




Speech By
Hon. Meaghan Scanlon

MEMBER FOR GAVEN

Record of Proceedings, 12 October 2022

ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. MAJ SCANLON** (Gaven—ALP) (Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs) (11.54 am): I present a bill for an act to amend the Environmental Protection Act 1994, the Environmental Protection Regulation 2019, the Land Title Act 1994, the Waste Reduction and Recycling Act 2001 and the Wet Tropics World Heritage Protection and Management Act 1993 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Health and Environment Committee to consider the bill.

Tabled paper: Environmental Protection and Other Legislation Amendment Bill 2022 [1633](#).

Tabled paper: Environmental Protection and Other Legislation Amendment Bill 2022, explanatory notes [1634](#).

Tabled paper: Environmental Protection and Other Legislation Amendment Bill 2022, statement of compatibility with human rights [1635](#).

I am pleased to introduce the Environmental Protection and Other Legislation Amendment Bill. This bill will support industry and streamline administrative processes, better protect the environment, improve community input and transparency and provide for a stronger, more effective environmental regulator. The bill amends the Environmental Protection Act 1994 to ensure environmental values continue to be protected through contemporary and efficient regulation while also amending the Waste Reduction and Recycling Act 2011 and the Wet Tropics World Heritage Protection and Management Act 1993. These proposed changes will ensure the environment and the community continue to be protected through effective and efficient environmental regulatory management.

The bill will also support industry by resolving a range of technical implementation issues with the mine rehabilitation framework, specifically the process for estimated rehabilitation cost and progressive rehabilitation and closure planning. The bill also inserts new transitional provisions to clarify how it was intended that environmental authority holders are to transition into the progressive rehabilitation and closure planning framework. This is needed because there are some potential scenarios where there is ambiguity about whether the transitional provisions can apply. The bill will remove this uncertainty and ensure that all relevant existing sites can operate under the progressive rehabilitation and closure planning framework.

The bill modernises and improves the efficiency of environmental authority provisions. The bill proposes amendments that will provide further detail on the operation of provisions for the suspension of environmental authorities. There are also amendments to support the short-term environmental authorities for non-resources activity to trial new and innovative approaches.

The bill enhances transparency for the community as well by requiring public notification for all major amendment applications to environmental authorities for resource activities. The change will provide greater community awareness of significant environmental authority amendments and support the public's right to know about amendments that could directly or indirectly impact them.

To assist Queensland businesses and individuals to meet environmental requirements in an emergency situation, the bill also allows the issue of temporary authorities where deemed reasonable because of an emergency situation. These amendments enable temporary authorities to be granted to ensure that operators can meet their environmental requirements when faced with an emergency like the floods earlier this year. This will be critical as we deal with more frequent and extreme weather events in Queensland as a result of global warming.

The bill improves the contaminated land framework by clarifying a range of provisions related to the duty to notify of environmental harm, grounds for including land in the environmental management register and the content requirements for contaminated land investigation documents. Additional amendments will streamline the process for landholders who ask to have their land included in a contaminated land register.

Further enhancements will be made to the Environmental Protection Act through amendments to the environmental impact statement process. These changes will enable the refusal of an environmental impact statement process proceeding if it is a clearly unacceptable project—for example, proposing something that is banned by another law of the state or Commonwealth. This provision opens the door to an early ‘no’, which will save proponents and the regulator time and resources. Applicants will of course be able to amend their proposals and reapply. Other amendments provide that environmental impact statement assessment reports will lapse after three years. This will ensure that outdated information is not relied upon in assessing the environmental authority application. In order to do their job effectively and efficiently, assessment officers should have environmental impact assessments that reflect contemporary environmental standards and policies, not assessments that are based on outdated environmental knowledge that could be over 10 years old.

There are a range of other amendments that will further support the environmental regulator in achieving positive environmental outcomes for the benefit of Queenslanders. This includes strengthening provisions for executive officer liability, ensuring corporate executive officers are held accountable for serious environmental harm. The bill will also ensure the safety of officers in the environmental regulator by explicitly permitting authorised persons to use body worn cameras and to take drones into places when exercising entry powers.

The bill inserts provisions to support the implementation of the national approach for managing the environmental risk posed by industrial chemicals under the Commonwealth Industrial Chemicals Environmental Management (Register) Act 2021.

