

Independent Environmental Protection Agency (EPA) consultation

# Community summary

December 2021



Prepared by: Department of Environment and Science © State of Queensland, 2021.

The Department of Environment and Science acknowledges Aboriginal peoples and Torres Strait Islander peoples as the Traditional Owners and custodians of the land. We recognise their connection to land, sea and community, and pay our respects to Elders past, present and emerging.

The department is committed to respecting, protecting and promoting human rights, and our obligations under the *Human Rights Act 2019*.

The Queensland Government supports and encourages the dissemination and exchange of its information. This work is licensed under a Creative Commons Attribution 4.0 International License.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms. You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

For more information about this licence, visit:  
<https://creativecommons.org/licenses/by/4.0/>

### **Accessibility**

If you need to access this document in a language other than English, please call the Translating and Interpreting Service (TIS National) on 131 450 and ask them to telephone Library Services on +61 7 3170 5470. This publication can be made available in an alternative format (e.g. large print or audiotape) on request for people with vision impairment: phone +61 7 3170 5470 or email [library@des.qld.gov.au](mailto:library@des.qld.gov.au)

#32358 | December 2021

# Minister's message

Queensland is home to one of the world's most spectacular and diverse environments, which is worth protecting for the health and prosperity of current and future generations.

I am proud of Queensland's strong environmental legislation and the investment the Government is making across a broad range of programs and initiatives that aim to protect our environment, reduce waste and create jobs for Queenslanders.

A critical component in the Government's efforts to protect and enhance our environment is that of Queensland's environmental regulator.

The role of the regulator is to apply standards for environmental performance through approvals for Queensland businesses and industries that have the potential to cause environmental harm. The regulator monitors compliance with those standards and intervenes when necessary to remedy harm and in serious cases take enforcement action.

We're committed to investigating and consulting on the establishment of an independent Environmental Protection Agency (EPA) to protect our environment, provide certainty for investment, and support economic recovery.

Whether you are an interested member of the community, a volunteer in a local conservation group, one of our 8000 Environmental Authority holders, or representing one of our peak industry or conservation groups—there is a way for you to voice your opinion.

I'd encourage interested Queenslanders to take some time and consider the future of environmental regulation in Queensland. Together we can make sure Queensland continues to be a place for everyone to enjoy and prosper, both now and into the future.



## **Meaghan Scanlon MP**

Minister for the Environment and the Great Barrier Reef  
Minister for Science and Youth Affairs

# Contents

Minister's message .....	3
Introduction .....	5
Queensland's environmental regulation snapshot.....	6
Queensland's current environmental regulator.....	7
The investigation and consultation .....	8
The assessment criteria for evaluating possible models ...	10
Ecologically sustainable development .....	11
The question of independence .....	11
Survey questions .....	12
Next steps.....	13



# Introduction

The Queensland Government has committed to investigating and consulting about the possible establishment of an independent Environmental Protection Agency (EPA).

The role of Queensland's environmental regulator is currently undertaken by the Queensland Government Department of Environment and Science (DES).

In this role, DES manages and monitors environmental risk through a range of assessment, compliance, investigation and enforcement activities. To ensure compliance with legislation, the department monitors compliance, rewards good performers, conducts educational programs and responds to breaches with enforcement action.

In Australia and around the world, there are different models for environmental regulators. One of the key elements of any model is to what level they are designed to ensure objectivity and integrity in decision-making—their level of independence.

This summary is for Queenslanders who are interested in providing feedback to the independent EPA consultation. It has been written as a supporting resource for the community survey and outlines information about environmental regulation and independence.

It also provides an overview of the consultation and engagement activities that are occurring with the community and expert stakeholders and how everyone can have their say about the future of environmental regulation in Queensland.

# Queensland's environmental regulation snapshot



---

DES regulates over **86** different activities and over **8,100** environmental authorities.



---

During 2020–21, DES made decisions about **1,135** new or amended environmental authorities and conducted more than **1,600** compliance inspections.



---

During 2020–21 DES finalised **28** successful prosecutions.



---

Those prosecutions led to **\$1.3 million** in fines and over **\$45,000** in awarded costs.



---

DES received more than **46,000** enquiries to our customer service centre.



---

These enquiries included more than **26,000** customer enquiries to our permit and licensing team.



---

And **20,000** community and industry reports to the pollution hotline.

---

# Queensland's current environmental regulator

The role of Queensland's environmental regulator is currently undertaken by the Queensland Government Department of Environment and Science (DES).

