Agriculture, Resources and Environment Committee : Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012

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009 – Queensland Law Society

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015 – Waste Contractors and Recyclers Association of Queensland (Inc)

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Office of the President

Your Ref: Environment Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012

Quote in reply: Planning & Environmental Law Committee

5 June 2012

Mr Rob Hansen
Research Director
Agriculture, Resources and Environment Committee
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George Street
BRISBANE QLD 4000

By e.mail to: robert.hansen@parliament.qld.gov.au

Dear Mr Hansen

SUBMISSION ON THE ENVIRONMENT PROTECTION (GREENTAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL 2012

Thank you for providing a short extension for the Queensland Law Society to make its submission. We note the very short timeframes for the Committee to undertake this inquiry.

The following submission on the *Environment Protection (Greentape Reduction) and Other Legislation Amendment Bill 2011* has been prepared by the Queensland Law Society's Planning and Environmental Law Committee. In 2011, the QLS lodged a submission with the legislative Committee about on the former Government's 2011 version of this Bill and we had also provided a submission to the Greentape Reduction Project team within the former Department of Environment and Resource Management. In each case, our submissions were broadly supportive of the stated objectives, while commenting on a series of unintended drafting consequences, including typographical errors. A copy of our last submission is **attached**, for ease of reference.

There was insufficient time available for a comprehensive review of the 2011 Bill. Given that it was very lengthy and complex, we were unable to provide a comprehensive review, but merely selected a few pages of the Bill as a sample. A thorough legal review by specialists in the area would be recommended.

Despite the time that has elapsed since our submission in 2011, all of the errors pointed out in our 2011 submission remain in the 2012 Bill, including even the typographical errors. In some other parts of the Bill, it is noted that some improvements have been made since the previous version, but clearly not enough.

The sample pages that we selected for review in 2011 finished at Section 120. Given that the QLS has been fortunate enough to have been given an opportunity to provide a supplementary submission, we have included a few further examples of errors below, continuing on after Section 120.

Section 125 Requirements for applications generally

Section 125(3) provides an exemption from setting out in the application the description of impacts of each activity on environmental values if '*the EIS process for an EIS for each relevant activity the subject of the application has been completed*'. The difficulty with this drafting is that, if there was an EIS for the project but then a relatively minor additional activity has been added for the application, the information requirement in relation to all of the activities would be triggered. Presumably, the EIS would need to be included in the application to avoid having it characterised as a 'not properly made application'.

Surely the intention should have been that for each relevant activity for which an EIS has been completed, the impacts requirements of the application would not apply but for any additional relevant activity for which an EIS has not been completed, the additional impacts relating to that activity should be set out in the application.

Sections 127-129 'properly made applications'

These sections have similar problems to the corresponding provisions of the *Sustainable Planning Act 2009* (in sharp contrast with the repealed *Integrated Planning Act 1997* as originally enacted, which is an interesting example of greentape increase, rather than reduction).

The new provisions rightly provide an opportunity for the administering authority to assess and advise if the application has not been 'properly made', but fails to specify what happens if, within the short timeframe allowed, the administering authority does not identify an error in the application and allows it to continue to be progressed all the way through. An error may later be noticed either by the administering authority at a later stage or by a third party. The likelihood of this happening fairly frequently is significantly increased because of the complexity and subjectivity of the mandatory requirements to be included in a 'properly made application'. Potentially, the approval may then be void.

Under the original version of the *Integrated Planning Act 1997* (repealed), this problem used to be managed better, first because the mandatory requirements used to be simple and objective (with all of the rest being 'supporting information', which could be expanded during the 'information and referral process') and secondly because, if the only alternative to being 'not properly made' was that the application was deemed from then on to have been 'properly made' (with very narrow exceptions). Under the old provisions of the *Integrated Planning Act 1997*, if there was important information that was missing from the supporting information, this did not invalidate the entire application process, but simply meant that the administering authority could request further information. If the information was still not provided, the application could be refused. In contrast, these new provisions leave open the possibility that an application process could be invalidated at any stage because of a relatively minor error.

There may be reasonable arguments for increasing the complexity of applications, but this would certainly not be 'greentape reduction'.

We also have concerns that 20 business days would not be enough time to avoid the lapsing of an application, if the administering authority is dissatisfied with the level of data about an issue such as the extent of impacts on environmental values. Some types of environmental values can take 4 seasons to monitor. Any extension to this period would be dependent on the generosity of the administering

authority officer; otherwise the application would lapse and there is no provision for refund of the costly application fees.

Section 132 Changing application

Section 132(4) provides:

'If the change to the application is, or includes, a change of applicant, the notice of the change—

*(a) **may** be given to the administering authority by the person proposing to become the applicant; and*

(b) must be accompanied by the written consent of the person who is the applicant immediately before the change.'

Surely there is an error in paragraph (a) in that 'may' should be 'must'. Otherwise, the new applicant could be left out of the loop, that is, a valid application could be lodged to change the identity of the applicant, without the new applicant's consent, which would be absurd.

Section 133 Effect on assessment process—minor changes and agreed changes

Section 133(1)(b) allows an applicant to avoid re-notification, even if a change is not a minor change and even if it would have major effects on third parties who might have lodged submissions against the change if they had the opportunity, just because the administering authority agrees to allow the applicant to side-step notification. This provision would obviously be open to abuse.

If this provision was instead drafted in similar terms to the corresponding provisions of the *Sustainable Planning Act 1997* about changing applications, it would achieve adequate flexibility while avoiding the risk of abuse.

Section 139 Information stage does not apply if EIS process complete

The drafting of this section (and subsequent sections) does not address the situation where an EIS has been carried out for a project but the application covers another (probably relatively minor) activity.

Presumably, the intention in that situation is that the information stage would only apply to the additional activity, but the Bill fails to say that.

Due to timeframe constraints, we have only reviewed up to Section 139. However, there appear to be drafting errors and unintended consequences throughout the balance of the Bill as well. A thorough legal review by legal specialists in the field would be recommended. Of course, the QLS would welcome the opportunity to provide further written comments or be involved in further consultation. However, we do not have availability for the public hearing on Wednesday 6 June 2012.

Yours faithfully

Dr John de Groot
President

IpswichCity Council Submission to the Environment, Agriculture, Resources and Energy Committee on the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2012*

(Officer Comments Only)

Executive Summary

Ipswich City Council, like all other local governments in Queensland, has been actively regulating environmentally relevant activities (ERAs) under the *Environmental Protection Act 1994*. Council appreciates the opportunity to review and provide comment on this important piece of legislation. The following represents some of the key comments regarding the proposed legislation:

1. The overall intentions of the Greentape Reduction project are supported
2. Only a small (and high level) part of the regulatory reform process has been presented / is available for consideration
3. Standard Approvals are generally supported, subject to active and open engagement with the key stakeholders
4. Environmental Authorities are generally supported as the documentation for conditions for ERAs
5. Environmental Authorities to contain conditions that relate to design, construction, equipment and operational requirements for an ERA – no ERA relevant conditions to be included in a development permit
6. The register of suitable operators being managed by the Department of Environment and Heritage Protection (DEHP) is generally supported, subject to confirmation of its management and access
7. Corporate Authorities as detailed in the Bill are generally supported
8. Guidelines as detailed in the Bill are generally supported where they further the objects of consistency, accuracy and effective implementation of the legislation
9. Further consultation with Council regarding the supporting and related legislation and Guidelines to support the Bill's implementation
10. The appropriate assessment, evaluation and consideration of the impacts of this Bill and the other related actions on Council, the industry and the community – especially where activities may be deregulated resulting in Council's becoming responsible.

Introduction

Ipswich City Council appreciates the opportunity to provide a further submission to you in regards to this significant legislative change proposal. As you are aware, Local Government shares the responsibility in administering the *Environmental Protection Act 1994* with the State Government (principally with Department of Environment and Heritage Protection). Considering this, Council has invested significant resource in assisting the review of this legislation to date through the Local Government Working Group and the Local Government Panel processes. Council is appreciative of the cooperative and consultative process that has been undertaken throughout this review activity and looks forward to this arrangement continuing through the implementation and transitional phases of this legislation change, as well as any further associated legislation and related documents development (including the Regulation, review of licensable ERAs etc.).

Context of this Submission

These comments are a compilation of comments provided by officers of Ipswich City Council that are primarily based on previously endorsed comments and submissions made by Ipswich City Council. Some comments are new based on the differences between the 2011 and 2012 versions of this Bill. Due to the very short timeframe for review and comment provision on this Bill, it has not been possible to present this document to Council for consideration and decision. Therefore, these views do not necessarily represent the views of the Council. It is intended that these comments will be submitted to Council for consideration.

Limitations of Available Information on Full Legislative Change Proposal

The comments made within this submission are based on the information available at the time of writing. It is noted and understood that there are other legislative changes proposed that are directly related to, dependent upon, and supported by this proposed Act. Some of these include:

- any amendments to the *Environmental ProtectionRegulation 2008, including:*
    - any review of the environmentally relevant activities that are regulated by a licensing regime
    - the manner in which environmentally relevant activities are regulated (including the allocation of environmentally relevant activities to the standard application process category)
    - the development of the eligibility criteria for standard applications
- the development of "Guidelines" (as described in the Bill – Clause 51), and
- the modifications to triggers within the *Sustainable Planning Act 2009*.

Considering only a small component of the overall regulatory change picture is available, it is very difficult for Council to undertake a thorough and complete review of the proposed changes, including its impacts (positive and negative) on the environment, the community, industry and the Act's Administering Authorities. Therefore, the assessment undertaken and the comment providedare with this in mind.

Overall Intentions of the Bill

In general, the following overall intentions of the Greentape projectare supported:

- a simplification of licensing processes
- reduction of costs to industry and government from environmental regulation while maintaining or improving environmental standards and community amenity
- streamline, integration and coordination of regulatory requirements relevant to licensing under the *Environmental Protection Act*
- upholding of key principles of transparency, accountability, consistency, proportionality, integration and delivery of appropriate outcomes
- that regulatory effort (assessment, administration and compliance)is based on risk
- that applicants, operators, the community and regulators have consistent understanding and access to information to support the successful achievement of the Act's purpose
- the achievement of a level playing field for industry in terms of environmental regulation
- third party reviewer roles (as long as this remains solely within the State jurisdictions and not Local Government jurisdictions) and that the system of accreditation and auditing of these services are maintained in a quality system.

