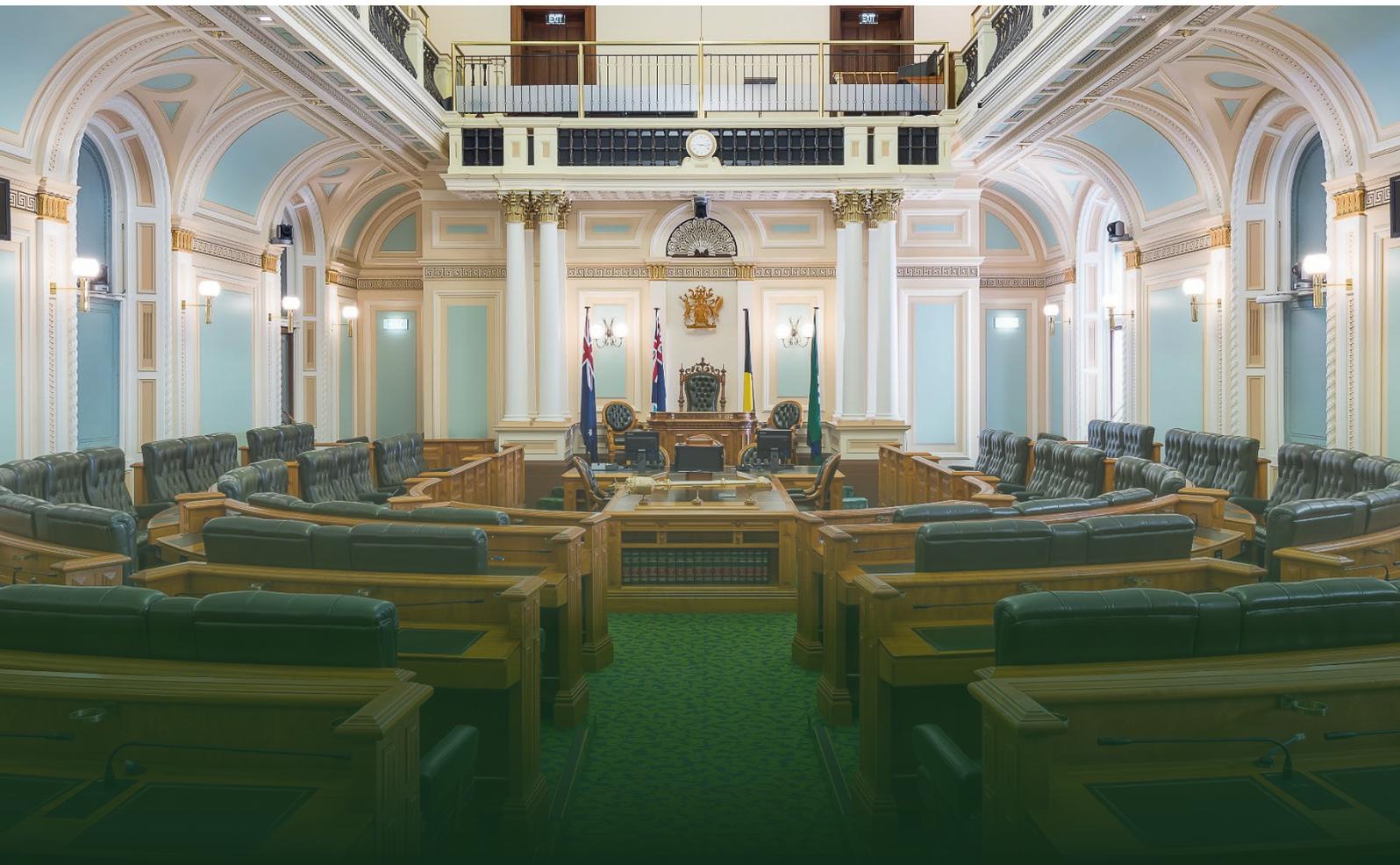




QUEENSLAND PARLIAMENT **COMMITTEES**

Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025

Health, Environment and Innovation Committee



Report No. 21

58th Parliament, January 2026

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Health, Environment and Innovation Committee

Chair	Mr Rob Molhoek MP, Member for Southport
Deputy Chair	Mr Joe Kelly MP, Member for Greenslopes
Members	Ms Sandy Bolton MP, Member for Noosa Ms Kerri-Anne Dooley MP, Member for Redcliffe Dr Barbara O'Shea MP, Member for South Brisbane Mr David Lee MP, Member for Hervey Bay

Committee Secretariat

Telephone	(07) 3553 6626
Email	HEIC@parliament.qld.gov.au
Committee Webpage	www.parliament.qld.gov.au/HEIC

All references and webpages are current at the time of publishing.

Acknowledgements

The committee acknowledges the assistance provided by Department of the Environment, Tourism, Science and Innovation.

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Chair's Foreword

This report presents a summary of the Health, Environment and Innovation Committee's (committee) examination of the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (Bill). The Bill was introduced to the house on 20 November 2025 and was referred to the committee for detailed consideration.

The Bill is an omnibus Bill which achieves a number of objectives which are detailed in this report. Notably, a number of amendments will improve how Queensland regulates environmentally relevant activities to provide a more risk-based approach. This will reduce unnecessary red tape while maintaining environmental safeguards.

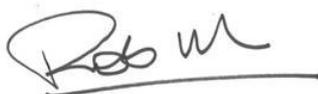
Another significant proposal in the Bill is the introduction of a single integrated permission for tourism activities. This delivers on the government's commitment as part of *Destination 2045*. Single integrated permissions will streamline processes for small businesses, making it easier for them to get the permits they need. It is a key ingredient of this government's commitment to deliver more ecotourism across this beautiful state. These activities showcase our unique environment and make our tourism industry more competitive on an international scale.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee made one recommendation, that the Bill be passed.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill and who appeared before the committee at the public hearing. I also thank our Parliamentary Service staff and the Department of Environment, Tourism, Science and Innovation.

I commend this report to the House.



Mr Rob Molhoek MP

Chair

Executive Summary

On 20 November 2025, the Honourable Andrew Powell MP, Minister for the Environment and Tourism and Minister for Science and Innovation (Minister), introduced the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (Bill) into the Legislative Assembly. The Bill was referred to the Health, Environment and Innovation Committee (the committee) for detailed consideration.

The Bill is an omnibus bill which amends various acts within the Minister's portfolio and makes consequential amendments to resources legislation. The overarching objective of the Bill is to 'improve administrative efficiency and ensure the regulatory frameworks within Queensland's environmental legislation remain contemporary, effective and responsive'. It achieves this objective through sensible, measured reforms which provide for streamlining, reduced regulatory burden, improved clarity and additional enforcement powers.

Significant measures in the Bill include:

- amendments to the *Environmental Protection Act 1992* (EP Act) to introduce a new framework to clearly identify Queensland's significant environmental values (SEVs)
- reframing how environmentally relevant activities (ERAs) are identified and regulated under the EP Act
- introducing code-managed ERAs as an alternative to regulation by an environmental authority (EA) for lower risk activities
- amendments to the progressive rehabilitation closure plan (PRCP) framework to help EA holders transition into the framework, including removal of public interest evaluations (replaced with a requirement to assess public interest considerations), replacing mandatory 3-year rehabilitation audits with discretionary audits, and making clear that historical context should be considered when assessing PRCP applications for legacy sites
- removing duplicative public notice requirements for draft terms of reference for an environmental impact statement
- amendments to recognise impact assessment reports and related processes completed for coordinated projects as meeting the requirements for an environmental authority provided certain requirements are met
- increasing the time limits for commencing summary proceedings under the EP Act and *Waste Reduction and Recycling Act 2011* (WRR Act) to ensure complex offences may still be prosecuted
- amendments to the *Water Act 2000* (Water Act) to extend the underground water impact report (UWIR) reporting timeframe from 3 to 5 years
- other amendments to the Water Act to clarify certain matters, including requirements around baseline reporting, land access under make good agreements, and the power to issue bore assessments notices, with these

measures likely to improve transparency and coexistence between landholders and resource tenure holders

- the introduction of a single integrated permissions (SIP) for tourism activities, achieved through amendments to the *Forestry Act 1959* and *Recreation Areas Management Act 2006*; and
- clarifying amendments to the definition of protected area in the *Nature Conservation Act 1992* and providing conservation officers with powers to conduct investigations into related offences under the *Planning Act 2016*.

The committee received a written briefing from the Department of Environment, Tourism, Science and Innovation (DETSI) on 3 December 2025, conducted two public briefings with DETSI on 10 December 2025 and 20 January 2026, and received further information from DETSI about the operation of the Bill in response to additional questions following each of these hearings. The committee received submissions from 36 stakeholders. DETSI provided the committee with a detailed written response to these submissions on 14 January 2026. Ten stakeholders gave evidence at a public hearing on 20 January 2026.

The committee carefully considered the key issues raised by the evidence presented. Overall, stakeholders supported the Bill's objective to reduce regulatory burden and measures aimed at streamlining the operation of various pieces of legislation. Several key concerns were raised, which are considered in detail in this report. A key theme arising from consideration of these submissions was the need to ensure that measures do not dilute environmental protection and public participation. The committee carefully considered these issues and concluded that the measures are proportionate and sensible and reduce regulatory burden while still providing appropriate safeguards for the environment in a way that takes into account the risks associated with various activities.

The committee assessed the Bill's compliance with fundamental legislative principles and concluded that the Bill has sufficient regard for the rights and liberties of individuals and the institution of Parliament. The committee also carefully considered the Bill's compatibility with human rights and concluded that any limits on property rights, cultural rights, and freedom of expression were proportionate and justified.

The committee made 1 recommendation, found at page ix of this report, that the Bill be passed.

Recommendations

Recommendation 1 5

The committee recommends that the Bill be passed.

Glossary

AEP	Australian Energy Producers
AMEC	Association of Mining Exploration Companies
Bill	Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025
CAP	commercial activity permits
CDIL	Central Downs Irrigators Ltd
CMA	cumulative management areas
Committee	Health, Environment and Innovation Committee
CSG	coal seam gas
DETSI	Department of the Environment, Tourism, Science and Innovation
Technical Report	DETSI, ‘Environmental Risks of Resource Activities’ (Technical Report, June 2025)
EA	environmental authority
EDO	Environmental Defenders Office
EIS	Environmental Impact Statement
EnvA	Environmental Advocacy in Central Queensland
EP Act	<i>Environmental Protection Act 1994</i>
EP Regulation 2019	Environmental Protection Regulation 2019
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (Cth)
ERAs	environmentally relevant activities
ESD	ecologically sustainable development
exposure draft regulations	Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Regulation 2026 (exposure draft)
FLP	Fundamental Legislative Principle
Forestry Act	<i>Forestry Act 1959</i>
GED	general environmental duty
Glencore	Glencore Australia
HRA	<i>Human Rights Act 2019</i>
IAR	Impact assessment report
IRC	Issac Regional Council
LGAQ	Local Government Association of Queensland

LSA	<i>Legislative Standards Act 1992</i>
MERFP Act	<i>Mineral and Energy Resource (Financial Provisions) Act 2018</i>
MR Act	<i>Mineral Resources Act 1989</i>
NC Act	<i>Nature Conservation Act 1992</i>
NQLC	North Queensland Land Council
NQMA	North Queensland Miners' Association
NUMA	non-use management area
OGIA	Office of Groundwater Assessment
PAAs	priority agricultural areas
PIE	public interest evaluation
Planning Act	<i>Planning Act 2016</i>
PMLU	post-mining land use
PRA	Property Rights Australia
PRCP	progressive rehabilitation closure plan
QCC	Queensland Conservation Council
QELA	Queensland Environmental Law Association
QLS	Queensland Law Society
QMRC	Queensland Mine Rehabilitation Commissioner
RAM Act	<i>Recreation Areas Management Act 2006</i>
SCEC	Sunshine Coast Environmental Council
SDPWO Act	<i>State Development and Public Works Organisations Act 1971</i>
SEV	significant environmental value
SIP	single integrated permission
SSMA	small scale mining activity
ToR	terms of reference
UWIR	underground water impact report
Water Act	<i>Water Act 2000</i>
WRR Act	<i>Waste Reduction and Recycling Act 2011</i>

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1. Overview of the Bill

The Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (Bill) was introduced by the Honourable Andrew Powell MP, Minister for the Environment and Tourism and Minister for Science and Innovation, and was referred to the Health, Environment and Innovation Committee (the committee) by the Legislative Assembly on 20 November 2025.

1.1. Aims of the Bill

The overarching objective of the Bill is to ‘improve administrative efficiency and ensure the regulatory frameworks within Queensland’s environmental legislation remain contemporary, effective and responsive.’¹

The Bill proposes to amend the following acts to achieve various objectives:²

- *Environmental Protection Act 1994* (EP Act) and the *Waste Reduction and Recycling Act 2011* (WRR Act) to reduce regulatory burden, strengthen monitoring and enforcement, and resolve operational issues. The Bill includes consequential amendments to various pieces of resources legislation.
- *Water Act 2000* (Water Act) to extend the reporting timeframe for underground water impact reports (UWIR), clarify other matters such as baseline reporting obligations and land access under make good agreements, and make provision for issuing bore assessment notices. The measures are intended to improve co-existence between landholders and resource tenure holders.
- *Forestry Act 1959* (Forestry Act) and the *Recreation Areas Management Act 2006* (RAM Act) to deliver a single integrated permission (SIP) for tourism activities in protected areas, state forests, recreation areas and state marine parks
- *Nature Conservation Act 1992* (NC Act) and *Planning Act 2016* (Planning Act) to clarify the definition of ‘protected area’ and expand the enforcement powers of conservation officers to investigate Planning Act offences.

The proposed amendments to the EP Act include:

- a new framework to clearly identify Queensland’s significant environmental values (SEVs) to guide the identification of environmental relevant activities (ERAs) and administration of the EP Act
- reframing how ERAs are prescribed, with ‘resource ERAs’ becoming ‘prescribed ERAs’
- introducing code-managed ERAs for lower risk activities as an alternative to the current requirement to apply for an environmental authority (EA)

¹ Explanatory notes, p 1.

² Explanatory notes, p 1-2.

- removing prescribed conditions and surety requirements for small scale mining activities (SSMAs) and transitioning these to the new ERA code framework
- various amendments to the progressive rehabilitation closure plan (PRCP) framework, including:
 - removing the current public interest evaluation (PIE) framework, and substituting this with a requirement to consider ‘public interest considerations’ (a list of which is provided)
 - removing mandatory 3-year rehabilitation audits and replacing this with discretionary audits initiated by the Department of the Environment, Tourism, Science and Innovation (DETSI)
 - amending various other provisions to facilitate the transition of EA holders into the PRCP framework, including where there is a transfer of an EA to a new owner, and to clarify various matters, including that historical context may be considered when assessing a PRCP for a transitioning EA.
- removing the requirement for public notification of draft terms of a reference (ToR) for an environmental impact statement (EIS)
- recognising the impact assessment report (IAR) completed for coordinated project as satisfying the requirement for a subsequent EA, which removes duplicative public notification requirements; and
- various amendments to the seizure, forfeiture and enforcement framework, including amendments to clarify the timeframe for commencing summary proceedings, and to provide for a 3-year timeframe to commence summary proceedings for ‘relevant summary offences’.