The bill will also make minor and technical amendments to the Waste Reduction and Recycling Act 2011 to refine administrative processes and improve its interpretation. Amendments will exempt correctional facilities from the ban on the sale of single-use plastic items, allowing the continued supply of plastic items necessary for the safe and effective operation of these facilities. The end-of-waste framework is also being refined through the bill to provide greater clarity and consistency of decisions relating to end-of-waste codes and end-of-waste approvals.

The bill amends the Wet Tropics World Heritage Protection and Management Act 1993 and makes consequential amendments to the Land Title Act 1994 in response to a public review of the Wet Tropics Management Plan 1998. This includes making it clear that mining and mining exploration are prohibited in the Wet Tropics World Heritage Area. Further, the bill ensures that a plan of subdivision for reconfiguring a lot in the Wet Tropics World Heritage Area is not registered under the Land Title Act without consent from the Wet Tropics Management Authority.

Consultation on the proposals included in the bill has occurred with key industry, community and conservation groups over the last year, including with the release of the consultation paper to key stakeholders in October 2021. All feedback has been received and considered, with many of the proposals being revised based on feedback from those stakeholders.

I want to take this opportunity to correct the record on some outrageous and, frankly, unhinged commentary that we have heard from some members of this House, as well as reported in some media outlets, about both the content of this bill and the consultation process leading up to the finalisation of the bill. The member for Warrego wrongly claimed this legislation would give public servants the power to ‘shut down mining and farming projects and force farmers to cut the number of livestock they own’. Bizarrely, the member also accused AgForce of entering into a secret deal with the government, a charge that was not just baseless and unjustified but showed the utter contempt the member has for proper engagement with industry on matters affecting them. We all know that the LNP’s preferred approach is to rush secret laws through parliament without any consultation and without any parliamentary committee process. That is what they did last time they were in power.

The member for Gympie said the government's plan 'will force farmers to cut the number of livestock they own. It will see the government dictate what graziers and landholders can do with their land.' This statement is not true and no proposal regarding the number of livestock a grazier could own was ever considered during the consultation on this bill.

I also want to address the ridiculous and fanciful comments that were made in relation to the consultation process around this bill. The consultation process undertaken by my department was extensive, with engagement with all stakeholders over a lengthy 12-month period. This process included providing stakeholders with an exposure draft of the bill and responding to their feedback.

Naturally there was an expectation of confidentiality given the bill had not yet gone through the full cabinet process. A number of proposals were removed or amended in response to that feedback received from stakeholders. In fact, AgForce chief executive Mike Guerin said that the department's approach was appropriate because 'the whole area is one of the most sensitive but also most important to have in a rational and calm way'. In fact, he said that people like the member for Warrego were 'using farmers as political pawns'. He said changes to the global conversation around climate, around landscapes and around the part that agriculture can play are very important conversations and AgForce needs to be involved. He said these initial consultations are designed to inform the public consultation that will follow before any legislative change takes place. The Leader of the Opposition should pull the member for Warrego and member for Gympie into line.

Mr POWELL: Madam Deputy Speaker, I rise to a point of order under standing order 129, introduction of bills. I would claim that the minister is starting to debate the nature of the bill rather than introducing the bill. I ask that the minister consider concluding her introductory comments and save the rest of the speech for her second reading speech.

Madam DEPUTY SPEAKER (Ms Bush): Minister, under standing order 129(3)(b), I will ask that you ensure that your speech is in explanation of the bill.

Ms SCANLON: Of course. It was an explanation around how we came to the bill we are introducing in the parliament today, but I am happy to move on.

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. I would like to thank my department and staff for their work in preparing this bill and consulting extensively with industry. I want to acknowledge the valuable contribution industry and community stakeholders have made in helping to refine the proposal in this bill. I think it is only fair to say that our laws are always stronger when all parties are properly consulted by a government prepared to listen.

First Reading

Hon. MAJ SCANLON (Gaven—ALP) (Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs) (12.05 pm): 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 Health and Environment Committee

Madam DEPUTY SPEAKER (Ms Bush): In accordance with standing order 131, the bill is now referred to the Health and Environment Committee.