In general the following overall intentions / outcomes are not supported:

- a move towards additional administrative burden (in both short and longer terms) for the administering authorities
- a reduction in opportunities for cost recovery for regulatory agencies, and
- a return to a licensing framework that involves an increased number of types of regulatory approvals.

It is worth noting that during the review process associated with this Bill, a number of key deficiencieswere identified and raised for consideration, including:

- a lack of an identification of options at a strategic level that lead to reducing green tape, a transparent evaluation and analysis of such options, and subsequent justification for the preferred options presented, and
- a heavy focus on assessment processes and not a balanced, whole of life-cycle review of environmental licensing reform opportunities and implications.

Environmentally Relevant Activity Administration

The review undertaken prior to developing this Bill has involved a consideration of a number of assessment pathways for conditioning environmentally relevant activities (ERAs). The framework of standard approval / conditions and site specific assessment processes are supported. The degradation of the licensing framework for environmentally relevant activities to levels below standard approvals levels of assessment is categorically not supported.

It is supported that the 2012 Bill is now collectively transitioning all existing environmentally relevant activities to the new licensing system, avoiding the previous systems of multiple types of approvals and the problems this caused.

It is clear that the Government's intention is to move to an environmental protection licensing framework that is focused on Environmental Authorities. Considering this and Council's previous comments and submissions about the licensing framework options and issues, Council generally supportsthis approach as long as a single system of management is achieved – that is, Environmental Authorities regulate the environmentally relevant activities. Council sees one key deficiency in the Bill's framework being the separation of design/construction conditions and operating conditionsassociated with environmentally relevant activities. History of regulating environmentally relevant activities has demonstrated clearly that variations from a single process for managing these activities results in confusion, unnecessary costs, and inefficiencies which have not delivered the best environmental outcomes possible.

Therefore, Council recommends that all conditions related to an Environmentally Relevant Activity be contained within one document, an Environmental Authority. This position is supported due to the fact that environmental protection outcomes , issues and considerations (and subsequent conditions for the activity) lie along a continuum consisting of design, construction, equipment / technology and operational requirements. The differences and dependencies between these can be slight to significant dependent upon the particular activity. Achievement of some operational requirements are generally dependent upon good design and construction outcomes.

A further issue of concern relates to the transition of existing Development Permits to the new system. The concern arises in converting a development permit into the proposed Development Permit (design and construction conditions) and the Environmental Authority (operating conditions). As these have previously been compiled as a collective system, splitting them may be problematic, piecemeal and an unnecessary administrative burden. This is not supported as it does not achieve the certainty for all parties involved or a singular administrative system for environmentally relevant activity administration.

The key linkage between land use planning and environmental protection management (particularly environmentally relevant activities) is significant and requires some connection under the new arrangement. This is further discussed below.

Standard Conditions

The concept of standard conditions is supported to assist with green tape reduction. It is agreed that standard conditions may be applicable to some ERAs (especially those of a small to medium sized activity and those of a lower environmental risk) resulting in benefits to industry, community and regulators. The allocation of the applicable activities to this assessment track requires further scientific, economic, technological and social research and debate as detailed below. The existing Codes of Environmental Compliance (COEC) and for the reasons of administrative cost effectiveness described above provide some experience and basis on which to progress the standard conditions (including eligibility criteria) framework.

The creation of 'eligibility criteria' that are specific, minimal, definite and not open to debate is supported. Standard conditions should be supported by an administrative process which includes the provision of information to the operator that would include a copy of the conditions that are applicable, guidance material about licensing and compliance with the conditions a registration certificate etc. This will support more effective and efficient compliance actions (should these be necessary). Further consultation with the working groups and panels are required to determine what ERA's may fit in this category.

Variation applications (section 123)are<u>not</u> supported. For requests to alter conditions there is a potential that the amendment(s) can have effect on other conditions and/or be so significant that the activity requires site specific assessment. Setting a clear point along this continuum at which the assessment is escalated is difficult. Considering this, it is suggested that amendments are not permitted to be made to standard approvals and that these requests are escalated to site specific assessment processes.

The ability to update standard approvals / eligibility criteria to maintain consistency with best practice environmental management is supported. This provides the capacity to keep the conditions contemporary.

Site Specific Assessment

Site specific assessment is supported as the assessment track for many ERAs.

The practical implementation of the integration of ERA's into the Sustainable Planning Act's (SPA) Integrated Development Assessment System (IDAS) process has evolved into an outcome which is not consistent with the intent of the legislation. This has come about from an ineffective transition and regulator training program which, due to the terminology and the process used (i.e. IDAS), has become significantly and inappropriately embedded into land use planning and assessment mindset. The intent of the legislation is that land use planning and ERA assessment (licensing) are separate but closely relatedprocesses. Land use planning has a head of power of the SPA and essentially involves assessment of land uses against SPA and the Council's planning scheme provisions. In assessing ERAs, the head of power is the EPAct and this provides the criteria for assessing and conditioning these activities. The IDAS provides a mechanism where licensing is addressed through a process consistent with land use approvals and enables (if elected by the applicant) to integrate the approvals to speed the process.

The framework is appropriate, however, there is a need for recalibration of regulators (planning and environmental) through education and further guidanceto ensure the legislated outcomes are properly implemented. Considering this, and the Government's broad intention to move to environmental authorities, it is recommended that the frameworkproposed by the 2012 Bill be modified slightly to yield improved outcomes. This would involve all environmentally relevant activities being triggered as part of any land use application and the outputs being

environmentally relevant activity conditions being set in an environmental authority and the land use approval conditions be set on the land use development permit (if applicable). This would enable a level of consistency, but more importantly, conditions relevant to the risks and issues of the respective legislation.

Assignment of ERA's to Standard Conditions and Site Specific Assessment

The future assignment of ERA's to the appropriate level of assessment will require an ongoing process of active and open engagement with the Act's co-administrators. In terms of the local government ERAs, local government must have significant input into the assignment process.

ERA Conditions

It is supported that all ERAs have a document containing the conditions of operation (including design and construction conditions and operating conditions). This sets very clear advice about the operator's obligations and responsibilities. It is supported that the number of documents relevant to the licensing of the activity be minimised for clarity and simplicity. All conditions (design / construction and operation) are all ongoing requirements for an operator and must be regularly monitored to maintain compliance. In establishing a clearer layout and function of environmental authority conditions, the legislation must be clear that design and construction requirements for an ERA should not be dictated by the land use requirements / standards of the planning scheme. An integrated process of overall application assessment can assist with aligning the land use and environmental licensing requirements.

It is agreed that the conditions set require greater flexibility for modification / amendment through simplified processes for site specific assessed activities. However, currently, operators of activities wishing to change their operational conditions can do so without necessarily triggering a Material Change of use (MCU) for a new ERA. An MCU for ERA DA is only triggered where the SPA triggers are effected. In many situations, operational activities do not change the scale or intensity of the activity or nature of the business. However, there is a disparity between the practice and legislative intent, and it is supported that the SPA triggers be simplified and specified in more detail to eliminate these risks. In some situations, a change to operational requirements of an activity may trigger further assessment under the land use approval, but this is something determined under the SPA and planning scheme. If this occurs, and is considered in appropriate by the planning requirements, then this is a matter for discussion with Department of Local Government and Planning (DLGP) and Council land use planners.

Land Use vs ERA Conditions

It is worthwhile noting that land use planning has a number of foci that are considered important in decision making. Issues such as built form changes, footprint issues, use of space, aesthetics etc are just some of these. There is some overlap and potential for conflicting outcomes that a particular development must demonstrate. This is the role of the applicant to sort through and resolve with the assistance of the regulatory agencies. In many circumstances, where a minor change to an operation does trigger the need for a change to a land use planning approval, there is scope for these to be addressed though short and simple processes of minor amendments.

Sometimes there are duplicative or potentially inconsistent conditions for land use and ERA approvals. This is considered appropriate as there are likely to be valid and different sets of outcomes that need to be achieved under each head of power. The applicant and regulatory agencies have the capacity to negotiate these issues through for a balanced and acceptable outcome. It is important that legislative reform does not make one approval any more important than the other. Where there are concerns regarding the actions of the land use planning field on

environmental licensing outcomes, then this is a matter for discussion with DLGP and local government land use planners.

In regards to relaxations for operational changes for an ERA environmental authority, these would need to be relevant to changes that do not result in increased environmental harm (including nuisance). If this is the extent of the trigger, then this is generally supported. In other situations, it is suggested that these would require further assessment. In conjunction with this, the land use planning approval would need to be considered under the SPA arrangements. However, these two processes should not drive the other to require a new application so to achieve improved environmental outcomes.

There needs to be clear guidanceabout the differences and relationships between ERA management and land use matters that are assessable under a planning scheme. The broad consideration of the suitability of an area for industrial or a business land use is necessary when considering land use applications, whereas the regulatory operation and management of an ERA is a licensing matter.

It is important that Environmental Authority conditions (standard approval and site specific conditions) are not used to drive the planning outcomes, nor the planning requirements drive the environmental regulation outcomes. Rather, consideration of the two elements through the planning process (if applicable) yields improved outcomes. The operator of an activity is required to comply with both approvals and the respective regulators should work together to ensure consistency in the decisions wherever practicable, available and possible (in the interest of greentape reduction). Likewise,the standard approval conditions should not drive the requirements of planning schemes or development assessment. It is important to note that many planning outcomes are focused on containing the impacts of the development within a particular zone or parcel of land, whereas, environmental licensing aims to contain the emissions of concern to a parcel of land (wherever practicable). The outcome of this may involve the addition of an explanatory note on any land use approval that identifies that other approvals (such as an environmental authority) could be required and may apply to the requirements of operating an activity on the site.

Enforcement

With the proposed split of conditions between the development permit and the environmental authority, so to a split of enforcement capability occurs. In regulating the environmental impacts of an ERA, the Environmental protection Act has evolved to provide a range of tools that can be used to address the issue at hand. The Sustainable Planning Act does not contain such a suite of tools and is relatively inefficient for dealing with issues requiring quick attention. Considering this, it is recommended that all conditions relating to an ERA be contained within the environmental authority so that these enforcement tools can be used appropriately. In doing so, there are savings in terms of delegations, authorisations and training for Authorised persons in enforcing the legislation.

Statement of Compliance

The Statement of Compliance tool is supported in principle. It is considered of great assistance in the appropriate staging of the approval processes for an environmentally relevant activity. The scope and application of it would require further guidance to ensure appropriate implementation. It is supported as it assists proponents to provide the appropriate information at the most appropriate timing of the process.