A detailed list of the objectives of the EP Act amendments is contained in Appendix E. The EP Act amendments will be staged, with some commencing on assent, whereas others commence on proclamation. The amendments commencing on proclamation largely relate to introducing SEVs, prescribing ERAs, and ERA codes. The regulations supporting these proposals require further development and will be subject to future consultation by DETSI. The committee will consider and report on these regulations when they are tabled. Appendix E provides details of which clauses commence on assent / proclamation and details the relevant clauses of the Bill related to each objective.

1.2. Context of the Bill

The following key issues were raised during the committee’s examination of the Bill,³ which are discussed in Section 2 of this Report.

Significant environmental values: Stakeholders were broadly supportive of this proposal but raised concerns about how these will be scoped, mapped, and interact with

³ Note that this section does not discuss all consequential, minor, or technical amendments.

other Acts, regulations and policies. Some submitters raised concerns about potential retrospective operation and the need for regulatory certainty.

Reframing ERAs: Some stakeholders were concerned that the proposal could lead to additional activities being captured as ERAs, and others were concerned that certain resource activities would ultimately be removed from the ERA framework.

Introducing ERA codes: There was mixed feedback in relation to this proposal, with concerns about the lack of definitional clarity around what constituted 'lower risk', and about how such activities would be recorded and monitored by DETSI. Some stakeholders were also concerned about how cumulative impacts would be assessed and monitored. Local government emphasised the need for clarity around devolved ERAs and wanted reassurance that the changes would not increase their responsibilities and costs.

Small scale mining activities: Some stakeholders were concerned about removing the requirement for surety and raised concerns about how rehabilitation outcomes would be secured. In contrast, other stakeholders supported the proposal noting it would improve productivity.

PRCP framework: Views on the changes to the PRCP framework were mixed, with sharp divergence between industry stakeholders and others. Non-industry stakeholders were concerned the changes would reduce transparency and rehabilitation outcomes, while others supported what they considered were sensible measures to help existing resource EA holders transition into the PRCP framework.

Public participation: Some stakeholders were concerned that removing public notification of draft ToR for an EIS, and recognising IARs under the *State Development and Public Works Organisation Act 1971* (SDPWO Act), would result in reduced public participation.

Compliance, monitoring and enforcement capacity: Measures to improve the enforcement framework were generally supported. However, submitters raised concerns that the proposed deregulatory measures would increase reliance on self-assessment by proponents and reduce visibility and oversight by DETSI.

Timeframes for commencing summary prosecutions: This proposal was generally supported, but some stakeholders raised concerns that increasing the timeframes would be unfair to defendants and lead to greater uncertainty for business.

Water Act amendments: The proposal to extend UWIR reporting from 3 to 5 years was strongly opposed with concerns it would reduce the responsiveness and utility of the adaptive management framework. Stakeholders were concerned that the proposal increased the risk of delayed detection of impacts on water bores, particularly with the expansion of coal seam gas activities within Condamine Alluvium. There was support for other Water Act amendments.

SIP for tourism activities: Stakeholders were generally supportive of streamlining the permit process but emphasised the need to ensure that factors required to be assessed under current assessment processes remain mandatory for assessment of a SIP. Local

government warned of increased demand on infrastructure, and sanitation and waste services.

NC Act amendments: These amendments were generally supported but submitters raised potential duplication as an issue.

1.3. Inquiry process

During its inquiry into the Bill, the committee received and considered a variety of evidence including:

- 36 written submissions were accepted from stakeholders
- a written briefing provided by the DETSI on 3 December 2025, which included various attachments, including draft ERA codes for SSMA and an exposure draft of the regulation listing SEVs
- two public briefings provided by DETSI on 10 December 2025 and 20 January 2026, and responses to questions taken on notice at those hearings
- a written response to stakeholder submissions provided by DETSI; and
- evidence from 10 stakeholders at a public hearing on 20 January 2026.

This evidence can be accessed on the committee's webpage.

1.4. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (the LSA),⁴ and the *Human Rights Act 2019* (the HRA).⁵



1.4.1. *Legislative Standards Act 1992*

Assessment of the Bill's compliance with the LSA identified issues listed below which are analysed in Section 2 of this Report:

- rights and liberties of individuals, particularly the requirement that the consequences of legislation should be relevant and proportionate
- rights and liberties (including obligations) are not adversely affected retrospectively; and
- the delegation of legislative power and the institution of Parliament.

⁴ Legislative Standards Act 1992 (LSA).

⁵ Human Rights Act 2019 (HRA).

Committee comment



The committee is satisfied that the explanatory notes tabled with the Bill comply with the requirements of Part 4 of the LSA. The explanatory notes contain a sufficient level of information, background and commentary to facilitate understanding of the Bill's aims and origins.



1.4.2. *Human Rights Act 2019*

Assessment of the Bill's compatibility with the HRA identified issues with the following, which are analysed further in Section 2:

- taking part in public life
- property rights
- cultural rights of Aboriginal and Torres Strait Islanders peoples; and
- freedom of expression.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA.

Committee comment



The committee is satisfied that the statement of compatibility tabled with the Bill provides a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

The committee assessed the Bill's compatibility with the HRA. While the Bill may limit some human rights, the limits are proportionate and justifiable. The committee concluded that the Bill is compatible with human rights.

1.5. **Should the Bill be passed?**

The committee is required to determine whether or not to recommend that the Bill be passed.



Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Bill

This section discusses key themes which were considered during the committee's examination of the Bill.

2.1. General environmental duties and introduction of GED Codes

The *Environmental Protection Act 1994* (EP Act) provides for two central functions designed to protect Queensland's environment:

- a general framework for protecting the environment, which includes provision of general duties, and provides enforcement tools and offence provisions; and
- a framework for approvals for environmentally relevant activities (ERAs).⁶

The EP Act places core duties on all persons (including corporations) in Queensland, with associated offences for failing to meet the:

- General Environmental Duty (GED) – a person must not carry out an activity that causes, or is likely to cause, environmental harm unless they take all reasonable and practicable measures to prevent or minimise harm.⁷ As a part of the duty to prevent and minimise environmental harm, the GED requires people to undertake risk assessments and engage in best practice environmental management.
- Duty to notify environmental harm – where a person conducting certain activities becomes aware, or ought to have reasonably become aware, that an event has taken place which causes, or threatens to cause, serious,⁸ or material,⁹ environmental harm, they must notify the administering authority.¹⁰
- Duty to restore the environment – where a person has caused, or permitted, an incident resulting in unlawful environmental harm they must take measures to rehabilitate or restore the environment to its condition before the harm occurred.¹¹

At present, the EP Act empowers the Minister to make codes of practice.¹² These codes of practice outline the ways people / corporations can achieve compliance with the GED when undertaking certain activities. Compliance with codes of practice can help people avoid prosecution for breaching the GED and creates a defence where an activity has caused environmental harm.

⁶ Department of the Environment, Tourism, Science and Innovation, 'Technical Report: Environmental Risks of Resource Activities' (Technical Report, June 2025) p 4 <https://www.detsi.qld.gov.au/_data/assets/pdf_file/0031/398407/tech-report-env-risks-resource-activities-june-2025.pdf>.

⁷ EP Act, s 319.

⁸ EP Act, s 17.

⁹ EP Act, s 16.

¹⁰ EP Act, s 320DA.

¹¹ EP Act, s 319C. Note: This duty aligns with the 'polluter pays' principle.

¹² EP Act, s 551, which is within Ch 12, pt 1A (Codes of Practice).

The Bill amends the existing scheme for creating codes of practice, amending section 551 to allow the chief executive, rather than the Minister, to create ‘GED codes’ which take effect on the day approved by regulation.¹³

Local government submitters, who may utilise current codes of practice, emphasised the importance of ongoing consultation in developing new GED codes to avoid unintended consequences.¹⁴

2.1.1. FLP – delegation of legislative power and the institution of Parliament

To have sufficient regard to the institution of Parliament, a Bill should:

- allow the delegation of legislative power only in appropriate cases and to appropriate persons; and
- sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.¹⁵

The Bill essentially converts current codes of practice, made by the Minister and gazetted, to GED codes, made by the chief executive and approved by regulation. In developing GED codes, the chief executive:

- would have to have regard to certain matters, including the nature of the harm, or potential harm; and
- need not, but may, have regard to certain other matters, such as whether a person fails to install, use and maintain plant, equipment, processes or systems in a way that minimises risks of environmental harm that may arise in connection with the activity.¹⁶

Committee comment



The proposed delegation of legislative power, to empower the chief executive to make and amend GED codes, is compliant with fundamental legislative principles because GED codes will be approved by regulation, bringing them to the attention of Parliament, with the possibility of disallowance. Therefore, the committee is satisfied the proposed delegation has sufficient regard to the institution of Parliament.

2.2. Significant environmental values

The Bill proposes amendments to the EP Act to ‘clearly identify Queensland’s significant environmental values to guide the identification of ERAs and the administration of [EP

¹³ Bill, cls 88 (inserts new pt 4, div 5, sdiv 3 heading); 89 (amends s 551 of the EP Act).

¹⁴ Submission 25, p 25.

¹⁵ LSA, s 4(4)(a), (b).

¹⁶ Bill, cl 89 (amends s 551 of the EP Act).

Act].¹⁷ At present, the EP Act provides a broad definition of ‘environment’ and an equally broad definition of ‘environmental value’.¹⁸

What is an environmental value?

Section 9 of the EP Act provides that an environmental value is –

- (a) a quality or physical characteristic of the environment that is conducive to ecological health; or
- (b) a quality or physical characteristic of the environment that is conducive to public health, safety or amenity; or
- (c) a quality or physical characteristic of the environment that contributes to its biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony and sense of community; or
- (d) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

The current framework is complex, with values identified across a range of instruments. For example, the Environmental Protection Regulation 2019 (EP Regulation 2019) provides for environmental objectives and performance outcomes related to protecting the environmental value of air, waters, wetlands, groundwater, acoustic environment, and land (including soils, landforms, flora and fauna).¹⁹ Other relevant environmental policies include the EP (Water and Wetland Biodiversity) Policy 2019, the EP (Air) Policy 2019, and the EP (Noise) Policy 2019.

The Bill makes amendments to the EP Act to introduce the concept of ‘significant environmental values’ (SEVs).²⁰ SEVs will be prescribed by regulation. A SEV can only be declared where the Minister is satisfied that the value is significant and should be protected as a priority.²¹

The introduction of SEVs is intended to:

- provide clarity to stakeholders, applicants and those administering the legislation on the aspects of the environment that are priorities for the State government in implementation of the legislation; and
- enable the threshold for prescribing activities as ERAs to be linked to an adverse outcome on significant environmental values, to ensure all activities warranting

¹⁷ Explanatory notes, p 2.

¹⁸ EP Act, ss 8-9. See also Summary IAS, p 13-15.

¹⁹ EP Regulation 2019, sch 8.

²⁰ Bill, cls 51-53 (amends s 4 and 5A of the EP Act and inserts new s 9A to the EP Act). See also Explanatory notes, pp 43-44.

²¹ Bill, cl 53 (inserts new s 9A to the EP Act).

approvals are captured, and to provide a consistent environmental risk basis for considering the activities that are regulated under the EP Act.²²

DETSI provided the committee with a working draft of the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Regulation 2026 (exposure draft regulations), which includes schedule 1AA, Significant Environmental Values. The draft list is over 4 pages long and references 6 other Queensland Acts and other policies.

At the public briefing on 10 December 2025, DETSI further explained the rationale for introducing SEVs:

What the bill is looking at proposing is establishing a subset of all of those environmental values which are out there—it can be endless—into a very clear, what are the most significant values that we are wanting to look at protecting, and having those in a very clear format. ...

... The proposed list includes things around essential habitat for threatened wildlife, so that if it is koalas, the habitat for koalas in that situation. Looking at threatened wildlife and any impact to species would be a key one we would look at as part of that process as well. It includes any of the state environmental values which are protected through the State Planning Policy. Wetlands would be one of the proposals as a significant environmental value, and any of those other aspects around that, so water courses or a marine plant under the Fisheries Act. It would go as far as our protected areas under the Nature Conservation Act as well. There are a range of those ones that are of the higher values which we are wanting to protect through this process and it is really about providing clarity from an administrative point of view for how we are administering the act but also providing certainty to stakeholders and our staff about what it is we are wanting to focus in on that.²³



2.2.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Overall, there was broad support amongst stakeholders for the introduction of SEVs. However, stakeholders raised various issues, including:²⁴

- how SEVs would be used and developed
- the importance of them being informed by evidence and research
- the importance of consultation in their development
- the importance of clear definitions or thresholds and whether there was a need for mapping
- the need for regulatory certainty; and
- risks associated with reliance on secondary instruments.

²² Summary IAS, p 13-14.

²³ Public briefing transcript, Brisbane (10 December 2025) p 3.

²⁴ Submission 12, p 2; Submission 23, p 4; Submission 22, p 2; Submission 34, p 4; Submission 21, pp 3-4; Submissions 24; Submission 31; Submission 32; Submission 14, p 2.

Association of Mining and Exploration Companies (AMEC) supported the introduction of SEVs, noting it 'should make compliance and assessment easier'.²⁵

Conversely, the Queensland Environmental Law Association (QELA) noted that 'practically these amendments would appear to facilitate the introduction of a new layer of regulation, rather than streamlining the existing regulatory frameworks'.²⁶

Glencore Australia (Glencore) noted:

...[SEVs] can have major implications for entities regulated by the EP Act as they govern circumstances in which approvals can be obtained. Despite this, there are no criteria or processes described in the Bill for designating significant environmental value; the only limitation on the Minister's power to declare a significant environmental value is that the Minister must be satisfied the value is State significance [sic] and should be protected under the EP Act as a priority. The EP Act should include procedural safeguards including integrating public consultation into the process...²⁷

Property Rights Australia (PRA) noted:

The recent amendments to the federal [EPBC Act] need to be considered and guidelines provided to which Act has precedence over state and national environmental matters, where conflicting regulations occur.²⁸

Australian Energy Producers (AEP) noted SEVs 'will carry significant regulatory weight, influencing the ERA classification and assessment processes', and raised concerns that they were to be contained in delegated legislation. In their written submission, AEP noted they had not seen the draft list until the committee published the department's briefing which included the exposure draft regulations.²⁹ Regarding the draft list of SEVs, AEP noted:

...so the list of 17 SEVs stretches for four pages. These SEV definitions are drawn from six different Acts, reflect two different statutory maps, one existing environmental policy, complex definitions of habitat and vegetation as well as buffers around some of those mapped and policy areas. And these are just the 17 most significant values.³⁰

AEP also noted concerns about potential retrospectivity:

Introducing these changes without published SEVs maps / thresholds creates investment uncertainty...because EA decisions would need to have regard to values whose locations and criteria are not yet defined.

