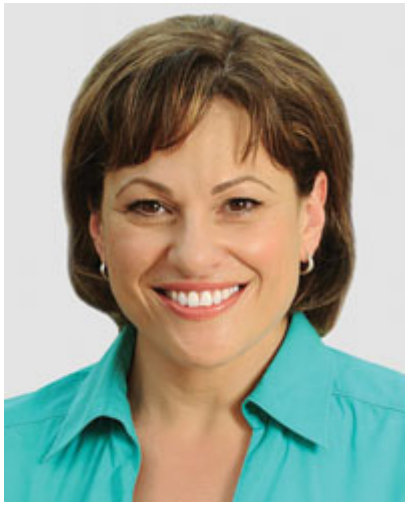

Speech by

Jackie Trad

MEMBER FOR SOUTH BRISBANE

Hansard Wednesday, 11 July 2012

ENVIRONMENTAL PROTECTION (GREENTAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

Ms TRAD (South Brisbane—ALP) (3.55 pm): I rise to contribute to the debate on the Environment Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012. From the outset I confirm to the minister that the Labor opposition will indeed be supporting this bill, and I will go into the reasons for that support very soon.

I am honoured to be a member of the 54th Parliament that will see the passage of this important and nation-first legislation, which was first introduced in the 53rd Parliament by the former government after years of hard work and extensive consultation. I am honoured to participate in this debate also as a member of the Agriculture, Resources and Environment Committee, which worked very hard within a very short time frame to analyse this bill and seek public comment. I note the member for Lockyer in the chamber today. I commend him for his efforts as the chair of that committee in this respect.

This bill, similar to the previous bill introduced to this House, attempts to establish a regulatory framework in order to streamline, integrate and coordinate the regulatory requirements under the existing Environmental Protection Act 1994. As mentioned by the minister in his explanatory speech, the bill amends a total of 15 pieces of legislation in order to introduce an application and licensing regime for enterprise activities proportionate to any environmental risk. It is suggested and hoped that these amendments will provide for a flexible and streamlined approvals process which will save the operators and the Crown time and money.

In plain English, this raft of amendments seeks to ensure that land use enterprises meet environmental standards relevant and proportionate to the activity in the most streamlined and efficient way for their business and for government. It has been predicted that these legislative reforms will deliver tens of millions per annum in savings for both business and government through a reduction in the various documentation that is currently required to be prepared and the streamlining of the application process, which will also save significant time in administration and processing.

Although this bill will reduce delays in the overall approvals process and provide businesses with a streamlined process, which is great for small to medium enterprises particularly, it also lifts unnecessary administration but it does not neglect its primary focus, which is providing a necessary level of protection for the environment. This bill still requires sites to undergo certain evaluations and testing through a standard, variation or site-specific application in order to assess their impact on the environment and to ascertain what condition should be attached to the particular operation.

As previously indicated, this bill has been introduced into the House before. In particular, the former minister for environment, Vicky Darling, introduced this bill to this House on 26 October 2011. I note that, unlike the Queensland Art Gallery Amendment Bill explanatory speech, this minister, the Minister for Environment and Heritage Protection, did manage to deliver his own speech and not that of the former minister's, and I congratulate him on that effort. The bill was then referred to the Environment, Agriculture, Resources and Energy Committee of the last parliament for evaluation and scrutiny, but the bill lapsed due to the state election.

Contrary to the statements made by the minister in his explanatory speech that under the previous government this project had stalled, the previous parliamentary committee had reported on the bill in February this year and it was at the stage where it was ready to be brought back into this chamber for debate—a fact that the minister knows full well. It is a fact reflected in the introduction of this bill on the second working day of this new parliament. I am advised that the only delay in this project was a small democratic event known as the 2012 state election, something this minister should not disregard so easily given its impact on his political career.

The current bill introduced into this House by the Minister for Environment and Heritage Protection on 17 May 2012 is substantively the same, with only minor administrative amendments. I table a copy of the track changes bill for the benefit of the House.

Tabled paper: Track-changed Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012 [509].

This bill, as outlined in report No. 3 of the Agriculture, Resources and Environment Committee in June 2012, is the culmination of extensive work undertaken by the former Labor government through ClimateQ: toward a greener Queensland initiative. This work commenced in 2010 through the former Labor government's smart regulation reform agenda under the ClimateQ strategy led by and funded through the recently axed Office of Climate Change. This funding was used to undertake extensive consultation on green-tape reduction, with myriad different stakeholders including community groups, government departments, local government and industry, including representatives of commerce and business, primary producers, petroleum, mining and resources, in addition to recycling and waste management sectors being consulted. In addition, departmental representatives also liaised and consulted with several state and local government departments and bodies, with Synergies Economic Consulting being commissioned to analyse and prepare a report into the associated costs and burdens businesses were under in relation to environmental regulation and how these burdens could be alleviated.

