of the Deputy Premier to engage key regional stakeholders on this broader issue, but this should have been front-end loaded and not given the appearance of being an afterthought.

I must commend the work of the State Development, Infrastructure and Industry Committee, particularly the outgoing chair, the member for Mirani, and the new chair, the member for Gympie. Given the evident limitations associated with this piece of legislation and the time frames, the committee has certainly done its very best to provide the considered opinion to this House. However, the committee's report does not address the issue of the mandatory 24-hour time frame for consideration of a request for a temporary emissions licence. Once again, the government has tried to hide behind the Floods Commission of Inquiry report. That report does not say anywhere that it should be a mandatory 24-hour time frame for consideration of temporary emissions licences. What the flood report does say is—

Quick approvals would be required, some in less than 24 hours, to respond to a particular rainfall forecast.

This does not suggest that every approval should occur within the 24 hours, regardless of whether a proper assessment of the impacts on residential water supplies or other downstream users has occurred. The Queensland Resources Council has advised the committee that the cumulative effects on other water users cannot always be assessed within 24 hours. The LGAQ has said that the time frame will be a stretch for consulting with local government to ensure the protection of water supplies. In their submission, the Fitzroy Basin Association also expressed concern about this time frame. They said—

FBA submits that 24 hours is too short a period for the administering authority to properly consider the current environmental conditions and the potential impact that a temporary emissions licence will have, and that once impacts are detected that necessitate a change or cancellation of a TEL, it is already too late for remedial action as the damage has occurred.

The Capricorn Conservation Council said in their submission—

A 24 hour turnaround does not allow the administering authority sufficient time to properly assess an application.

The opposition also shares these widely held concerns. We call on the government to listen to the members of its own committee and stop hiding behind the Floods Commission of Inquiry report. For the Deputy Premier's benefit, I point out that the recommendations do not go beyond an event of a flood and are specific to recommending the relaxation of temporary emissions licences when there are large amounts of water flowing past a mine so great that the contaminated water is diluted to safe levels. It is not about allowing the discharge of contaminated water during periods when there is no flooding occurring. However, the new definition of 'emergent event' as per the amendments seems to set out circumstances that allow this. I imagine it would allow any officer in the department to verbally authorise a temporary emissions licence with no written follow-up, no proper assessment of impacts on nearby water supplies and with the economic impacts of various stakeholders being considered but not those of the downstream users.

In summary, this bill does not represent the implementation of the flood commission's recommendation. It goes further and seeks to advantage a particular stakeholder to the possible detriment of others. This stakeholder was given preferential treatment in terms of the consultation leading up to the introduction of the bill as well as preferential treatment regarding the body of the bill. I oppose certain sections, particularly those relating to the expansion of instances where temporary emissions licences can be issued as the net effect of that has not been proven.

Finally, the problems associated with this issue come down to one thing: a failure to have a thorough consultation plan in the development of the bill. Perhaps if consultation 101 had been approached in a different manner, the government might have got a different result. Ultimately, the government should stop mucking around with getting rid of wastewater and start treating it on site.