Any future EA amendments and related administrative decisions will necessarily be assessed against whatever SEVs are ultimately prescribed. Absent a clarifying transitional clause confirming strictly prospective

²⁵ Submission 2, p 6.

²⁶ Submission 8, p 2.

²⁷ Submission 24, p 3.

²⁸ Submission 14, p 2.

²⁹ Submission 32, p 6.

³⁰ Submission 32, p 6.

application, the introduction of SEVs will be retrospective with respect to [projects already approved as coordinated projects].³¹

At the public hearing, AEP elaborated on these concerns and told the committee:

At the outset, I want to acknowledge the additional material that was released by the department this morning. We have just received a copy from the secretariat. We welcome some of the clarity that those comments from the department provided to us, particularly that the bill is intended to operate prospectively and not apply retrospectively to existing authorities. We think this clarification is helpful...

...the bill as drafted does not include express protections for those existing approvals and it creates a de facto risk of retrospectivity—and we will get into that a little bit more—where settled approvals could be effectively reopened through administrative decisions. That risk is particularly acute for projects approved through the Coordinator-General process under the state development act, a process that most significant development projects in Queensland have utilised to underpin that long-term investment. Much of Queensland’s gas industry operates under large area-based approvals that were assessed through those EISs and approved by the Coordinator-General. Those approvals deliberately contemplated staged developments over time with environmental authorities amended as infrastructure is known and locations become known.

Our concern is that, when those future EA amendments are assessed, they would be required to have regard to the new significant environmental values that did not exist, were not mapped and not particularly capable of being assessed at the time that the original Coordinator-General approval was granted. These values are currently unmapped and could be anywhere. ...³²

At the public hearing, AEP tabled a further submission outlining their recommended changes to address this issue.³³

Some submitters advocated for inclusion of priority agricultural areas (PAAs) as a SEV, noting the Bill fails to protect ‘the finite resources of PAAs from environmental harm’ and that resource activities can damage agricultural land, irrigation bores, overland water flow, or cause subsistence on neighbouring land.³⁴ Others recommended that ‘dark skies’, under threat from light pollution, should be protected as a SEV.³⁵

ii. Department advice

In its response to submissions, particularly concerns about SEVs being duplicative and potentially increasing regulation, DETSI emphasised:

The declaration of [SEVs] is not intended to introduce a new layer of regulation or burden. It will consolidate and align existing levels of protection under

³¹ Submission 32, p 4.

³² Public hearing transcript, Brisbane (20 January 2026) p 22.

³³ Submission 32, p 7; Public hearing transcript, Brisbane (20 January 2026) pp 23-24. See also, AEP, Tabled paper, public hearing, Brisbane (20 January 2026) <<https://documents.parliament.qld.gov.au/com/HEIC-AF26/EPESOLAB20-0E11/Keld%20Knudsen,%20Australian%20Energy%20Producers.pdf>>.

³⁴ Submission 14, p 2. See also submission 15, p 2.

³⁵ Submission 11, p 2. Submission 34, pp 4-6.

relevant regulatory frameworks to ensure equivalent protection priorities are reflected in one place under the EP Act.

... Benefits from identifying [SEVs] include:

- consolidating the list of priority environmental matters to simplify the regulatory framework, rather than having these matters identified through a number of different instruments and references as is currently the case;*
- providing a sound basis for determining appropriate regulatory oversight for [ERAs], including opportunities to streamline regulation and de-regulate; and*
- increasing outcome certainty for industry and government regarding priorities for environmental decision-making.*

Further consultation with stakeholders will be undertaken to develop the specific list of values, ensuring the new arrangements avoid unintended consequences.³⁶

DETSI further stated:

The EP Act already requires applicants and proponents to assess and manage impacts to environmental values. There will be no material change to this assessment process as a result of prescribing [SEVs]. However, applicants will have a clearer and consolidated list of [SEVs] to reference.³⁷

DETSI also noted that in addition to further consultation, the declaration of SEVs through a regulation will ‘also include a regulatory impact assessment, public notification and consideration of submissions, and [oversight through tabling and disallowance]’.³⁸

In response to concerns about the Bill’s reliance on subordinate legislation to prescribe SEVs, define ERAs, and prescribe ERA codes, DETSI advised that the Bill considered fundamental legislative principles, that the proposed approach would allow a ‘more targeted approach and better respond to emerging industries, technological developments and new environmental information without requiring amendment to the Act’, and that the Bill established safeguards to ensure regulations were appropriately made.³⁹ With respect to the decision to prescribe SEVs by regulation, DETSI said:

Significant environmental values will be declared under subordinate legislation. This sub-delegation is justified on the basis that decisions about which environmental values are considered significant are inherently technical and may require timely updates in response to emerging scientific evidence, environmental risks, or to achieve consistency with policy changes. ... [It will remain] subject to parliamentary oversight through the tabling and disallowance process...⁴⁰

Regarding concerns about potential retrospectivity, DETSI noted:

³⁶ DETSI, response to submissions (14 January 2026) p 19.

³⁷ DETSI, response to submissions (14 January 2026) p 20.

³⁸ DETSI, response to submissions (14 January 2026) p 20.

³⁹ DETSI, response to submissions (14 January 2026) p 7.

⁴⁰ DETSI, response to submissions (14 January 2026) p 7. See further Explanatory notes, p 14.

*Existing projects and previously approved activities will not be subject to reassessment as a result of changes...and [SEVs] will not be applied retrospectively to [EAs].*⁴¹

In response to PRA's concerns about how the proposed approach to SEVs would align with recent amendments to the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), DETSI noted it was 'currently assessing the implications of these at the State level'.⁴²

DETSI noted concerns from submitters about impacts to agricultural land but asserted 'this was out of the scope of the Bill'.⁴³ Suggestions to include dark skies as a SEV was also considered outside of the scope of the Bill.⁴⁴

Committee comment



The committee carefully considered AEP's concerns about the potential quasi-retrospective effect of introducing SEVs and notes the department's response to this concern.

While DETSI's response was clear that SEVs would not operate retrospectively, it perhaps failed to appreciate the nuance of the concern: that when an EA application, or amendment EA application, for a coordinated project (or previously approved project) is made after SEVs are introduced, but where the project was not previously assessed by reference to SEVs, the EA application would be assessed by reference to these values, thus the potential retrospectivity.

The department has been clear that SEVs do not introduce a new layer of regulation, or new values, but simply have the effect of consolidating existing values into a single list and identifying those which are a priority. Given that no new values are introduced, such values should have already been assessed as part of any prior approval.

The committee is satisfied that this approach ensures that there is no retrospectivity.



2.2.2. FLP – delegation of legislative power and the institution of Parliament

SEVs will be declared by regulation where the Minister is satisfied that a value is significant and should be protected as a priority.

The sub delegation of legislative power raises issues of whether the proposed power has sufficient regard to the institution of Parliament.

⁴¹ DETSI, response to submissions (14 January 2026) p 8. See further, DETSI, response to submissions (14 January 2026) p 21.

⁴² DETSI, response to submissions (14 January 2026) p 20.

⁴³ DETSI, response to submissions (14 January 2026) p 20.

⁴⁴ DETSI, response to submissions (14 January 2026) p 48.

Committee comment

The committee is satisfied that the proposed delegation of legislative power, to empower the Minister to declare significant environmental values through regulations, has sufficient regard to the institution of Parliament.

The exposure draft regulations provided to the committee by DETSI demonstrates the complex and technical nature of SEVs. In light of this, and to ensure responsiveness, it is appropriate for SEVs to be declared through regulation rather than being included in the primary Act. The legislative conditions for prescribing SEVs, while broad, ensure the identification of significant values can be responsive to the government's priorities and developing evidence.

The department reassured the committee that there will be ongoing consultation with stakeholders during the development of the final list. The committee is satisfied that this approach, together with the requirement to table regulations, with the possibility of disallowance, provides sufficient oversight of this process.

2.3. Reframing ERAs

The EP Act identifies certain activities as ERAs and requires persons carrying out such activities to hold an 'environmental authority' (EA).⁴⁵ EAs impose oversight and obligations beyond the GED.

Currently, the EP Act provides for three types of ERAs:⁴⁶

1. Prescribed ERA: under section 19 of the EP Act,⁴⁷ an ERA may be prescribed under regulation if the Governor in Council is satisfied that the activity will or may cause environmental harm.
2. Resource ERA: under section 107 of the EP Act,⁴⁸ a resource ERA covers all resource and mining activities.
3. Agricultural ERA: under section 79 of the EP Act,⁴⁹ an agricultural ERA relates to relevant commercial activities carried out on land in the Great Barrier Reef catchment.

It is said that the current approach is inconsistent and 'has resulted in regulatory requirements being disproportionate to the risk of environmental harm ... particularly ...

⁴⁵ EP Act, s 116.

⁴⁶ EP Act, s 18. Cf Bill, cl 54 (amends s 18 of the EP Act).

⁴⁷ Bill, cl 54 (amends s 19 of the EP Act).

⁴⁸ Bill, cl 59 (omits s 107 of the EP Act); cl 54 (amends s 19 of the EP Act to include prescribed resource activities).

⁴⁹ Bill, cl 57 (amends s 79 of the EP Act to note that an agricultural ERA may also be a general ERA prescribed under s 19(3) of the EP Act).

where sound methods of environmental management practice have emerged and are now well known'.⁵⁰

To address this issue, the Bill proposes to amend this framework so that all ERAs are 'defined and regulated under a consistent, risk-based approach'.⁵¹ The proposed amendments reframe how ERAs are identified and regulated, which includes by reference to SEVs, and 'provides a catalyst for reviewing and reducing the list of regulated activities and level of regulatory oversight, based on environmental risks'.⁵²

The Bill proposes to reclassify ERAs, creating two categories, as follows:⁵³

1. Prescribed ERAs, prescribed by regulation and classified as either:
 - general ERAs – prescribed activities that are not a resource activity; or
 - resource ERAs – geothermal activities, greenhouse gas storage activities, mining activities and petroleum activities; and
2. Agricultural ERAs, which will continue to be defined by section 79 of the EP Act.

New section 19 provides that an activity may be prescribed as a general or resource ERA if the minister is satisfied of:⁵⁴

- both of the following:
 - that a contaminant will or may be released into the environment when the activity is carried out;
 - the release of the contaminant⁵⁵ will or may cause environmental harm;⁵⁶
- either of the following:
 - the activity will or may adversely affect a significant environmental value;
 - the activity will or may adversely affect an environmental value in the marine environment.

The most notable consequence of these proposed amendments is that resource activities, all of which are currently ERAs under the EP Act, will instead be prescribed by regulation. Some activities that are currently ERAs may no longer be ERAs, and some activities that are not ERAs may become ERAs. The committee asked DETSI what activities may no longer be considered ERA under the revised framework, and were told:

All existing ERAs, with the exception of prospecting permits, will go through a 'like-for-like' transfer from the EP Act into the EP Regulation and will continue to be regulated as is currently the case. Any changes to the

⁵⁰ Summary IAS, p 11.

⁵¹ Summary IAS, p 11.

⁵² DETSI, written briefing (3 December 2025) p 2.

⁵³ Bill, cl 54 (inserts new s 18 to the EP Act). See also explanatory notes, p 45.

⁵⁴ Bill, cl 54 (inserts new s 19 to the EP Act).

⁵⁵ 'Contaminant' is defined in s 11 of the EP Act.

⁵⁶ 'Environmental harm' is defined in s 14 of the EP Act.

prescription of these ERAs, including the addition or removal of specific ERAs, would be subject to a separate review process.

Prospecting permits, which involve short-lived activities with minimal environmental impact, are proposed to no longer be regulated as ERAs from commencement of the amendments. These activities will instead be managed under the GED provisions of the EP Act, which require all reasonably practicable measures are to be taken to prevent or minimise environmental harm.⁵⁷



2.3.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Some industry stakeholders were concerned the proposed approach, which uses the new concept of SEVs to assess whether an activity should be prescribed as an ERA, may result in additional activities being captured as ERAs, with the potential to duplicate assessment processes already undertaken when assessing development applications.⁵⁸

PRA were ‘disappointed that the Bill has excluded Agricultural ERA Standards from the proposed process to transition low risk ERA’s into Regulations and Codes’ and noted ‘the Bill and Explanatory Notes do not provide adequate explanation to why only resource and general ERA’s will be considered for this transition, and not agricultural ERA’s’.⁵⁹

Cement Concrete and Aggregates Australia noted the new legislative test for prescribing an ERA, which includes that it ‘will or may otherwise adversely affect a significant environmental value’,⁶⁰ and said use of ‘may’ was unclear and could potentially lead to regulating activities where there was only a hypothetical chance of a SEV being impacted.⁶¹

The Queensland Beekeepers’ Association Inc were concerned that using SEVs to guide the designation of ERAs could affect apiary sites in National Parks.⁶²

ii. Department advice

In response to concerns about the use of ‘may affect a SEV’ in new section 19, DETSI noted that use of ‘will or may’ was consistent with the approach taken to drafting in current section 19, and said the proposed approach:

...[is] not intended to create additional layers of regulation but to streamline and align existing frameworks. Importantly, these [SEVs] are not designed to expand or reduce the scope of matters currently considered under the EP Act.

Activities that do not pose a risk of environmental harm or impact on an environmental value will not meet the criteria to be prescribed an ERA.

⁵⁷ DETSI, correspondence (19 December 2025) p 4.

⁵⁸ Submission 31, p 4. See also submission 17, p 2.

⁵⁹ Submission 14, p 1.

⁶⁰ Bill, cl 54 (inserts new s 19(4)(b)(i) to the EP Act).

⁶¹ Submission 31, p 5.

⁶² Submission 30, p 2.

*Additionally, the amendments will not affect the current list of [ERAs]. Any future changes to this list would require a consultation process before an activity could be prescribed by regulation.*⁶³

Potential impacts on apiary sites were not expected.⁶⁴

Regarding concerns about exclusion of agricultural ERAs, DETSI stated:

*Agricultural ERA Standards...may be considered for transition to an ERA code in future. However, this would form part of a separate process and be carried out in consultation with stakeholders.*⁶⁵



2.3.2. FLP – delegation of legislative power and the institution of Parliament

Under the proposed approach, resource ERAs and general ERAs will be prescribed by regulation. This raises the issue of whether sub delegation of legislative power is appropriate and has sufficient regard to the institution of Parliament.

