




Speech By  
**Hon. Leanne Enoch**

**MEMBER FOR ALGESTER**

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Record of Proceedings, 11 June 2024

**ENVIRONMENTAL PROTECTION (POWERS AND PENALTIES) AND OTHER  
LEGISLATION AMENDMENT BILL**

 **Hon. LM ENOCH** (Algeester—ALP) (Minister for Treaty, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Communities and Minister for the Arts) (12.11 pm): I rise to make a short contribution in support of the Environmental Protection (Powers and Penalties) and Other Legislation Amendment Bill 2024. This bill amends the Environmental Protection Act 1994 to facilitate a more proactive approach to environmental risk management. I formally commend the Minister for the Environment and the Great Barrier Reef and Minister for Science and Innovation for her hard work on the bill. Of course, it is one of many pieces of legislation that this government has brought to the House to ensure a true balance between protecting our environment and continuing to grow our economy. The bill joins a large number of bills that look to help safeguard Queensland's environment for many years to come. As a package, the amendments in the bill represent a balance between supporting industry and protecting the environment and our communities. Our government is committed to implementing the recommendations from the *Independent review of the Environmental Protection Act 1994 (Qld) report* by retired judge Richard Jones and barrister Susan Hedge.

I welcome the amendment to the act to introduce a duty to restore the environment. This duty will ensure future generations of Queenslanders can experience the benefits of an environment that has been cared for and preserved by First Nations peoples for thousands of generations and, of course, now becomes our generation's responsibility going forward. The new duty to restore the environment requires that, if a person causes or permits unlawful environmental harm through contamination, the person must take appropriate action as soon as reasonably practicable to rehabilitate or restore the environment, as far as reasonably practicable, to its condition before the harm was caused. Proactive action to restore the environment when harm does occur is, of course, very important. This will ensure that impacts to the environment are minimised as much as is reasonably practicable. The duty is underpinned by the polluter pays principle and reinforces and complements the general environmental duty.

The general environmental duty has the objective of harm prevention and mitigation, whereas the duty to restore applies if environmental harm has occurred. It places an obligation for the proactive remediation of environmental harm on the person responsible for causing or permitting the harm. This means that a person does not have to wait for the administering authority to issue a notice to start the clean-up or to remediate. This amendment ensures a quicker response to incidents involving contamination. We are ensuring incidents are fixed before they can cause even greater harm or damage to the environment, which I think is a very positive and sound move. The duty-to-restore amendment, along with the many other amendments, will improve administrative efficiencies and ensure the regulatory frameworks within the environment portfolio remain contemporary, effective and responsive.

The bill will amend the Environmental Protection Act 1994 to replace and consolidate the functions of environmental protection orders, direction notices and clean-up notices into a new statutory tool called an environmental enforcement order. The intent of this provision is to clarify that an

environmental authority is not a barrier to issuing an environmental enforcement order to address environmental harm or the risk of environmental harm where such harm is not clearly authorised or regulated by the environmental authority.

We know just how important it is to help preserve our environment. That is what Labor stands for. This is an important bill that will help do just that. It will make sure Queensland's environment is preserved for many generations to come. I commend the minister and her department for their hard work. I commend all of the stakeholders who have worked very closely with the government to ensure this bill comes forward. I commend the bill to the House.