In this role, the department is responsible for applying environmental standards and reducing the impacts of environmental harm across a variety of activity types that have the potential to impact our environment, such as:

- Aquaculture
- Chemical manufacturing
- Coastal developments
- Oil refineries
- Power stations
- Quarries
- Food processing
- Foundries, smelters and mineral processing
- Pulp or paper manufacturing
- Cement manufacturing
- Chemically treating timber
- Waste disposal, transport and reprocessing
- Sewage treatment
- Mining and gas

As a department, DES is also responsible for a broader portfolio of business across different areas including Environmental Policy and Programs, Queensland Parks and Wildlife Service and Partnerships, Environmental Services and Regulation, Science and Technology and Youth Affairs.

It is led by a Director-General with a reporting relationship to the Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs.

As Queensland's primary piece of environmental protection legislation, the *Environmental Protection Act 1994* (EP Act) outlines the regulatory framework for the administration of environmental regulation in Queensland.

The decision-maker under the environmental protection legislation is the 'Chief Executive of the Administering Authority', which is the Director-General of DES. This decision-making power is delegated down to officers within the department via an instrument of delegation.

DES delivers this legislative framework by proactively managing and monitoring environmental risks through modern environmental assessment, coupled with best-practice compliance, investigation and enforcement programs.



# The investigation and consultation

The investigation into possible models for an independent EPA in Queensland involves:

- an assessment of the current state
- benchmarking across other jurisdictions
- research into the importance of independence in regulation
- development of assessment criteria for comparison of possible EPA models
- financial modelling and a governance review
- consultation and engagement.

DES is coordinating community and stakeholder consultation and engagement to help inform the Queensland Government about the possible establishment of an independent Queensland EPA.

The consultation seeks to understand the views and needs of the community and stakeholders about the future of environmental regulation in Queensland.

Consultation feedback will help decide whether Queensland should have an independent EPA, and if so, what it could look like and how it should operate.

Environmental regulation and the question of independence is complex.

There are different levels of interest, knowledge, opinions and ideas among Queenslanders and our state's environmental experts.

Consultation activities have been designed for these different groups.





**Community consultation** is occurring from Saturday 11 December 2021 until Sunday 6 February 2022. It consists of a short survey at the *In the Loop* engagement platform and this summary. The survey has nine questions and takes about five minutes to complete.

The results of the community survey will provide valuable information about the Queensland community sentiment towards whether Queensland should adopt an independent EPA model, as other Australian states and territories have.

**Targeted consultation** is under way with Queensland industry, environmental and community groups and associations.

Research and modelling are under way, investigating best-practice approaches both nationally and internationally, for comparison to how environmental regulation currently occurs in Queensland.

The possible models, our current state analysis and other key discussion themes will form the basis of targeted consultation in early 2022.

The combined outcomes from the investigation, financial modelling and all consultation activities will inform advice back to the Queensland Government for consideration.

**Visit [www.qld.gov.au/epaconsultation](http://www.qld.gov.au/epaconsultation) for more information and to access the community survey at *In the Loop*.**

**The community survey is open until Sunday 6 February 2022.**

# The assessment criteria for evaluating possible models

Following jurisdictional benchmarking and shortlisting of potential models for a Queensland EPA, the models will be evaluated using a set of assessment criteria. The criteria to be used are included as a question in the community survey to seek feedback on which criteria are most important to you. The assessment criteria are:

1

## **Independence**

What is the actual and perceived independence of the governance model?

2

## **Accountability**

How clear and transparent are the roles, responsibilities and decisions under the governance model?

3

## **Financial**

Is financial sustainability/independence possible within the governance model? What are the financial impacts of implementation?

4

## **Efficiency**

How efficiently can services be delivered or transformed/optimised under the governance model?

5

## **Effectiveness**

How effective is the governance model in achieving the objectives of government and environmental legislation?

6

## **Economic**

To what degree can the governance model increase investor confidence for proposals that promote ecologically sustainable development?

# Ecologically sustainable development

DES recognises the importance of balancing environmental values with economic considerations.

A healthy environment is critically important to the health and wellbeing of both people and the amazing biodiversity that exists throughout Queensland. A number of important industries (such as tourism and agriculture) depend on the beauty and productivity of Queensland's natural environment to be successful.

At the same time, as Queensland's environmental regulator, DES is conscious of the importance of job creation and industry development in promoting Queensland's economic prosperity.

The balance between these two objectives is known as 'ecologically sustainable development' and is a fundamental principle of the EP Act.