This approach is said to '[promote] consistency and [provide] for a more targeted approach, ensuring that regulatory oversight is grounded in an assessment of environmental risk'.⁶⁶ Further, that it allows the ERA framework to 'respond to emerging industries, technological developments, and new environmental information without requiring amendment to the Act'.⁶⁷

Committee comment



The committee is satisfied that the Bill's proposal to prescribe ERAs through regulation has sufficient regard to the institution of Parliament.

The committee notes the department's advice that there will be a like-for-like transfer of activities into the regulation, with the exception prospecting, and that further consultation and review will be undertaken to determine whether the addition or removal of any activities is necessary. This is appropriate given that emerging technology and increased environmental knowledge may give rise to new activities that need regulation or provide opportunities for deregulation. The proposed approach ensures responsiveness and will be subject to parliamentary oversight.

⁶³ DETSI, response to submissions (14 January 2026) pp 17-18.

⁶⁴ DETSI, response to submissions (14 January 2026) p 46.

⁶⁵ DETSI, response to submissions (14 January 2026) p 10.

⁶⁶ Explanatory notes, pp 45-46. Bill, cl 93 (amends s 859 of the EP Act). The prescribed ERAs in schedule 2 of the current EP Regulation would become general ERAs. The general ERAs may include activities which are carried out as part of a resource activity (e.g. chemical storage).

⁶⁷ Explanatory notes, p 13.

2.4. Introducing code managed ERAs

In addition to reframing how ERAs are determined, the Bill provides a new mechanism to allow 'lower risk' ERAs to be declared, by regulation, to be code-managed ERAs. ERA codes will be developed and will provide an alternative to EAs as a form of regulation and oversight.⁶⁸ This is one of the most significant changes proposed by the Bill.

Under the current provisions of the EP Act, there are 3 pathways to obtain an EA for an ERA:⁶⁹

1. Standard Application – applies to eligible ERAs where the EA is subject to standard conditions. These applications are used where an applicant meets eligibility criteria and can utilise standard conditions. A standard application can be fast-tracked.
2. Variation Application – applies to eligible ERAs where the applicant meets eligibility criteria but seeks amendments to standard conditions.
3. Site-Specific Application – applies where any of the relevant activities are ineligible ERAs and are required where the application does not meet standard eligibility criteria. A site-specific application usually triggers a more rigorous assessment process for the EA, including tailored conditions, and may also require an environmental impact statement (EIS).

DETSI is responsible for developing 'ERA standards' which provide for eligibility criteria and standard conditions, which are used for standard and variation EA applications. ERA standards apply to a range of activities, including mining and other resource activities, lower-risk activities and prescribed ERAs.

The Bill proposes to introduce code-managed ERAs as an alternative regulatory approach to manage lower-risk activities classified as an ERA, which currently require an EA, with DETSI stating:

The requirement to apply for and hold an EA for these activities imposes regulatory burden on business. As knowledge of good environmental practice has evolved, this regulatory burden is now having minimal benefits for the State and community as low risk activities are routinely able to be well-managed to prevent environmental harm. This burden could be avoided if the minimum management requirements could be set outside of the EA framework.⁷⁰

It is estimated that approximately 32% of current EAs, which meet standard criteria and progress as standard EA applications, may be suitable for conversion to an ERA code.⁷¹

⁶⁸ Summary IAS, p 7.

⁶⁹ EP Act, s 121.

⁷⁰ Summary IAS, p 7.

⁷¹ Summary IAS, p 8.

The Bill provides that an ERA may be declared a code-managed ERA where the Minister is satisfied:⁷²

- the risk of environmental harm from the activity is known; and
- the environmental harm can be effectively prevented, minimised, rehabilitated, or remediated by requiring compliance with an ERA code.

ERA codes will include rules and requirements in the form of conditions that limit the way an ERA can be undertaken.⁷³ ERA codes will be developed by the chief executive through a comprehensive consultation process similar to the process employed for developing ERA standards.⁷⁴

To facilitate the introduction of ERA codes, the Bill introduces new chapter 6 into the EP Act which provides the framework to identify ERAs suitable for code-based regulation, and also provides for certain code-managed ERAs to be registered (which will be declared through regulation).⁷⁵ Registration will only be required where the Minister is satisfied that the activity needs to be monitored under the EP Act:

- having regard to the nature of the activity and the degree of environmental risk; and
- to ensure effective administration of the Act.⁷⁶

The committee sought clarification about what constitutes a 'lower risk activity' that may be suitable for an ERA code and requested examples of such activities. DETSI told the committee:

In this context, 'lower risk' is used to refer to activities for which environmental risk management requirements are well-known and understood, and there is limited benefit from an application and assessment process. These are activities that are suitable to be managed under an ERA code, and the Bill limits the Minister to only recommending activities for an ERA code that meets these criteria.

An example is small-scale mining activities for corundum, gemstones and other precious stones or minerals. ... Based on stakeholder feedback, other activities that may be considered suitable for regulation via an ERA code include:

- *Small sewage pump stations;*
- *Small dredging operations;*
- *Chemical storage;*

⁷² Bill, cl 54 (see new s 20(3), EP Act).

⁷³ Explanatory notes, p 13.

⁷⁴ Explanatory notes, p 14; Bill, cl 90 (inserts new ss 551A-551D into the EP Act which provide the process for development ERA codes and contains similar provisions to those which exist for developing ERA standards).

⁷⁵ Bill, cl 73 (inserts new Ch 6 into the EP Act). See also explanatory notes, p 53-58; Summary IAS, p 11.

⁷⁶ Bill, cl 54 (see new ss 20(2) and (4), EP Act).

- *Certain bulk material handling facilities;*
- *Boat maintenance and repair (in sheds/enclosed structures only); and*
- *Certain extraction and screening activities (such as quarrying) operated by local government.*⁷⁷

The first activities that will transition to ERA codes will be small scale mining activities (SSMAs) on a mining claim,⁷⁸ and SSMAs on an exploration permit.⁷⁹ DETSI also foreshadowed that data acquisition authorities, water monitoring authorities and certain exploration activities under resources legislation may also be appropriate to transition to ERA codes.⁸⁰ DETSI told the committee that ‘regulated activities will be progressively reviewed to identify those suitable for conversation to an ERA code, starting with resources activities’.⁸¹

The Bill also includes various consequential amendments including:⁸²

- a new head of power to allow DETSI to collect a registration fee from certain operators required to comply with an ERA code
- establishing an offence for conducting certain activities without having registered
- establishing an offence for contravening a relevant ERA code
- inserting provisions to allow operators to be transitioned from EAs to ERA codes; and
- providing that powers of entry for authorised persons include places where an activity is being undertaken subject to an ERA code as per existing arrangements for EAs.

The Bill also makes consequential amendments to the below Acts to recognise the introduction of code-managed ERAs:

- *Geothermal Energy Act 2010*⁸³
- *Greenhouse Gas Storage Act 2009*⁸⁴
- *Mineral Resources Act 1989* (MR Act)⁸⁵
- *Petroleum Act 1923*⁸⁶; and
- *Petroleum and Gas (Production and Safety) Act 2004*.⁸⁷

⁷⁷ DETSI, correspondence (19 December 2025) pp 4-5. DETSI, response to submissions (14 January 2026) p 10.

⁷⁸ DETSI, written briefing (3 December 2025) attachment 4.

⁷⁹ DETSI, written briefing (3 December 2025) attachment 5.

⁸⁰ Public briefing transcript, Brisbane (10 December 2025) p 15. See also public briefing transcript, Brisbane (20 January 2026) p 6.

⁸¹ DETSI, correspondence (19 December 2025) p 5.

⁸² Summary IAS, p 9.

⁸³ Bill, cls 109-110 (amends the *Geothermal Energy Act 2010*).

⁸⁴ Bill, cls 111-112 (amends the *Greenhouse Gas Storage Act 2009*).

⁸⁵ Bill, cls 128-138 (amends the MR Act).

⁸⁶ Bill, cls 150-153 (amends the *Petroleum Act 1923*).

⁸⁷ Bill, cls 154-156 (amends the *Petroleum and Gas (Production and Safety) Act 2004*).



2.4.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

There were mixed responses from stakeholders regarding this proposal. Industry stakeholders were largely supportive of the proposals.⁸⁸ Conservation, local government and legal stakeholders were largely opposed and raised concerns about how cumulative impacts would be identified and managed and recommended mandatory registration and a public register if the proposal progressed.⁸⁹

AMEC, while generally supportive of the proposal, noted the importance of ensuring ‘designations such as ‘low risk’ have some statutory criteria to limit the inconsistent application of DETSI’s officer discretion’, and recommended alignment with AS ISO 31000:2018.⁹⁰

Property Council of Australia noted ‘clarity is required as to how ERAs are assessed to determine if they are a low-risk activity’ and emphasised that ‘ERA codes must integrate seamlessly with the *Planning Act 2016* (Planning Act) framework’.⁹¹

At the public hearing, QELA were asked what specific criteria could be used to identify low risk activities and told the committee:

That is a very difficult question to answer, but what I will say is this—and it is probably stating the obvious—that having criteria that are clear in terms of whether they are measurably met or not, and able to be regulated and enforced is going to be of importance. There needs to be again a balance struck between ensuring that those activities that are truly low-risk are not subject to unnecessary regulation and intervention, but at the same time there should be clear guidelines about precisely what activities fall to receive the benefit of such flexibility because self-evidently, activities that are potentially of greater risk need to be subject to further assessment and review.⁹²

AEP flagged the uniform, inflexible approach of codes (which don’t allow modifications to respond to site-specific considerations), and were particularly concerned about how ancillary prescribed ERAs, which may be part of a broader EA for a resource activity, may be impacted if transitioned to an ERA code.⁹³

The Environmental Defenders Office (EDO) did not support code-managed ERAs, noting there were already expedited pathways for EA approvals, like standard EAs, which do not require public consultation, discretion, or provide third party appeal rights.⁹⁴ EDO noted that eligibility to operate under ERA codes would be self-assessed, without scrutiny from DETSI, and submitted this ‘is antithetical to the regulatory functions that DETSI should

⁸⁸ Submission 4, p 1. Submission 5, p 1-2. Submission 15, p 2. Submission 2, p 6.

⁸⁹ Submissions 3, 8, 9, 19, 20, 22, 23, 25, 33, 34.

⁹⁰ Submission 2, p 6.

⁹¹ Submission 15, pp 2-3.

⁹² Public hearing transcript, Brisbane (20 January 2026) p 4.

⁹³ Submission 32, p 7.

⁹⁴ Submission 22, p 3.

perform'.⁹⁵ Stakeholders expressed concern about heavy reliance on self-assessment and stressed the need for effective monitoring and enforcement.⁹⁶

The issue of being able to meet ERA code conditions, and the difference between ERA codes and standard EAs, was explored further at the public hearing, with QLS noting:

One of the queries we did have is that, if you are undertaking an activity and you are not sure whether you can comply with the ERA code or not, the guidance is a little unclear at the moment as to what you do, whether you automatically apply for an environmental authority or not. That could be possibly improved.

...Subject to that, the existing environmental authority process for standard EAs does have ERA standards which are a suite of already set conditions in them. There are 15 of those. If you apply for an environmental authority for the existing standard ERA conditions and you say you comply with them then it is a pretty simple process of getting that ticked off. I do not see a major difference between the proposal and that if what is caught by it is limited to the same type of low-risk activities with appropriate thresholds.

The only thing I would note is that in practice there might be a little more propensity for things to slip through the cracks. If you are required to apply for an approval, it crystallises the thought as to 'Can I comply with the code or not?' and doing all those checks and getting expert advice. 'Do I meet the threshold for an ERA or not?' If you are just proceeding under a background code, there might be more propensity for people to say, 'I'll be all right,' and not really turn their mind to it....⁹⁷

Multiple submitters recommended mandatory registration of code-managed ERAs and said this register should be publicly available.⁹⁸ Further, in response to DETSI's position registration was not required for all code-managed ERAs because that information would be available through other regulatory means, EDO emphasised that centralised registration had the benefit of creating certainty and would ensure relevant information was available in a single place.⁹⁹ Stakeholders also noted the importance of being able to adjust conditions to take into account site specific needs.¹⁰⁰

Queensland Conservation Council (QCC) referenced DETSI's 2025 technical paper on resource activities, which the department confirmed may influence decision making on resource activities suitable for code management,¹⁰¹ and submitted that 'activities such as exploration...could have significant impact, [and] could be allocated an inappropriately low impact', and said these activities were not suitable for ERA codes.¹⁰²

⁹⁵ Submission 22, p 3.

⁹⁶ Submission 21, p 2; Submission 8, p 3; Submission 9; Submission 20, p 1.

⁹⁷ Public hearing transcript, Brisbane (20 January 2026) p 8.

⁹⁸ Submission 22; Submission 20, p 2; Submission 34, p 2; Submission 23, p 3; Submission 25, p 12; Submission 8, p 2; Submission 33, p 2.

⁹⁹ Submission 22, p 4.

¹⁰⁰ Submission 21, p 2; Submission 25, p 12.

¹⁰¹ DETSI correspondence (19 December 2025) p 3.

¹⁰² Submission 23, p 2.

Local government stakeholders were concerned about how these changes may impact their responsibilities and operations. The responsibilities of local governments include oversight of certain devolved ERAs as the 'administering authority', as well as undertaking various ERAs in their delivery of services.¹⁰³ As such, the proposed amendments are of significant interest to local government, and the Local Government Association of Queensland (LGAQ) emphasised:

*...local governments have a strong interest in ensuring the proposed amendments are fit-for-purpose, do not unnecessarily shift additional financial and/or responsibility burdens onto councils, and are effective in protecting the economic, environmental, social and cultural values that define their local communities.*¹⁰⁴

Isaac Regional Council (IRC) noted:

*Without clarity about which environmental values or areas are intended to be declared SEVs, Local Government cannot fully understand how the new hierarchy of environmental importance will influence ERA classification, assessment pathways, code developments, or local regulatory responsibilities.*¹⁰⁵

LGAQ were concerned that the introduction of code ERAs would shift responsibility onto local government:

*[T]he regulatory oversight for code-managed ERAs must receive the appropriate consideration within any legislative reform to ensure the Department retains responsibility for the proactive monitoring, and any reactive incident responses that may arise from the operation of these activities to avoid shifting this responsibility and cost onto local government.*¹⁰⁶

LGAQ also noted the importance of clear conditions in codes, noting that existing codes for some prescribed ERAs 'contain general and often vague provisions' which makes enforcement action challenging.¹⁰⁷ LGAQ also flagged that loss of proactive oversight may increase reliance on public complaints to detect and prevent environmental harm.¹⁰⁸

Redland City Council - Health and Environment Unit expressed some concerns about the proposal, particularly the potential cost implications for councils who have responsibility for devolved ERAs, and noted:

*The proposal to prospectively make certain types of ERA's code managed, with the option for individual operators to stay operating under an EA presents an array of administrative and managerial challenges for Council.*¹⁰⁹

¹⁰³ Submission 25, p 4.