ERA Registration

In establishing the suitability of an operator, there is a need to set clear and transparent rules around what makes an unsuitable operator. The 2012 Bill provides the building blocks for clarity in this area. However, the Bill does not contain sufficient information about the mechanics of the proposed DEHP administered system. It is assumed that this will be developed as part of the review of the regulation. The key issues include:

- What level of access will the Administering Authorities (including Local Government) be provided? It is expected that there would be daily enquiries of such a system so to facilitate the administration of the environmental authorities and it is recommended that this be readily accessible.
- What processes, obligations and responsibilities are there for Administering Authorities to provide input to and evidence to support changes to the Register?
- Will the register be publically available?

Ancillary ERAs

The Bill does notaddress incidental activities associated with an ERA. If an activity is significant enough to trigger as an ERA (whether it is ancillary or otherwise), then they should be administered equitably. Where incidental activities would be the same as 'ancillary activities', this approach will have a significant impact on revenue to cover the cost of administration for the regulator. There may be a number of related activities being conducted by the operator, with each being of a reasonable component of the business. There is a need toadd clarity and transparency to this issue. It is suggested that the current system remain (i.e. some activities are automatically included as a part of the ERA – e.g. asphalt manufacturing and chemical storage) and others require additional arrangements. Another alternative is to establish fees for parent and child activities – i.e. whereby the main activity is charged at full fee and associated activities on the site being charged a proportion of the full fee so to recover administrative costs.

Corporate Authorities

It is generally supported that a single authority for multiple activities be continued to be implemented as long as cost recovery is available for the regulator. The concept of a corporate operator authority (where it is not restricted to one particular property) already exists in the Environmental Protection Act (i.e. multi-registration). The improvements suggested in the original greentape reduction discussion paper were about streamlined processes of monitoring, reporting, management systems etc. These concepts are generally supported and it is suggested that these be included into the current provisions to improve the system. This could be achieved by dividing the approval document into general conditions (which could contain 'standard conditions') for generic issues and another section for site specific requirements.

Changing Anniversary Date

The proposed changes to the process involved with changing the anniversary date of and environmentally relevant activity is supported as it reduces the inefficient process associated with the fee impacts.

Improving the quality of information

It is strongly held that the current lack of clear, concise and plain language guidance for regulators, industry and the community needs to be addressed and improved. The following initiatives are considered vital in this process so to support the effective implementation of the Bill / Act:

- education of proponents about what information is required to be submitted with their application (including implications of not providing a full application)
- the development of a contemporary and well researched Operators Compliance Guide (or similar) that has been based on contemporary scientific research, practicability, financial and social considerations (note, as previously supported by the Environmental Protection Partnerships Forum, DEHP should fund cooperatively with Local Government and DEEDI a review process similar to that undertaken by Brisbane City Council in reviewing some OCG's)
- provision of guidance about the best time for information and level of detail of information to be provided
- templates fact sheets, guidelines, flow charts etc
- advice about selecting consultants and the expectations of such services
- plain language information about the SPA ERA triggers
- information and clarification about the land use – environmental licensing relationship.

It is worthwhile noting that there are some activities that cannot, and should not, avoid the provision of detailed and complex information (e.g. noise or odour reports etc). This needs to be made clear to all parties involved.

The Bill does not extend to consider administrative opportunities for reducing green tape. It is supported that the Standard Criteria (and also the Environmental Management Decisions) be reviewed, updated, simplified and clarified so to support their more efficient use and application. The current practicability of these areinefficient, but is critical in delivering quality decisions. This should also be consulted through the Local Government Working Group and Panel.

The proposed creation of Guidelines under proposed sections 548 and 549 are generally supported for the matters raised above. However, the section 548 is not limited. Considering this, the scope of the section should be limited to issues of technical nature, consistency in application of law and similar issues and not about directions that Administering Authorities should take in their business.

Implementation Impacts on Local Government

Considering the number of times that the administrative systems associated with environmentally relevant activities has been changed since commencement of the EP Act, the administrative re-engineering efforts just to meet legislative change have been substantial. As stated in Council's submission to the 2011 Bill, most of the significant ERA licensing system reforms brought a significant cost imposition on Local Government, DEEDI and DEHP to implement the changes. So to minimise the costs of change, it has been previously suggested that the existing framework be modified to achieve the flexibility proposed by the 2011Bill, rather than changing the framework. In accepting the Government's drive to implement an Environmental Authority based system, significant changes to administrative systems, processes, documents, scripting as well as staff training and customer management will be borne by the Administering Authorities. This correlates to significant cost implications. It does not appear that these have been considered in the calculations being made throughout the development of this Bill. Although Ipswich City Council is yet to fully determine the costs of these administrative activities (as it cannot be determined from the

information available), it is expected to be in the many thousands of dollars to implement. This is not considered to be appropriate when alternative models could reduce such costs.

The further reduction of Greentapecosts borne bythe Administering Authorities can be minmisedby a strong commitment by DEHPin providing the necessary support, training and resources as part of the implementation of the Bill / Act. This would include, but not be limited to the following: interpretation tools, flow charts, template documents and letters, transitional understandings / fact sheets, identification of likely system changes, officer training etc.

It appears from the information available with this project, that the changes will commence at a date to be proclaimed. This is supported to be a commencement date that is following a reasonable amount of time during which the changes can be undertaken ready for implementation following commencement. This is vital to an efficient transition as has been demonstrated through numerous errors of the past. The transitional arrangements appear to be appropriate subject to the above support being provided. Council looks forward to working with DEHP, other LGs, and representatives of the community and industry in progressing the transitions.

Although not specifically addressed by the Bill, the review of Environmentally Relevant Activities, especially the deregulation of particular activities, will result in greater regulatory burden being placed on Local Government and this is not supported, unless it is appropriately financially and otherwise supported to take on the expanded responsibility.

Ongoing Support

Council looks forward to the open and ongoing effective engagement with DEHP, industry and the community on this legislation and the implementation of the new framework. This is expected that this will commence with Regulation changes (including a review of the environmentally relevant activities), the allocation of environmentally relevant activities to standard and site specific assessment processes and Guideline development. As part of the implementation of these changes, Council will be looking to the State to show their leadership and significantly assist the Council effectively and efficiently implement the legislation.

Comments regarding Specific Provisions of the Bill

The following are comments relevant to specific sections of the Bill:

Section Name or number*	Comment	Proposed solution
173(1)(b)	This is not required and should be deleted. This is because one must be a suitable operator before an Environmental Authority can be issued.	Delete 173(1)(b)
198(1)(b)	This refers to conditions that the applicant has not agreed to, however, there appears to be no reference to when, how and why an applicant would be given the conditions seeking their agreement	Clarify this requirement or delete.
200(1)	Each of these trigger dates could be included in an Environmental Authority. It is suggested that these 3 triggers be listed as a hierarchy so to avoid confusion.	Amend the provision.
204(2)	This could easily be included as a standard condition as detailed in Section 318D (p142 of the 2012 Bill)	Consider the removal of subsection (2)
214(1)(c)	This refers to section 321(4)(b). It is believed that this should be section 321(4).	Confirm correct provision
318D	Consider the inclusion of the requirements of section 204(2) as a standard condition.	Consider amending the section.
318J	This could be confusing and problematic. An operator may receive their notice under section 318I(1)(a) but their name may not be entered into the register as required by section 318(1)(b). It is	Consider amending the section

Section Name or number*	Comment	Proposed solution
	suggested that the registration takes effect on the business day following the achievement of section 318I(1)(a) is undertaken.	
Division 2 – Environmental Audits	It is suggested that the following note be added: "An environmental report about an environmental audit must be prepared by an auditor. See section 574A.	Consider adding note.
326E	The person preparing the environmental evaluation should also provide a declaration similar to that provided by the recipient. The declarations appear to address the recipient providing information etc to the preparer of a report but no provision addressing the author of the report about similar standards. The linkage to sections 564-566 could be improved if relevant.	Consider adding this requirement
326F(1)	The term environmental investigation be replaced with environmental evaluation as the scope of the provision should apply to audits and investigations.	Consider amendment
326G(1) and 326G(3) and 326G(5)	The term environmental investigation be replaced with environmental evaluation as the scope of the provision should apply to audits and investigations.	Consider amendments
326H	The reference to section 326G be amended to show 326G(4)(a)	Consider amendment
326I(2)	The term environmental investigation be replaced with environmental evaluation as the scope of the provision should apply to audits and investigations.	Consider amendments
Clause 10 (exclusion of s 328)	This provision generally enabled extensions of time for considerations of detailed and complex issues. It is suggested to be retained, but aligned with the other information request response	Consider amendments

Section Name or number*	Comment	Proposed solution
	period timeframes within the Bill.	
Clause 24 (Amendment of s 347)	The term “prescribed transitional environmental program” is limited to activities that do not hold an environmental authority. It is unclear why sites with an environmental authority would be excluded from this provision. It is suggested that irrespective of the transitional environmental program, that this be notified.	Consider amendment
677(4)	This does not address a situation where the anniversary date has been changed after the original date being set in accordance with the Act. It is suggested that this be modified to also reflect changed anniversary dates.	Consider amendment
679(4)	This does not address a situation where the anniversary date has been changed after the original date being set in accordance with the Act. It is suggested that this be modified to also reflect changed anniversary dates.	Consider amendment
680(3)	This does not address a situation where the anniversary date has been changed after the original date being set in accordance with the Act. It is suggested that this be modified to also reflect changed anniversary dates.	Consider amendment
Division 4 – Decisions under Chapter 7	• 326B(2) - change prescribed activity to an activity • 326C(1)(c) – change a prescribed activity to an activity • 326(4)(b) – change investigation for a prescribed activity to evaluation • 326I(4)(b) change investigation to evaluation	Consider amendments

Section Name or number*	Comment	Proposed solution
	• 326I(4)(b) delete for a prescribed ERA	
Definition – environmental offence	These are a great start on defining suitable v unsuitable operator. It is suggested that the scope of this could be broadened to include breaches of Environmental Protection Orders (not including those of a minor or administrative nature), continuous operation of an ERA without registration / EA, convictions for major environmental breaches.	Consider amendment

Section Name or number*	Comment	Proposed solution

QUEENSLAND resources COUNCIL

Working together for a **shared future**

5 June 2012

The Research Director
Agriculture, Resources and Environment Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Hansen

Thank you for the opportunity to make a supplementary submission on the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2011* (the Bill). The Queensland Resources Council (QRC) is pleased the Bill was re-introduced and continues to support the purpose and initiatives drafted in the Bill.

