




Speech By
David Lee

MEMBER FOR HERVEY BAY

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NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr LEE** (Hervey Bay—LNP) (8.05 pm): I rise to speak to the Nature Conservation and Other Legislation Amendment Bill 2025. It is crucial that we preserve our magnificent pristine Queensland flora and fauna. This is indeed our legacy to future generations of Queenslanders. The endearing marsupial the koala is the Queensland fauna emblem, and what is the Queensland floral emblem? It is the *Dendrobium bigibbum*, the Cooktown orchid.

My electorate of Hervey Bay is truly blessed to encompass K'gari Fraser Island: a UNESCO World Heritage site, a Ramsar listed site within the Great Sandy Biosphere Reserve and an integral part of the Great Sandy National Park. The island contains 1,840 square kilometres of national park. Each year about 500,000 visitors absorb and experience the natural and unblemished beauty of the island. Recently, the Hon. Andrew Powell, Minister for the Environment and Tourism, attended the 2025 blessing of the fleet in Hervey Bay. This observance signifies the official start of our whale-watching season. Hervey Bay is widely and demonstrably acknowledged as the whale capital of Australia and a must-see tourist destination. Hervey Bay is an integral part of the southern migration of the humpback whale.

A sound and carefully considered conservation policy is integral to the preservation of Queensland's natural beauty and so, too, is a calm and methodical approach in supporting our hardworking DETSI staff and QPWS rangers. The Queensland Conservation Council said in their 10 April 2025 submission—

The Nature Conservation Act and Environmental Protection Act are cornerstones of environmental law in Queensland and must be maintained and strengthened to achieve better outcomes for Queensland's environment.

I agree with the sentiment in the Queensland Conservation Council's statement. The nature conservation and other legislation amendments will achieve better outcomes for Queensland's environment. The Nature Conservation and Other Legislation Amendment Bill contains amendments to the Environmental Protection Act 1994 and the Nature Conservation Act 1992. It clarifies and contemporises the relevant legislative provisions in relation to automatic electronic systems that deal with authorities. It ensures the continued automatic dealing for particular authorities uses a contemporary framework that complies with relevant regulatory obligations. It provides retrospective validation to all authorities previously granted by the operation of the automated system. The bill also provides some minor clarifying amendments to the Environmental Protection (Powers and Penalties) and Other Legislation Amendment Act 2024.

This bill provides amendments to the EPA to clarify beyond reasonable doubt that penalty infringement notices can be issued for noncompliance with in-force environmental protection orders, direction notices and clean-up notices. I will first speak to the principal amendments to the Environmental Protection Act and then the Nature Conservation Act.

These amendments to the EPA further build upon the substantial legislative reform in the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012, introduced by the Hon. Andrew Powell and subsequently passed with amendment on 31 July 2012. Clause 9 of the bill will replace and restructure section 204 as a consequence of some amendments in clauses 5 and 6 to insert new sections 169A and 170. Section 204 is being restructured to ensure that the environmental authorities which are automatically issued under a new section 169A are still subject to the eligibility criteria conditions. This amendment to section 204 will also ensure that the language is consistent with provisions with deemed conditions such as section 206 of the EPA.

The existing section 204 of the EPA was introduced as part of the green-tape reduction legislation, so it is building on earlier legislative reform and is a critical element. It is important to note that the proposed clause 9 amendment to section 204 does not alter the original legislative intention of that section; namely, to ensure that any environmental authority issued following a standard or variation application is subject to a condition that the holder must continue to meet the eligibility requirements. A 'standard application' as defined in section 122 of the EPA is where all of the proposed application activities meet the eligibility criteria and the proponent specifies that they can meet the standard conditions. Where an applicant cannot comply with the eligibility criteria, a site-specific application for an environmental authority must be made.

Clause 12 of the bill also inserts new sections 824 and 825, which are validation and transitional provisions. Section 824 provides that environmental authorities previously issued under section 170 of the EPA remain valid as at the date of issue on the environmental authority. This is to avoid any ambiguity as to whether the authorities which were automatically granted by the electronic system under the previous section 170 prior to the amendment were valid as at the date of issue. This transitional provision ensures that any person who has relied upon that environmental authority at the date of issue has certainty with respect to their right to carry out that activity. This section only applies to the issue of environmental authority that is the subject of that standard approval. Section 825 deals with any time delay between the authorisation of the electronic system and the commencement of these provisions after assent and remains valid.

I now turn to the principal amendments to the Nature Conservation Act. This bill amends the Nature Conservation Act to ensure that low-risk activities can be validly dealt with automatically by electronic systems. There are two electronic systems that currently automatically issue low-risk authorities under the Nature Conservation Act: the Connect system, used to process wildlife authorities, and the Bookeasy system, used to process camping permits for protected areas. Clause 16 of the bill will replace section 143B of the act and insert a new section 143BA and will provide contemporary provisions for the approval and use of an automatic electronic system dealing with authorities.

A new section 143B provides for automatic authorisation for dealing with prescribed types of activities. Specifically, section 143B(1) allows a regulation to prescribe the types of authorities that may automatically be issued, given or granted to a person as well as those that may be amended, cancelled or renewed. The bill will also modernise approval requirements for automatic electronic systems and provide for clear processes and requirements in relation to the electronic system.

Clause 17 amends section 143G to provide for an internal review of an original decision for a relevant authority. The review may only be dealt with by an authorised person for the purposes of internal review proceedings. The existing internal review arrangements in clause 17 are preserved in section 143G(3). Clause 18 provides for a new division 9 to be inserted into part 12 of the act. This division provides for validation and transitional provisions in the Nature Conservation Act. This section validates as lawful all authorities that were issued, given, granted, amended or renewed by an automated system prior to the commencement of this amendment bill.

In closing, this bill gives practical expression to the sentiment earlier endorsed by the Queensland Conservation Council. This bill will assist in achieving better outcomes for Queensland's environment. This is indeed our legacy for future generations of Queenslanders. I commend the Nature Conservation and Other Legislation Amendment Bill 2025 to the House.