




Speech By
Hon. Andrew Powell

MEMBER FOR GLASS HOUSE

Record of Proceedings, 28 October 2014

**ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT
BILL**

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (3.49 pm), in reply: First of all, I thank all honourable members for their participation in the debate on the Environmental Protection and Other Legislation Amendment Bill this afternoon. I also reiterate my thanks to the members, the chair and the research staff involved in the Agriculture, Resources and Environment Committee for their very thorough consideration of the bill.

Today, members of this House have stood up and spoken in support of this bill as another green-tape-reduction success story. This bill is good for business and industry but also, very importantly, it is good for regulators such as the Department of Environment and Heritage Protection and, most importantly, good for the environment. So I again thank all members for their contributions to the debate. I also acknowledge that that includes the member for South Brisbane. It has taken a long time, but we have finally been able to extract some praise out of the member for South Brisbane for an environmental bill brought forward by this side of the House. However, I must admit that there is some concern in what I heard subsequently from the member for South Brisbane—concern around the fact that, again, we are hearing from those opposite a significant reluctance, if not an outright denial, to devolve things to councils; more centralisation; create green tape rather than cut it; and certainly, again, a return to the good old solution of, 'If you can't solve it any other way, let's whack on a tax.' To me, when it comes to the environment we are starting to hear the election policy commitments from the Australian Labor Party. They may as well sum it up in one word, 'Let's bring back DERM.' That is not something that this side of the House—this government—supports. We have worked very hard as an agency, we have worked very hard as a portfolio to get the balance right to ensure that we work with business and industry to create the economic growth and the jobs that this state requires. I think the member for Pine Rivers summed it up perfectly when he said that he wants his children to have a job but he also wants them to have an environment that they can be proud of and enjoy. The two can go hand in hand and this bill is a contribution to achieving that.

I was pleased to hear from the member for Maryborough, who spoke about the enforceable undertakings, a new compliance tool that will substantially improve environmental protection in Queensland as well as create significant savings for both the government and businesses involved in those undertakings. In contrast to what is really the very coercive nature of litigation, enforceable undertakings are voluntary. They bring about positive results for the environment by encouraging businesses and individuals to take active responsibility for their offence and for the impacts that that offence has caused.

I again note that the member for South Brisbane also approves in principle the introduction of the enforceable undertakings. However, I note that the member for South Brisbane will be seeking to move amendments during consideration in detail to broaden the enforcement powers for these documents to allow third parties to bring court action if they believe that the undertaking has been

contravened. I might add that this suggestion comes straight from the Environmental Defenders Office's submission to the Agriculture, Resources and Environment Committee—a submission that my department has already responded to in considerable detail. As the response noted, this would be contrary to the intent of the undertaking in the first place.

An enforceable undertaking is effectively a contract between the regulator—in this case the Department of Environment and Heritage Protection—and the proponent of the undertaking. It is not the role of a third party to be able to come in to say whether that contract is being met. That is the role of my department. That is the role of the regulator. My department is already on the record saying that it is redesigning our compliance framework to ensure state-wide consistency in compliance activities and to enable the effective and efficient utilisation of compliance resources. In the longer term, that framework will also be increasing the department's interactions with the community through the provision of real-time information about the environmental performance of customers and the outcomes of our compliance and enforcement activities. We are very much getting that information out to the community in a very open and transparent way. That will be achieved through an enhanced, contemporary online presence and communication strategy. As a government, we have taken the step of being very open and transparent with the community. We very much take that on board as the environmental regulator. We want to be open and transparent with the community, particularly around issues such as enforceable undertakings.

Madam Deputy Speaker, in your speech you also raised this issue about how we further engage with the community. We have every intention of doing that. But at the end of the day the parties to the enforceable undertaking are the proponent that has the project and regulator. There is no room for a third party to be involved.

That brings me back to the amendment that I understand the member for South Brisbane will be moving in consideration in detail. I come back to that comment I made that this amendment is literally lifted from the EDO playbook in terms of what it provided the Agriculture, Resources and Environment Committee. I draw the attention of the members of the chamber to the fact that the head of the Environmental Defenders Office in Queensland, and in Brisbane in particular, is a lady by the name of Jo-Anne Bragg. Members may not be aware that Jo-Anne Bragg stood for the Greens in the seat of South Brisbane.

Members may also recall that we debated a bill in this House to which we moved an amendment called the Monto amendment. I think the bill was introduced by the Attorney-General. That amendment was named the Monto amendment in recognition of the member for Callide, the Deputy Premier, who was very adamant that some changes be made to the bill to benefit the Monto show. Clearly, the amendment the member for South Brisbane will move this afternoon is to benefit her political career and her political career alone.

Ms TRAD: Madam Deputy Speaker, that is outrageous, offensive—

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! Do you have a point of order?