As you know, the QRC is a not-for-profit peak industry association representing the commercial developers of Queensland's minerals and energy resources. QRC works to secure an environment conducive to the long-term sustainability of minerals and energy sector industries in Queensland.

QRC would like to confirm the validity of its previous submission on the Bill submitted to the Environment, Agriculture, Resources and Energy Committee on 16 December 2011. QRC supports the purpose of the Bill to reduce greentape on environmental approvals, including creating a single information stage and removing duplicative processes submitted under an Environmental Impact Statement process.

Thank you for the opportunity to comment on the re-introduced Bill. If you would like any further information please feel free to contact QRC's Industry Policy Adviser, Katie-Anne Mulder, who can be contacted on 3316 2519 or Katie-annem@qrc.org.au.

Yours sincerely

Michael Roche
Chief Executive

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A non-profit community legal centre

6 June, 2012

Submission to the Agricultural, Resources and Environment Committee

EP (Greentape Reduction) Bill 2012 ("Bill")

Chair Mr Ian Rickuss, MP for Lockyer

Issues	Development under the Sustainable Planning Act 2009	Mining or petroleum activity application under the EP Act as amended by Bill	Recommended Change to Bill	Reason
Comparing physical footprint and duration of urban developments and mining and petroleum activities	House renovation in character area Eg 600 sq metres 40 years Shopping centre Eg 1hectare 30 years Large residential development 5 or more hectares 40 years	Wandoan Coal Mine 32,117 hectare 30 years minimum life, Alpha Tad Coal Mine & Rail Over 55,300 hectares 30 years minimum life Avon Downs and McNaulty Project Area coal seam gas 16,300 hectares 20 years or over for gas field	Mining activities and coal seam gas activities need longer and fairer opportunity for public scrutiny and improved access to information.	Fair go for the community. Mining and coal seam gas activities have major environmental impacts and physical footprints and duration in time compared to urban developments. Mining and gas companies can afford extensive legal help. So this needs to be balanced to help the community
Public Submission Period on application	15 business days minimum to 30bd minimum s298	Minimum 20 bd s154, 155	Insert minimum 50 bd in new s154 and 155	Takes time for individual or community group to hear submission period is open, obtain information, read information maybe including 5,000 page EIS, talk to

			Amend s151 to provide that: An applicant may start the notification stage as soon as the application stage ends for the application <u>unless a submission period has not ended for another application in the same basin.</u>	friends or arrange meeting of group, consider obtaining expert advice or legal advice, find adviser who can help (almost no legal aid) seek meeting with agencies to discuss matter, receive and draft submission. ALL OUTSIDE BUSINESS HOURS There are over 30 new or expanded coal mines proposed in Queensland and expected to undergo assessment in the next 2 years and many thousands of proposed gas wells. The community can't effectively respond to multiple applications at the same time.
Don't count Christmas or Easter break in days for submissions or appeals	Some business days excluded s127 (2) (b) must not include any business day from 20 December in a particular year to 5 January in the following year, both days inclusive.		Insert new **s155A Exclude some periods from business days,** "When calculating the submission period for all applications, and the time for calculating any appeals, business days must not include any business day from: (a) 13 December in a particular year to 12 January in the following year both days inclusive; or (b) the five days after Easter Sunday	Community groups might be caught out unawares by activities being publicly notified in and around holiday periods. Both Christmas and Easter are key time when people go away or generally switch off from looking at public notices. For fairness to the community those periods ought not to be counted in the public submission period or any appeal
Public access to information requests and responses and changed applications	Includes information requested by agencies and the answers by the applicant	Not included ins157 and definition of "application documents"	Insert "information requested by agencies and answers by the applicant" AND "any changes to the application proposed or agreed" in definition of "application documents" Insert "application documents"	The full information and agency views are important for the community to see when doing their submission or later considering an appeal. The community needs to know if an application is changed. We need consistent definition of

			instead of application in s157(1)(a)and (c)	application documents used in s157 as is used in s156 These amendments are tidy up amendments.
Public Access to information- public register		Public register includes "monitoring programs" carried out under conditions of an environmental authority s540(c)	Insert after "monitoring programs carried out" the words "or audits or reports or plans required to be prepared" s540	If an environmental authority requires a report to be prepared or an operational plan to be produced, then the public ought to be able to inspect a copy to see if the company is complying with the law. Otherwise that community member needs to go through months for a Right to Information request which is inefficient.
Standard criteria		The definition of "standard criteria" does not include environmental harm	Insert "environmental harm" in the definition of standard criteria	Environmental authorities authorise environmental harm, so this amendment would make it clear this central concept of the EP Act was relevant to decisions on applications for environmental authorities.
Requirements for Applications generally- amendments to match concept of environmental harm		S125(1)(l)(i) (A), (B), (C) does not precisely reflect the concept of environmental harm	Amend, 125(1)(l)(i)(A) should instead read: "a description of the environmental values ~~likely to be~~ potentially adversely affected (whether temporary or permanent and of whatever magnitude, duration or frequency) by each relevant activity" Amend,125(1)(l)(i)(B): should instead read: "details of any potential emissions or releases ~~likely to be generated by~~ which are a direct or indirect result of each relevant activity" Amend 125(1)(l)(i)(C) should instead read: "a description of the risk and likely	As environmental harm is a central concept of the EP Act, it is important for the application requirements to reflect that concept neatly.

			magnitude of potential impacts on the environmental values;"	
Requirements for Applications generally-extra elements for application to match concept of environmental harm		S125	Insert new 125(1)(l)(i)(AA): "a description of the character and resilience of the receiving environment to the potential adverse impacts" Insert new 125(1)(l)(iv) "if the results of any calculations or modelling is relied on in the application, include sufficient information to allow independent replication of those results including any input data, formulas, assumptions or methodologies"	To accord with the standard criteria, of key relevance To enable peer review by government and the public of the information provided. It would be useful for a similar section to go in Chapter 3 about EIS and also the State Development etc Act. about EIS.
Special provisions for applications for coal seam gas EAs		S 126	Insert new 126(1)(g) "the intended locations of all activities, facilities and supporting infrastructure including dams, pipelines, power lines and roads"	To enable assessment of the localised impacts by affected landholders:

Jo-Anne Bragg.

Jo-Anne Bragg

Principal Solicitor

Environmental Defenders Office (Qld) Inc .

Note brown shaded areas is new material compared to what was already mentioned in oral hearing

Greentape Reduction Bill – review paper by FOSEQ

For Parliament Public Hearing Wed 6 June 2012

"Friends of South East Queensland" (hereafter FOSEQ) is operating in its 12th year. Its founding principles are based on the Earth Charter and FOSEQ has 6 functions. One of its functions is to be a watchdog for government systems, until a Queensland Sustainability Commissioner is established.

FOSEQ was represented in departmental debates and workshops on DERM actions arising from proposed Greentape Reduction. Robyn Keenan and Terry Templeton met with the then Minister and provided background papers to illustrate concerns about the internal decision making.

The original bill was available for review in December 2011, and submissions were invited. Few were received. The government changed in April, 2012. The revised bill was circulated last week. A public hearing and comments in Parliament are invited on Wed 6 June 2012.

Greentape reduction relates to streamlining approvals for activities that do, or have potential to do "environmental harm".

Our concerns relate to restricted democracy.
We seek opportunity for community reviews of proposed & amended activities.

Investment in prevention is wiser and more effective than expensive enforcement, remediation, and rehabilitation. Anticipating consequences is fundamental to sustainable development.

This bill interacts with EPA, SPA, (CSG) Petroleum Act and range of mining Acts, Aboriginal and Torres Strait Islanders Cultural Heritage Acts, Coastal Management Acts, and several Water Acts.

Our major issues are:

1. **Community consultation** was originally drafted as only "10 days for comment". This is unacceptable when most community groups only meet once a month.
2. **Notification** of proposed material change of use has been drafted to minimise public awareness.
3. Amendments have been streamlined so this may mean no **public awareness of major and minor changes** to original proposals. Some changes have significant impacts.
4. Proposals within **State Development Areas**, like Bromelton Industrial Area and ULDA (new cities for Urban Land Development Authority) may not be required to be made available to the public.
5. The micro levels we were involved with previously are not evident in the bill.
6. Cost effective training should include worse-case scenario **hypothetical training** for staff and key stakeholders, so roles can be understood in cases of emergency.
7. **Definitions** in this bill should reflect those in the EPA "environmental harm" and SPA purpose "ecological sustainability".

The following matrix provides an overview of case studies pertinent to SEQ.

