




Speech By  
**Hon. Dr Steven Miles**  
**MEMBER FOR MOUNT COOT-THA**

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Record of Proceedings, 21 April 2016

**ENVIRONMENTAL PROTECTION (CHAIR OF RESPONSIBILITY) AMENDMENT  
BILL**

 **Hon. SJ MILES** (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (2.07 am), in reply: First of all, I would like to thank all honourable members for their participation in this debate. I would particularly like to thank the member for Gladstone, who chaired the committee, all members of the committee for their work, and I particularly acknowledge the collaborative approach taken by the deputy chair, the shadow minister for environment.

Today members of the House have stood in support of this bill which will prevent taxpayers from being left with the cost of cleaning up after irresponsible operators. My department and the committee have gone through the numerous submissions we have received from stakeholders and we have considered their concerns in detail. I am confident that the amendments I am proposing go as far as possible to address those concerns without compromising the effectiveness of the bill. The member for Burnett raised concerns in relation to clause 10 where the bill removes the protection from self-incrimination. I want to reassure the honourable member that, while the bill does include the removal of the protection requiring a person to give information about an offence committed against environmental legislation, this evidence cannot be used against that person. This provision has a legitimate objective, and it is essential to assist in the investigation of offences in order to further the protection of the environment.

In relation to questions raised about clauses 3 and 4 of the bill, I clarify that where a transitional environmental program or an amendment to an EA is issued as a result of an amended or withdrawn EPO, the subject matter of the EPO limits the subject matter of the TEP or amendment. It is not the case, as the member for Burnett was concerned, that the withdrawal of an EPO about noise could trigger an EA amendment about water, for instance. Further, these powers will not be triggered by decisions of the court reviewing the department's decision to issue the EPO.

I am pleased to note that my department has been working closely with concerned stakeholders to address their issues, and the amendments in this bill are the proof that this government is listening to feedback and prepared to finetune its legislation. In particular, I thank the Queensland Resources Council for its detailed comments on the working of the industry, its operations and the market which allowed us to improve the enforceability of the bill.

The amendments propose a new criterion to be considered before an EPO is issued to a related person which is designed to exclude entities that have taken all reasonable steps to ensure environmental obligations are complied with and rehabilitation is appropriately funded. The amendments also provide for a statutory guideline to provide more direction around who may be a related person that could potentially be held liable under the new provisions. This will give people more

comfort about whether this legislation will affect them. I emphasise that the guideline will be developed in partnership between my department and key stakeholders, which will include regional interests. It is our intention that it would be a living document, iteratively developed, and not a case of 'set and forget'. The working party will include representatives of relevant stakeholder groups, and that group will guide not only the content of the guideline but also our priorities in developing areas for the guideline's application.

Importantly, the amendments we have made to the bill will give farmers certainty that they will not be required to clean up after mining or coal seam gas activities on their land. I acknowledge the contribution of the Queensland Farmers' Federation, particularly their interim CEO, Ruth Wade, in contributing to the exclusion of underlying tenure holders from the definition of 'related people' and for the QFF's support for the bill. In the same vein, I thank Lock the Gate's particularly vigorous advocate Drew Hutton and his team for their efforts in protecting rural and regional Queensland. I thank also APPEA, the representative organisation for Queensland's oil and gas industry, and the Association of Mining and Exploration Companies for working closely with my department and for providing advice.

As members have heard tonight, those who are diligent in their environmental responsibilities have absolutely nothing to be concerned about, whereas those who have been reckless might find themselves connected by the chain of responsibility back to the expensive mess they have created. In response to stakeholder concerns, the provisions have been amended to make it clear that the bill applies retrospectively only to the extent that an environmental authority was transferred after the introduction of the bill. I thank the president of the Queensland Law Society, Bill Potts, for clarifying the proper operation of the financial assurance transfer clauses. The Queensland Law Society also provided helpful comment around the reach of the chain of responsibility.

Ideally, I would—I am sure we all would—like to see this new legislation actually sit unused, collecting dust on a shelf somewhere. Given the reckless behaviour of certain companies, the Queensland government will not hesitate to take action to make polluters pay if it becomes necessary. This bill represents good environmental legislation. It will ensure improved protection for our environment. It toughens up the laws relating to companies and their environmental responsibilities. I commend this bill to the House.