As you can imagine, this extensive consultation process took many months and allowed an opportunity for a wide variety of views to be expressed from a diverse cross-section of the community. Contrast this with the LNP government's notion of consultation, which only allowed two business days for community and industry groups to respond to the Agriculture, Resources and Environment Committee inquiry. This was raised as a concern by most of the external witnesses to the committee's hearing on Wednesday, 6 June. I refer the minister to the transcript, where every single witness expressed concern over the time available for public consultation.

This short time frame allocated for consultation has not allowed for proper scrutiny of the bill, with the Queensland Law Society stating that it was only able to review up to section 139, with all errors which it had pointed out in the previous 2011 version of the bill remaining in this version. I table a copy of the Queensland Law Society's submission for the benefit of the House.

Tabled paper: Queensland Law Society submission, dated 5 June 2012, on the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012 [511].

It just goes to show that this LNP government talks big on issues but when hard work is required they are more than happy to copy Labor's work and trumpet it as their own. For example, in the minister's explanatory speech he states—

I am very pleased to put on record that the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012 offers a substantial contribution to the LNP government's commitment to cut red tape and regulation by 20 per cent.

Today I am very pleased to put the facts on the record that the minister omitted in his rush to claim credit and acclaim for the work done by others. The fact is this is a Labor contribution to reducing regulation—commissioned by Labor, consulted on by Labor, crafted by Labor.

Honourable members interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! There are too many interjections. The member for South Brisbane has the call.

Ms TRAD: Thank you, Mr Deputy Speaker. I will, however, give credit where credit is due and acknowledge that the minister did not abandon this Labor project and Labor policy as he could have done, and I commend him for bringing this Labor bill to the House.

After almost 20 years of the Environmental Protection Act 1994 being in force, there has been an increase in environmental legislation and regulation in this state as successive governments tackle the responsibility of providing for economic growth and prosperity while protecting and maintaining the environment for future generations. This was certainly the driving motivation for establishing the Great Barrier Reef's strategic assessment process which was first announced in February this year by the former Labor government. Unsurprisingly, this government has adopted it as a keystone in its response to the concerning report from the United Nations Educational, Scientific and Cultural Organisation—UNESCO—on the impact of coastal development on the Great Barrier Reef.

From the original Environment Protection Act 1994 to the amendment bill we see here today, Queensland Labor governments have successfully and successively endeavoured to ensure that our

greatest environmental assets are protected whilst encouraging economic growth. From wild rivers protection, reducing waste through a modest levy on industry, ending broadscale clearing of native vegetation, protecting an additional 1.6 million hectares of national parks, legislating to end sandmining on Stradbroke island, identifying green zones to ensure marine life can proliferate for nature and for fishers into the future and working collaboratively with landowners to reduce chemical run-off into the reef, we on this side of the House understand the importance of protecting our environment as is evident from these initiatives. However, that cannot be said for those sitting opposite. You only have to look at the Alpha coal debacle to know that the government is clueless when it comes to proper management of our environment. Do not get me wrong, we believe in having a strong mining industry which strengthens our economy but not at the expense of the environment, which is exactly what this government is trying to do.

This government signed off on what has been referred to as a shambolic joke of an approval by the federal environment minister, Tony Burke, to allow a coalmine to go ahead without proper conditions or safeguards in place to protect not only the land from which the coal is extracted but also the Great Barrier Reef, which would be used as a superhighway to export the extracted coal. There is a clear process for approval for mining projects which is set out in the bilateral agreement between the state of Queensland and the Commonwealth. I table a copy of the bilateral agreement for the benefit of those in the House.

Tabled paper: Agreement between the Commonwealth and the State of Queensland under section 45 of the Environment Protection and Biodiversity Conservation Act 1999, amending the principal agreement relating to environmental assessment [510].

In particular, I draw the House's attention to item 6—assessment reports—which clearly states that assessment—

Mr Powell: Is that the new one or the old one?

Ms TRAD: I will get to that, Minister. It clearly states that assessment reports must provide enough—

Mrs MENKENS: Mr Deputy Speaker, I refer to relevance. The current speaker seems to be totally irrelevant and not speaking to the bill.

Mr DEPUTY SPEAKER: I am listening very carefully to what the member is saying. She appears, by and large, to be addressing the bill. I call on the member to continue.

