



Speech by  
**Glen Elmes**

**MEMBER FOR NOOSA**

Hansard Thursday, 1 November 2007

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## **ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL**

**Mr ELMES** (Noosa—Lib) (3.23 pm): I rise to discuss the Environmental Protection and Other Legislation Amendment Bill 2007. I have two principal concerns about the administrative machinery changes that would be enacted by this bill. I hope the minister will take these on board. However, before I go further, may I say that the current practices of the government to bundle several bills together for amendment while supposedly pragmatic is, in my opinion, somewhat reckless because it does not allow for proper debate of each amendment on its individual merits. I do hope in the future we can move on and debate them properly.

Turning to the bill at hand, I have two principal concerns—namely, the effect these changes will have upon the Wet Tropics World Heritage Protection and Management Act 1993 and the effect of changing the description of standard and non-standard mining operations. With respect to the Wet Tropics World Heritage Protection and Management Act 1993 and amendments in this bill, I note that amendments to the Wet Tropics World Heritage Protection and Management Act 1993 by the Environmental Protection and Other Legislation Amendment Bill 2007 are only regarded as minor technical and administrative amendments. Having said that, the possibility of significant ramifications exists.

The overall purpose of the 1993 act is to comply with the World Heritage convention to which Australia is a signatory. The Wet Tropics area was entered onto the World Heritage List in 1989. In order to ensure that this occurred the Commonwealth and the Queensland government signed an agreement in November 1990 known as the Management Scheme Intergovernmental Agreement for the Wet Tropics of Queensland World Heritage Area.

The agreement provided for the establishment of a joint Commonwealth-state ministerial council, a management authority, management agency and committees. The agreement also identified the matters to be covered by the state legislation with an emphasis on management planning. The act subsequently reflected the practical details of implementing the management scheme.

Under the management scheme, the Wet Tropics Management Authority was required to prepare a management plan known as the Wet Tropics plan which may be supplemented by other management plans. The 2007 bill amends section 85 of the 1993 act by inserting a new subsection (1)(a) which would authorise the making of a regulation under the authority of the 1993 act authorising the Governor in Council, on advice from the Wet Tropics Management Authority, to make regulations reconfiguring a lot in the Wet Tropics area.

The 2007 bill subsequently provides a definition of the term 'reconfiguring a lot' identical to that contained in the Integrated Planning Act 1997. The meaning of 'reconfiguring a lot' is taken to mean doing any of the following: creating lots by subdividing another lot; amalgamating two or more lots; rearranging the boundaries of a lot by registering a plan of a subdivision; dividing land into parts by agreement; or creating an easement giving access to a lot from a constructed road.

The rationale behind the 2007 amendment is to provide the Wet Tropics Management Authority with the lawful power to subdivide or reconfigure any lot located within the Wet Tropics area. The rationale behind this move is to ensure that the future developments within the Wet Tropics area do not adversely affect established World Heritage values.

My question therefore is: what will the practical effect be of these changes? It strikes me that these changes may in effect dilute the stringency of the 1993 act by opening protection up to administrative changes to allow development. I consider that this may well be the thin end of the wedge. Are we going to see a practical denigration to the protections afforded under the act? In my opinion, while this legislation has no doubt been drafted with the very best of intentions, it may in practice have a different outcome. I would ask that the minister consider this and give his assurance that no such denigration would occur.

I now turn to the bill's effect on mining operations. The government's position is that the purpose of the 2007 amendment, clause 30 of the bill, is to rectify an oversight that occurred with the passing of the Environmental Protection and Other Legislation Amendment Act 2004. Amendments to the Mineral Resources Act 1989 and the Environmental Protection Act 1994 commenced on 1 January 2001. As a result of these amendments all the environmental aspects of mining were placed under the control of the Environmental Protection Agency. All mining activities were required to be authorised by the issuing of an environmental authority in accordance with the Environmental Protection Act 1994. Mining activities are either classified as standard or nonstandard. Standard projects were low-impact activities such as prospecting and were not subject to an environmental impact assessment.

Mining projects that could not comply with standard environmental conditions or operate within the low-level criteria were regarded as non-standard mining activities possessing a medium to high risk of causing serious environmental harm. As non-standard mines were considered to have higher environmental impacts compared to standard mining projects, a different conditioning regime was applied by the Environmental Protection Agency. Non-standard mining activities such as exploration, mineral development and mining lease activity may have resulted in the applicant being required to submit an environmental impact statement. Regardless of whether or not an environmental impact statement was required, the applicant had to submit an environmental management plan or an environmental management overview statement.

The legislation before us suggests that level 1 mining projects are required to be authorised by a non-standard environmental authority. The conditions attached to such authorities are specific to the mining projects concerned. Specific mining sites require an environmental authority that is conditional according to the environmental issues or concerns that relate to that particular site. In line with the government's argument, clause 30 of the 2007 bill does not appear to make any changes to the environmental requirements expected of mining applicants.

I am advised that applications for an environmental authority to conduct level 1 mining projects will still be scrutinised to the same level as applications for the former non-standard environmental authority were. However, changing the title of mining operations in my mind suggests that once again we may see the rigorous framework that exists to require environmental impact statements from proposed operations weakened. If this is not the case, then I certainly do not see the reason for a simple name change. Perhaps the minister could also address this concern. If this is merely a simple name change for convenience, then why is it required at all? As I said at the beginning of my contribution, this bill on the whole is well intentioned and does clear up a number of grey areas. With a couple of reservations, I commend the bill to the House.