




Speech By
Hon. Leanne Enoch

MEMBER FOR ALGESTER

Record of Proceedings, 18 June 2020

**ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT
BILL**

Message from Governor

 **Hon. LM ENOCH** (Algester—ALP) (Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts) (11.17 am): I present a message from His Excellency the Governor.

Mr SPEAKER: The message from His Excellency the Governor recommends the Environmental Protection and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2020

Constitution of Queensland 2001, section 68

I, CATHERINE ENA HOLMES AC, DEPUTY GOVERNOR, recommend to the Legislative Assembly a Bill intitled—


A Bill for an Act to amend the Environmental Protection Act 1994, the Mineral and Energy Resources (Financial Provisioning) Act 2018 and the legislation mentioned in schedule 1 for particular purposes

DEPUTY GOVERNOR.

Date: 16 June 2020

Tabled paper: Message, dated 16 June 2020, from the Deputy Governor recommending the Environmental Protection and Other Legislation Amendment Bill 2020 [956](#).

Introduction

 **Hon. LM ENOCH** (Algester—ALP) (Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts) (11.17 am): I present a bill for an act to amend the Environmental Protection Act 1994, the Mineral and Energy Resources (Financial Provisioning) Act 2018 and the legislation mentioned in schedule 1 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Natural Resources, Agricultural Industry Development and Environment Committee to consider the bill.

Tabled paper: Environmental Protection and Other Legislation Amendment Bill 2020 [957](#).

Tabled paper: Environmental Protection and Other Legislation Amendment Bill 2020, explanatory notes [958](#).

Tabled paper: Environmental Protection and Other Legislation Amendment Bill 2020, statement of compatibility with human rights [959](#).

I am pleased to introduce the Environmental Protection and Other Legislation Amendment Bill 2020. This bill will amend the Environmental Protection Act 1994 and the Mineral and Energy Resources (Financial Provisioning) Act 2018 to fulfil this government's commitment to establish a Rehabilitation

Commissioner and enable the residual risk reforms for the resources sector. Through these legislative amendments, the government continues to deliver on our plan to unite and recover by improving rehabilitation outcomes and financial assurance provisioning in the resources sector to create jobs that will support regional communities and protect the environment. This bill also includes other minor technical amendments to the Environmental Protection Act and the Water Act 2000 that enhance the operation of existing regulatory processes. This includes amendments to support the implementation of the new Great Barrier Reef protection regulations.

The first component of this bill fulfils our government's commitment to investigate options to appoint a Rehabilitation Commissioner for Queensland, a commitment that was made during debate on the Mineral and Energy Resources (Financial Provisioning) Bill 2018. Today we are delivering on our commitment. This bill allows for the appointment of an independent Rehabilitation Commissioner by the Governor in Council and provides for the functions of that position. These functions are separate but complementary to the existing regulatory role of the Department of Environment and Science.

The Rehabilitation Commissioner will be tasked with working collaboratively with the community, industry, environmental groups, researchers and the Department of Environment and Science on rehabilitation and management practices and their outcomes. Specifically, the Rehabilitation Commissioner will be asked to provide advice, reports and guidance to the government and industry on best practice rehabilitation and management of non-use management areas.

As part of this function of producing guidance materials and reports, the commissioner will be able to request information from an entity. Entities can protect the information they provide through such a request by entering into a confidentiality agreement with the commissioner. The commissioner will also be expected to raise and improve awareness of rehabilitation matters and chair relevant workshops and forums.

Additionally, the commissioner will be responsible for monitoring and reporting to the minister on rehabilitation performance and trends across Queensland. Supporting and enabling improved rehabilitation through clearer guidance on what 'best practice' rehabilitation is will create new regional jobs and industries that care for and repair land that has been impacted by resource sector activity. To be clear, mine rehabilitation is a job-creating industry and, as such, has the full support of this government.

To ensure transparency and accountability, documents produced by the Rehabilitation Commissioner will be publicly available. Additionally, an annual report will be tabled in this parliament that includes details on the commissioner's performance of its functions. It should be noted that the Rehabilitation Commissioner has no decision-making powers regarding environmental authorities or progressive rehabilitation and closure plans.