Ms TRAD: Thank you, Mr Deputy Speaker. I am addressing the bill in talking about overall environmental assessment processes, which is indeed relevant to the Environmental Protection Act, I would assume.

In particular, I draw the House's attention to item 6—assessment reports—which clearly states that an assessment report must provide enough information about the action and its relevant impacts to allow the Commonwealth environment minister to make an informed decision whether or not to approve the action under part 9 of the Environment Protection and Biodiversity Conservation Act. This clearly was not done and is another example of how those members of the government do not understand the meaning of process and cannot follow the processes that are clearly stated in the agreed bilateral agreement.

I am aware that further meetings have occurred between the state and federal governments which have resulted in an amended bilateral amendment being signed and a significant backdown by this government. I genuinely hope this new LNP government can meet their obligations to the Queensland economy and the Queensland environment adequately through this new bilateral agreement. At least they cannot assert ignorance having been burnt by their own heavy-handed and thoughtless actions over the Alpha coal assessment process.

As previously mentioned, this bill moves away from the one-size-fits-all application process to a more flexible three-tier application process broken into standard, flexible and site-specific applications. The standard application provides for a unique set of streamlined and fixed conditions which can automatically be implemented upon an environmentally relevant application. These standard applications will most likely be used for low-risk activities such as a motor vehicle repair shop, panelbeater or fuel station or for small operators such as a quarry which has a production of less than 100,000 tonnes per year. These operations have a low threat to the environment and, therefore, if the individual site can conform to the particular standard conditions designed for that particular operation, and provided the proponent is a suitably qualified person, then it will automatically be approved without further investigations being undertaken.

I note that the standard eligibility criteria have not been finalised yet and further consultations will be undertaken with various industry holders and green groups to ensure that workable criteria can be agreed to that strike the appropriate balance between the interests of industry and the interests of the environment. I hope that this next phase of consultation mirrors the initial consultation process over the 2011 bill rather than the introduction of this bill.

The second available application is a variation application. These applications are used when the operator wants to amend the standard application conditions or the regulator wishes to add on conditions due to the nature of the activity and the location of the site where the activity is being undertaken. This will allow for the efficient consideration of an application, as the only part of the application that will be required

to be assessed is the variation portion as all other conditions are standard and thus have already been approved. This is a win for industry as it will enable them to streamline their processes through the reduction in time it will take for an assessment to be undertaken, thus benefiting the operator and protecting the environment.

The last application is a site-specific application, which is basically the current process where a full analysis is undertaken of the site and the activity that will occur on it. It is suggested that this process will only occur for high-risk activities, such as large mining sites like Alpha Coal, in order to theoretically analyse the full environmental impacts that may occur. It is clear that through this three-tier approach a new licensing model will be introduced that is proportionate to the environmental risk of the activity, and this will save businesses time and money and protect the environment. This is the Labor way.

To quantify the savings, the Department of Environment and Heritage Protection has indicated that around half of all the current environmentally relevant activities will be streamlined through the standard application process. This will save on average $20,000 in application preparation costs, reduce the application size by about 150 pages and save an average of 68 days in processing time per application.

This is coupled with other reforms such as: allowing flexible operation approvals, which will provide for the separation of operational and development permits, allowing the operational approval to be specially amended without affecting the development approval, and this will be a big saving on time and money; allowing operators of multiple sites to amalgamate all of their different environmental authorities into one single application document, which streamlines their paperwork and reporting dates; streamlining the approval processes for mining and petroleum applications through the removal of other duplicated applications and moving the public notification period and consultation period to be concurrent with the application, which in turn will save time and money; and, finally, streamlining the information requirements placed on operators by providing them with a comprehensive list at the beginning to reduce the time required to request further information and clarification. All of these reforms will provide a significant saving to businesses that operate within this sphere whilst protecting our precious environment.

Although I have listed the many great benefits of this bill which have been identified through comprehensive consultations and analysis by the previous Labor government, there remains room for improvement, and I am pleased to note the minister's response to the committee's recommendations and queries. I want to foreshadow that the opposition also have some amendments that we believe will improve and enhance this bill.

During the public hearing which was undertaken on Wednesday, 6 June 2012 it became clear that there is more work to be done in this space. This could have been undertaken if an appropriate consultation period had been allowed by the current LNP government, instead of them acting like a bull in a china shop and introducing legislation without detailed further analysis, scrutiny and consultation.

Government members interjected.

