




Speech By
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MEMBER FOR CONDAMINE

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

BIODISCOVERY AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (3.26 pm): I rise to make a contribution to the debate on the Environmental Protection and Other Legislation Amendment Bill 2020 as a member of the Natural Resources, Agricultural Industry Development and Environment Committee. The Environmental Protection and Other Legislation Amendment Bill was introduced into the chamber and referred to the committee on 18 June and the committee was required to report by 3 August, so it has been a very speedy process. According to the explanatory notes, the principal policy objectives of the bill are to provide for the statutory appointment of a rehabilitation commissioner with specific functions including providing advice on rehabilitation or best practice management of land and facilitating better public reporting on rehabilitation; and to clarify and enhance the residual risk framework to better manage risks on sites after an environmental authority for a resource activity has been surrendered.

No-one can argue the need for strong guidelines and regulation concerning the rehabilitation of mine and petroleum sites when they reach the end of their extraction lives, but the development of this bill raises a number of issues that are yet to be resolved. Indeed, industry questions the need for the establishment of a rehabilitation commissioner in the first place. The Queensland Resources Council stated in its submission—

QRC is of the view that a Rehabilitation Commissioner is unwarranted. Given the Commissioner is to draw upon already existing Government staff for support and to provide technical advice, much of which is anticipated to be sourced from within ... (DES), QRC questions the add value of the role beyond the existing function and capabilities of the Department ...

...

The additional resourcing and expenditure required to implement the role of the Rehabilitation Commissioner and the associated office is to cost the State an initial \$8 million over six years (through to 2024-25). This is a significant financial commitment in the current environment, particularly when Government already has the capability to largely deliver the intent of the Commissioner.

The Queensland Law Society raised concerns that the role of the Rehabilitation Commissioner may ultimately duplicate the functions of the regulator.

The qualifications of the commissioner are unclear, as was also noted by QRC, which stated that they are incomplete and vague. The QRC submission stated the importance of having a suitably qualified and skilled representative in the role, saying—

The Rehabilitation Commissioner must have a comprehensive understanding of how mines of different commodities operate and rehabilitate, and the technical matters to be considered in these processes. For this reason, and the highly technical nature of the role, it is necessary for the person appointed to have relevant qualifications and experience outlined in legislation ...

AgForce expressed concerns that the Rehabilitation Commissioner will not have the regulatory powers to instruct the department to enforce rehabilitation compliance and if not, why not?

In regard to residual risk amendments, the Queensland government's consultation report titled *Managing residual risks in Queensland: discussion paper* noted that the residual risks are those risks remaining at a rehabilitated and surrendered resource site when the resource company is generally no longer responsible for the monitoring, maintenance or rectification of the site. Residual risk covers the risks of rehabilitation failing, ongoing management and the risk of contaminants being released from the area and potentially causing environmental harm after the environmental authority has been surrendered.

The concerning part of this section of the legislation is the fact that the key underlying instruments of the legislation such as the guidelines regarding the administration of the residual risk fund and the calculator for undertaking calculations on residual risk are still unfinished and unpublished. In its submission, the Queensland Law Society stated that the increasing trend of this government to delegate legislative functions outside the parliament's scrutiny is a concern.

There are yet more areas of this bill that were unclear in the wording, including the recording of residual risk on title. The Australian Petroleum Production & Exploration Association Ltd expressed concern that the risk not be across an entire tenement but be on a lot on plan only, as it can be many years before work is finalised across the tenure but may be finalised much earlier on individual lots. Whilst the department stated that the intent is for lot on plan only, I note that the minister has tabled an amendment to enshrine this in the legislation. This is in response to one of the committee's recommendations.

Whilst this is welcomed, it only serves to highlight the lack of consultation with affected stakeholders in the rush to introduce this bill. Industry was only too willing to address these concerns, but was not given the opportunity in the time frame allowed. As Ian Macfarlane from QRC stated—

For something that is going to have such a significant impact and has so many loose ends, for want of a better word, if not grey areas, then we would have thought that a longer consultation along the lines of what the government promised us, two months consultation on all legislation, would have at least been the minimum. Obviously, we were not afforded that and hence the grey areas around a significant part of this legislation.

Another indication of the rushed process to introduce this bill was the misinformation provided to the committee regarding the absence of a regulatory impact analysis. In response to concerns on this issue raised by the QRC in their submission, the department stated in a written response to the committee—

The department followed the Regulatory Impact Assessment requirements specified under the *Queensland Government Guide to Better Regulation*. Under the principles in this guideline, none of the amendments in the Bill required a Regulatory Impact Statement. Where required under the guideline, the department sought advice from the Office of Best Practice Regulation by submitting exclusions and preliminary impact assessments. This is outlined in the Explanatory Notes for the Bill.

There was no such statement in the explanatory notes.

Whilst we will not be opposing the bill, it is very hard to have a lot of confidence in this government to deliver any meaningful result out of such a poorly drafted piece of legislation. We all support the rehabilitation of end-of-use mines. No-one wants to see the errors of the past repeated—and there are a number of them.

We want to see best practice. There is no better example of this than New Hope Acland mine in the electorate of Condamine. This rehabilitation has won national awards, but this government, instead of rewarding this best practice, is intent on closing this mine down and throwing all the workers at this site on the ever-growing unemployment list. This does not instil a lot of confidence in the Palaszczuk government's commitment to world's best practice rehabilitation.

I am extremely disappointed that this bill has not been debated in this House as a standalone bill. To cognate this bill with the biodiscovery bill, which has nothing remotely in common with this bill, is nothing less than an abuse of this parliament. I have been critical of some of the findings of the committee and some of the processes of the committee, but the committee worked very constructively on this report, as is noted in the recommendations made. I acknowledge all members of the committee on both sides of the House and our secretary, Jacqui Dewar.

I will speak briefly on the biodiscovery bill. I recently visited John Koehler, who lives at the foothills of the Bunya Mountains. He has been into traditional herbal remedies for many years—remedies made from things such as gumby gumby, wilga, emu bush and nettle. It is a long list and he has a large clientele of very dedicated followers. I think he is processing something in the vicinity of 60,000 capsules a month and is expanding the business. He has worked closely with the traditional custodians and has some of them lined up to be part of the business. There is obviously a benefit in those products. We need to investigate those. Any possible cures that may come forth we need to encourage and use.