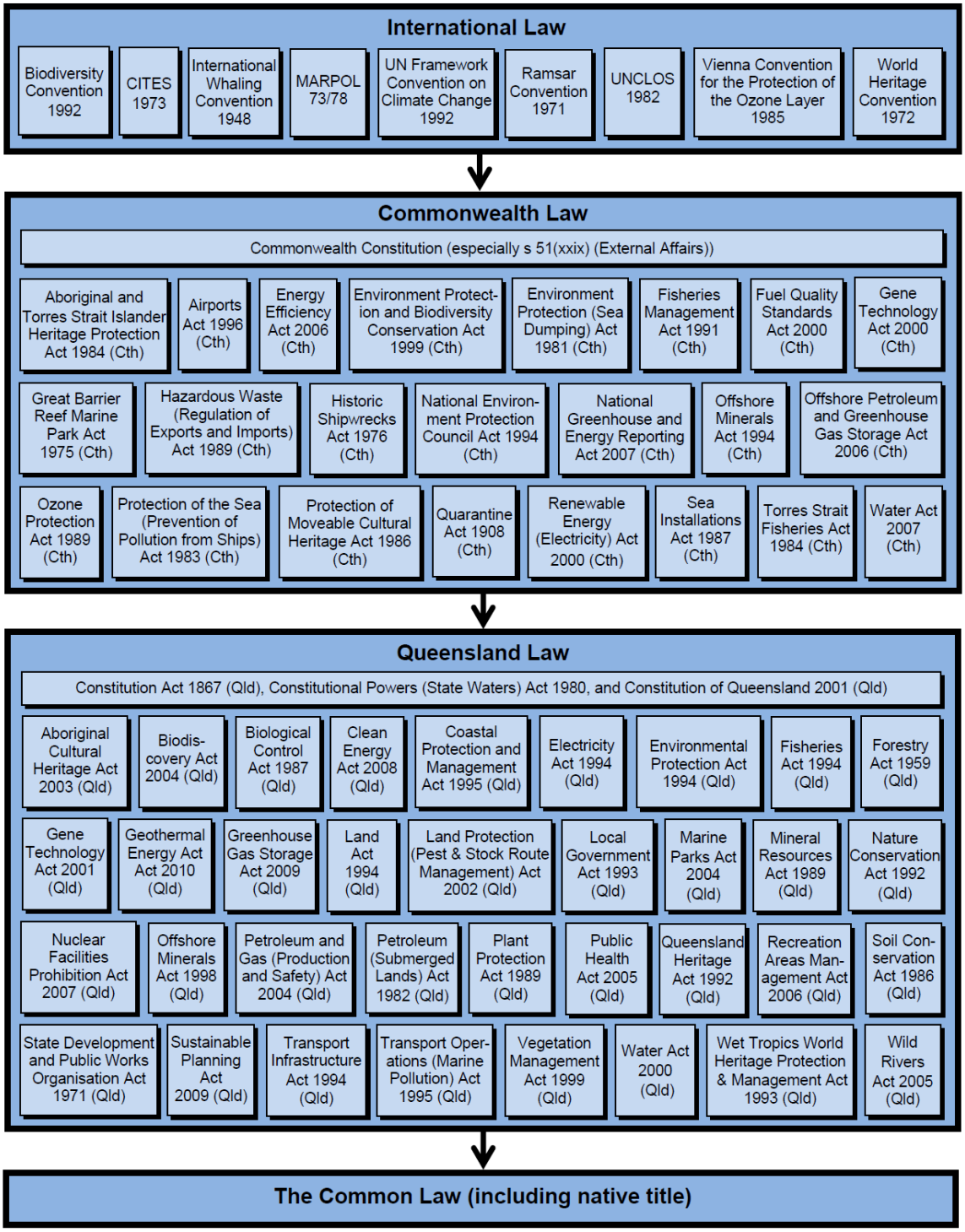
	CSG	Chook sheds with tunnel ventilation	Intensive caravans	High impacts & toxic industry
Risk	Community, air, water, great artesian basin	Community, air, human health, biosecurity, water	future and existing communities	Community, waterways, air
Responsibilities	unsure	Devolved systems	renters	Devolved nobody
Rights	Mining company	The chooks, not people, not contractors	unsure	Land manager
Rewards	Mining company	Parent company	Land owner	Warehouse managers
Rehabilitation	The last one standing			

Parliamentary Researchers advise that, in summary, the 2011 Bill was changed by:

1. Inserting definitions of 'eligible activities' and 'ineligible activities' to tidy up the drafting around the use of eligibility criteria to categorise low-risk ERAs
2. Changing the requirement for a 'statutory declaration' to a 'declaration' to accompany certain documents to facilitate online lodgement
3. Preserving the status quo that that Land Court is not required to make a decision if all objections are withdrawn
4. Changing the appeal time to refer an environmental authority relating to a mining lease to match other appeal timeframes (i.e. 20 business days)
5. Preserving the status quo that allows an environmental authority to be amended for any reason, provided the holder has consented to the amendment in writing
6. Preserving the status quo in the consideration of contaminated land issues in the surrender of environmental authorities
7. Amendments to facilitate online registers
8. Preserving the status quo that allows the anniversary day of the environmental authority to be amended with the consent of the holder in writing
9. Requiring the department to assess registration, cancellation and suspension of suitable operators, rather than having this function split between the department and local governments. This will reduce the regulatory burden on local governments
10. Clarifying the power to make statutory guidelines to refer to specific guidelines for regulatory requirements, and general guidelines to inform people
11. Transitional provisions to facilitate a smooth transition to the new streamlined process
12. Changes to the consequential amendments to the *Mineral Resources Act 1989* to align with other proposed amendments
13. Preserving the status quo for the powers of the Coordinator-General
14. Minor, technical amendments identified by the Office of the Queensland Parliamentary Counsel

References for FOSEQ decision making and scope .(Dr Chris McGrath 2011; England 2011; Environmental Defenders Office 2009)

Figure 1: Major pieces of the Queensland environmental legal system

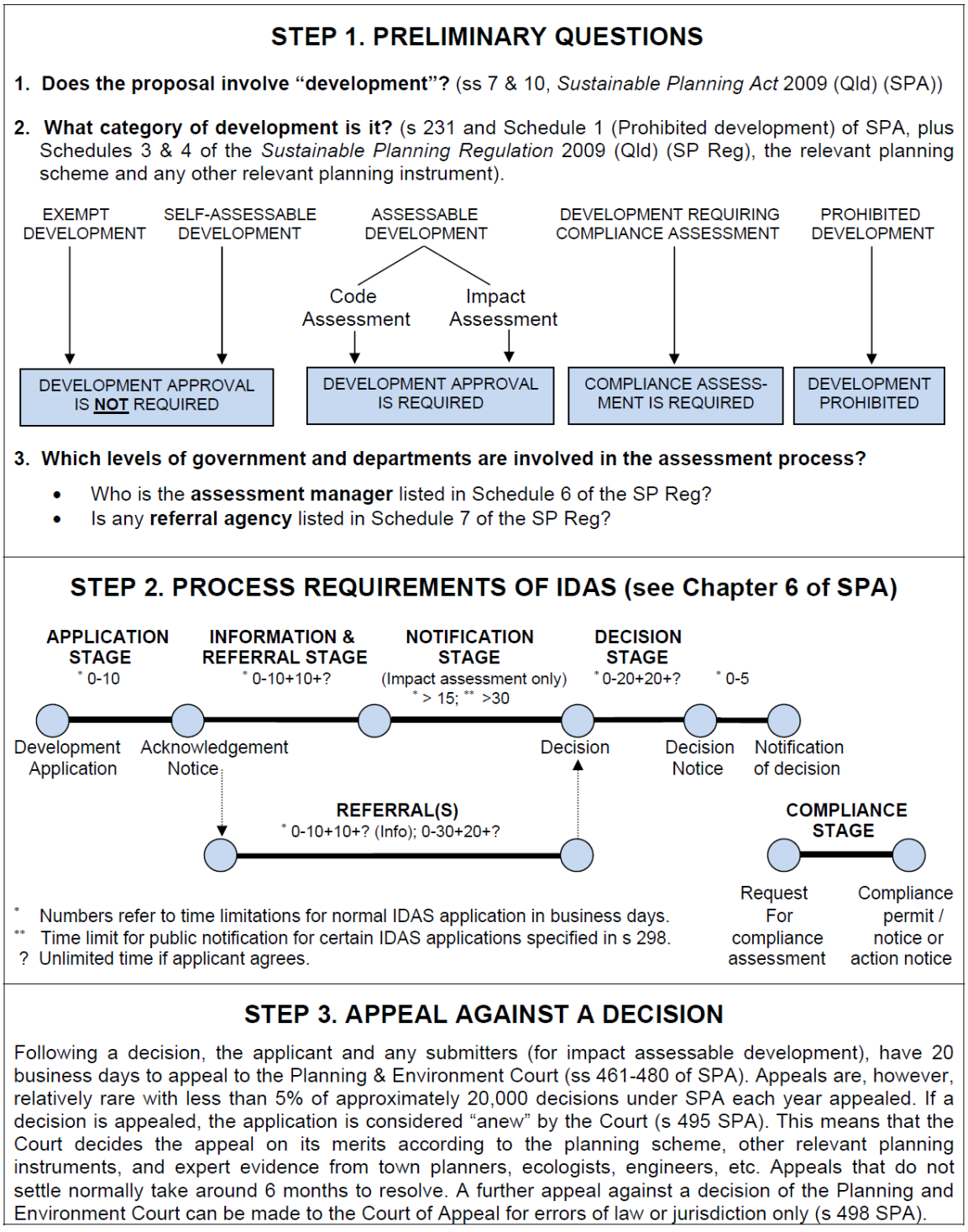


Appendix 2: Jurisdiction of State and Federal courts & tribunals relevant to environmental law in Queensland

	Subject area / jurisdiction	Relevant court or tribunal
1.	Planning appeals, development offences and declarations under the *Sustainable Planning Act 2009* (Qld) (SPA)	Planning and Environment Court (see Chapter 7 of SPA) **
2.	Applications to restrain offences against the *Environmental Protection Act 1994* (Qld) (EP Act)	Planning and Environment Court (see ss505 & 507 of the EP Act) **
3.	Applications for declarations and enforcement orders for offences under the *Nature Conservation Act 1992* (Qld)	Planning and Environment Court (see ss 173B and 173D of the *Nature Conservation Act 1992* (Qld) **
4.	Objections to an environmental authority (mining lease) under the EP Act and a mining lease under the *Mineral Resources Act 1989* (Qld)	Land Court (see ss 219-228 of the EP Act, ss 260-269 of the *Mineral Resources Act 1989* (Qld) and *Land Court Act 2000* (Qld)) ***
5.	Appeals by applicants and, for level 1 petroleum activities, by submitters against environmental authorities for petroleum activities under EP Act.	Land Court (see ss 520-539 of the EP Act and *Land Court Act 2000* (Qld)) ***
6.	Appeals against certain decisions under the *Fisheries Act 1994* (Qld)	Queensland Civil & Administrative Tribunal (QCAT) (ss 185-186 of the *Fisheries Act 1995* (Qld)) **
7.	Appeals against various decisions under the *Water Act 2000* (Qld)	Magistrates Court of Queensland, Land Court or Planning and Environment Court (see s 877 of the *Water Act 2000* (Qld)) **
8.	Appeals against permit and licence decisions under the *Nature Conservation (Administration) Regulation 2006* (Qld)	Queensland Civil & Administrative Tribunal (QCAT) (see s 105 of the *Nature Conservation (Administration) Regulation 2006* (Qld))**
9.	Applications for an injunction to restrain a public nuisance, private nuisance or interference with riparian use rights at Common Law	District Court of Queensland (if unimproved value of property affected is less than $200,000) or Supreme Court of Queensland (if greater value) *
10.	Judicial review of Queensland government administrative decisions (other than planning decisions under SPA)	Supreme Court of Queensland (see *Judicial Review Act 1991* (Qld) and s 575 of the SPA) *
11.	Applications for injunctions under the EPBC Act	Federal Court of Australia (s 475 of the EPBC Act) *
12.	Merits appeals against certain decisions under the *Great Barrier Reef Marine Park Act 1975* (Cth) and specified other Commonwealth administrative decisions	Administrative Appeals Tribunal ** (jurisdiction provided under various legislation)
13.	Judicial review of Commonwealth government administrative decisions	Federal Court of Australia or Federal Magistrates Court (see the *Administrative Decisions (Judicial Review) Act 1977* (Cth)) *
14.	Criminal prosecutions under all Queensland or Commonwealth environmental legislation	Magistrates Court of Queensland (for summary offences) or District Court of Queensland (if prosecuted on indictment) **
15.	Appeals from Queensland courts and tribunals	Queensland Court of Appeal * (Civil ** (Criminal)
16.	Appeals from Federal Court	Full Court of the Federal Court *
17.	Constitutional issues & final appellate court	High Court of Australia * (Civil appeals) ** (Criminal appeals)

* Normal costs rule applies (i.e. the losing party pays winning party's legal costs).
** Own costs rule applies (i.e. subject to limited exceptions, each party bears their own legal costs).
*** Neither normal costs rule or own rule applies (see *Alison Nominees Pty Ltd v Wallace & Anor* [2013] QLAC 0002).