Ms TRAD: You all complained about the time you had. During their submission at the public hearing the Local Government Association of Queensland indicated their concerns over many issues, including the implementation costs and timing. In particular, they stated that many local government bodies would have to absorb the cost of establishing internal processes to accommodate the new legislation with no real compensation from the government other than training on how to interpret the legislation. The Brisbane City Council representative indicated that it would cost at least $800,000 to update their internal systems to align them with the new legislation. I think they are best placed to actually assess how much the internal changes will cost their organisations, not the Minister for Environment and Heritage Protection.

In addition to this, the Local Government Association of Queensland was concerned with the timing of the commencement of the legislation being March 2013. During the public hearing Ms Blanchard, the principal adviser on environmental health at the Local Government Association of Queensland, stated—

> As for timing of these changes in the bill, the minister in a press release recently advised that changes in the bill will be implemented by March 2013. The association on behalf of local government requests that this date be reviewed and that 1 July 2013 be considered for commencement. This allows local government to budget in the next financial year for any necessary operational changes. Budgets for councils for the coming financial year are already set and insufficient time was given through the review of this bill to local government to provide financial support for these changes in the budget for 2012-13. I suggest that this is a very reasonable request from the Local Government Association of Queensland and one that the minister should take on board seriously.

This is another example of how this government lacks the required skills to undertake detailed consultation with stakeholders. If it did, it would have been made aware of this concern and hopefully rectified it. This is what Labor did with the introduction of the waste levy. In that case, consultation with councils happened for over a year—

Government members interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! Those on my right will cease interjecting. The member has the call.

Ms TRAD: Thank you, Mr Deputy Speaker, for your protection. In the case of the waste levy, consultation with councils happened for over a year, with significant financial assistance available to upgrade waste facilities. I ask the minister: will you change the commencement date to allow for local government organisations to get ready? Silence. Will you provide the adequate resources to allow for a seamless and effective implementation and transition to the new legislative process? You can heckle, but you cannot answer. Or will you dump it on local councils and hope for the best?

Further concerns were raised by community groups, in particular the Friends of South East Queensland and the Environmental Defenders Office, about the inadequate public notification periods attached to the applications, especially large mining applications which can last for years or even decades. Clauses 154 and 155 of the bill indicate directly and through reference to the Mineral Resources Act 1989 that 20 business days are prescribed for public submissions. This can be inadequate, especially when the application is submitted around Christmas or Easter time, when the number of public servants in the department usually decreases, making it difficult for members of the public to adequately make a submission. I commend the minister for taking on board the recommendation of the committee in relation to this and excluding those days over the Christmas-New Year period from the business days in terms of public submission periods.

Concerned as I am to ensure that all the facts are accorded, I acknowledge that it was also outlined during the public hearings that the public submission period has been increased from 10 to 20 days in this new bill before the House. However, as previously mentioned, the committee heard at the public hearing that even this time frame of 20 business days is manifestly short. It does not allow the community an opportunity to group together, discuss the issues and formalise a coherent submission on projects that may last years if not decades into the future. We on this side of the House listen to the community and stand up for the community. As such, I will be moving amendments to reflect these views to protect not only the environment but also the interests of the community.

Mr Johnson: What about the people who have gone bankrupt?

Ms TRAD: I take the interjection from the member for Gregory. If he wants to talk about bankruptcy, I refer him to Clem7—Chief Government Whip wannabe minister. In addition to this, the issue of 'minor changes' was raised during the hearing process. Submissions were made that raise concerns over the fact that if a minor change is made under clause 133 of the bill then no further public notification is required to be undertaken. The concern that individuals before the committee had, which is valid, is that a minor change to the operator could be a major change and have a dramatic impact on the community and the environment. Therefore, I encourage the minister to seriously look at this provision to ensure that the rights of the community are protected.

The issue of suitable operator was discussed at length during the public hearing and is an issue which should be raised in this House. The bill allows for the automatic registration of current operators holding approvals to be registered on the suitable operators register and for new operators to register themselves on it. Once an operator is registered, no re-evaluation takes place and thus they are there for life unless they breach something in their duties. For example, we could have a situation where a suitable operator creates a major environmental breach overseas which will not be flagged on the Queensland system, ensuring they can continue to operate in this state without evaluation. Therefore, I encourage the minister and his department to look into better ways to capture information on suitable operators which provides adequate safeguards to ensure up-to-date information is contained within the suitable operators database for appropriate decisions to be made on the suitability of operators to ensure the adequate protection of our environment.

Our environment is our most vital asset which we must protect at all costs, but we see this government already trying to cut corners to save red tape and lessen the regulatory burden at the environment's expense. I table for the attention of the House a memorandum issued to the Environment Regulatory Practice Unit by its acting director on 30 May 2012 which states—

The government has set out as one of its priorities the reduction of red tape for businesses and the growth of the Queensland economy, while maintaining the current level of environmental protection.

