

Environmental Protection and Other Legislation Amendment Bill 2022

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Meaghan Scanlon MP

Title of the Bill

Environmental Protection and Other Legislation Amendment Bill 2022.

Objectives of the Amendments

The policy objectives of the amendments to the Environmental Protection and Other Legislation Amendment Bill 2022 (the Bill) are to:

- avoid potential unintended consequences of the Bill, which may restrict the disclosure of information to other Queensland Government agencies and law enforcement agencies in other jurisdictions; and
- correct typographical errors.

Achievement of the Objectives

Section 102 of the Bill explicitly allows authorised persons to use body-worn cameras to record images or sounds while the authorised person is exercising a power under Chapter 9 of the *Environmental Protection Act 1994* (the Act). Section 125(2) provides a definition of a body-worn camera. Section 121 of the Bill was inserted to support section 102 by providing additional safeguards regarding a persons' confidential information. Section 121 of the Bill makes it an offence for particular persons to use or disclose the confidential information collected unless the use and disclosure aligns with one of the prescribed reasons.

Section 121 of the Bill was drafted to support the introduction of section 102 however, due to the way it has been drafted, it currently applies to all activities under the Act. This may result in unintended consequence as it may unduly limit the sharing of appropriate information with other Queensland Government agencies and law enforcement agencies in other jurisdictions. This was never the intent.

An amendment is proposed to clause 2 of the Bill to delay the commencement of sections 102 and 121; and 125(2), to the extent it inserts a definition for a body-worn camera, to a day to be fixed by proclamation. This will allow for further investigation into the matter to determine the implications for government, and actions that may be needed to remedy any identified problems.

Two amendments have also been made to the Bill to fix minor typographical errors. An amendment to Schedule 1 has been made to remove reference to section 284B(2) as this section is redundant. An amendment is also being made to the Long Title of the Bill to correct the incorrect year reference in the *Waste Reduction and Recycling Act 2011*.

Alternative Ways of Achieving Policy Objectives

There are no alternative means of achieving the policy objectives.

Estimated Cost for Government Implementation

There are no additional costs to government in implementing the amendments.

Consistency with Fundamental Legislative Principles

The proposed amendments are consistent with fundamental legislative principles.

Consultation

Due to the minor nature of the amendments, no further consultation was carried out.

NOTES ON PROVISIONS

Amendment 1 Clause 2 (Commencement)

Amendment 1 amends clause 2 of the Bill, which modifies the commencement section to provide that sections 102 and 121; and 125(2), to the extent it inserts a definition for a body-worn camera, of the Bill will commence on a day fixed by proclamation. This is to allow sufficient time for any unintended consequences of these two sections to be resolved prior to their commencement.

Amendment 2 Schedule 1 (Legislation amended)

Amendment 2 amends Schedule 1 of the Bill to correct a typographical error. Schedule 1 currently makes reference to section 284B(2), however, the necessary amendment has already been made through clause 42 of the Bill.

Amendment 3 Long Title

Amendment 3 amends the long title of the Bill as it currently contains a typographical error. An amendment will be made to replace the incorrect year reference of 2001 with the correct year reference of 2011 when referencing the *Waste Reduction and Recycling Act 2011*.