




Speech By  
**Hon. Andrew Powell**

**MEMBER FOR GLASS HOUSE**

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Record of Proceedings, 16 October 2013

**NATURE CONSERVATION (PROTECTED PLANTS) AND OTHER LEGISLATION  
AMENDMENT BILL**

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (6.20 pm), in reply: This evening it gives me great pleasure to rise at the conclusion of the debate of the second reading to reflect on some of the statements and contributions made by members. I start by firstly thanking government members for their very thoughtful and relevant contributions this evening, particularly the members for Lockyer, Thuringowa, Maryborough, Mudgeeraba and Barron River. They have certainly caught on to the intent of this bill in terms of continuing our focus on green-tape reduction that will drive sustainable economic development whilst ensuring that we continue to manage what is most precious in this state—that is, our environment and our biodiversity, and that is certainly what this bill achieves.

I want to take the opportunity to address some of the genuine concerns raised by members of the crossbenches and opposition and also address what are clearly complete and utter mistruths when it comes to interpreting both the intent and the actual detail of the bill that we are debating this evening. I will start with the genuine concerns. The member for Condamine, as did a number of other members, sought confirmation that the extensive subordinate legislation as part of this new protected plants legislative framework will be consulted on, and I give the assurance that it will. It is literally the case that we wanted to ensure that the primary legislation was passed prior to us commencing drafting of the subordinate legislation. We do agree that it is substantial and, as such, there will be opportunities for consultation with the relevant stakeholders at the appropriate times in that process.

I want to pick up the comments made by both the member for Condamine and the member for Gladstone regarding environmental impact statements, and I think they were referring to the part of the regulatory impact statement that was done on this first part of the framework. The integration that was proposed as an option within the RIS with the Environmental Protection Act that would have had an impact on the environmental impact statements is being considered to further reduce duplication but as a future option. It is not part of this regulatory review. I certainly take on board the concerns that, in trying to remove duplication, in trying to improve administrative processes, we ensure that we continue to provide opportunity for the community to have input, and it is certainly our intent to protect the environment. I can assure both the member for Condamine and the member for Gladstone that if that does occur it will be part of future reform work, that that will be significantly consulted on, and that it will be consistent with the work that we are doing both in my department and the Deputy Premier's department around streamlining environmental approval processes and balancing the need for the approval with our protection of the environment. However, we are also very mindful that we are currently in a period where we are negotiating an environmental one-stop shop with the new federal government and we are very conscious that what we are doing needs to work hand in glove with those efforts to again remove what is clearly the most significant duplication—that is, duplication of legislation at the state level with legislation at the federal level.

As I often say, we are all for setting a very high environmental standard when it comes to project approval, but we want one standard, one hurdle—not two hurdles, not three hurdles and we certainly do not want to set them alight at the last minute so that proponents have to jump over multiple hurdles and be surprised by sudden changes at the end. We want a high standard that is agreed to, one process that is agreed to. As I have said before, if it requires Commonwealth officers being embedded in my department and in the Deputy Premier's department, then so be it. If it requires—which I suspect it will—annual audits of our processes and our approvals, then we certainly welcome that as well. There was one other concern raised by the member for Gladstone regarding concerns that there would be some form of free-for-all in terms of accessing protected plants and harvesting protected plants. I can assure the member for Gladstone that any harvesting approvals will require a sustainability plan. It certainly will not be open season on these species and they will continue to be monitored through the work of this framework and through the work of my department.

That brings me to some of the more ludicrous claims—factually incorrect claims, hysterical claims, as the member for South Brisbane herself used—around the process to which we have arrived this evening and also some of the elements of the legislation. This evening it is very important that before we conclude this debate we actually correct the record on some of the outrageous statements made by the member for South Brisbane. First of all, the member for South Brisbane spent significant amounts of time talking about a perceived lack of consultation. I can assure members that there was significant consultation throughout the development of this framework. I take on board, as I have already said, a number of stakeholders' concerns that there is detail yet to be seen and that that will be seen in the subordinate legislation. But as the subordinate legislation has not been drafted because we have been awaiting the finalisation of the primary legislation, those stakeholders will have an opportunity to see that as it is developed in the coming months once, hopefully, this House passes this bill this evening. So there has been extensive consultation.

There are two other elements that the member for South Brisbane needs to be aware of. Firstly, the extensive consultation has potentially led to what I would consider to be a relatively small number of submissions to the committee on this bill. That is indicative of the fact that all through this process my department and I have engaged those interest groups and those individuals—whether they be from industry or whether they be from the conservation sector—in the development of this bill. The member for South Brisbane suggested that we have ignored the consultation. The member for South Brisbane was actually part of a committee that made a number of recommendations and sought a number of points of clarification—all of which we have agreed to with the exception of one, and that is the exemptions being put into the regulation. However, I am happy to address that issue specifically shortly. Any suggestion that this has not been very openly and transparently consulted is factually incorrect. They are hysterical claims. They are out there to try to paint a picture that is not the truth. In fact, we will continue to consult with interested parties as we continue to develop this framework over the coming months.

I now turn to the concept of flora surveys. I find the claims made by the member for South Brisbane mind boggling. She is clearly barking up the wrong tree on this one, because what she is referring to in terms of flora surveys under the existing legislative framework were never even required to be submitted to the department of the day. So the legislative framework that we are replacing this evening had a requirement for flora surveys, but there are two things to consider. Firstly, it never had a requirement that they actually be submitted to the department in making decisions. On that same point, I would actually challenge the member for South Brisbane to ask some of her party colleagues who perhaps were in government previously to answer this question: how many surveys were actually received? How many surveys under the existing legislative framework, which we are addressing this evening, were actually received by predecessors of the EHP department? The answer is that we do not know. We suspect that there were none, but because there was no requirement there was nothing done with them if they did come in. The second element—and this goes to the accusations that we have not taken a scientific approach to this—is that the current legislative framework does not have a scientific approach to it. The flora surveys could be done in any form that the proponent decided. The member for Lockyer said the idea of just putting a name on a piece of paper and making a few remarks would have sufficed. There was no scientifically robust methodology for the development of that survey nor, given it was not submitted, was there any verification of that survey. This new process has a scientifically robust approach to the flora surveys in that they will be developed in conjunction with the Queensland Herbarium and verified, once submitted, to the department.