




Speech By
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MEMBER FOR MAIWAR

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

 **Mr BERKMAN** (Maiwar—Grn) (11.50 am): I rise to give my contribution on the Environmental Protection (Powers and Penalties) and Other Legislation Amendment Bill. I want to say at the outset what a testament this bill is to the incredible efforts of the Ipswich community and in particular to those living in and around Swanbank and New Chum.

I understand that, as at 2020, 42 per cent of Queensland's waste and 55 per cent of South-East Queensland's waste ends up with private waste operators in the Ipswich region. That is an incredibly heavy burden to put on the shoulders of residents in nearby suburbs. I am genuinely proud that the Greens have stood alongside the Ipswich community in their fight for a healthy future free from the adverse impacts of a poorly regulated waste industry.

The community has fought tooth and nail to have their health and wellbeing taken seriously. They have held rallies, tabled petitions, pitched stories to the media, written to ministers and members, and made it clear that they will not be ignored. While I am on this point, I want to make a special mention of Danielle Mutton, who has been a relentless advocate amongst the Ipswich and Lockyer Greens. She needs to be singled out for her great work on this, amongst other local residents and those in the branch.

The community can also be immensely proud that this bill introduces a raft of positive changes with the potential to protect not just their own communities but also other communities from the impacts of odour, noise, aerosols, fumes, particles and smoke—all environmental factors which can cause serious health and amenity impacts and which before this bill were not taken seriously under the state's principal environmental protection legislation.

The bill sets out some key principles of environmental protection that must be considered when administering the act. Some of these, like the principle of intergenerational equity, were already in the act but by way of secondary means, buried away at the back of the act, so it is good to see these brought forward and joined by the principles of polluter pays, proportionality and the primacy of prevention. How these will operate in practice is yet to be seen. I will add that I am not totally reassured that the consideration of these principles will be as strong as it could be or be enforceable, but they are critical protective principles. It is vital that they genuinely guide all of the actions and decisions made under the act. Instead, it looks like they may be treated as just a nice thought, much like the existing section 5, which requires that a person performing functions or exercising powers under the act must do so in a way that best achieves the objects of the Environmental Protection Act. That provision has existed in the EP Act ever since it was introduced in 1994, and in the intervening time Queensland's environment has continued to degrade while ecological processes on which we all depend remain under threat.

We are pleased to see the new duty to restore the environment and enhanced duties to notify of environmental harm. These are essential given that the baseline condition of our surrounding environment is degrading. Importantly, the bill brings environmental nuisance impact—things like noise,

odour, dust particles and smoke—within the remit of serious and material environmental harm where those relevant thresholds are met. This just makes sense. There is no denying the impacts that all of these issues can have on health and wellbeing. I want to turn to an example from my electorate particularly around the impacts of noise.

The ongoing upgrades to the Moggill Road roundabout, which are projected to save mere seconds in peak-hour traffic in the morning and afternoon, have involved protracted night-time works since the project began in mid-2021. The local residents have been subjected to near constant noise and sleepless nights and it has been next to impossible to get hold of the environmental management plans, which are supposed to address the noise limits and the measures taken to meet those limits. It is essential that these kinds of impacts are treated seriously and that impacted communities can hold governments and corporations to account, and that requires as a bare minimum that the environmental management plans are accessible, are visible to the public and are available for enforcement.

With that in mind, it is good to see that the all-important general environmental duty will finally have some teeth, with penalties introduced for those who fail to do everything they can to minimise environmental harm when carrying out their activities. There is also clarification that the new environmental enforcement order, which consolidates existing enforcement mechanisms into a single order, can be issued even where an environmental authority for the activity exists. This means that where an activity might be causing more or different harm than is authorised, there is no ambiguity that an enforcement order can be made.

There is no doubt these are all good changes, but I remain concerned. I am concerned because the department has—and has had for a long time—a multitude of enforcement tools at its disposal which it has entirely failed to use. Not only that, but when companies breach their environmental authorities there is a fairly regular practice—a trend at the very least—of just updating the conditions so that those activities are compliant. This is so much the case that companies can often happily accept strict conditions safe in the knowledge they can simply have those conditions changed once they commence.

What we desperately need in Queensland is an independent, well-resourced environmental protection agency. It is now almost two years since consultation was completed, but it remains unclear to us whether the government has any intention of implementing or even further advancing this election commitment to introduce this important statutory authority. This is essential for future environmental protection in Queensland. We cannot afford to continue with a regulator that is under-resourced and that does not have the powers or the independence it needs to properly effect the operation of the Environmental Protection Act.