The second part of this bill provides for amendments to the residual risk framework. The government is ensuring that any remaining risks on resource sites after a project is completed are appropriately identified, costed and managed. Residual risks are any risks remaining at the time of the surrender of the environmental authority. Even after a site has been satisfactorily rehabilitated and the environmental authority surrendered, there may be circumstances where ongoing management or remedial action is required. In some cases, because of the disturbance and rehabilitation that has been undertaken, it is possible that an area or structure on the former resource site may fail, requiring action to address or prevent potential or actual environmental harm. To protect the community we need a comprehensive framework in place, one that ensures all the information needed to identify and assess residual risks to protect people and land is collected.

Further, we do not want taxpayers to have to foot the bill for costs that arise after a site is surrendered as a result of the previous resource activity. To enable this, the bill introduces a requirement for a post-surrender management report. The changes will require resource companies to submit a post-surrender management report when they apply to surrender their environmental authority. This report will clarify and improve the existing residual risk requirements in the Environmental Protection Act. The report will include a risk assessment of the land. Where residual risks requiring management are identified, the report will also include information on what ongoing management and remedial actions may be needed to manage the risks. Under the bill, where any residual risks require a risk management plan, it will need to be recorded on the relevant land title. This will help current and prospective landholders be aware of any particular management needs for the land and ensure no surprises.

This bill will also amend the Mineral and Energy Resources (Financial Provisioning) Act to establish a residual risks fund. While the Environmental Protection Act allows for the collection of residual risk payments, there is currently no formal process to manage the funds received. The feedback from stakeholders was very clear: they want to see the residual risk payments managed by

the same entity that manages the financial provisioning scheme. We have listened and this bill will see all residual risk payments being transferred into a residual risks fund and managed by the scheme manager. This will ensure appropriate financial management of residual risk payments.

This bill sets up a leading practice framework for residual risk management, but the success of the measures will ultimately depend on finalising the guideline and implementation. To support the implementation process, I am pleased to announce that the department will establish an industry implementation working group to ensure the guideline, procedures and processes deliver on the potential this framework provides. Input from industry will be critical as we progress to implementation of these important reforms and I am confident that the companies and peak bodies will make a valuable contribution to that process.

The third component of this bill involves several minor and technical amendments to the Environmental Protection Act. These amendments remove unnecessary provisions, address omissions and clarify and improve regulatory processes. This includes clarifying existing provisions for the improved implementation of the Great Barrier Reef protection regulations. In particular, these amendments put beyond doubt that the application requirements for new commercial cropping and horticulture activities in reef catchments are limited to reef water quality matters. The bill also provides the ability to submit a progressive rehabilitation and closure plan later in the environmental authority application process if an environmental impact statement process is to be completed. This amendment is in direct response to industry feedback and will provide a more efficient assessment process for many stakeholders.

The bill provides that relevant applications for de-amalgamation of an environmental authority will need to be accompanied by an application for a new estimated rehabilitation cost decision. This amendment also supports our rehabilitation reforms by ensuring a de-amalgamated authority is assigned the correct estimated rehabilitation cost. There are also a range of other minor amendments in the bill. Overall, this third part of the bill provides for some necessary updates to the Environmental Protection Act, helping the government and stakeholders meet the broader intent of the legislation without imposing any significant additional burdens.

I am introducing this bill to parliament to continue this government's commitment to the protection of our natural environment across a range of matters. The Rehabilitation Commissioner will be a valuable addition that further improves Queensland's nation-leading rehabilitation framework and will create new job opportunities. Clearer and enhanced requirements for resource activities at surrender will deliver significant environmental benefits and build community trust in resource companies fulfilling their environmental obligations. I commend the bill to the House.

First Reading

Hon. LM ENOCH (Algester—ALP) (Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts) (11.28 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Natural Resources, Agricultural Industry Development and Environment Committee

Mr DEPUTY SPEAKER (Mr Kelly): In accordance with standing order 131, the bill is now referred to the Natural Resources, Agricultural Industry Development and Environment Committee.