Consistent with this government priority the following principle is to be applied by all members of Environmental Regulatory Practice Unit when giving advice about the interpretation of the Act or related legislation, effective immediately until further notice:

Where there is ambiguity or uncertainty about:

The meaning of words used in legislation or

Whether a particular activity or thing falls within a definition (including a definition of an ERA)—

and here comes the outrageous part of the memorandum—

then the words or definition should be given the interpretation that leads to less red tape and a lesser regulatory burden for business (for example, by excluding an activity from being caught by the ERA).

Tabled paper: Redacted memorandum to the Environmental Regulatory Practice Unit regarding interpreting legislation, dated 2012 [512].

This just demonstrates the reckless culture this LNP government displays for environmental issues, replacing precautionary safeguards with a permissive culture. Those opposite do not care about protecting the Great Barrier Reef, as we saw in the Alpha Coal debacle, and now we see they are instructing that activities be excluded from the ERA when they can which puts the environment at extreme danger. We on this side of the House value our environment and will continue to stand up for the environment and support a regulatory framework which is good for our economy and good for our environment.

Not only are those opposite weakening our environmental regulations; they are also attempting to silence community dissent with last week's announced funding cut to the Environmental Defenders Office. The EDO provides critical legal advice to individuals and community groups concerned about Queensland's environment, particularly the impact of excessive development. Again, what we have seen is those opposite slashing critical services that are on the front line defending our community, providing much needed, free legal advice to communities wanting assistance and information regarding huge environmental development projects. By cutting funding for the EDO the LNP is seeking to take away any opportunity for the community to mount a strong opposition to proposed development. Those opposite have no environmental credibility and should hang their heads in shame.

This bill is a monumental step in the right direction. As indicated by departmental staff in the public hearings, Queensland is leading the way in terms of green-tape reduction whilst always keeping the environment at the centre of attention. This 283-page bill did not miraculously appear since 24 March 2012; it has been developed through comprehensive consultation and hard work under the guidance of the former Labor government through ClimateQ: Toward a Greener Queensland initiative called Reducing Green Tape for Business. This project was a clear demonstration of the previous Labor government's commitment to reducing regulatory burden so that Queensland remains an attractive place in which to do business. This is reflected in the fact that private new capital expenditure increased over the period between the March quarter 2011 and the March quarter 2012 by a staggering 90.2 per cent compared to a 28.32 per cent increase nationally and a forecast economic growth rate of 7.8 per cent according to the Australian National Accounts for the March quarter. We on this side of the House are proud of our achievements in delivering economic—

Mr Rickuss interjected.

Mr DEPUTY SPEAKER: The member has the call.

Ms TRAD: Thank you, Mr Deputy Speaker. We on this side of the House are proud of our achievements in delivering economic strategies geared to grow our state and increase prosperity—

Government members interjected.

Mr DEPUTY SPEAKER: Order! Members will cease interjecting. The member has the call.

Ms TRAD: Thank you, Mr Deputy Speaker. This bill provides for this through a simplified process of environmental applications which do not compromise the environmental standards we on this side of the House have strived for over many years. Whilst this is a strong start, as I alluded to in my previous comments, there are still improvements that can be undertaken with this current bill and I understand that further regulatory reforms will be undertaken to strengthen the framework around environmental issues to ensure that business operators are faced with less burden but with the environment remaining at the fore. I wish to flag that I hope the minister allows more time for consultation around the regulations than he has with the bill to date.

I want to take this opportunity to thank all departmental officers from the Department of Environment and Heritage Protection, the former department of environment and resource management and particularly those from the axed office of climate change for all of their hard work and dedication in delivering the regulatory efficiencies without compromising environmental protections which we see before us today. I wish to thank the minister, the Hon. Andrew Powell, for enabling a comprehensive briefing on the bill upon request and I also want to thank the former minister, Vicky Darling, for her leadership, undertaking all the heavy lifting in the development of this bill.

I also want to record my thanks specifically to departmental officer Elisa Nichols, Director of Environmental Policy and Legislation, for all of her extensive work on this bill. It would not have come to fruition without her endeavours. As I mentioned previously, the members of the former Environment, Agriculture, Resources and Energy Committee must be acknowledged for all of their hard work in relation to the scrutiny and analysis of this bill, particularly the member for Lockyer as chair of the committee and also the member for Gympie for his thoughtful and prompt contributions and especially the research director, Mr Rob Hansen, and all of the committee staff for working so expeditiously on this bill. It is a privilege to commend this bill—this Labor bill—to the House.