Ms TRAD: I am taking personal offence to it and I ask that the minister withdraw.

Madam DEPUTY SPEAKER: I seek your withdrawal.

Mr POWELL: I withdraw. The amendment that the member will move this afternoon is straight from the Environmental Defenders Organisation, headed by Jo-Anne Bragg. Jo-Anne Bragg was the Greens candidate who secured nearly 20 per cent of the vote of the electorate of South Brisbane when Jackie Trad, the member for South Brisbane, achieved 32 per cent and the LNP candidate achieved 38 per cent. Clearly, the member for South Brisbane required the Greens candidate's preferences to win the seat of South Brisbane at the by-election. This afternoon, we are seeing payback. This is a pat on the back for those preferences.

Ms TRAD: Madam Deputy Speaker—

Madam DEPUTY SPEAKER: Member for South Brisbane.

Ms TRAD: The minister has repeated his slur.

Madam DEPUTY SPEAKER: Do you have a point of order?

Ms TRAD: My point of order is that he is being personally offensive and I ask him to withdraw his comments.

Madam DEPUTY SPEAKER: The member has found your comments offensive and I seek your withdrawal.

Mr POWELL: I withdraw. If I may move on and discuss the contaminated land reports component of the bill. In relation to the new requirement for contaminated land reports to be certified by an independent auditor who is approved by the department as having the extensive experience and skills required for the task, the member for South Brisbane said that this government has no clear idea of the real costs involved. The regulatory impact statement notes quite clearly that the costs to the government are estimated to be about \$600,000 per annum. I acknowledge that that is an estimate, because the actual costs are dependent on the number and the complexity of the assessments that are required in any one year. The member would be well aware that the number of applications or assessments required on contaminated land would fluctuate from any one given year. So the RIS—the regulatory impact statement—has clearly enunciated that it is estimated that that will save the government in the order of \$600,000 per year.

A number of members raised concerns about the amendments in this bill to the Waste Reduction and Recycling Act. The member for South Brisbane questioned the fact that the 2013 *State of waste and recycling in Queensland* report was not released under my name. The reason for that is pretty unexciting. Under the Waste Reduction and Recycling Act, it is the chief executive's responsibility to release the report, which the director-general ably did. But then I guess the member for South Brisbane might ask why did I release the 2012 report. That was because I was pretty proud to be releasing the first state of waste report since 2008. I was proud that I was bringing an end to the lack of transparency of the former Labor government and publishing some real data for the people of Queensland on waste and recycling—again, testimony to the fact that this side of the chamber, the Newman government, is committed to being open and transparent and sharing information with the people of Queensland.

I will also mention that the Newman government is supporting some great projects in partnership with the National Packaging Covenant Industry Association. For the 2014-15 financial year I can report that we are in negotiations in relation to funding agreements for five exciting new projects spread across Queensland. I am particularly excited by the new glass-crushing plant that will be situated in Rockhampton. The constituents of the member for Yeppoon will benefit from that. There will be another plant established in Mackay. The member for Whitsunday spoke about his passion for his patch. I think he calls it paradise ad nauseam. He is wrong. Paradise is in the Sunshine Coast hinterland. That glass-crushing plant in Mackay will go a long way to protecting his part of the world. It will enable locally collected glass to be treated locally and turned into a valuable resource, including construction aggregate for use in civil construction works.

Another great project that the Queensland Newman government has supported is the new Replas facility due to be opened later this year on the Gold Coast. I am sure, Madam Deputy Speaker, you would also be very appreciative of seeing that facility open on the Gold Coast. This is a state-of-the-art plastics-recycling facility turning mixed plastic waste, including soft plastics like bags and cling film, into timber replacement products like bollards for use in landscaping applications. This is the real face of turning waste into resources and demonstrates the kind of practical on-the-ground solutions that this government supports. We do not support a tax. Whenever Labor was confronted with a problem under the previous regime what did it run to? A tax: a carbon tax, a waste tax. Everything was a tax and everything was a slug on the mums and dads of Queensland and the businesses that created the economic growth and jobs in this state. We have undone both of those at a federal and state level and do not shy away from the fact that we will continue to ensure that the cost of living for Queenslanders is managed in a far more responsible way.

The member for South Brisbane raised some criticisms of undertaking a review of the beneficial use approval system before a waste strategy was released and after only three years of operation. Let me correct some assumptions here. Firstly, reviewing regulation and reducing green tape for business is a core commitment of this government. This is not reliant on the delivery of a strategy. This is work that we are running in parallel with the development of the strategy in close consultation—something that the other side could never achieve—with industry and which will deliver appreciable benefits to keeping valuable resources in our economy rather than ending up in landfill like under the previous government.