Appendix 5: Integrated development assessment system (IDAS) flowchart



Dr Chris McGrath, *Synopsis of the Queensland Environmental Legal System*, 2011, Environmental Law Publishing, Brisbane.

England, P 2011, *Sustainable planning in queensland*, Federation Press.

Environmental Defenders Office 2009, *Community litigants handbook: Using planning law to protect our environment*, Second edn, Environmental Defenders Office (Qld), West End, Queensland.

Submission Greentape Reduction Act 2012

QMDC's submission on the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012

Submission To:
The Research Director
Environment, Agriculture, Resources and Energy Committee
Parliament House
George Street
Brisbane, QLD 4000
EMAIL: earec@parliament.qld.gov.au

Submitting Organisation:
Chief Executive Officer
Queensland Murray-Darling Committee Inc.
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Email: geoffp@qmdc.org.au

This submission is presented by the Chief Executive Officer, Geoff Penton, on behalf of the Queensland Murray-Darling Committee Inc. (QMDC). QMDC is a regional natural resource management (NRM) group that supports communities in the Queensland Murray-Darling Basin (QMDB) to sustainably manage their natural resources.

QMDC's activities are influenced by its member organisations with representation from a wide range of community interests e.g. Aboriginal Traditional Owners, Landcare groups, catchment management associations, conservation groups, local government and rural industries. The primary role of QMDC's member delegates is to provide strategic direction for the delivery of natural resource management in the QMDB, based on their area of interest.

1.0 Background

This submission has been updated to address the proposed 2012 amendments. QMDC is concerned that its previous submission on the Greentape Reduction Bill has not been accepted by the previous Committee as part of due process. The lack of consultation and engagement with NRM bodies is of major concern and results in a missed opportunity for legislators to develop environmental law that advances NRM principles.

QMDC is actively committed to influencing environmental legislation and policy through both community stakeholder engagement and government regulatory processes. QMDC supports environmental regulation that provides a high level of protection for the QMDB consistent with the aspirations of the Regional NRM Plan. QMDC asserts "Greentape reduction" and reforming licensing under the *Environmental Protection Act 1994* (EPA) (licensing regulatory reform) must take into consideration not only the individual impacts of each development or business licence application but also **the cumulative impacts** of both a whole industry e.g. CSG mining and the total number of businesses or industries impacting on the ecologically sustainable development of a region.

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QMDC recognizes that the health of the economy and social fabric of the people of the QMDB depends on the health of the natural resources. QMDC is committed to working towards this goal through processes that constantly seek to improve on current policy and legislation. QMDC's response to the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* (the Act) is informed by its own experiences with environmental law processes and in collaboration with key regional stakeholders including the people of the region's communities whose business and interests involve managing the region's natural resources.

There is a community expectation that there is an environmental bottom line that provides a high level of protection for a set of minimum standards of environmental management.

QMDC is one of fourteen endorsed regional NRM bodies in Queensland with specific expertise to offer in regards to the strategic direction of environmental law in Queensland. None of these NRM bodies were consulted as key stakeholders during the early consultations on the proposed EPA and other legislative regulatory reform. NRM bodies therefore offer a significant opportunity to gauge relevant issues affecting their regions and the communities they work with. This lack of early recognition as key stakeholders is reflected in the flawed approach taken by the Act to environmental protection, community engagement and a number of other key areas of change.

2.0 General comments

QMDC's major concern is that industry is the driver for licensing regulatory reform and the argument for amending the current law is couched in terms such as reducing compliance and administrative costs to industry and government. The need to uphold environmental standards is an important factor for QMDC and the communities it serves. QMDC believes the Act compromises those standards in a number of its clauses, which will be discussed below as specific comments.

Please note QMDC has not been able to make all the comments it would like to on specific clauses owing to the restriction of time made available to comprehend and analyse all the proposed amendments to the legislation.

QMDC posits that businesses should not solely be viewed as what is needed to maintain a strong economy in Queensland. Particularly given the economic reliance that tourism, agriculture sectors have on the state of our natural resource assets. Economic theory informing licensing regulation must highlight the importance of ecosystems, equity and governance and have its roots in valuing natural and social capital in its economic analyses. Ecological economics that integrates natural and social capital into traditional economic theory will assist regulatory processes to improve in a manner that develops the region's future direction in a more sustainable manner. If, the maintenance of industries such as CSG and coal mining, is considered the most important currency then the market and its dominant form of capital will continue to undermine the intention of environmental law and its protective mechanisms.

QMDC in its previous submission on the *Greentape Reduction discussion paper* argued that the stated principles guiding the development of the reform initiatives were not the most appropriate ones.

QMDC considered the key aim to reduce costs and to develop reform in accordance with the 5 identified principles as contrary to the object of the EPA to improve the total quality of life, both now and in the future by maintaining ecological processes on which life depends.

QMDC asserts that greater consideration should be made to the findings of State of the Environment Report 2007, namely the successful application of the EPA. QMDC do not see the changes in public expectations of industry strongly reflected in the Act and its proposed regulatory reform.

QMDC agrees that legislation should be reviewed periodically to ensure legislation remains on par and supports best practices. However QMDC asserts the starting point for reform to the EPA must be ensuring its objectives are furthered by reform and not watered down because of industry having issues with the costs or the requirements of compliance. If there is a better way to ensure compliance with the objectives QMDC believes the protection of the environment must be the baseline from which any reform needs to start. A comprehensive understanding of the projected impacts of industry and business and compliance with the EPA in the QMDB should be explored in relation to the impact on the region's natural resources and other assets as identified in the Regional NRM Plan.

Overall QMDC is concerned that this entire legislative change is swimming against the tide of community expectations of government. In our opinion the community expectations of government to improve transparency of decision making, improve governance and safeguard environmental values and assets in balance with economic and social development have swung from development at almost any cost to genuinely seeking a balance of protecting our natural environment whilst developing a sustainable economic platform.

This Act seems to want to remove some safeguards for environmental management behind a façade of improved administrative efficiency. In our view there are other mechanisms that could improve administrative efficiency whilst not opening the door to environmental asset degradation (e.g. threshold limits that are discussed in the body of our submission).

In recent years, community awareness, concern and willingness to be directly involved in environmental and community improvement projects has dramatically increased. Events such as the Brisbane floods, the Gulf of Mexico oil disaster, the aftermath of the Victorian fires, Queensland's CSG industry development, the increased membership of Surf Lifesavers' Association, are all examples where the community's capacity to be directly involved and well informed has increased.

The overall thinking behind this Act needs further serious consideration to ensure the proposed machinery of government changes is not conflicting with good governance and community expectations.

3.0 Specific Comments

3.1 Clause 5 Amendment of s 51 (Public notification) (SEE p.23 of the Bill)

Recommendation:

1. **That a code of conduct for community engagement and disclosure of information is developed addressing:**

a. **Community expectations for a more enduring and direct role in the planning, decision-making and implementation of natural resource policies and activities as they relate to mining and energy industry impacts.**

b. **Timely and adequate notification of proposed developments, particularly to local governments and communities where the development and associated developments have the potential to impact on the planning and resourcing of supporting infrastructure, services and land use e.g. Industrial and residential zoning, refuse management, sewerage management, roads, infrastructure, services (health, police, schools), airports, and emergency services.**

c. **Engagement that is timely, meaningful and relevant and conducted appropriately for each stakeholder.**

d. **Public notification of and access to approved Environmental Authorities or Licenses and consultation with regards to any proposed changes to Environmental Authorities.**

e. **Timely and public disclosure of monitoring requirements, and subsequent results for the condition and trend of natural resource assets including site, total and cumulative impacts as they relate to the mining and energy industry.**

f. **Notification to landholders of all chemicals stored and used on the property. Further contingency planning is needed across industries for risks associated with direct contamination to livestock, food and fibre crops; failure to comply to declaration of chemicals and withholding periods by landholders; compensation for lost sales and any industry impact.**

g. **Public notification of breach of conditions and public access to complaints registers is maintained.**

3.2 Clause 8 Insertion of new chs 5 and 5A

3.2.1 Clause 112 Other key definitions for ch 5 (SEE pp.25 - 26 and other related clauses of the Act)

"*Eligibility criteria*" are a crucial component of the Act, which many other sections must be in accordance with. QMDC is concerned that this Act will be passed without public consultation on the *eligibility criteria*. Public consultation will provide industry, local government and community certainty.

At the very least QMDC recommends the inclusion of a threshold limit within the *eligibility criteria*. This would provide greater clarity and certainty because thresholds limits would help to define those natural resource assets identified as being both statewide and regionally at risk to the impacts caused by activities and infrastructure of industries and businesses.

Setting threshold limits for natural assets (water (surface and groundwater); vegetation & biodiversity; land and soils; air; nitrogen, phosphorous, carbon elements) will help the Bill to identify whether a new development or existing industries or businesses can operate without causing impacts, for example, generating or disposing of levels of waste that will cause unacceptable impacts on those assets within the defined threshold limits.

The *eligibility criteria* will then be able to define and provide:

- "no go" zones;
- clear and predetermined standard environmental practices acceptable under legislation e.g. safe effluent disposal, no net loss environmental offset programmes, defined buffer zones for activities and infrastructure against stream order classifications, set road heights on floodplains, stream water quality discharge limits etc;
- more efficient administrative processes within the Act.

Recommendations:

1. **That the inclusion of threshold limits are included within the *eligibility criteria***

2. **That a public consultation process be commenced before the Act is passed to make comment on the *eligibility criteria***

3.2.2 Clause 114 Stages of assessment process (SEE p.27 of the Act)

QMDC is concerned that when each stage does not apply, key issues may slip through the safety net and opportunities for public consultation will be lost creating a lack of transparency and confidence in the process, for example, will the public be notified or advised as to which stage each application sits and which stage it is exempt from?