¹⁰⁴ Submission 25, p 4.

¹⁰⁵ Submission 27, pp 2-3.

¹⁰⁶ Submission 25, p 8.

¹⁰⁷ Submission 25, p 13.

¹⁰⁸ Submission 25, p 15.

¹⁰⁹ Submission 7, p 1.

IRC noted similar concerns, sought clarity on how codes will interact with development approvals, and expressed concerns about how residual risks would be address under ERA codes.¹¹⁰

Echoing concerns raised by local government stakeholders, QELA noted future regulations for ERA codes should clearly identify any devolved powers of local government for enforcement of that code.¹¹¹

North Queensland Land Council NTRB (NQLC) noted the policy intent of the Bill to streamline process and improve efficiency, but expressed concerns that in doing so:

... the Bill puts native vegetation, wildlife and cultural sites at risk and weakens environmental protections for the benefit of industry.

*The Bill does not improve environmental protections or meet the needs of Traditional Owners to preserve and protect Country.*¹¹²

Some of the environmental groups that the committee received submissions from expressed concerns that the streamlining measures in the Bill would weaken environmental safeguards and protection, reduce transparency, increase long terms risks to ecosystems, and potentially shift environmental costs onto vulnerable communities.¹¹³

ii. Department advice

In its written response to submissions, DETSI emphasised that the proposed streamlining and efficiency measures will ‘allow the department to prioritise resources towards regulating higher risk activities, whilst maintaining strong environmental outcomes’, essentially rejecting concerns about weakened environmental outcomes and effective oversight as misplaced.¹¹⁴ DETSI said that in prescribing ERAs and transitioning to ERA codes, it would ‘work closely with stakeholders to refine how these amendments are implemented’.¹¹⁵

In response to concerns about increased reliance on self-assessment, and the need for robust monitoring and compliance, DETSI noted:

As Queensland’s environmental regulator, the department will continue to undertake the following roles:

- *regulate industry and hold polluters to account to make sure they meet their environmental obligations;*
- *manage and monitor environmental performance through a range of assessment, compliance, investigation, enforcement and education activities; and*
- *enforce environmental and heritage protection laws to prevent pollution and safeguard our communities, lifestyle and unique environment.*

¹¹⁰ Submission 27, pp 2-3, p 7.

¹¹¹ Submission 8, p 2.

¹¹² Submission 19, pp 1-2.

¹¹³ Submission 9; Submission 3, p 1; Submission 22, p 2.

¹¹⁴ DETSI, response to submissions (14 January 2026) p 5.

¹¹⁵ DETSI, response to submissions (14 January 2026) p 5.

*The department has a robust compliance and enforcement framework to prevent, address and remedy environmental harm.*¹¹⁶

...

*Compliance and enforcement actions will be proportionate to potential or actual environmental harm, consistent with the EP Act's principle of proportionality. ... [The] requirements of ERA codes will need to be complied with and there are offences in place for anyone who does not meet the [GED] and both of these can be used to support any necessary compliance action.*¹¹⁷

DETSI noted feedback which emphasised the importance of consultation in transitioning ERAs to the code framework and emphasised there would be staged implementation with progressive review to identify activities suitable for code management, starting with low-risk resource activities, which would involve consultation.¹¹⁸ Consultation on a new ERA code would require a minimum 30 day consultation process, but activities carried out under an ERA code would not be subject to a public notification or submission process, which continues the practice applicable to standard EAs.¹¹⁹

In response to council concerns about devolution of responsibility for code-managed ERAs, DETSI advised:

*If any devolved ERAs are proposed to become code-managed ERAs in the future, the department will consult with relevant local governments, key stakeholders and other groups. ... There is no intention to devolve additional regulatory matters to local government.*¹²⁰

*The only ERAs currently being considered for transition to ERA codes are those regulated by the state. At this stage, the intent is that the state will be responsible for the administration and enforcement of activities carried out under ERA codes ... Arrangements for local government devolved ERAs will be considered further during future review processes... Development of any new ERA codes would involve close engagement with local government.*¹²¹

*The approach for compliance and enforcement of devolved ERAs (i.e., if any are proposed to become code-managed ERAs in future) would be informed through close engagement and consultation with local government.*¹²²

DETSI did not directly respond to concerns from submitters about the lack of clarity around how 'low risk' was defined, instead noting the criteria provided by new section 20(3),¹²³ and emphasising that these activities are lower risk because 'environmental risks are well known and management practices are well established, understood by industry and able to be routinely implemented'.¹²⁴

¹¹⁶ DETSI, response to submissions (14 January 2026) p 5.

¹¹⁷ DETSI, response to submissions (14 January 2026) p 11.

¹¹⁸ DETSI, response to submissions (14 January 2026) p 9.

¹¹⁹ DETSI, response to submissions (14 January 2026) p 12.

¹²⁰ DETSI, response to submissions (14 January 2026) p 9.

¹²¹ DETSI, response to submissions (14 January 2026) p 13.

¹²² DETSI, response to submissions (14 January 2026) p 14.

¹²³ Bill, cl 54 (replaces ch 3, pt 1, div 2, subdiv 4 of the EP Act including definition for environmentally relevant activities and transitional provisions for implementation).

¹²⁴ DETSI, response to submissions (14 January 2026) p 11.

In response to concerns about how cumulative impacts would be managed under ERA codes, DETSI advised:

*The ability to effectively manage cumulative impacts from regulated activities will be a consideration as part of determining whether to declare an activity to be a code-managed ERA and as part of setting requirements for the activity in an ERA code.*¹²⁵

DETSI also noted that 'the Planning Act and resources legislation also provide a significant role in managing cumulative impacts from land-uses at a regional and state level'.¹²⁶

In responding to concerns about the need for site specific adjustments, and how ancillary prescribed ERAs would be managed, DETSI noted:

*Where an ERA code is developed, existing [EA] holders can choose to continue to operate under their existing [EA], or opt into the ERA code framework. ... For applications where an ERA is ancillary to the overall operation...the ERA code will apply and can be incorporated into the site-specific [EA], similar to how ERA standards are currently referenced.*¹²⁷

Regarding concerns about transparency and accountability, and recommendations that the Bill adopt mandatory registration and a publicly available register, DETSI advised:

To ensure transparency and accountability, a regulation may require operators to be registered to operate under an ERA code if the Minister is satisfied the carrying out of the activity needs to be monitored under the EP Act:

- *having regard to the nature of the activity and the degree of risk of environmental harm that may be caused by the carrying out of the activity; and*
- *to ensure the effective administration of the Act.*

If required, this would make important contact information available to the regulator for communication purposes and to assist with compliance and enforcement activities. Registrations also provide information about the number and location of activities taking place, which is important for informing future reviews, policy development, and government decisions. This information will be made available through the department's public register.

*Registration requirements for ERA codes will be considered and consulted on at the time of making each ERA code. In principle, it is proposed that activities already subject to registration requirements including under another Act (such as mining under a mining claim), will not be required to register to operate under an ERA Code.*¹²⁸

Registration and fee requirements for code ERAs will be considered and consulted on during the development of each ERA code.¹²⁹

¹²⁵ DETSI, response to submissions (14 January 2026) p 11.

¹²⁶ DETSI, response to submissions (14 January 2026) p 11.

¹²⁷ DETSI, response to submissions (14 January 2026) p 18.

¹²⁸ DETSI, response to submissions (14 January 2026) pp 14-15.

¹²⁹ DETSI, response to submissions (14 January 2026) p 16.

Regarding issues raised about how ERA codes would interact with the Planning Act, and potential duplication, DETSI noted that activities which required both Planning Act approval and an EA, would not be suitable for transition to a code ERA ‘in many cases’, and that the Bill includes amendments to the Planning Act ‘to provide arrangements for code-managed ERAs that also require a development approval’.¹³⁰



2.4.2. FLP – delegation of legislative power and the institution of Parliament

The introduction of ERA codes, and the process of declaring by regulation that a code-managed ERA is to be registered, raises the issue of the sub delegation of legislative power and whether the proposed approach has sufficient regard to the institution of Parliament.

The Bill provides that the Minister may declare by regulation that an ERA be a code-managed ERA where the criteria in new section 20(3) is met. The chief executive is given power to develop ERA codes for certain activities.¹³¹ The Bill sets out the process for making an ERA code, which is robust and mandates notification and consultation. The chief executive must consider all submissions before deciding whether to make the ERA code.¹³² An ERA code would take effect when it is approved by a regulation or on a later day stipulated in the regulation.¹³³

New section 20(2) and (4) provides the Minister with the discretion, and relevant criteria, to require registration of code-managed ERAs, which are also declared through regulation.

Committee comment



The committee is satisfied that the proposed delegation of legislative power, to allow the Minister to declare ERAs as code-managed ERAs and require registration, and to empower the chief executive to make ERA codes, has sufficient regard to the institution of Parliament.

The committee notes stakeholders concerns about transparency and accountability. A number of stakeholders submitted that registration should be mandatory and that there should be a publicly available register.

The Minister may wish to consider establishing a public register.

The process for developing an ERA code provided for in the Bill, which includes notification and receiving submissions, is well adapted to ensure a robust and transparent approach in the development of ERA codes.

¹³⁰ DETSI, response to submissions (14 January 2026) p 16.

¹³¹ Bill, cl 90 (inserts new ch 12, pt 1A, divs 2, 3 to the EP Act). See also explanatory notes, p 61. Note: Provided there is compliance with the ERA code, an environmental authority is not required for certain ERAs to be conducted.

¹³² Bill, cl 90 (inserts new ss 551B, 551C to the EP Act).

¹³³ Bill, cl 90 (inserts new s 551D to the EP Act).

The Minister's discretion to declare code-managed ERAs and require registration is guided by the factors mentioned in new section 20.

The committee also notes the department's advice regarding registration requirements, particularly that certain information may be obtained through registration processes under other legislation, and where this is available, registration is unlikely to be required. This will avoid duplication and unnecessary administrative burden.

Oversight is enhanced by making ERA code approval subject to approval by regulation, which brings it to the attention of Parliament, with the possibility of disallowance.

2.5. Small scale mining activities

The definition of SSMA is provided in schedule 4 of the EP Act, which essentially limits such activities to small scale activities, with a maximum claim size of 20ha, maximum disturbance area of 5ha, and no more than 20 persons working it at any one time. The definition only applies to activities carried out under a mining claim (for corundum, gemstones or other precious stones), exploration permit (for minerals other than coal) or prospecting permit. The definition also places limits on where such activities can be carried out (for example, not permitting it in a watercourse or riverine area).

At present, SSMA's are exempt from the requirement to apply for an EA; instead, they operate under 'prescribed conditions' provided by regulation.¹³⁴ Prescribed conditions relate to rehabilitation and surety requirements. The purpose of the surety is to ensure that rehabilitation obligations are funded to prevent such costs falling on the state.

The Bill amends this framework to transition SSMA's to being a code managed ERA,¹³⁵ removes the requirement for surety and provides for the refund of currently held sureties.¹³⁶ Exposure drafts of proposed ERA codes for SSMA's were attached to the DETSI's written briefing. The intention is that the relevant ERA code will carry over existing prescribed conditions, essentially maintaining the status quo (other than surety).¹³⁷

The committee asked DETSI about the number of sureties held for SSMA's and the value of sureties held. DETSI advised:

- 756 surety amounts are held by the financial provisioning scheme in relation to SSMA's; and
- the total value of sureties held, to be refunded under the proposed amendments, is \$870,930.¹³⁸

¹³⁴ EP Act, s 21A; EP Regulation 2019, sch 6 and 16.

¹³⁵ Bill, cls 54 (introduction of ERA codes), 55 (omits ch 1, pt 3, div 2, subdivs 6 of the EP Act which provides prescribed conditions for SSMA's), 65.

¹³⁶ Bill, cls 113-127.

¹³⁷ DETSI, written briefing (3 December 2025) p 4.

¹³⁸ DETSI, correspondence (23 December 2025) p 1.

DETSI also told the committee that there are over 2,000 operators classified ‘small-scale miners’. This includes SSMAAs (which don’t require EAs) and some lower risk mining activities undertaken under an EA. DETSI stated that both categories ‘may be suitable to transition to an ERA code in the future, and would have any paid sureties refunded at that time’.¹³⁹ SSMAAs will be the first to transition to an ERA code.¹⁴⁰ If other resource activities transition from EAs to code-managed ERAs, sureties for all such activities would need to be refunded.¹⁴¹ The potential cost of refunding sureties for this wider range of activities is unknown.



2.5.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

North Queensland Miners’ Association (NQMA) were the strongest supporters of these proposed amendments, particularly the removal of surety, but said there was confusion amongst its members arising from inconsistent definitions of small miners under the EP Act and other resources legislation.¹⁴² At the public hearing, Mr Graham Byrne, President of NQMA explained:

Unfortunately, NQMA finds itself in a bit of a never land here because, according to the act, a small-scale miner is someone who only has a mining claim—and a lot of them you can only do hand mining on—or four blocks or less EPM. The majority of our members have mining leases though there are a few claims in our area.

*Our family works at Maytown in the Palmer River resources reserve. There are over 100 current mining leases in that one area alone. As I said in in my overview, the majority of our members are active miners, and most of us have multiple mining leases. Our family has five mining leases and friends have seven or eight. The reason for the multiple mining leases is the time lag between taking up a new lease and actually getting it granted. The problem is not with government, it is with trying to organise native title or compensation agreements with a usually fairly hostile landowner, depending on whose property you are on.*¹⁴³

NQMA recommended amending the SSMA definition to include small scale activities conducted under a mining lease.¹⁴⁴

Mine Managers Association of Australia Incorporated (MMAA) also supported the introduction of ERA codes for SSMAAs.¹⁴⁵ AMEC supported the proposal and submitted that mineral exploration should be included.¹⁴⁶

¹³⁹ DETSI, correspondence (23 December 2025) p 1.

¹⁴⁰ DETSI, correspondence (23 December 2025) p 1.

¹⁴¹ See, for example, MERFP Act, s 3; Bill, cl 114 (amends s 3 of the MERFP Act).

¹⁴² See Submission 1.

¹⁴³ Public hearing transcript, Brisbane (20 January 2026) p 16.

¹⁴⁴ See Submission 1.

¹⁴⁵ Submission 10, p 2.

¹⁴⁶ Submission 2, pp 4-5.

