Speech By

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MEMBER FOR MAIWAR

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Mr BERKMAN (Maiwar—Grn) (12.16 pm): I rise to make my contribution on the Environmental Protection and Other Legislation Amendment Bill. The Greens are supporting this bill because the vast majority of it will improve our current laws, albeit in fairly minor ways. The bill is too broad for me to cover every single provision that I might like to, so I will focus on what I see are some of the most important changes and how they should go much further, as well as the parts I am concerned could actually take us backwards.

The headline change in this bill is probably the provision that allows for an early no decision for projects that are clearly unacceptable because they are unlikely to proceed under the Environmental Protection Act or another law. Proponents of projects will have to submit a draft terms of reference for an environmental impact statement, or an EIS as they are known, with a summary of the project's potential adverse environmental impacts and proposed measures to avoid or minimise those impacts. The department will then make a decision based on this as to whether the EIS can proceed to the public notification stage. Broadly speaking, it is a positive step that makes a lot of sense and it was supported by submitters like the Environmental Defenders Office, but ultimately it is not the strongest change that it could be while our environmental laws remain so weak and so stacked in favour of proponents and corporate profit.

Despite the histrionics from industry and some in the LNP, this early no provision is actually quite limited in its operation. The bill lists factors like whether the project presents an unacceptable risk of serious or material environmental harm, or an unacceptable adverse impact on a matter of state or national environmental significance or cultural heritage, but believe it or not those factors are not enough for a project to be rejected at this point. Instead, the project has to be already unlikely to be able to proceed. The most significant impact of this is to avoid wasting time and resources—both public resources in the assessment process and private resources in pursuing that—in circumstances where the government is likely to reject the project anyway. These corporations should ultimately be pretty stoked with the changes, since we all know that both Labor and LNP governments in this state will ultimately approve most of their dodgy disruptive projects, and I am thinking Adani, the New Acland stage 3 expansion, the Queen's Wharf proposal and the list goes on.

If this 'early no' provision actually strengthened our environmental protections in a meaningful way in this state, it would not allow projects with unacceptable risks of serious or environmental harm and impacts on cultural heritage to go ahead. That would mean stopping some of the outrageous proposals currently on the table for Queensland, like Toondah Harbour or Clive Palmer's Waratah Coal mine in the Galilee Basin.

Thanks to the hard work of young people, environmental defenders and First Nations traditional owners, the Land Court decided last year that Palmer's coalmine should not be approved because it would unjustifiably limit human rights by making climate change worse. If a project breaches the Human

Rights Act, that should, I would suggest, warrant a clear 'early no'. If a project breaches international treaties like Walker Corporation's Toondah Harbour development, which will build 3,600 apartments on top of internationally protected wetlands, that should be the basis for an 'early no' in and of itself. In fact, if a project would blow our ability to meet our obligations under the Paris Agreement, which means any new coal or gas project, that should warrant an 'early no'. However, perhaps it is not surprising that we ended up with this watered-down version after the decidedly opaque process for developing the bill. A number of organisations, including the Queensland Law Society, criticised that process. We have heard the minister go to much effort to justify how it was carried out.

The government's consultation on exposure drafts was only to a targeted group of hand-picked organisations that were then required to sign confidentiality agreements in order to participate in the process and to have their say. Apparently, we understand, an earlier draft included new powers to retrospectively change environmental authorities, but this was removed presumably after some strong feedback from concerned industry groups. We should be able to change environmental authorities if it is necessary to protect our environment and meet our obligations under other laws, agreements, international conventions and the like. It is a shame that yet again Labor has backed away from the possibility of real reform here.

Nonetheless, there are various minor changes in the bill that we do support. EIS public notifications will now be online rather than in a newspaper, which is a pretty commonsense manoeuvre in 2023. Assessment reports for an EIS will lapse after three years so that we can ensure those reports have current information, reflect current standards and take into account current legislation and regulations—also a very positive step.

The bill gives the chief executive the power to extend that period at any time before the three years are up, and it appears to provide no meaningful criteria for that extension. It will be interesting to see how frequently that particular power to extend is exercised. I am sure every proponent would like one and whoever happens to have the right connections within the Labor Party has a pretty easy path to dodge the new responsibility. It may be time to check up on Anacta's rates to see how they can build that into the business case.

The bill takes some small steps to improve transparency for environmental authorities. Additional information about EISs will be kept on the public register, including the proponent's response to the chief executive about a draft terms of reference, summaries of submissions and amendment notices. Public notification will also be required for major EA amendments for resource activities.

As folks like the Wilderness Society pointed out, we do have a long way to go for truly transparent and participatory environmental decision-making but these changes are certainly a start. This is probably a pertinent moment to indicate how welcome it would be to get any suggestion from the minister about progress in terms of the consultation on an independent EPA for Queensland and when we might see a concrete proposal brought forward for that very important step.

I do have some very real concerns about some provisions in this bill and there are a couple of amendments that we cannot support, in particular increasing the thresholds for material and serious environmental harm from $5,000 to $10,000 and $50,000 to $100,000 respectively. I understand the government's argument that doubling these thresholds is justifiable based on inflation and the fact that they have not increased since 1994 when the act commenced, and it proposes to index these annually with new thresholds to be published on the department's website. I argue that those thresholds are already very high, arguably much higher than the community might expect. What this means in practice is that the department has less ability to enforce against environmental harm where it causes damage worth between $5,000 and $10,000. As the EDO pointed out in its submission, the department already seems to struggle with enforcement to protect against environmental harm. We certainly do not want to see steps like this that will just make it harder.

It is also worth noting that even where enforcement happens, the environmental harms caused by big corporations often dwarf the scale of any fines they receive. Inadequate penalties simply mean that these fines or penalties become part of the cost of doing business for reckless profiteering corporations, and our environment and community suffers.

The EDO also raised serious concerns about exempting trial or research activities from providing certain information for an environmental authority. Quoting from their submission, they are absolutely right when they say—

If no information is able to be provided about—

environmental values and potential impacts—

of a project, it should not be allowed to go ahead. If no information is available, it means the proponent has done no research on the proposed site, or doesn't understand at all the activity they are proposing. Neither of these scenarios should lead to the proponent obtaining an EA to undertake the activity.

This bill is supposed to improve community input and transparency of environmental assessment, not decrease the publicly available information.

Other parts of this bill do improve transparency. I welcome those amendments, as well as those provisions that will strengthen enforcement of environmental protection laws and improve implementation of rehabilitation schemes and management of contaminated land. Of course, the Greens also support the prohibition of mining in the Wet Tropics of Queensland World Heritage Area, which is protected thanks to the hard work and direct action—yes, disruptive direct protest action—of environmentalists in North Queensland in the eighties. A number of those groups and organisations are still waiting for the cardinal principle to be restored into the Nature Conservation Act. We know that, as it stands, the act still allows for private developments in national parks and allows leases for exclusive use. It is time for that to change.

For all these reasons, we broadly support the bill, but it must be said again that it does not go far enough to protect Queensland's environment from destructive, unacceptable projects like Clive Palmer's Waratah Coal mine in the Galilee Basin and the Toondah Harbour development on Ramsar-listed wetlands. This government should not be surprised if ordinary people decide to take disruptive protest action to protect our environment, including from coal and gas, where the law in this state is failing.

(Time expired)