Ecologically sustainable development places a responsibility on the environmental regulator to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

## The question of independence

Environmental regulation involves balancing the protection of the environment and economic growth. Many jurisdictions have established independent regulators to protect human health and the environment to:

- limit external influence and ensure impartiality of decision-making
- maintain public confidence in regulatory integrity
- maintain competitive neutrality for regulating public and private entities.

The underlying objective of establishing a regulator as an independent entity is to mitigate or manage any risks or perceived risks to regulatory integrity.

A high degree of independence and properly constructed accountability mechanisms are mutually reinforcing.

# Survey questions

The survey questions are included here for informational purposes.

To complete the community survey and have your say about an independent EPA, visit [www.qld.gov.au/epaconsultation](http://www.qld.gov.au/epaconsultation) and click through to the survey at our engagement platform *In the Loop*. Survey responses are anonymous and you will also be asked to complete some basic demographic information to help inform our consultation.

- Rank in order of priority what is important to you.
  - Education
  - Community
  - Economy
  - Health and wellbeing
  - Environment
  - Infrastructure
- Rank in order of priority what you think are the most important factors for an environmental regulator.
  - Independence (decisions are not subject to external influence)
  - Accountability (roles, responsibilities, and decisions are clear and transparent)
  - Financial (funding source is stable)
  - Efficiency (service delivery is efficient)
  - Effectiveness (service delivery is effective)
  - Economic (enables sustainable development)
- How much do you agree that an environmental regulator must balance environmental protection with economic prosperity and job creation?
  - Strongly agree
  - Agree
  - Neither agree nor disagree
  - Disagree
  - Strongly disagree
  - Not sure
- How much do you agree that having an independent EPA in Queensland would increase your level of confidence that environmental regulation is effective?
  - Strongly agree
  - Agree
  - Neither agree nor disagree
  - Disagree
  - Strongly disagree
  - Not sure
- How much do you agree that having an independent EPA in Queensland would increase your level of confidence that industry will operate in an environmentally sustainable manner?
  - Strongly agree
  - Agree
  - Neither agree nor disagree
  - Disagree
  - Strongly disagree
  - Not sure
- Would establishing an EPA in Queensland improve your awareness of who is responsible for environmental regulation at a state level?
  - Yes
  - No
  - Not sure
- How supportive are you of the establishment of an independent EPA in Queensland?
  - Very supportive
  - Supportive
  - Neutral
  - Not supportive
  - Not at all supportive
  - Not sure
- Do you want to be kept informed about this topic?
  - Yes
  - No
- Are there any final comments you would like to make about an independent EPA in Queensland? (Maximum character limit 500)

# Next steps

## **Community consultation is open until Sunday 6 February 2022.**

Complete the survey by visiting In the Loop. The survey has nine questions and takes about five minutes to complete.

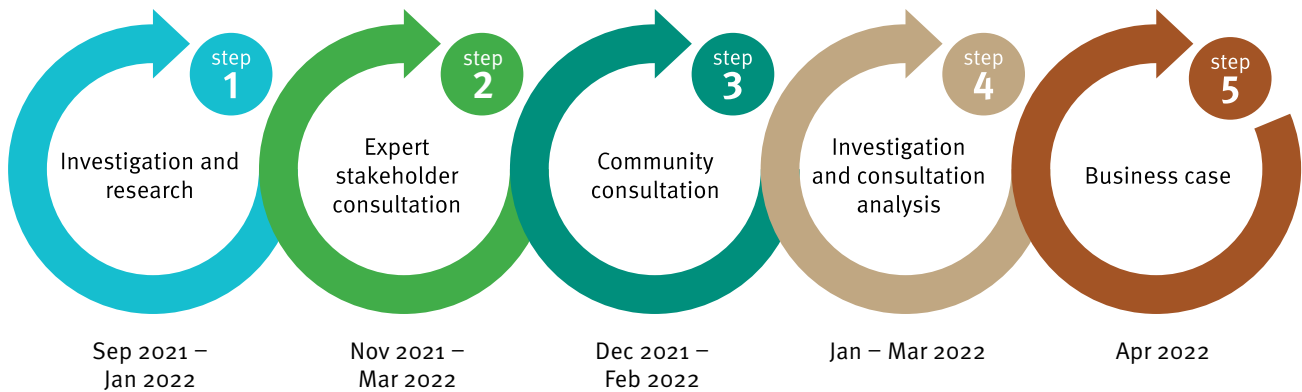
Visit [www.qld.gov.au/epaconsultation](http://www.qld.gov.au/epaconsultation) for more information including an amplifier pack to support promotion of the community consultation.