QELA were opposed to this proposal and noted:

*If no financial security or residual risk payments are required for small-scale mining activities, landholders (or ultimately taxpayers) could be exposed to rehabilitation liabilities if an operator becomes insolvent or otherwise does not comply with its obligations.*¹⁴⁷

Other submitters also raised concerns about how rehabilitation obligations would be enforced, how cumulative impacts would be managed (suggesting large numbers of SSMA in a small area made such activities higher risk), the potential for local government and the broader community to bear the cost of unmet rehabilitation requirements, and the potential adverse impact on cultural heritage.¹⁴⁸

ii. Department advice

In response to concerns about removing surety and transitioning SSMA to ERA codes, DETSI noted:

If an activity poses a higher rehabilitation risk such that the provision of financial surety is warranted, it will not be suitable for transition to an ERA code. Instead, such ERAs will remain subject to an [EA]...so that financial surety can be still [sic] required.

...

*Under ERA codes, there are still likely to be requirements for any decommissioning and rehabilitation. This is supported by existing obligations in the EP Act which has strong obligations for operators to rehabilitate and restore land.*¹⁴⁹

DETSI emphasised that the proposed approach essentially maintained the status quo.¹⁵⁰

DETSI did not address concerns about the cumulative impacts of SSMA. Their response to cumulative impact concerns for code ERAs (discussed above) suggests that a decision has already been made that SSMA do not present a risk of cumulative harm given it has been flagged for transition to an ERA code.

Committee comment



The committee notes stakeholder concerns about how cumulative impacts of SSMA will be managed under ERA codes. The committee also notes stakeholders concerns about how rehabilitation obligations will be enforced with the removal of the requirement for surety.

The committee is satisfied that risks associated with cumulative impacts can be managed through appropriate conditions in ERA codes.

¹⁴⁷ Submission 8, p 3.

¹⁴⁸ Submission 27, p 4; Submission 12, p 1; Submission 19, p 3; Submission 34, p 2.

¹⁴⁹ DETSI, response to submissions (14 January 2026) pp 12-13.

¹⁵⁰ DETSI, response to submissions (14 January 2026) p 16.

These codes should be clear so that proponents understand their rehabilitation obligations to minimise the risk of the broader community bearing rehabilitation costs.

These codes are still being developed and, noting the new chapter 6 requirements, will be subject to notice and further consultation. Furthermore, the requirement to comply with GEDs and the duty to restore, together with other legislative frameworks, provide additional safeguards which address this concern.

2.6. PRCP amendments – removal of public interest evaluations

In 2019, progressive rehabilitation closure plans (PRCPs) were introduced as part of broader mining rehabilitation reforms.¹⁵¹ This included introduction of a financial provisioning scheme, overseen by Queensland Treasury.¹⁵²

PRCPs are required for large resources activities (which require site-specific EAs). For EAs submitted after the scheme commenced, PRCPs are submitted with the application for an EA.¹⁵³ For existing EA holders, a process to transition into the PRCP framework was provided.¹⁵⁴

The Queensland Mine Rehabilitation Commissioner (QMRC) reports that 206 mines are subject to PRCP requirements, which includes 196 existing EA holders who were required to transition into the framework.¹⁵⁵ 144 of those 196 do not yet have an approved PRCP, and only 62 of the 206 have had applications approved, with 93 under assessment and 51 requiring resubmission.¹⁵⁶ A significant majority of large mines are therefore not operating within the framework. There have clearly been challenges in moving existing miners into the framework, with challenges noted to include 'legislative barriers that limit their ability to comply with regulatory requirements'.¹⁵⁷

PRCPs were intended to improve how mining companies manage their environmental obligations and reduce the financial risk to the state in cases where rehabilitation was not completed. PRCPs aim to ensure that mined land is rehabilitated progressively throughout operation, rather than only at closure, and ensures obligations are met before land is surrendered back to the state.¹⁵⁸ PRCPs and the associated PRCP schedule must identify post-mining land use (PMLU) and any proposed non-use management areas (NUMA, which is land that cannot be rehabilitated to a stable condition). Where a NUMA is

¹⁵¹ See generally, MERFP Act; explanatory notes.

¹⁵² Public briefing transcript, Brisbane (10 December 2025) p 14.

¹⁵³ MERFP Act, s 126C; Bill, cl 26 (amends s 226B of the EP Act).

¹⁵⁴ MERFP Act, s 431A. Bill, cl 47 (amends s 802 of the EP Act); cl 48 (amends s 848 of EP Act). See also explanatory notes, pp 15, 34, 41.

¹⁵⁵ Queensland Mining Rehabilitation Commissioner, Annual Report 2024-25, p 25.

¹⁵⁶ QMRC Annual Report 2024-25, p 25.

¹⁵⁷ DETSI, written briefing (3 December 2025) p 5.

¹⁵⁸ EP Act, s 126C.

proposed, the EP Act currently requires an independent public interest evaluation (PIE) to assess whether this is in the public interest.¹⁵⁹

The PIE process is completed by an independent expert, who may undertake public consultation, and produces a report. The PIE report informs how the decision maker evaluates the proposed NUMA and ensures robust and accountable decision making. To date, no PIEs have been submitted.¹⁶⁰ This may be attributable to the large number of outstanding approvals.

The Bill removes the PIE process from the EP Act and replaces it with a requirement for public interest considerations (which remain the same as those used under PIE)¹⁶¹ to be addressed in the PRCP schedule when the PRCP is submitted for approval.¹⁶² This moves consideration of public interest 'more upfront in the assessment process'.¹⁶³

The removal of PIE when assessing NUMAs is said to respond to 'industry feedback that the ...process adds unnecessary complexity and delays without delivering environmental benefits'.¹⁶⁴ DETSI said the proposed approach will ensure public interest is appropriately considered by requiring consideration of 'public interest considerations'.¹⁶⁵

2.6.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Many submitters were opposed to the removal of PIE suggesting this weakened the rehabilitation framework, which was already 'not working' or delivering outcomes aligned with community expectations.¹⁶⁶

EDO submitted that PIEs be retained as an independent apolitical assessment as to whether each proposed NUMA is in the public interest.¹⁶⁷

LGAQ expressed concerns that removal of the PIE process 'will increase the risk that local government will inherit long-term environmental and social legacy issues', and recommended the current process be retained.¹⁶⁸ IRC agreed with this position.¹⁶⁹

¹⁵⁹ EP Act, s 136A. Note: PRCP public interest evaluations are provided for by Chapter 5, Part 15, Division 4A of the EP Act. PIEs are conducted by independent experts who provide reports to DETSI, which are subsequently made public. See also, EP Regulation 2019, ch 2, pt 1-3 which dictates how EIS processes must be carried out.

¹⁶⁰ QMRC Annual Report 2024-25, p 26.

¹⁶¹ A list of public interest considerations for the purposes of a PIE is found in s 316PA of the EP Act. The division containing those requirements is repealed by the Bill. The definition of public interest considerations remains the same under the Bill, with these to be listed in new s 126E.

¹⁶² Bill, cls 8-10, 14, 17-19, 23-24, 33, 37, 42, 45.

¹⁶³ Public briefing transcript, Brisbane (10 December 2025) p 13.

¹⁶⁴ DETSI, written briefing (3 December 2025) p 6.

¹⁶⁵ DETSI, written briefing (3 December 2025) p 6. Note: Bill, cls 48 (on assent) and 93 (by proclamation) include transitional amendments to manage any active assessment processes at the time of commencement of the section.

¹⁶⁶ Submission 34, pp 3-4; Submission 23, p 3; Submission 3, p 3; Submission 21, p 4.

¹⁶⁷ Submission 22, pp 4-5.

¹⁶⁸ Submission 25, p 20.

¹⁶⁹ Submission 27, p 5.

In contrast, Glencore supported removing PIE, but went further, suggesting that the proposed replacement of PIE with mandatory public interest considerations (new section 126E) was unnecessary, as it ‘duplicates existing processes and creates unnecessary complexity, cost and delay without a clear corresponding community benefit’, and were already assessed by assessment criteria for the PRCP schedule.¹⁷⁰

AMEC also provided conditional support for the proposed changes to the PRCP framework.¹⁷¹

ii. Department response

In response to concerns about proposed changes to the PIE process, DETSI noted that the proposed approach ‘reduces unnecessary financial and administrative burden’ while ‘ensuring public interest considerations remain embedded within the decision-making framework’.¹⁷² It further stated that where a NUMA is proposed, the proponent will need to demonstrate, with supporting evidence, that it is in the public interest,¹⁷³ and that ‘the strong preference remains that land is rehabilitated to a safe and stable condition that supports post mining land uses’.¹⁷⁴



2.6.2. FLP – delegation of legislative power and the institution of Parliament

The Bill removes PIE and replaces it with ‘public interest considerations’ in new section 126E, which like existing section 316PA, provides a power to prescribe other public interest considerations by regulation. This raises the question of whether the proposal has sufficient regard to the institution of Parliament.

The Environmental Protection Regulation 2019 does not currently prescribe any matters as a public interest consideration.

The explanatory notes do not address this delegation of legislative power. Presumably, it is intended to provide a simpler method of specifying an additional public interest consideration than amending the EP Act.

Committee comment



The committee is satisfied that the proposed amendments, which allow further public interest considerations to be prescribed by regulation, have appropriate regard to the institution of Parliament. The proposed approach is consistent with the current approach and will ensure flexibility to respond to any emerging need to provide for additional public interest considerations. Regulations will require tabling in the house, with the possibility of disallowance, ensuring parliamentary oversight.

¹⁷⁰ Submission 24, p 2, p 3.

¹⁷¹ Submission 2, pp 7-8, pp 11-12.

¹⁷² DETSI, response to submissions (14 January 2026) p 24.

¹⁷³ DETSI, response to submissions (14 January 2026) p 25.

¹⁷⁴ DETSI, response to submissions (14 January 2026) p 26.



2.6.3. HRA – taking part in public life

The right to take part in public life (section 23, HRA) protects the opportunity, without discrimination, to take part in public affairs directly or through freely chosen representations.

The removal of the PIE process, which requires independent assessment of public interest considerations to ensure a proposed NUMA is in the public interest, may be said to engage this right. However, while the PIE process is designed to ensure impacts on the community are assessed and permits public consultation, it does not require public participation. As such, the proposed amendment is unlikely to engage this right.

While the Bill removes independent evaluation, this is replaced with identical public interest considerations. This ensures that key elements of the former public interest evaluation process are retained and relevant information is provided to ensure proper evaluation of any proposed NUMA.¹⁷⁵

Committee comment



The committee is satisfied that the proposal to remove the current public interest evaluation process and replace this with public interest considerations (which replicate the current list), does not limit the right to take part in public life.

While the proposed amendment will remove the current independent evaluation process, mining companies will still be required to provide evidence supporting their position that the proposed NUMA is in the public interest, which will assess the same matters required by the current framework. As such, the proposal should reduce unnecessary complexity and delays, while still ensuring robust oversight.

2.7. PRCP amendments – permitting consideration of historical context

The current framework provides strict requirements for post mining land use and designation of NUMAs, which included PIE (discussed above).¹⁷⁶ For proposed NUMAs, PRCPs are required to identify the applicant's methodology for achieving best practice management.¹⁷⁷ Existing EA holders transitioning to the PRCP framework faced challenges identifying what constituted best practice management for legacy sites.¹⁷⁸

DETSI elaborated on the challenges at the public briefing on 10 December 2025:

...There are some coalmines in Queensland that have been in operation for over 100 years. Moving those into a contemporary framework has faced some challenges in terms of the rehabilitation that has already been undertaken and

¹⁷⁵ Explanatory notes, pp 21-22.

¹⁷⁶ EP Act, s 126C outlines the requirements for a PRCP. See also s126D for requirements for a PRCP schedule.

¹⁷⁷ EP Act, s 126C(1)(i).

¹⁷⁸ DETSI, written briefing (3 December 2025) p 7.

*the standard that has been met. We had to ensure in the transition process that we recognised the existing approval of those sites and did not apply new standards on top of the standards that were already approved.*¹⁷⁹

Initially, it was proposed to address these challenges by providing a new category of land use approval – managed post-mining land use – which would apply where an applicant designated PMLU in the proposed PRCP but where DETSI were not satisfied that PMLU could achieve a stable outcome at the decision point.¹⁸⁰ This proposal did not progress.

Instead, the Bill addresses concerns by ensuring ‘approvals that existed prior to the introduction of the PRCP framework are not fettered, and a PRCP schedule to progressively rehabilitate can consider best practice management in the context of historical considerations’.¹⁸¹

The Bill does this by amending section 755 of the EP Act, a transitional provision outlining how PRCP plans for existing EAs are assessed, and inserting new section 755(7) to allow the administering authority, when assessing proposed methodology to achieve best practice management, to have regard to historical context of operations, historical constraints, and the extent to which it is practicable to apply current standards related to best practice management.¹⁸²

It is said that this amendment will ensure the assessment of transitioning EAs is informed by operational realities and legacy conditions on site and supports a balanced and context specific approach to evaluation of best practice management proposals.¹⁸³



2.7.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Submitters were sharply divided on this proposal, with the amendment generally supported by industry and opposed by conservation and legal stakeholders.

Sunshine Coast Environmental Council (SCEC) and QCC said the current framework already took account of these factors, that proponents should be required to apply contemporary best practice environmental management practices, and were concerned the proposed approach would dilute rehabilitation outcomes.¹⁸⁴

EDO expressed similar concerns and said that allowing regard to be had to historical considerations would likely lead to less successful rehabilitation outcomes. EDO said there was no public policy justification for why those conducting mining activities for commercial gain should not be held to contemporary best practice standards¹⁸⁵

In contrast, Glencore supported amendment of section 755 to permit historical context to be considered, and recommended further amendments to make historical context a

¹⁷⁹ Public briefing transcript, Brisbane (10 December 2025) p 13.

¹⁸⁰ DETSI, written briefing (3 December 2025), attachment 3 (consultation report) p 30.

¹⁸¹ DETSI, written briefing (3 December 2025), attachment 1 (consultation report) p 13.

¹⁸² Bill, cl 44 (amends s 755 of the EP Act).

¹⁸³ Explanatory notes, p 33.

¹⁸⁴ Submission 34, pp 3-4.

¹⁸⁵ Submission 22, p 6; Submission 23.

mandatory consideration, noting ‘many sites the subject of transitional PRCPs have long operational histories that do not easily fit within contemporary best practice management frameworks’.¹⁸⁶

ii. Department advice

In response to concerns that allowing regard to be had to historical context would dilute rehabilitation outcomes and undermine best practice environmental management, DETSI stated:

*The proposed amendments are designed to provide flexibility for site-specific circumstances. The changes do not remove the obligation for proponents to meet rehabilitation milestones or achieve best practice outcomes. Rather, they recognise that legacy factors may influence how those outcomes are able to be delivered.*¹⁸⁷

Regarding Glencore’s submission that consideration of historical factors should be mandatory, DETSI noted that ‘mandating consideration of these factors could unintentionally limit flexibility and create procedural rigidity’ and said it was best addressed through discretion.¹⁸⁸

2.8. PRCP amendments – removing mandatory 3-yearly audits

At present, holders of PRCPs are required to commission a rehabilitation audit every 3 years, which provides regular oversight of rehabilitation progress.

