

20% of its total annual income. The accreditation system will be altered so that companies could also be accredited, not just individuals. Council certifiers will be required to obtain accreditation to improve accountability. Certifiers will be given

increased powers to issue orders and directions in relation to compliance with development consents. They will also be subject to greater fines and penalties for failing to carry out their functions properly.

QUEENSLAND

Larissa Waters

Vegetation protection laws avoided through 'Eco Fund'

In March 2008, the Premier announced an intention to increase the area of national parks in Queensland by 50% by 2020, an increase of 7.6 million hectares to around 12 million hectares. The expansion is to be funded by a new body called *EcoFund Queensland*, which will make strategic purchases of land that will be added to the protected area estate. However, the funding for *EcoFund Queensland* will come from payment from developers and government who are unable to otherwise offset the ecological damage their proposal will cause. Under current laws, where a development proposal cannot meet the land clearing laws or provide an appropriate offset, it would have to be refused. This announcement will now allow developers and infrastructure providers to buy their way out of complying with vegetation protection and offset laws. Conservation groups have welcomed the long overdue expansion of the national park estate but are outraged that it comes at the expense of protecting valuable areas that lie in the path of infrastructure and development.

Climate Strategy under review

Adopted only last year, Queensland's Climate Smart 2050 Strategy is now under review because of updated climate change impact predictions and changes to federal policy. The review is scheduled to be completed late this year by the Office of Climate Change in the EPA, after

consultation with community, industry, academic and government stakeholders.

Conservation groups have welcomed the review given the numerous flaws in the 2050 Strategy, including continued huge financial support for the coal industry, the failure to properly invest in the renewable energy sector, and the failure to ensure all transport, mining and infrastructure projects are assessed for their climate change impacts. Queensland's State of the Environment Report brings bad news Queensland's 2007 State of the Environment Report has been released, showing declining biodiversity, river and wetland health and escalating consumption and greenhouse gas emissions. The report is available for download from www.epa.qld.gov.au/environmental_management/state_of_the_environment.

Iconic Places legislation passed

The Queensland government's response to community outrage at local Council amalgamations was the *Iconic Queensland Places Act*, which commenced on 6 March 2008. Noosa and Douglas Shire Council areas are listed as iconic, with more areas able to be declared before the cut-off date of 30 June 2008. The Act changes the normal processes of amending a planning scheme by requiring the Planning Minister to condition or reject any planning scheme amendments that would not protect the iconic place. Of concern is the new process for assessing development applications within iconic places. Decision making powers have been removed from the newly amalgamated Councils that now cover Noosa and Port Douglas and given to a Ministerially appointed panel of 5 people (including no more than 2 Councillors), who need not be locals. The panel decides the application as if it were the Council, using

the same criteria, so it is hard to see how any greater protection for iconic places will result from this increase in complexity which removes decision making from elected (and therefore accountable) representatives. Much simpler amendments to the *Integrated Planning Act* could have been made to better protect these iconic areas, which raises suspicion that the new rules are designed to take control away from local representatives in areas that have been sustainably planned to date.

Urban Land Development Authority Act

The first two urban development areas and their land use plans were declared in late March under the new *Urban Land Development Authority Act*. That Act was initially billed the government's response to the affordable housing crisis, however affordable housing features little in the parlance of the Chair of the Authority, with the Northshore Hamilton urban land development area being referred to as "millionaire's row" in a recent public seminar, and the Bowen Hills urban land development area earmarked for office space in the Ministerial media release. The Act takes planning power away from local Councils and the community to plan and deliver urban development areas, and has been received with suspicion by the community and some Councils. Three more urban development areas will be declared in 2008. Conservation groups doubt the legislation will assist poorer people afford housing and see the Act as overriding planning schemes and opening up more land to development without the necessary provision of additional open space.

Mines come under modern regulation

Proposed amendments to the *Environmental Protection Act 1994* to apply that Act to older mines previously regulated under special agreement Acts (including coal mines in Central Qld, bauxite mines in the Cape and Mt Isa Mines) have been tabled in Queensland Parliament. Once passed, the Bill will enable environmental conditions to be imposed on those mines where none exist, and will ensure that when

the mine's environmental authorities are renewed (which must happen within 3 years) the mines have to comply with current environmental standards.

