




Speech By
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MEMBER FOR NOOSA

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Ms BOLTON** (Noosa—Ind) (2.00 pm): The explanatory notes on the Environmental Protection and Other Legislation Amendment Bill state that the objective is to improve administrative efficiency and to ensure the regulatory frameworks within the Environment portfolio remain contemporary, effective and responsive. However, does it? Parts of the bill make minor and technical changes to the Waste Reduction and Recycling Act 2011 and to the Wet Tropics World Heritage Protection and Management Act 1993 to better protect the Wet Tropics of Queensland World Heritage area. The main changes are to the Environmental Protection Act to streamline and clarify regulatory processes around environmental authority provisions and to enhance and improve compliance and enforcement powers.

Stakeholders raised several issues with the bill, particularly its amendments to the Environmental Protection Act in relation to the process for assessing the environmental impact of resource projects with a high level of environmental risk so the department can reject a project before it proceeds to an environmental impact statement. The Australian Prawn Farmers Association said it would remove due process and the Australian Barramundi Farming Association said it would allow proposals to be rejected on a subjective basis. The department's response was that the act already allows for this and that the amendment ensures proposals can be halted earlier, saving otherwise wasted resources.

The bill also amends the Environmental Protection Act so that executive officers can be held liable if they were in office when an offence occurs even if the environmental impact occurs sometime later, such as a chemical spill. There was criticism of this, including from the Queensland Law Society which noted that it may penalise people even when there is a significant gap between when an event occurs and its impacts. The department's response is that the amendment allows that not being in office is an explicit defence in any case.

There are multiple examples of failings with environmental authorities in Queensland that should have been addressed in this bill but were not. These include that they are not automatically reviewed on a regular basis, as in others states, nor have a mechanism to reopen a review if no longer fit for purpose, as happens in other states. With Queensland being only one of two states where ministerial intervention is prohibited, serious problems have resulted. An example is where an EA is issued for a small development that allows for expansion if it is the same type of development without triggering a review of the EA.

We have seen this in my own community with an exponential increase in output, trucks, noise, dust, damage to infrastructure, and risks to road users and residents through an inappropriate volume of heavy haulage through our Noosa villages. Let us be real here: when independently assessed roads consistently demonstrate that the maximum capacity is 30 to 40 loads per day yet up to 288 loads are allowed and are being experienced then you know there is something seriously wrong with our systems and the environmental authorities attached. An EA should deal with all the impacts of a development and not just those inside the permit area, including wildlife carnage, social and economic impacts, and the mental and physical health of communities. Instead, we have a system where no department takes

responsibility for resolving the impacts being experienced as a result of historical EAs that fall way below community expectations and current standards. In the end, nothing at all gets done. How can the explanatory notes say that the regulatory framework is contemporary, effective and responsive when it fails Queenslanders and does not respond to change? I wish someone could answer me on that.

A review of the EA processes is urgently needed and that is why we have been calling for a mechanism to do that via an environmental protection agency for Queensland. That must be independent with funding and powers to rectify serious historical failings. That would include the capacity to provide compensation or purchase sites that have been identified as critical to endangered species, such as the glossy black cockatoo, and are devastating our communities through impacts outside of the EA permit area. In 2017, Victoria reviewed its own EPA which has been operating since 1971 and we cannot have anything less than what their review found.

Finally, again, several submitters to the bill found that the time provided for submissions was extremely short—12 October to 26 October, which is less than two weeks. That is inappropriate. Simply put, Queenslanders and committees should be given the time to do their work properly and not these truncated inquiries that seem now to be the norm. This demonstrates the need for the fundamental reforms that for four years I have repeatedly requested. I continue to wait for a response from the Committee of the Legislative Assembly as to when that review will be undertaken as a matter of urgency.

In closing, I thank the committee, the secretariat, the departmental staff and the submitters for their work on the bill. Supporting its passage does not mean I support a system that is failing Queenslanders.