Speech By

# Hon. Jeff Seeney

## MEMBER FOR CALLIDE

Record of Proceedings, 5 August 2014

## STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

**Hon. JW SEENEY** (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (9.19 pm), in reply: I begin by thanking all of the honourable members who have made contributions to the debate this afternoon and this evening. I extend my special thanks to the Minister for Natural Resources and Mines for the contribution that he has just completed. I think it was a comprehensive contribution for anybody who wants to understand the wild rivers legislation and the way that it became a political instrument in this parliament and the history of it under the Labor Party.

Over the last 2½ years of consultation there has been nobody who has mounted any sort of an argument that it should not be repealed. For all of the reasons that the member for Hinchinbrook spoke about, everybody has understood over the last 2½ years that it needed to be repealed. We have spoken about the fact that we were going to do that many, many times. We entered into a negotiation, a consultation process, that extended for 2½ years. The regional planning committee for Cape York recognised and supported its repeal. But yesterday the Wilderness Society put out a press release and all of a sudden the nine members of the ALP in this place became the only people in Queensland who were prepared to stand up and oppose the action that has been 2½ years in the negotiation. It is rather strange that they did that, because this House has considered the alternative legislative instruments that were negotiated and consulted on to provide alternative regulatory frameworks to the wild rivers regulation. That was the Regional Planning Interests Bill that went through this House. It was supported by the Labor Party opposition. They supported the alternative in the debate. Not only that, but they supported the regulation that sets out the detail of it. They had an opportunity to move to disallow that, but they did not. Not only that, for 2½ years we have talked about this and not once has a member of the opposition risen in this House to ask me a question about it. In any of the searches that I have done, not once has there been a statement from any of them about the fact that the path that we have negotiated patiently and consistently for 2½ years with the Indigenous communities was the wrong one to take: no questions, no comments, no opinions expressed.

There was unanimous agreement from all of the stakeholders in the RPC and yet the Labor Party come in here tonight on the hunt for a cheap headline tomorrow, once again using the Wild Rivers Act as a political opportunity. How appropriate it is, because that is what it has been from the Labor Party from day one: a rank political opportunity. I would suggest that anyone in the community or the media who is tempted to provide the Labor Party with what they want, which is a cheap headline tomorrow, read and consider the contribution that was made by the member for Hinchinbrook because I can do no better in summing up this debate than the member for Hinchinbrook did. The trite nonsense that comes from over there, the absolute absurdities that have been mouthed over there tonight, do those people no credit. They do the intellectual debate in this House no credit because they completely ignore all that has happened in this House over the last 2½

years and they completely ignore the consultation and the participation of the Indigenous communities in North Queensland who have put their heart and soul into negotiating what is for them their hope for the future. I am very pleased to say that I am very confident that that future has been assured. In protecting the environmental values of the cape that future has been assured and advanced by the passage of the Regional Planning Interests Act which actually passed the House six weeks ago. The Labor opposition did not oppose it then. The member for Gaven did not even oppose it then. It passed six weeks ago. What we are doing tonight is repealing the legislation that it replaced. Those opposite supported the passage of the legislation and now they want to oppose the repeal of the legislation that it seeks to replace. How does that make any sense or reflect any credit on those who sit opposite? Of course it does not.

Can I place on record very clearly some of the facts about what has happened over the last 2½ years and why the act needs to be repealed tonight? I do that because it is obvious that a number of people who spoke in the debate about this have no idea. In fact, I think that is misleading. It is not the people who spoke in the debate, it is the people who wrote the speeches for them who have no idea—absolutely no idea—of what has happened over the last 2½ years in what I think has been one of the best consultation and engagement processes that I have ever been involved in. I think it has been one of the best processes that has resolved conflict. It would appear to me, listening tonight, that the Wilderness Society and their mouthpieces in here do not want to resolve conflict. They want conflict between the Indigenous groups and people who are interested in conservation. They want the conflict because organisations like the Wilderness Society thrive on conflict. They depend on conflict for their very existence. We have resolved that conflict. We have resolved that conflict in a way that has given Indigenous communities hope and the real conservation groups on the cape confidence that the issues that they are concerned about can be addressed.