Other recent amendments to Queensland environmental laws

From 1 April 2008, residential tenants will have to pay water consumption charges where the lessor has installed shower heads, toilets and taps which meet newly prescribed water efficiency levels, except in cases of burst water services or serious water service leaks. Where lessors have received more than one excessive water use notice about the tenants' water use, amendments to the *Water Regulation* permit water providers to require the lessor to repair leaks and install water efficient showerheads and taps within 20 business days. It is an offence for the lessor to fail to comply and an infringement notice can be issued.

Amendments to the *Crime and Misconduct Regulation* confirm that local Councils are subject to the CMC.

Passage of the *Water Fluoridation Act 2008* which repeals 1963 laws and requires Councils servicing more than 1,000 people to fluoridate their water supply.

Adoption of a code for development for local heritage places (not registered places) in amendments to the *Queensland Heritage Regulation 2003* made on 20 March 2008.

Rules about harvesting protected plants between April 2008 and March 2009, declaring gamba grass to be class 2 pest, giving Biosecurity Queensland greater quarantine powers to stop branched broomrape coming to Queensland, and establishing a reward scheme for finding a new fire ant colony on state land.

Amendments to the *Land Act* and the *Aboriginal and Torres Strait Islander Land Act* were introduced in mid March to allow residential and commercial leases of up to 99 years in Queensland indigenous communities, to facilitate home ownership, public housing and commercial purposes

and allow compulsory acquisition of indigenous land for essential infrastructure like schools and hospitals to follow the same process as for non-indigenous land.

Amendments to the *Gas Supply Act* to ensure that gas retailers are legally obliged to pay the earlier promised \$55 gas rebate to pensioners, back dated to 1 July 2007.

A decision to establish a Civil and Administrative Tribunal to bring together 26 existing bodies by late 2009. The amalgamations potentially include the Fisheries Tribunal but exclude all other environment courts and tribunals given the recent amalgamation of the Land and Resources Tribunal with the Land Court.

The *National Gas (Queensland) Bill 2008*, introduced in April, will give effect to the National Gas Law and facilitate access to Queensland's natural gas pipelines by investors.

New rules apply for access rights on land acquired for future railway use, allow Queensland Transport to permit local Councils to build roads on rail corridor land, allow commercial and retail activities commonly associated with transport stations to be considered part of the transport infrastructure for acquisition and approval purposes, and define "transit nodes" to facilitate transport oriented developments.

Amendments to marine pollution laws clarify that all ships, including commercial, house and recreational ships must hold and treat sewage onboard when in prescribed nil discharge waters.

Amendments to the *Vegetation Management Act* clarify a drafting ambiguity and ensure that endangered and of concern vegetation will remain defined

by Regulation according the percentage of pre-clearing extent left.

Changes to the wording and structure (but not the policy) of the *Fisheries Regulation* to make it easier to understand, accompanied by associated amendments to the Fisheries Management Plans for Coral Reef Fin Fish, East Coast Trawl, Gulf Inshore Fin Fish, Freshwater and Spanner Crab fisheries.

New rules about dealing with genetically modified organisms under an "emergency dealing declaration" by the Minister, and complying with GMO licences.

In late April the Minister for Planning, Paul Lucas, used his powers under IPA to call-in approval decisions of pre-amalgamation Councils for two residential developments in the Wide Bay Burnett Region. The Minister's substitute decision on these two development applications is expected shortly.

In March, the first use of 'hurry up' powers given to the Coordinator General in 2006 enabled a coal rail network upgrade near Sarina to proceed to allow 38 million more tonnes of polluting coal to be exported. Conservation groups lampooned the 2006 amendments as a trend of centralising greater powers in a non-elected bureaucrat to steamroll infrastructure projects with environmental impacts and lock out the community. The Coordinator General imposed no conditions requiring the avoidance, reduction or offsetting of greenhouse gas emissions enabled by the project.

Announcements by the Queensland Water Commission on the Draft SEQ Water Strategy and by the Premier on a feed-in tariff for solar powered homes will be outlined in a future update.