The Bill removes the current 3 yearly rehabilitation audits.¹⁸⁹ The new trigger for an audit will be a notice issued by DETSI (a discretionary decision), which is intended to create a risk based and responsive audit system.¹⁹⁰ Notices will not be able to be issued within a 3-year period unless there are exceptional circumstances, and decisions to do so would be subject to review rights.¹⁹¹

The purpose of the amendment is to respond to concerns that the existing timeframe is too short a period to capture meaningful environmental change and imposes an unreasonable administrative burden on both industry and government.¹⁹²

2.8.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Responses to this proposal likewise diverged between industry stakeholders and other stakeholders.¹⁹³

¹⁸⁶ Submission 24, p 2, pp 3-4.

¹⁸⁷ DETSI, response to submissions (14 January 2026) pp 22-23.

¹⁸⁸ DETSI, response to submissions (14 January 2026) p 23.

¹⁸⁹ Bill, cl 32 (amends s 285 of the EP Act).

¹⁹⁰ DETSI, written briefing (3 December 2025) p 7.

¹⁹¹ Bill, cl 32 (amends s 285 of the EP Act); Public briefing transcript, Brisbane (10 December 2025) p 13.

¹⁹² DETSI, written briefing (3 December 2025), attachment 1 (consultation report), p 13; Public briefing transcript, Brisbane (10 December 2025) p 13.

¹⁹³ See submission 28, p 7; Submission 34, pp 3-4.

Civil Contractors Federation (CCF) were supportive of the proposal (and other changes to the PRCP framework) and noted:

*...removing some red tape around [PRCPs] will enhance the productivity of companies, meaning they can spend more time on investing in expansion and productive matters. ... This legislative change demonstrates a sensible focus on practical environmental outcomes rather than administrative process.*¹⁹⁴

EDO opposed the move to discretionary audits and said that the 3-yearly audit requirements should be retained to avoid proponents falling behind on their rehabilitation obligations and to ensure scrutiny and transparency.¹⁹⁵ However, EDO recognised that it would be appropriate to exempt proponents who do not have active rehabilitation milestones from this requirement.¹⁹⁶

ii. Department advice

DETSI responded to concerns about removing 3-yearly audits, and how this potentially undermined accountability and rehabilitation outcomes, noting:

The introduction of a discretionary audit requirement in conjunction with the department's compliance and reporting framework, is the most effective approach to address stakeholder concerns that a fixed 3-year cycle is not delivering meaningful outcomes.

The department operates a proactive compliance program, which includes both site inspections and desktop reviews...In addition, site-specific resource activities are subject to an annual return requirement, providing information on compliance with conditions and rehabilitation obligations.

*This data enables the department to make informed decisions about when an audit is necessary and best undertaken to ensure process efficacy...the department can determine whether the timing of an audit would be an efficient use of resources and provide sufficient assurance that site rehabilitation is on schedule.*¹⁹⁷

Committee comment



The committee is satisfied that any risks associated with removing the requirement for 3-yearly rehabilitation audits can be addressed through existing reporting and monitoring requirements. Information obtained from regular reporting can then be used to assess the need for an audit, with the Bill providing the framework to facilitate such audits. This balances the need for monitoring and oversight while reducing unnecessary administrative burden and associated costs for industry and government.

¹⁹⁴ Submission 5, p 4.

¹⁹⁵ Submission 22, p 6. See also submission 28, p 7; Submission 34, pp 3-4.

¹⁹⁶ Submission 22, p 6.

¹⁹⁷ DETSI, response to submissions (14 January 2026) pp 23-24.

2.9. PRCP amendments – the 431A offence

Section 431A makes it an offence to carry out mining activities under an EA without an approved PRCP schedule. Under the MR Act, mining activity is defined to include rehabilitation and environmental management activities, which has meant that carrying out beneficial rehabilitation could constitute an offence where there is no PRCP schedule.¹⁹⁸

The Bill amends the section 431A offence, making it an offence to not have a PRCP schedule, rather than the current approach which makes it an offence to carry out activities without a schedule.¹⁹⁹

2.10. PRCP amendments – removing barriers for transitioning EA holders

Transitional provisions were added to the EP Act when the *Mineral and Energy Resource (Financial Provisions) Act 2018* (MERFP Act) and PRCP framework was introduced to facilitate the transition of existing EA holders into the PRCP framework.

The Bill makes amendments to provide a period of 60 business days for an EA holder to resubmit a PRCP application prior to the revised section 431A offence applying.²⁰⁰

The amendments respond to concerns that the current framework creates legal uncertainty because it doesn't appropriately deal with situations where applications have lapsed because they were not properly made or because of failure to respond to an information request.²⁰¹ It was unclear whether the section 431A offence would apply to EA holders in this situation.²⁰²

2.11. PRCP amendments – providing additional time where an EA is transferred

When EAs are transferred to a new owner, and where there is no approved PRCP schedule, the new EA holder assumes responsibility for preparing the PRCP.²⁰³ The absence of a PRCP can result in immediate liability.²⁰⁴

The Bill amends section 765A, and introduces new transitional provisions, to clarify obligations where an EA has been transferred, extending the timeframe that applies for PRCPs to be submitted, and by clearly providing that the s 431A offence will not apply for 60 business days following transfer of the EA.²⁰⁵

¹⁹⁸ Summary IAS, p 16.

¹⁹⁹ Bill, cl 36 (replaces s 431A of the EP Act which sets the schedule for PRCP audits).

²⁰⁰ Bill, cl 47 (amends s 802 of the EP Act).

²⁰¹ EP Act, ss 129, 147. See also Summary IAS, p 16.

²⁰² Summary IAS, p 2.

²⁰³ EP Act, s 754.

²⁰⁴ Public briefing transcript, Brisbane (10 December 2025) p 8.

²⁰⁵ Bill, cl 46 (amends s 765A of the EP Act) and cl 48 (inserts new s 848 as a transitional provision).



2.11.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Environmental Advocacy in Central Queensland (EnvA) did not support the proposed amendments to extend timeframes for EA holders to comply with PRCP obligations and submitted:

EAs granted [prior to commencement of the PRCP framework in 2019] ...have had six years to prepare their plans...EnvA strongly believes that the transfer of an EA under transitional provisions should not justify any significant delay in submitting or finalising a PRCP. ... Allowing time extensions via new landholder agreements opens a loophole through which ownership could be transferred – potentially within the same corporate group – to avoid fulfilling rehabilitation obligations.

Any change in ownership must place full responsibility on the new proponent to meet the PRCP responsibilities within one year, rather than shifting environmental and financial risk onto the community.²⁰⁶

ii. Department advice

In responding to EnvA's concerns regarding major EA amendments and transitional arrangements for entities that do not have an approved PRCP, DETSI noted that some of these concerns do not relate to the Bill's amendments and were covered by existing provisions in the EP Act.²⁰⁷ DETSI reiterated that any major EA amendment would require inclusion of an updated PRCP and schedule where EA holders had an approved PRCP (using existing provisions). For EA holders without an approved PRCP (who were still transitioning into the framework) there was no such requirement because the MERFP Act was not retrospective for existing operators.²⁰⁸

DETSI acknowledged EnvA's concerns about delays in entities transitioning the PRCP framework and the ability of DETSI to grant an extension but rejected the need for a 12-month limit on extensions, noting 'imposing a fixed timeframe could create unintended consequences, including limiting an [EA] holder's ability to develop an effective PRCP'.²⁰⁹

2.12. Amendments to surrender application requirements

Surrender applications for resource activities are designed to ensure that before an EA is surrendered to the state, DETSI assess whether:²¹⁰

- all rehabilitation obligations have been met
- any residual risk to the environment has been addressed; and
- compliance with the conditions of the EA has been achieved.

²⁰⁶ Submission 13, p 2.

²⁰⁷ DETSI, response to submissions (14 January 2026) p 22.

²⁰⁸ DETSI, response to submissions (14 January 2026) p 22.

²⁰⁹ DETSI, response to submissions (14 January 2026) p 24.

²¹⁰ Surrender applications are comprehensively addressed by Chapter 5, Part 10 of the EP Act.

Applications for surrender are supported by final rehabilitation reports and post-surrender management reports.²¹¹ Where a PRCP and schedule are in place, compliance with PRCP conditions may also be considered.²¹²

Residual risk refers to the ongoing environmental risk that remains after all rehabilitation obligations have been completed and land restored to the required condition. It reflects that even where this has been achieved, risks may persist. Where residual risks are identified, the administering authority may require payment to address residual risk.²¹³

The administering authority may require payment for residual risk within a stated reasonable period.²¹⁴ If the administering authority refuses a surrender application, a 'rehabilitation direction' may be given requiring further stated rehabilitation to be undertaken within a stated reasonable period.²¹⁵ The decision to approve surrender does not take effect until the residual risk payment is made.²¹⁶

The Bill proposes the following amendments to the residual risk framework:

- provide a payment period of 6 months instead of 'stated reasonable period'²¹⁷
- provide the administering authority with the power to extend the 6-month period by a further 6 months²¹⁸
- clarify that the direction given under the residual risk provision is a 'surrender rehabilitation direction' (as distinct from a general rehabilitation direction);²¹⁹ and
- insert a new provision to provide for 'general rehabilitation direction notice' which will allow the administering authority to issue a direction for rehabilitation in cases outside of a surrender application and where the EA holder does not have an approved PRCP schedule.²²⁰



2.12.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

SCEC did not support extensions to residual risk requirements, noting that proponent had 5 years to plan for these costs.²²¹

This was also emphasised by EDO, who noted under current legislation, responsible proponents for new and existing projects should have begun planning for residual risk requirements by late 2025, and 'there is no reasonable explanation as to why a proponent

²¹¹ EP Act, s 268(b)(iii).

²¹² EP Act, ss 268(b)(iv), 268A, 269.

²¹³ EP Act, ss 271-273.

²¹⁴ EP Act, s 271(2).

²¹⁵ EP Act, s 274(2).

²¹⁶ EP Act, s 276.

²¹⁷ Bill, cl 28 (amends s 271(2) of the EP Act). See also Explanatory notes, p 25.

²¹⁸ Bill, cl 29 (inserts new s 273A to the EP Act). See also Explanatory notes, p 25.

²¹⁹ Bill, cl 30 (amends s 274 of the EP Act). See also Explanatory notes, p 25.

²²⁰ Bill, cl 34 (inserts new s 316S to the EP Act). See also Explanatory notes, p 27.

²²¹ Submission 34, p 4.

should be able to defer payment'.²²² However, EDO did support the introduction of general rehabilitation directions.²²³

EnvA supported amendments which enable DETSI to issue rehabilitation directions where a PRCP or rehabilitation conditions are not in place.²²⁴

Glencore conditionally supported introduction of a general rehabilitation direction but said it should not apply where an EA includes conditions about rehabilitation.²²⁵

ii. Department advice

DETSI confirmed that the general rehabilitation direction was 'intended to address gaps where no rehabilitation schedule exists'.²²⁶

In response to SCEC and EDO's concerns, DETSI noted the proposed amendments removed the ambiguity of 'stated reasonable time', amending this to clearly provide for 6 months from when written notice is given to an applicant.²²⁷

DETSI further stated:

The proposed amendment to extend the timeframe for a residual risk requirement is intended to provide clarity and flexibility for proponents while maintaining the integrity of the residual risk framework.

...

*The amendments do not transfer the financial burden to the State or taxpayers.*²²⁸

2.13. Removal of notification of draft terms of reference for environmental impact statement

The EIS process aims to promote transparency and public participation when assessing major projects and ensures robust assessment and oversight of proposed projects.

There are two EIS assessment processes in Queensland:

- EIS process under EP Act, administered by DETSI; and
- EIS process under SDPWO Act, which applies to a coordinated project and is overseen by the Coordinator-General.²²⁹

Under the EP Act, an EIS may be completed as part of an EA application or may be undertaken prior to an application. The EIS process applies to site-specific applications for EAs for new resource activities, or major variations to existing EAs and are commonly

²²² Submission 22, p 5.

²²³ Submission 22, p 6.

²²⁴ Submission 13, p 2.

²²⁵ Submission 24, p 5

²²⁶ DETSI, response to submissions (14 January 2026) p 26.

²²⁷ DETSI, response to submissions (14 January 2026) p 31.

²²⁸ DETSI, response to submissions (14 January 2026) pp 30-31.

²²⁹ The Coordinator-General is a statutory office holder appointed by the Governor in Council and is supported by the Department of State Development, Infrastructure and Planning.

used for high impact resource projects. An applicant will prepare an EIS either voluntarily,²³⁰ or where DETSI has made the decision that it is required.²³¹

The current EIS process under the EP Act requires draft terms of reference (ToR) for an EIS to be published and notified for the purposes of consultation. The draft ToR is refined as a result of public consultation and through engagement with DETSI.

The requirement for consultation on draft ToR is intended to ensure that the EIS process is robust, comprehensive and assesses all necessary areas where there could be environmental, social or economic impact arising from a project. The draft EIS is then completed in accordance with the final ToR, with the draft EIS published for further public consultation.

The Bill removes the requirement for public consultation on draft ToR.²³² The purpose of the amendment is to streamline the EIS process and reduce administrative burden by removing duplicative public notice requirements and is intended to ensure that community feedback on an EIS project is captured in a single, clear public notification process.²³³

The introduction of generic ToR in 2020, which are regularly updated by DETSI in response to emerging issues, together with proponents' use of an approved form and engagement with DETSI to identify site-specific issues to be addressed in an EIS, is said to reduce the utility of public consultation on draft ToR.²³⁴



2.13.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

Three submitters supported the proposal.²³⁵ LGAQ provided in-principle support but noted that DETSI would be required to undertake further assessment of the proposal to ensure it was consistent with recent amendments to the EPBC Act and conditions of assessment required under bilateral agreements.²³⁶

There was significant opposition to the proposal from environmental, conservation and legal stakeholders.

NQLC asserted that proposed change to remove public notification of draft ToRs 'directly limits [Native Titles Parties] rights' and removed their ability to request amendments to the ToRs.²³⁷ It said the existing requirement were 'an important step' in circumstances where they were dealing with 'proponents resistant to engagement and information sharing'.²³⁸

²³⁰ EP Act, ch 3, pt 2. Note: As a part of this process, an applicant may seek advice from DETSI on whether an EIS will be required.

²³¹ EP Act, ch 3, pt 3.