The Wild Rivers Act can be repealed tonight because its policy objectives are now more effectively implemented through mechanisms such as the new Regional Planning Interests Act 2014, known as the RPI Act, and Queensland's existing land use planning and development assessment framework, which has come a long way since the Wild Rivers Act was introduced. The mechanism for the RPI Act to carry forward wild rivers policy objectives is through the use of strategic environmental areas, or SEAs. Five SEAs and their associated environmental attributes have been prescribed in the RPI regulation. I say again that the opposition in this place supported the passage of the RPI Act and it supported the RPI regulation. Those SEAs are Cape York, the Channel Country, the gulf rivers, Fraser Island and Hinchinbrook Island. The environmental attributes of these areas broadly relate to riparian processes, wildlife corridors, water quality, hydrologic processes, geomorphic processes and beneficial flooding and all are identified in the regulations. If a resource activity or regulated activity is proposed in an SEA it will be subject to the provisions of the RPI Act. In all SEAs, water storage dams and broadacre cropping have been prescribed as regulated activities and the provision exists to prescribe other activities. If a regional interest development approval is required the proposed activity will be assessed against the SEA assessment criteria contained in the RPI regulation. The required outcome of these criteria is that the activity will not result in any widespread or irreversible impact on the environmental attributes of the SEA.

Queensland's land use planning framework comprises the Sustainable Planning Act and a number of instruments and policies including the state planning policy, regional plans and local government planning schemes all of which have been reformed in the last 2½ years. The key tool within Queensland's land use planning framework that gives effect to wild rivers policy objectives is the state planning policy. The state planning policy contains the state's interest in biodiversity which is that matters of environmental significance are valued and protected and the health and resilience of biodiversity is maintained or enhanced to support ecological integrity. Matters of state environmental significance, or MSES as we know them, are a component of the biodiversity state interest. The wild river high preservation areas are a component of MSES and protection of these areas is carried forward in their entirety into the RPI Act and the RPI regulation.

The state planning policy requires local governments, when making or amending a planning scheme, to integrate the biodiversity state interest by, amongst other things, considering matters of national environmental significance in the local government area and the requirements of the Environmental Protection and Biodiversity Conservation Act 1999, by identifying MSES, by locating development in areas that avoid significant adverse impacts on MSES, by facilitating the protection and enhancement of MSES and by maintaining or enhancing ecological connectivity. The state planning policy also contains interim development assessment requirements for those cases where a local government planning scheme has not yet appropriately integrated the state's interest in biodiversity. Other aspects of the wild river policy objectives are achieved through a range of other existing frameworks, including the Water Act 2000 through water allocations and riverine protection

permits; the Environmental Protection Act 1994 as environmentally relevant activities such as intensive agriculture, cattle feedlots, pig farming, extraction, screening and manufacturing; the Vegetation Management Act 1991 through the use of clearing permits for native vegetation clearing; and by amendments to the Forestry Act 1959 code of practice for getting forest products.

The Cape York SEA has been informed by the work to date on the Cape York Regional Plan. The draft regional plan was released for public comment on 20 November 2013 with formal public consultation taking place for 80 days from 25 November 2013 to 25 March 2014, which exceeded the statutory 60-day period. The draft plan included SEAs that were substantially different to the four wild river areas in the region. The community's views on the proposed SEAs varied wildly, with the majority of the 6,071 submissions received on the draft plan focusing on the extent and the locations of the SEAs. As a result, it was decided to change the original proposal and prescribe an SEA that carried forward in its entirety the existing wild river areas and add to that area the Steve Irwin reserve, and to continue with further consultation about the SEAs to be identified in the region. That is 80 days of formal consultation after a long period of informal consultation with the regional planning group, 6,071 submissions and a complete change to the original draft, yet still these people come in here and suggest that there has not been proper consultation.

The Cape York Regional Planning Committee, which includes all mayors from the region as well as the Indigenous stakeholder groups of Cape York Partnership and Balkanu Cape York Development Corporation, was consulted on this transitional approach. At the fourth meeting of the RPC in Cairns on 14 May this year, the RPC strongly supported the transition of wild river areas into SEAs under the Regional Planning Interests Act in an ongoing process of review of these areas through the Cape York Regional Plan. It is only right that those communities have a say in what land is protected for environmental and cultural purposes and that they also have a say in economic development opportunities for themselves and their future generations and communities. It is a say that they never had under the previous government.