Secondly, this is not three-year-old legislation. It was included in the Waste Reduction and Recycling Act 2011 but was transferred largely unreviewed from the Environmental Protection (Waste Management) Regulation. It is well and truly overdue for a review. It was a review supported by both the waste and the waste generation sectors and it is one of the big improvements that this bill sees.

I now move to the contribution from the member for Gaven, who seemed completely and utterly confused on this issue. End-of-waste codes have nothing to do with interstate waste transport. It is a technical process to work out when a particular type of waste can safely be used in other processes

as a resource. A good example—and I see in the chamber the member for Nanango and others from the Darling Downs area—is coal seam gas water which, if treated to appropriate standards, can be used as any other water and is a vital resource for our drought affected farmers.

That brings me to the issue of interstate waste transport that both the member for South Brisbane and the member for Gaven raised in their contributions. Let me make a couple of points about this: firstly, where waste is ultimately disposed of is a business decision. If the waste is going to an appropriately licensed landfill then the environmental issues are adequately managed. Our data shows that most interstate general waste is actually going to private landfills outside of Ipswich, not to council landfills on the Gold Coast as suggested by the member for Gaven. The need for a new landfill on the Gold Coast has a lot more to do with population growth than an increase in interstate waste movements.

Secondly, the increase in waste movements has been caused not so much by the removal of the levy in Queensland but by the massive increases in the levy in New South Wales. I note that my counterparts in New South Wales are concerned by the movement of waste through their state, not because of environmental matters but because of the loss of revenue. They have recently released a regulatory impact statement on these matters noting that there is a saving of \$80 to \$90 per tonne to transport from the Sydney region to Queensland. Even the former Labor government's beloved \$35 per tonne waste tax would not have stopped the increase in movements across the border.

Ms Trad: Says you! Where's the evidence?

Mr POWELL: I take that interjection. The evidence is in the regulatory impact statement released by New South Wales that shows that there is a saving of between \$80 and \$90 per tonne to transport from the Sydney region to Queensland. The flawed waste tax of the previous government was not going to stop that increase in movement.

Thirdly, the New South Wales government is introducing new legislation on 1 November to slow down interstate waste movement, including introducing a proximity principle which prevents the transport of waste a distance of more than 150 kilometres where a suitable facility exists within that radius. This will certainly slow down transport of waste into Queensland which will have impacts on the private businesses which have contracted to transport and take this waste.

I might also raise at this point that the transfer of goods, and that includes waste, across borders has been permitted under the federation of this nation since federation itself. The proposal by the member for Gaven to specifically tax interstate trade is inconsistent with everything that is contained in our Constitution, inconsistent with the practices of the federation and the state since that time, and unless he wants to rewrite the Constitution what he proposes is illegal.

The member for Barron River spoke about the important amendments to the Biological Control Act 1987 that are critical in the battle against the poisonous and problematic weed mother of millions. I am pleased that the declaration of mother of millions as a target organism can now get underway and the impact of this serious invasive pest on Queensland agriculture can be minimised.

The member for South Brisbane referred to the Environmental Offsets Act 2014 and complained that it was an easy way for developers to avoid scrutiny of their impacts, suggesting that it was easier to offset than it was to mitigate. If the member cared to look, she would see that section 14 of the Environmental Offsets Act is very clear: an offset condition can only be imposed if all reasonable onsite mitigation measures have been or will be taken. Let me repeat that: they can only be imposed if all reasonable onsite mitigation measures have been or will be taken. The Environmental Offsets Act is a clear demonstration of how we can maintain environmental protection whilst streamlining processes and removing unreasonable red tape and duplication.

The member also claimed that the UDIA and the PCA do not support the changes. The UDIA and the PCA do support the majority of the changes. They support the removal of duplication of offset requirements and they support streamlining of assessment and administration to ensure greater certainty for developers. However, this government does disagree with the position of the UDIA and the PCA that the decision on whether an activity is a controlled action under the Commonwealth's Environment and Biodiversity Protection and Conservation Act 1999 is a decision about whether an offset is required or not. The government believes that an offset decision requires a rigorous consideration of all mitigation activities and of any offset proposal. It is only through this thorough assessment that the viability and feasibility of the offset proposal can be fully undertaken.

The member for Maryborough spoke about how this government is responding to concerns about the unnecessary complexity associated with provisions in the Environmental Offsets Act 2014.

This bill has tackled the very difficult job of removing offset duplication between the different levels of government. The Newman government has not backed away from this challenging task and I am pleased to note that my department has been working very closely with concerned stakeholders to resolve their concerns. The amendments in this bill are the proof that this government is listening to feedback and prepared to finetune innovative legislation.