3.2.3 Clause 119(4)

QMDC is concerned that the amalgamation or transfer of an authority to another authority may not result in a transparent process and serve to undermine the accountability of holder of a single EA.

3.2.4 Clause 121 Types of application (SEE p.31 of the Act) QMDC still has reservations about the designated types of applications but has not had adequate time to gain legal advice and thereby provide recommended changes on the relevant clauses.

3.2.5 Clause 124 What is a *site-specific application* (SEE p.31 of the Bill)

The Act offers a limited definition with regards to a site-specific application in comparison to the other two types of application (**SEE clauses 122 & 123 at pp. 31-32 of the Act**). QMDC is concerned that the clause's attempt to "catch all other" applications that do not fit definitions as those prescribed in **clause 122 & 123** will provide opportunities for anomalies to arise when other relevant clauses are to be implemented against the site-specific application. QMDC recommends refining the definition in line with the detail afforded the *standard* and *variation* applications.

Recommendation:

1. **That a detailed definition is provided for a site-specific application.**

3.2.6 Clause 125 Requirements for applications generally (SEE clause 125 at pp.32 – 35 of the Act)

QMDC does not believe a declaration is the most appropriate mechanism to ensure *eligibility criteria* is met. What steps will be taken if a declaration made and it is determined criteria is not actually met by the applicant. What checks are going to be in place to ascertain whether the criteria are being met by the applicant at the first instance? QMDC recommends refining this process to provide clarity and transparency. **(SEE clause 125 (1) (j) at p.32 of the Act)**

QMDC is concerned that amending this clause in 2012 so that a simple declaration can be made instead of a statutory declaration although it may enable online administration does not facilitate a full consideration of eligibility criteria . Indeed it may provide an even easier path for EA applicants to avoid due consideration of essential key criteria. See also other related clause e.g. 158,159, 164.

The exception afforded a *standard application* under **clause 125(1)(l) (SEE pp.32 – 35 of the Act** is of concern to QMDC because of the issues raised in paragraph 3.2.1.of this submission If the *eligibility criteria* are prescribed for *standard applications* how will the impacts be measured and recorded for public scrutiny.

How are the environmental values defined and measured for the description required under **clause 125(1)(l)(i)(C)**? Are values attached to water, air, biodiversity, vegetation, social and economic well-being of community addressed under this clause? Are cumulative impacts to be considered also? Where are impacts on community infrastructure and socio-economic wellbeing, air quality, water quality and quantity, biodiversity, vegetation, regional ecosystems etc clearly addressed in **Division 3** of the Act?

QMDC does not support the applicant being able to state when it "*wants*" an EA to take effect in accordance with **clause 125(1)(m)(SEE p.33 of the Act).**

Recommendations:

1. **That these issues be considered and addressed accordingly.**

2. **That the requirement for statutory declarations not be removed.**

3. **That a public record be made available recording the assessment of the standard application against matters as outlined in clause 125(1)(l) to (n).**

4. **That clause 125(1)(m) be removed from the Act.**

3.2.7 Clause 126 Requirements for site-specific applications – CSG activities (SEE pp. 34 -35 of the Act)

QMDC recommends **clause 126(1)** be expanded to include a statement regarding greenhouse gas and dust emissions, noise and lighting impacts, soil impacts, weed and pest threats/biosecurity risks, loss of biodiversity and vegetation, the quantity of water required for camp services, quantity of other types of waste (construction materials, sewage, food scraps, tyres etc

QMDC strongly disagrees with **clause 126(2)** and recommends it be removed from the Bill. Having a feasible alternative to an evaporation pond should be an essential component of the *eligibility criteria.*

Recommendations:

1. **That clause 126(1) include other identified key environmental risks and impacts.**

2. **That clause 126(2) be removed from the Act.**

3.2.8 Clause 138 When information stage applies (SEE p.41 of the Act)

This clause raises the same concerns as per **paragraph 3.2.5** of this submission.

3.2.9 Clause 139 Information stage does not apply if EIS process complete (SEE p.41 of the Act)

Who deems *environmental risks* have not changed? QMDC is concerned that if there is no formal process to require the *information stage* for an applicant's proposed project because the EIS is complete, a review of environmental risks to consider any key changes during the time that has lapsed since the EIS is necessary. This will enable the application to be assessed according to better scientific data and knowledge on more current environmental risks, best business practices, threshold limits, community aspirations and the cumulative impacts to natural resources in the region of the application.

The clause may capture substantial changes in the environment owing to natural disasters, but will it capture the risks associated with climate change, or the cumulative impacts of other development and industry. This may pose new risks not originally contemplated.

3.2.10 Clause 150 Notification stage does not apply if EIS process complete (SEE pp.46-47 of the Act)

QMDC wishes to raise the same concerns as outlined in **paragraph 3.2.9** above.

3.2.11 Division 2 Public notice (SEE pp.47 – 52 of the Act)

Please refer to recommendations made in **paragraph 3.1** of this submission.

3.2.12 Clause 157 Public access to application (SEE pp.49-50 of the Act)

Recommendation:

1. **That clause 157(1)(b) be rewritten to allow the administering authority to recover costs from the applicant for all public access requests for application documentation.**

3.2.13 Clause 161 Acceptance of submission (SEE p.53 of the Act)

Please refer to recommendations made in **paragraph 3.1** of this submission in reference to **clause 161(1)(d)**.

3.2.14 Part 5 Decision stage (SEE p.54 of the Act)

20 business days is insufficient time for a member of the public to evaluate and comment on possibly hundreds of conditions, consult local communities and key stakeholders, legal, technical and scientific experts, determine whether to give an objection notice and draft the required grounds of objection.

Once the conditions of approval are viewed by the submitter, some issues raised previously by that submitter may no longer be of concern, or the conditions raise new issues. Therefore it is important that the objector may raise extra or different issues in the objection compared to the submission. Under the *Sustainable Planning Act* 2009, submitters are not restricted in appeals to only issues raised in in their earlier submissions.

QMDC acknowledges an objection period consistent with other legislation would be 20 business days after the decision notice is given. This is consistent with the Sustainable Planning Act 2009 which, in addition to a submission period for impact assessable development, provides an appeal period for submitters of 20 business days (section 462(4) of the Sustainable Planning Act 2009). However given the many resourcing limitations experienced by community members, such as receiving legal and scientific expertise in short timeframes, and given the huge size of many

mines and the number of new or expanded mines proposed, some may be out for public objection around the same time, 30 days would be more appropriate.

Recommendation:

1. **That a minimum objection/appeal period of 30 business days is provided for both mining objections and appeals on decisions on coal seam gas environmental authorities.**

3.2.15 Division 6 Conditions QMDC assert standard conditions require greater time for community input to their constitution. Listed below are some areas that QMDC recommends being addressed within the Act.

Recommendation:

1. **That conditions at a minimum consider the below matters.**

Vegetation & Biodiversity
- Clearing
- Offsets
- Voluntary Conservation Agreements

Riverine, Floodplains and Wetlands
- Water quality
- Water diversion
- Water contamination
- Floodplain infrastructure
- Buffer zones
- Rehabilitation

Surface water, Groundwater and Associated Flow Systems
- Water quality
- Water extraction
- Water contamination
- Floodplain infrastructure
- Buffer zones
- Rehabilitation
- Aquifer interconnectivity
- Fraccing
- Drilling
- Aquifer reinjection
- “Beneficial use”
- Associated water storage & disposal

Land & Soils
- Soil disturbance
- Soil contamination
- Soil rehabilitation
- Floodplain management
- SCL

Weed & Pest Animals
- Weed & pest identification
- Weed & pest introduction
- Weed & pest spread
- Weed & pest eradication
- Weed & pest management plans
- Weed & pest management training

Air Quality (dust, noise, vibration, lighting, Greenhouse gas emissions)
- Monitoring – baseline
- Monitoring – ongoing
- Monitoring – independent
- Air Quality Management Plans
- Flaring/venting
- Operation hours
- Infrastructure
- GHG emissions & renewable energy sources

Aboriginal Interests and Cultural Assets
- Compliance with cultural heritage legislation
- Resourcing Traditional Owners & Aboriginal Communities
- Engagement with Regional advisory Aboriginal Group –Maranoa-Balonne and Border Rivers
- Inclusion of Aboriginal values
- Cultural understanding

Institutional Assets
- Public disclosure & notification
- Access to EAs
- Monitoring & transparency
- Community engagement
- Chemical storage notification
- Contingency planning
- Public notice of breaches
- Access to complaints register
- Threshold limits
- Contributing to local government costs
- Planning and studies
- Royalties

3.3 Clause 35 Replacement of s 435A (Offence to contravene standard environmental conditions)(SEE pp.183-184 of the Act)

QMDC asserts the Act must ensure very clear messages are sent to applicants that contravening environmental conditions will not be tolerated.

QMDC suggests the key is to develop a model of educating industry or businesses on environmental compliance, so that they do not see it as a burden and can efficiently work towards benefit from the savings and opportunities of sustainable practices 'beyond compliance'. This would likely require DERM and other key stakeholders such as environmental legal services, business associations, NRM or industry peak bodies to actively identify ways to assist individuals, businesses and industry interpret and implement their environmental requirements on a local or regional level.

What may also assist is the coordination of information dissemination by DERM regarding current and relevant Land and Environment Court case law as well as federal, state and local government environmental initiatives, strategies and policies, and significant international protocols, treaties best practices and standards. The education process should include as its basis the importance of compliance in terms of environmental protection, risk reduction and the advantages of sustainable business practices.

Recommendation:

1. **That the penalty for offences under section 435A is increased**.

3.4 Clause 40 Amendment of s 520 (Dissatisfied person)(SEE pp. 186 – 189)

Recommendation:

1. **That clause the definition of a "*dissatisfied person*" be expanded to include a broad inclusion of persons in the community including neighbours to the land that forms part of the application.**

3.5 Clause 41 Amendment of s 521 (Procedure for review) (SEE p.189)

Please refer to recommendations made in **paragraph 3.1** of this submission.

3.6 Clause 45 Amendment of s 531 (Who may appeal) See above discussion.

3.7 Clause 47 Replacement of ss 540 and 541(SEE p.191)

Please refer to recommendations made in **paragraph 3.1(g)** of this submission.