In relation to consultation about the other wild rivers areas, the Channel Country strategic environmental area, known as the SEA, replaces the Cooper Creek Basin wild river area and the Georgina and Diamantina basins wild river area. This SEA draws on the government's core principles to protect Queensland's western rivers, as was announced by the Hon. Andrew Cripps, the Minister for Natural Resources and Mines, on 31 June 2013. The core principles underlying the Channel Country SEA were developed following the work of the Western Rivers Advisory Panel, the WRAP, in 2012-13. The panel comprised representatives of traditional owners, local governments, natural resource management groups, the Lake Eyre Basin Community Advisory Committee and Scientific Advisory Panel, AgForce and the resources sector. The targeted consultation built on 10 years of previous community consultation relevant to river protection and responsible development by collating and presenting previously identified desired outcomes and concerns. The panel identified alternative strategies for the area and finalised its report to the government in June 2013. That report was subsequently publicly released by the Minister for Natural Resources and Mines.

The remaining six wild river areas—Morning Inlet, Settlement Creek, Staaton River, Gregory River, Fraser Island and Hinchinbrook Island—have been carried forward to the gulf rivers, Fraser Island and Hinchinbrook Island SEAs in their entirety. Those areas carry forward the policy objectives of the respective wild river declarations in their current form, which were subject to public consultation at the time of the declaration of each wild river area. In the case of the gulf rivers SEA, we undertook additional consultation. We met with the shire councils and the Carpentaria Land Council, all of which have agreed to and understand the changes that were made six weeks ago to the legislation, which even the Labor Party supported. Similar to the approach for the Cape York SEA, these areas have been transitioned into the RPI Act framework as an interim approach until regional plans are prepared for those regions. As part of the regional planning process, the SEA will be reviewed with an opportunity to include new areas or to remove existing areas, and the local communities will have a big say in any such decision. When regional plans are developed for those areas, there will be community consultation through the formation of regional planning committees and through statutory notification periods set out in the legislation, just as we have done in the Darling Downs regional planning exercise, the Central Queensland regional planning exercise and the Cape York regional planning exercise. It was always the case that the Labor Party opposition would try to grandstand on the repeal of the wild rivers legislation, just as it has been grandstanding on the act ever since its inception. The folly and the absurdity of the statements that opposition members have made tonight are clear to anybody who wants to consider either the contribution the member for Hinchinbrook made or the detailed outline that I have just gone through.

In relation to other aspects of the bill, I reiterate that the government is committed to reducing the regulatory burden in Queensland, to removing provisions that are unnecessary or unclear and to

clarifying and improving legislation where there is confusion about how it applies or where existing processes can be streamlined. In many contexts, time is money. By removing unnecessary requirements and making legislation clearer and easier to understand and apply, Queensland businesses and community organisations are able to spend less time focused on unnecessary compliance and more time on developing their businesses. As we know, this bill will repeal five redundant acts and remove unnecessary provisions to reduce red tape. It will further tidy up the statute books and also improve Queensland's legislation by amending a number of different acts across various portfolios, so that legislative provisions are clear and are easily understood and applied.

It is easy to understate the significance of these repeals, as the member for Mackay did this evening. In doing so, he has demonstrated his lack of understanding of both the full text of the report of the Office of Best Practice Regulation, the OBPR, and the consequences of maintaining unnecessary regulation and red tape. Had the member for Mackay or any other member read the report less selectively and taken account of the government's response and final form of the regulatory impact statement system, they would have realised that the government and the OBPR rely on a basket of measures to track progress in reducing the red-tape burden, page count being the least important consideration. Every redundant act or ineffective provision removed from our statute book has the potential to reduce the time spent administering legislation, the cost of unnecessary legal advice and time wasted in compliance activities. For this reason, the government will continue to pursue a broad range of red-tape reforms, including the kinds of amendments included in this bill. Importantly, however, the government will also pursue the kinds of significant reforms that we have already seen driving balanced economic growth with the Economic Development Act, the Regional Planning Interests Act and the legislation that we can expect to see in relation to the planning and development assessment system. Our government is justifiably proud of its record of reducing the red tape that was so often created by the member opposite.

For the second time in as many bills, the opposition has objected to the use of omnibus legislation. There is little point canvassing this objection in detail and I suggest that anybody who is concerned about it should look at the record of the former Labor government. As the State Development, Infrastructure and Industry Committee has proven when examining this bill, committees are able to scrutinise legislation, including omnibus bills, in detail and to consult widely before making recommendations.