Targeted consultation is occurring between November and December 2021 with a series of information sessions with peak environment, industry and government groups.

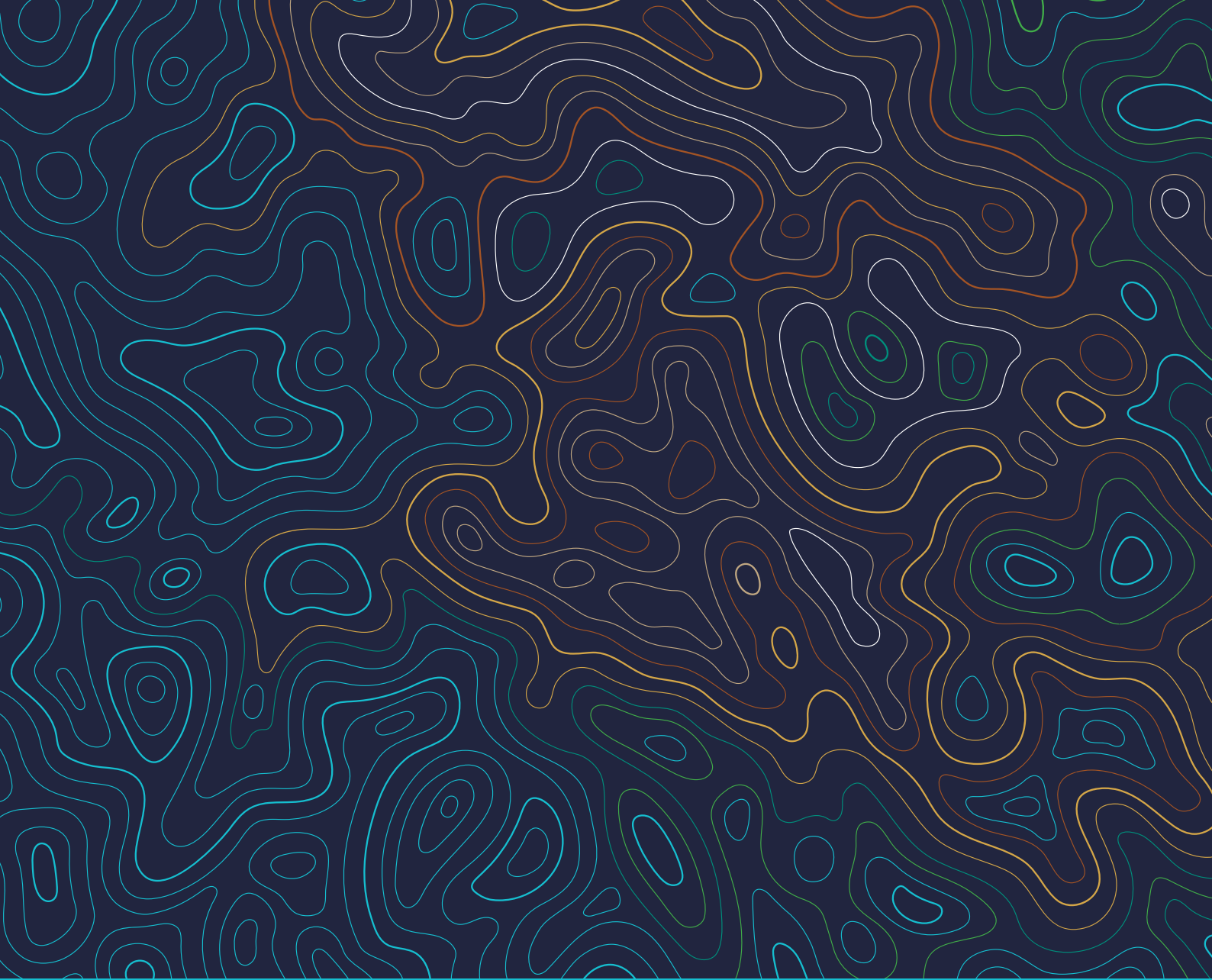
Research and modelling is occurring between October 2021 and early 2022. This work will form the basis of further targeted consultation in early 2022. This consultation will include opportunities to provide detailed feedback on a range of themes, options and EPA models.

The combined outcomes from the investigation, research, financial modelling and all consultation activities will inform advice back to the Queensland Government for consideration in 2022.


## **Independent EPA consultation timeline**







**Have your say** about an independent **EPA**

 [www.qld.gov.au/epaconsultation](http://www.qld.gov.au/epaconsultation)