The member for Nicklin raised a number of matters, although not many of them were consistent with the bill. I guess that is of no surprise really. He made a statement about there being pages and pages of amendments that we are making. I am happy to report to the member for Nicklin that, of the 44 pages of amendments that we are moving, only one was introduced today and only one page has been introduced inconsistently with the suggestions or the recommendations of the committee. The other 43 pages contain amendments to address the concerns of the Agriculture, Resources and Environment Committee. That is one out of 44 pages. That one page is around enhancing the penalties and sentences for damage or wilful and serious environmental harm to the Great Barrier Reef. I do not think that anyone in this House would oppose that amendment.

Mr Costigan: Not in their right mind.

Mr POWELL: Not anyone in their right mind. I acknowledge the member for Whitsunday and I thank him and the member for Pine Rivers for their contributions around these specific amendments. I thank them for what they have demonstrated through the work that they did on Saturday at ReefBlitz. I acknowledge the Minister for Natural Resources and Mines, who provided funding to the Great Barrier Reef Foundation for the inaugural ReefBlitz. As the members for Pine Rivers and Whitsunday said, it was great to be there with a whole stack of kids from the local schools and the PCYC, I understand, as well as scientists from a range of universities and a whole lot of community organisations such as Eco Barge. Libby from Eco Barge is always happy to give you a hug every time she sees you; isn't that right, member for Whitsunday? Then very quickly she will get you out on the beach to collect rubbish. What the member for Pine Rivers, the member for Whitsunday and I saw on Saturday morning was a commitment from that community to put the reef first and to do everything we can to protect it. In 2½ years the Newman government has done more to protect the Great Barrier Reef than any government before it.

Ms Trad interjected.

Mr POWELL: I hear the interjection from the member for South Brisbane. It is a shame that the member for South Brisbane was not in this chamber when the former member for South Brisbane spruiked the credentials of a massive project at Abbot Point that would have seen 38 million cubic metres of dredge spoil removed from adjacent to the Great Barrier Reef World Heritage area and disposed of at sea. Clearly, any interjection from the member for South Brisbane is not based on fact, because she has a short-term memory when it comes to the actions of the previous Bligh and Beattie governments.

We have heard from the member for Lockyer that the bill carries practical and pragmatic changes to the contaminated land provisions, which I have also touched on. The member for Lockyer, the member for Dalrymple, the member for Burdekin, the member for Beaudesert, the member for Whitsunday and the member for Mount Isa spoke about the clauses in the bill pertaining to flying foxes. I thank all members for their contributions in that regard. Through this bill we have seen the delivery of an election commitment. We gave two commitments around flying foxes: one was to reintroduce lethal damage mitigation permits for farmers, particularly horticulturalists, who have demonstrated that they have pursued a range of non-lethal means but still have issues with flying foxes; and the second was to make it easier for councils, that is, local governments, to get on with the job of getting the balance right between community health and safety and flying fox conservation. That election commitment is working exceptionally well. A number of members talked about—

Ms Trad interjected.

Mr POWELL: Madam Speaker, the interjection from the member for South Brisbane about shooting them all is completely and utterly false. Our amendments to the Nature Conservation Act are about giving councils the power to make roost modifications very early on in the piece, before roosts establish, so that colonies do not establish in close proximity to urban populations and so that the people of Queensland, particularly those in our urban areas, do not have to suffer the smell, the noise and all the other lack of comforts that come from having a flying fox community on their doorstep.

The member for Barron River spoke of the changes to penalties in the Environmental Protection Act 1994 to bring penalties for serious environmental offences into line with the penalties for similar offences in other jurisdictions such as New South Wales and Victoria. The penalty increases help strengthen the Queensland government's commitment to being a firm but fair regulator. I am confident that the increase in severity will act as a significant deterrent against

environmental crime and will encourage good environmental management to prevent environmental harm. That is another commitment that will be delivered this afternoon by the Newman government that shows you can get the balance right between strong environmental protection and sustainable economic growth.

Before I conclude, I take a moment to thank the many departmental staff who have worked very hard on the amendments in this bill and who have also appeared before the Agriculture, Resources and Environment Committee. I acknowledge, in no particular order, my thanks to Lawrie Wade, Kate Watkins, Sarah Hindmarsh, Scarlett Stephan, Laurie Hodgman, Tamara Miller, Elisa Nicholls, Scott Buchanan, Vanessa Coverdale, Anne Lenz, Andrew Mullens and Nick Weinert, all under the capable leadership of a number of deputy directors-general, in particular, Tamara O'Shea, Tony Roberts and Dean Ellwood and, of course, Director-General John Black. This bill strikes a balance with sensible reductions in green tape. It encourages investment in the Queensland economy while strengthening environmental protection for Queensland's environment, particularly the Great Barrier Reef. I commend the bill to the House.