As I said when I was speaking to the Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill 2014, a key difference between our approach to omnibus bills and that of those opposite is that our omnibus legislation deals with a manageable number of amendments. By contrast, the Labor Party when in government would routinely present omnibus legislation containing large numbers of amendments that had no connection whatever.

I thank the member for Mackay for his comments relating to the committee's response to party houses. I thank the members who made contributions on that provision who represent those areas where party houses are a problem. I note that the only recommendation the committee made in this regard is that the provisions be reviewed after 12 months. The government is happy to agree to that.

I note, however, that the member for Mackay is now asking us to set this aside. It is apparent that the member for Mackay does not realise that no additional red tape is introduced. The provisions are only utilised if a local government opts in. This would only happen where a council has identified the need to use these provisions to resolve problems in their community.

The party house issue is not new. It has been a problem for many years. Residents have had their peace and quiet disrupted over a long period of time. The opposition when in government ignored the problem, expecting that it would be handled through enforcement. This was a bit like locking the gate after the horse had bolted. Just ask the unfortunate residents who have had to suffer week after week the loutish behaviour of party house occupants.

This bill provides a planning tool to control this land use before it becomes a problem. If anything will cut down on unnecessary bureaucratic processes and administrative burden it is these party house provisions. These provisions provide councils with a way of preventing a problem before it occurs and dealing with a problem that has, up until now, seemed to be intractable.

The amendments to the State Development and Public Works Organisation Act create a streamlined, alternative impact assessment report process that will allow the Coordinator-General to evaluate a coordinated project without necessarily requiring a comprehensive environmental impact statement, having regard to the scale and extent of the potential effects. The proposed new assessment process will facilitate a detailed assessment of a coordinated project's environmental effects, although in a streamlined manner compared to an EIS process.

The key difference between the EIS and impact assessment report process is that an IAR does not require a full terms of reference for the EIS. Nonetheless, the impact assess report process allows the Coordinator-General to seek public comment and/or agency or expert advice on the scope of the IAR. It is anticipated that the scope of the information requirements needed to prepare an adequate impact assessment report may be more focused and risk based than for an EIS.

Although the amendments do propose to permit the Coordinator-General to evaluate an impact assessment report without public notification, the new provisions also state that public notification must occur where subsequent approvals require it. Therefore essential consultation processes through acts such as the Environmental Protection Act 1994 and the Sustainable Planning Act 2009 are not intended to be circumvented by the proposed impact assessment report option and it provides no option to do so.

It is anticipated that requirements for subsequent statutory approvals following the EIS will mean that a draft impact assessment report would typically be required to be advertised. Therefore, it is not intended that essential consultation processes are to be circumvented by the proposed IAR option.

Particular amendments proposed to the Economic Development Act 2012 relate to improving the processes to declare provision priority development areas. Prior to declaring a PDA I am required to consult with the relevant local council. It is the practice of this government to ensure that requests for PDAs, including provisional priority development areas or PPDAs either come from local government or have local government support. The PPDAs are intended to apply in very limited circumstances, only where development can be brought to the market quickly. The requirement for a PPDA to be consistent with the relevant local government's planning scheme has meant that opportunities to declare a PPDA were not realised and hence much needed economic development has been frustrated and councils' ambitions and aims have been frustrated.

The proposed requirement that the declaration of a PPDA not compromise the implementation of any planning instrument applying to the land is consistent with a test used in the Sustainable Planning Act 2009 for the making of a state planning regulatory provision. This works in conjunction with other robust tests for a PPDA declaration, such as a PPDA declaration may only be made if there is an overriding economic or community need to start the proposed development quickly and regard must be had to the main purpose of the Economic Development Act, which is to facilitate economic development and development for community purposes. In addition, a PPDA ceases three years after declaration. These very sensible checks and balances are considered appropriate tests in conjunction with the requirement for consultation with local government.

The amendments relating to the infrastructure expenses recoupment charge reflect the purpose of the charge which is to recover those expenses that are reasonably expected to be incurred for the provision of planned infrastructure. These expenses—for example, financing costs—where reasonably and properly incurred for the provision of planned infrastructure can be recouped provided the quantum of the charge is reasonable and does not impose an unreasonable burden on landholders or stifle development.

I would conclude by once again thanking all honourable members for their contributions to the debate. I commend the bill to the House.