3.8 Clause 51 Replacement of ch12, pt 1 (Approval of codes of practice and standard environmental conditions)(SEE p.196 of the Act)

Recommendation:

1. That a public consultation process be allowed to provide input to guidelines proposed throughout the Act.

3.9 Clause 58 Insertion of new ch 12, pts 3-3A (SEE pp. 199 - 200 of the Act)

Regulations to support *suitably qualified persons* including *auditors* to *perform regulatory functions* are also dependent on adequate government resourcing to increase the availability of people who not only have the relevant skills, knowledge and experience but also have the ability to adapt and apply new products, technologies and information to their local and regional needs.
QMDC recommends the implementation of regulations which build the capacity to deliver further important knowledge and technological advances to Queensland and its regional communities. This will ensure the Act and its regulations will advance the Act's effectiveness and efficiency.

Recommendation:

1. **That the relevant regulations reflect not only *suitably qualified persons* including *auditors* whom are skilled in current best practices but are also persons that are well-informed by localised and regionalised knowledge and research.**

3.10 Clause 60 Insertion of new ch 13, pt 18

3.10.1 Clause 703 Plan of operations for environmental authority for petroleum activity that relates to petroleum lease

QMDC is concerned that **clause 703(4) (SEE p.224 of the Act)** will remove an accountability mechanism essential for the protection of the environment and public confidence in the Act's capacity.

Recommendation:

1. **That clause 703(4) be removed from the Bill.**

3.11 Clause 62 Amendment of sch 4 (Dictionary)

Measures to protect the environment from potential evaporation impacts caused by the construction and operation of frac ponds and the exploration and appraisal ponds required for pilot production testing must be as stringent as *CSG evaporation dam* constructions and operations **(SEE clause 62(2) at p.244 of the Act)**.

Recommendation:

1. **That definitions are added to the dictionary to include other types of dams, for example, exploration, appraisal, fraccing, oily water ponds etc.**

3.12 Clause 67 Amendment of s 321 (Applicant may stop decision-making period to request chief executive's assistance)

QMDC is concerned that decisions may be made behind closed doors that require public and community involvement **(see *clause 67 s 321 (1)* at pp. 259-260 of the Act)**.

Refer to discussion re public and community engagement at ***paragraph 3.1*** above.

Recommendation:

1. **That s 319, include a public process to:**

a) **Inform the public of the conflict or discrepancy and the applicant's decision making process;**

b) **Source a wide range of views from all stakeholders (landholders, rural and regional community members, agriculture and agribusinesses, environment and conservation, State and local government, mining and energy sector, research and science;**

c) **Secure feedback from organisations and individuals to inform and provide direction for the Sustainable Planning Act 2009.**

3.13 Clause 71 Replacement of s 399 (Who may carry out compliance assessment)

QMDC is concerned that the Act does not define the necessary expertise or experience that is required to carry out compliance assessments and which determines what is deemed 'suitably qualified" for a "nominated entity" **(see *clause 71 s 399 (1) & (6) at pp. 261-262* of the Act)**.

In QMDC's experience DERM and local governments are currently under-resourced to monitor current Environmental Authorities (EAs) and Operation Plans (OPs). To the best of QMDC'S knowledge there are currently 183 EAs with thousands of associated conditions.

With the CSG and coal industry and their associated support industries on the ever increase in the QMDB there is a real need to articulate clearly what skills and knowledge are needed to ensure development or work or documents comply with not only the conditions imposed in accordance with the Act and other associated legislation but also current best practices. QMDC submits that current best practices must not only be based on national and international industrial practices but also be informed by localised and regionalised knowledge and research.

This will ensure the Act and any associated legislation or regulations will serve to further the effectiveness and efficiency of environmental legislation.

Public and community confidence in the assessment process is dependent on the availability of public servants and other persons who have the relevant authority, skills, knowledge and experience and also have the ability to adapt and apply new products, technologies and information to their local and regional needs.

Recommendation:

1. **That a regulation is implemented and read alongside this section of the Act to require financial payments from applicants to build the capacity and qualification of public servants and other persons to assess development, work or documents that fall within the ambit of the Act.**

(NB:This will assist the mining and resource industry, for example, to deliver on their promises to increase the skills of the working force of Queensland and its regional communities).

3.14 Clause 78 Legislation amended in schedule

QMDC argues that on a local and regional level there is a need for proponents of industry and business requiring licenses or EAs to be provided with a clear and consistent framework for best practice and policy decision-making, risk management and responses to the specific and cumulative impacts of their industry or business on the QMDB's natural resources.

QMDC seeks a robust legislative and regulatory framework that is compatible with the protective mechanisms afforded by environmental law and regional plans, policies and strategies.

3.15 Equity and balancing community interests

QMDC notes the extensive number of licenses and EAs regulating industry, businesses and individuals in Queensland (183 as per DERM's website November 2011). The sheer volume and therefore industrial or business interest raises concern regarding equity issues and the balancing of community interests.

QMDC supports the need to have improved information and advice on regulatory requirements. QMDC would add that included in this information should be data and information documenting the key natural resource assets and values of each region and targets for their management. QMDC supports this information being made available on key government websites.

3.16 Quality of information and scientific certainty

QMDC supports the need to align legislation and administrative processes. QMDC has experienced how anomalies in water legislation, for example, create certain injustices especially when the mining and energy industry sector have inherent rights under the *Petroleum and Gas Act* to water and the farming sector are subject to water resource planning and permits.

QMDC also supports DERM's concern regarding the quality of information provided by proponents being sometimes inadequate to make informed decisions. As a submitter to a number of EA applications by CSG companies, QMDC has found that decisions are often delayed because proponents are not forthcoming with essential data. This leads to distrust in the company's integrity.

A wider concern is that the regulator is being put in a position to make decisions when there is a clear lack of scientific evidence or certainty. This may lead to impacts on natural resources, the environment or community interests that should be avoided in the first place.

Produced by: Geoff Penton, Kathie Fletcher, 5 June 2012
For further information, contact QMDC on (07) 4637 6200 or visit www.qmdc.org.au

WCRAQ
Waste Contractors and Recyclers
Association of Queensland (inc)

Promoting, Protecting, Advancing the Waste Management and Recycling Industry

Monday, 4 June 2012

The Research Director
Environment, Agriculture, Resources and Energy Committee
Parliament House
George Street
Brisbane QLD 4000

Attention: Mr Robert Hansen,

Dear Mr Hansen,

Re: Submission on *Environmental Protection (GreenTape Reduction) and Other Legislation Amendment Bill 2012*

The Waste Contractors and Recyclers Association of Queensland (inc) (WCRAQ) appreciates being provided the opportunity on behalf of its members to respond to the committee on this important piece of environmental legislation.

The WCRAQ has been an active stakeholder engaged with the Department in scoping this legislation and provides its endorsement to it with the following comments for the committee's consideration.

The association wishes to bring to the committees attention, advice as provided to the department, that the reforms proposed in the Bill, do little to remove our industry's broad legislative and regulatory impediments unless significant reforms are undertaken to align this Bill with a broader sectors reform and review process.

Queensland's Waste and Recycling Industry is estimated to have more than two (2) billion dollars' worth of assets employed or under management and its contribution to the state's economy is estimated to exceed one (1) billion dollars per annum. We directly employ more than 6,500 Queenslanders, with four times the amount of contractors not taking into account indirect and induced employment. (Source: WCRAQ member survey 2011).

The industry provides an important and essential service for all Queenslanders, facilitating on a daily basis the safe removal and management of community and business generated waste and recyclables.

Our concerns in respect to macro regulatory reform are as follows:

The waste and recycling industry's legislative and regulatory framework in which the sector now operates has now become so complicated, out-dated, conflicting and unaligned with the sectors growth, unless a more macro review is undertaken it is unlikely the states waste policy and economic agenda (new jobs and investment) will be delivered in this sector.

Government inefficiencies in legislative and regulatory processes now directly hinder the adoption of new, more efficient technologies, industry's business confidence to invest, and generally our ability to operate efficiently in Queensland, making our sector uncompetitive both nationally and internationally.

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The sector is currently over governed by the following State Acts of Parliament (excluding Federal Legislation).

- Environment Protection Act and subordinate legislation
- Waste Reduction and Recycling Act (WRR Act) and subordinate legislation
- Local Government Act and subordinate legislation
- Second Hand Dealers and Pawnbrokers Act and subordinate legislation
- Sustainable Planning Act and subordinate legislation
- Transport Operations (Road Use Management) Act and subordinate legislation
- Queensland Competition Authority Act
- Work Health and Safety Act and subordinate legislation.

WCRAQ is already engaged with two Government departments (within a single agency it's taken three years so far) attempting to negotiate changes to our industry's regulatory requirements?

In addition to these ongoing negotiations, we will also be making application to Government in coming months for additional regulatory amendments to an additional two pieces of legislation: being the Local Government Act and the Waste Reduction and Resources Act.

These new applications are as result of business impediments enshrined in the WRR Act and its regulations, as well the results of the forthcoming report by the Queensland Competition Authority (final report due in June) into the anti-competitive waste and recycling business practices being conducted by the Sunshine Coast Regional Council's Waste Business Unit.

Despite repeated approaches (made over 5 years) to Government for it to take action to stop illegal and un-licenced businesses establishing in the sector, the complexity and conflicts of Queensland's regulatory environment to either (a) establish a new business or (b) just to remain a lawful operator has resulted in an expanding culture where it's now easier (and is accepted by Government Regulators), to establish a waste and recycling business without any Government approvals (State or Local) in direct competition to lawful operators, than it is to comply with government requirements?

We offer Government an opportunity for it to use the Parliamentary Committee process and to initiate a formal and public review of identifying excess legislative burden and regulatory impediments on this important industry; and report back to Parliament key actions to be initiated to overhaul the complex, costly and ineffective legislative framework now imposed by Government, that is strangling both business growth and our business confidence.

The opportunity to undertake a formal investigation to remove multi-tiered legislative and regulatory roadblocks now placed on the industry, whilst introducing this new legislation would directly deliver a future business operating environment that gives the sector business confidence to invest and grow.

Such a review (as was the case of the United Kingdom several years ago) would give industry a framework on which to deliver new technologies, giving all Queenslanders better environmental outcomes, in a business sector that should be the fifth pillar of the Queensland economy to get it back on track.

We trust this letter finds resonance with the committee and the WCRAQ's proposal worthy of its consideration.

Yours Sincerely
Waste Contractors and Recyclers Association of Queensland

Rick Ralph
Executive Director