




Speech By
Rob Molhoek

MEMBER FOR SOUTHPORT

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MOLHOEK** (Southport—LNP) (11.49 am): I rise today to speak on the Environmental Protection and Other Legislation Amendment Bill. The Environmental Protection and Other Legislation Amendment 2022 aims to improve administrative efficiency and ensure the regulatory frameworks within the environment portfolio remain contemporary, effective and responsive. The bill proposes a number of amendments.

According to the explanatory notes, the bill amends the Environmental Protection Act 1994 to support industry, streamline and clarify regulatory processes, better protect the environment and improve community input and transparency. It is somewhat ironic that the aim of the bill is to improve community input and transparency and yet the consultation process around the drafting of the bill required many organisations to sign confidentiality documents. They were not even allowed to speak to their member organisations about what was being proposed. I think that is incredibly ironic at a time when Queenslanders have been demanding more of their government, when there have been integrity scandals and when so many other issues have been raised in the public arena around transparency and openness.

Ms Boyd interjected.

Mr MOLHOEK: I am not taking those interjections. I do not even understand what the member for Pine Rivers is talking about.

There are six aspects of this legislation that I would like to speak about briefly. While we are absolutely supportive of the need to improve protection of the environment—and I note the member for Bancroft's comments earlier around an initiative undertaken by a local council in a fire event—there are times when local government authorities have to step in in fairly urgent situations and circumstances. Many of our local councils do an excellent job when it comes to taking environmental concerns seriously and dealing with emergency situations.

There were a number of concerns raised throughout the committee's consultation process. In submissions from the Queensland Law Society and a number of other organisations we heard about issues around directors' liability and the impractical working of some of those requirements over the long term, issues around the ability to acquire directors' insurance and issues around what liability should carry forward where a past director has had no say or input into the current behaviours or policies of the organisation that may or may not have created a breach.

I also heard concerns around the potential to put about 8,000 current applications and approvals at risk. That concern was raised by a number of organisations. They said that this bill, if passed, could effectively give the department the power to revoke or overturn some previous approvals. That is why during the public briefing with the department I raised questions around that and sought assurances from the department that that would not be the case. I was pleased to hear that that certainly was not their intent. That is on the public record. They have recorded their comments around that. Rather, the intent is that where past approvals lapse over a period of time it would be reasonable to assume that

there would be some requirement to reapply or for the department to have some further interventionary power or ability to work with those proponents and perhaps review and change some of those conditions.

Concerns were also raised around the divesting of power. This is an interesting issue because it came up at the various times during the debate we had on the special COVID provisions. We have seen different approaches in different states of Australia. Where elected members divest their power to paid bureaucrats in areas of public concern or public benefit, there should be concern because the general public can hold an elected member to account, but it is very difficult for them to hold paid bureaucrats to account.

I am concerned, in moving forward with this legislation, that the minister may ill-advisedly be divesting some of her power to the department. My concern with that is that what we do not want to see is another superpower environment department like we saw a decade ago where they were basically holding sway over every other government department. Environmental considerations are important.

There needs to be balanced and reasoned approaches to applications, but we need the department of transport, for example, to be able to move proactively and plan well when it comes to building new roads. We need to know that the planning laws that we provide across the state and the rules that we set for councils and for the development and other industries carry some weight and that they cannot be held to ransom by a single department over, what can be on occasions, fairly minor issues. Although, it is important that we have a department that can intervene where there are obvious or glaring faults or facts.

I have to say that initially I struggled to understand what this legislation is about so I asked the director-general if he could explain it in layman's terms. I am not really sure that it was explained all that well. My conclusion was that, to some extent, it is just more rules about rules. I made a second attempt during the public briefing. I was taught in the media that you should basically speak as though you are speaking to a 12-year-old and assume that if they can understand that everyone else can understand it. I took it to another level and said, 'Can you provide us with a little detail as to what is in it for my granddaughters?' I am not sure that I gained a clearer understanding after that explanation. There was a bit of banter amongst committee members around our grandchildren and future issues. There was some levity in the public briefing and through the public hearing.

While we are supporting this bill, I flag the concern around divesting power from the minister to the department. I think in matters like that we should hasten very carefully.