²³² Bill, cl 6 (removing subdivision 2 of Chapter 3, Part 1, Division 2, which provides the process for public notification of draft TOR). See also Bill cls 4, 5, 7, 11, 12, 13 and 43.

²³³ DETSI, consultation paper, p 44.

²³⁴ DETSI correspondence (23 December 2025) p 8.

²³⁵ Submission 15, pp 1-2; Submission 2, p 13; Submission 10, p 2.

²³⁶ Submission 25, p 21.

²³⁷ Submission 19, p 2.

²³⁸ Submission 19, p 2.

Some stakeholders warned that ‘limiting public notification ... prior to assessment ... reduces local communities’ ability to identify harms and advocate for protections’.²³⁹ This concern was echoed by other submitters, with many requesting further public consultation on the generic ToR if the proposal was progressed.²⁴⁰

EDO noted that projects requiring an EIS are ‘typically complex, high impact projects with the potential to have multifaceted impacts’ and noted:

*Ensuring community input on draft TOR may reduce the need for further revisions of the EIS, including the need [for] information requests to ensure the various environmental impacts are assessed in the TOR. It may also reduce regulatory burden by ensuring proponents are not required to address irrelevant factors. If DETSI does proceed with removing public notifications...there should be an opportunity for consultation about what the standard terms of reference should be.*²⁴¹

Queensland Trust for Nature noted that the proposal had the potential to ‘increase the likelihood of conflict or challenges later in the approvals process’ and said ‘reduced notification pathways risk excluding affected communities and limiting scrutiny of decisions with long lasting environmental, and often social, consequences’.²⁴²

ii. Department advice

In addressing the concerns of NQLC, DETSI said that the Bill:

*Does not limit the ability of the administering authority to provide for First Nations representative bodies to be informed and included early in the [EIS] process or to make objections to an application.*²⁴³

DETSI acknowledged concerns about reduced notification pathways, but maintained the proposed approach removed unnecessary regulatory burden, while ensuring the public could have a say on EIS during the public notification process, at which time a full technical assessment and impact information would be available.²⁴⁴ It said:

...ensuring transparency and maintaining public trust are critical considerations in regulatory process. Streamlining notification and consultation requirements offers an opportunity to reduce unnecessary duplication and improve overall efficiency.

...

There are still opportunities for the public to have a say on [EIS] under section 51 of the EP Act as well as on new and major amendments to site-specific applications as part of the assessment process. Consultation is also required to make or amend a new ERA standard and will be required to make or amend an ERA code. Environmental Authority holders are also required to consult with

²³⁹ Submission 3, p 3.

²⁴⁰ Submission 34, p 3; Submission 13, p 2; Submission 23, p 3.

²⁴¹ Submission 22, p 4.

²⁴² Submission 21, p 3.

²⁴³ DETSI, response to submissions (14 January 2026) p 29.

²⁴⁴ DETSI, response to submissions (14 January 2026) p 29.

*interested or affected parties when preparing a PRCP and when preparing risk management plans for land that are subject to a surrender application.*²⁴⁵

DETSI emphasised that the 'standardised terms of reference are already available on the department's website' and would continue to be updated and made publicly available.²⁴⁶

The committee asked DETSI whether public notification and consultation on draft ToR for EIS lead to changes to final ToR and were advised:

Historically, 100 per cent of draft TOR developed under the EP Act are amended following public notification and submissions. These amendments typically respond to project specific issues raised by the proponent, the public, and government or non-government organisations.

*Recent changes made in 2025 to the generic TOR have ensured that it already captures the known and recurring issues and allows proponents to provide detailed, project specific information within the EIS itself. Further amendments will ensure the need to amend the TOR during the draft TOR stage is effectively removed. Public notification of the EIS then provides the appropriate opportunity for any remaining site-specific matters to be identified and addressed by the proponent.*²⁴⁷

At the public briefing on 20 January 2026, DETSI were asked how it could ensure the EIS would deal with the right issues if there was no public consultation on the draft ToR, particularly given that consultation led to changes in 100 per cent of cases. DETSI told the committee:

Generally, every single term of reference which is being pulled together for an environmental impact statement needs to be adjusted to take into account the site-specific nature of the proposed activities. Based on that, that is why our generic terms of reference are always updated depending on the actual specific project itself.

...

The submission of a draft terms of reference is made by the applicant. At present, the draft terms of reference that the applicant prepared goes out public submission. Then the final decision on what the final terms of reference looks like is made by the department. We have attempted to assist applicants to ensure they have a fulsome and robust draft terms of reference that they submit to the department by preparing that generic terms of reference document. We update that regularly, based on what we are seeing as emerging issues or gaps or changes in other legislation that needs to be considered as part of the EIS process.

By the very nature that it is an applicant-submitted document that is then subject to a final decision by the department, it does mean that we do make tweaks, as Kahil mentioned, and sometimes that is informed by the public submissions. Often we talk to other government departments to ensure we are representing their legislation and any reforms or changes that have been made so that we can accurately reflect that in the final document.

²⁴⁵ DETSI, response to submissions (14 January 2026) p 6.

²⁴⁶ DETSI, response to submissions (14 January 2026) p 30.

²⁴⁷ DETSI, correspondence (23 December 2025) p 2.

*... in the unlikely event we come across something that was not addressed in the terms of reference, it can be dealt with through the rest of the process.*²⁴⁸

Committee comment



The committee is satisfied that removing the requirement for public notification of draft ToR for an EIS under the EP Act is a sensible streamlining measure which reduces confusion and duplication.

The Bill does not alter the requirement for notification of, and consultation on, a draft EIS. Consultation on a draft EIS ensures ongoing public participation and provides a necessary safeguard to ensure site-specific issues can be considered during the EIS assessment.

Ongoing revisions of the generic ToR have contributed to the reduced benefit of consultation on draft ToR. It was not clear from DETSI's written response what, if any, consultation had been done on the generic ToR. Consultation on the generic ToR may help assuage stakeholder concerns.



2.13.2. HRA – cultural rights

The HRA provides that Aboriginal peoples and Torres Strait Islander peoples must not be denied their distinct cultural rights, including the right, with other members of their community, to freely practise their culture and to not be denied certain rights in relation to traditional knowledge, spiritual practices, language, kinship ties, relationship with land and resources, and protection of the environment.²⁴⁹ The right includes to conserve and protect the environment and productive capacity of land, territories, waters, coastal seas and other resources.²⁵⁰

The Bill's proposal to remove public notification of draft ToR may limit cultural rights.²⁵¹ At present, the current requirement for public notification 'provides an opportunity for affected Aboriginal peoples and Torres Strait Islander peoples to be informed of and highlight topics for consideration in the EIS'.²⁵²

The stated purpose for the limitation is to streamline the existing system and removing what is said to be duplicative public notification, reducing costs and administrative burden.²⁵³

There is a rational connection between the limitations on rights and the purpose.

The statement of compatibility asserts that the existing public notification requirements provide 'minimal benefits to the EIS process' and their removal 'does not negate the

²⁴⁸ Public briefing transcript, Brisbane (20 January 2026) p 9-10.

²⁴⁹ HRA, s 28.

²⁵⁰ HRA, s 28(2)(e).

²⁵¹ For example, see Bill, cls 4-7, 11-13, 49 (amends ss 39, 41A, 46, 65, 67, 68, sch 2 and omits ch 3, pt 1, div 2, sdiv 2 of the EP Act).

²⁵² Statement of compatibility, p 11.

²⁵³ Statement of compatibility, pp 7, 11-12.

opportunity for meaningful participation by Aboriginal peoples and Torres Strait Islander peoples at the draft EIS notification stage'.²⁵⁴ The chief executive would be free to consult with the community on the draft ToR.²⁵⁵

Committee comment



The committee is satisfied that any potential limit on cultural rights is reasonable and proportionate to the stated purpose. There would still be an opportunity for Aboriginal and Torres Strait Islander persons to meaningfully participate in the EIS process at a later time.



2.13.3.HRA – freedom of expression

The HRA provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland.²⁵⁶

The Bill may limit the right to freedom of expression by removing the existing requirement for public notification of the draft ToR for an EIS, which provides an opportunity for interested parties to participate in the process at an early time and express their views on what matters should be addressed in an EIS.

According to the statement of compatibility, the existing provisions can confuse prospective submitters who may provide a submission on the ToR that would be better suited as a submission on the EIS itself.²⁵⁷

The purpose of the limitation on the freedom of expression is to streamline the existing system, to achieve financial savings for both industry and government, and to reduce delays.²⁵⁸ It is also said that removing this requirement 'will mean community feedback relevant to an EIS project is captured in a single and clear public notification process'.²⁵⁹

Committee comment



The committee is satisfied that the proposed limit on freedom of expression is reasonable and proportionate to the stated purpose. There would still be an opportunity for the community to meaningfully participate in the EIS process at a later time.

2.14. Recognition of impact assessment reports for coordinated projects

For coordinated projects, the Coordinator-General decides whether the project requires an Impact Assessment Report (IAR) or an EIS. The SDPWO Act provides broad criteria

²⁵⁴ Statement of compatibility, p 11.

²⁵⁵ Statement of compatibility, p 11.

²⁵⁶ And whether orally, in writing, in print, by way of art, or in another medium chosen by the person. HRA, s 21(2).

²⁵⁷ Statement of compatibility, p 6.

²⁵⁸ Explanatory notes, p 7; statement of compatibility, p 12.

²⁵⁹ Statement of compatibility, p 6.

for the Coordinator-General to apply in determining whether to declare a coordinated project and decide whether it should be assessed through an EIS or IAR.²⁶⁰ An IAR is only used where the Coordinator-General is satisfied that the environmental effects of the project do not require an EIS assessment.²⁶¹ The requirement to publish or consult on draft ToR is not mandated, but is something the Coordinator-General may choose to do.

For a coordinated project, existing provisions recognise an EIS completed under the SDPWO Act as meeting the EIS requirements under the EP Act.²⁶² However, at present, a project subject to assessment through an IAR would require subsequent assessment through an EIS process when applying for an EA.

The Bill proposes amendments to the EP Act to recognise an IAR under the SDPWO Act for the purposes of EA application, similar to the current provision recognising an SDPWO Act EIS.²⁶³ Where an IAR has been completed, the EA application will no longer require an information stage or notification stage, where the relevant activities were publicly notified under an EIS or IAR under the SDPWO.²⁶⁴ However, this will only apply where there has been no change to the environmental risks of the relevant activity (or if there is a change to how an activity will be carried out, it would be unlikely to attract a submission objecting to the change) since the IAR or EIS was completed. This ensures that the information and notification stage would still apply if there were significant changes between the assessment under the SDPWO Act and the making of the EA application.

At the public briefing on 10 December 2025, DETSI were asked about this issue and told the committee:

*...the only time the impact assessment report would be considered through our process is if it covers the same environmental matters which we would need to be considering through our decision-making process.*²⁶⁵

It is said that this will extend 'streamlining benefits to the [IAR] [and] reduce regulatory burden on proponents, provided the draft [IAR] sufficiently addresses the requirements of the EP Act'.²⁶⁶



2.14.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

QLS raised concerns that the changes would give rise to public concerns and noted the amendments would mean that the EIS process under the EP Act 'is subject to different requirements to an EIS under other legislation, including the [SDPWO Act]', which could cause confusion about opportunities for public participation.²⁶⁷

²⁶⁰ SDPWO Act, ss 26-27.

²⁶¹ SDPWO Act, s 26(2).

²⁶² SDPWO Act, ss 50-51.

²⁶³ Bill, cls 15, 16, 20, 21, 25. See also Explanatory notes, p 22-23.

²⁶⁴ Explanatory notes, pp 22-23.

²⁶⁵ Public briefing transcript, Brisbane (10 December 2025) p 15.

²⁶⁶ DETSI, written briefing (3 December 2025) p 10.

²⁶⁷ Submission 33, pp 2-3.

Other stakeholders noted that the primary purpose of the EP Act is ‘to protect Queensland’s environment while allowing for development that improved the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development)’, not facilitate more development,²⁶⁸ which is what the SDPWO Act is designed to achieve.

ii. Department advice

In response to QLS’s concern, DETSI advised:

The [EIS] process under the SDPWO Act does not mandate public notification of the terms of reference for an [EIS]. Instead, it provides the [CG] with the ability to decide if a Terms of Reference is publicly notified.

The amendment in [the Bill] relates only to the EP Act [EIS] and removes unnecessary regulatory burden. The community will still have the opportunity to provide input during public notification of the [EIS].²⁶⁹

Committee comment



The committee notes the advice provided by the department which confirms IARs and EISs completed under the SDPWO Act will only be recognised for authorities under the EP Act where there have been no significant changes between when the SDPWO Act assessment was completed and the later assessment under the EP Act. This will ensure that the effective substitution of the EP Act EIS only occurs where all relevant environmental matters have been assessed.

2.15. Timeframes for commencing summary prosecutions

The majority of offences under the EP Act are summary offences. Additionally, most of the indictable offences under the EP Act can be subject to summary prosecution (on election of the prosecuting authority). In these cases, there is a statute of limitations on when summary proceedings must be commenced, being:²⁷⁰

- one year from commission of the offence; and
- within one year after the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.

DETSI have experienced problems in meeting these limited timeframes, resulting in some entities who have caused harm not being prosecuted, because the full impacts of environmental harm are not always immediately apparent.²⁷¹ Investigations may take considerable time and require expert assessments and testing to be completed.

²⁶⁸ Submission 34, p 2.

²⁶⁹ DETSI, response to submissions (14 January 2026) p 30.

²⁷⁰ EP Act, s 497.

²⁷¹ DETSI, consultation paper, pp 37-38.

Furthermore, the use of ‘complainant’s knowledge’ in the second limb is considered to be a subjective threshold.²⁷²

The Bill amends the timeframes for summary prosecutions and provides a standardised limit of 2 years for commencing summary proceedings. It also removes reference to ‘complainant’s knowledge’.²⁷³ The Bill also introduces the concept of ‘relevant summary proceeding’, with 12 ‘more serious offences’ under the EP Act being listed. The proposed amendments allow for summary proceedings for these listed offences to commence within 3 years, or 2 years in relation to action on enforceable undertakings.²⁷⁴

The Bill also makes amendments to the WRR Act to remove reference to ‘complainant’s knowledge’ and set a standard 2-year timeframe for commencing proceedings (but keeping the 6-year limitation period for an offence against section 54).

It is said that these amendments will provide sufficient time to properly investigate and gather necessary evidence of an offence and bring court proceedings for compliance with the EP Act.²⁷⁵



2.15.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

QELA was generally supportive of the proposed amendments, but noted ‘the need for adequate time to prosecute offences must always be balanced with the need for certainty for operators and the community more broadly’ and queried how the list of ‘relevant summary offences’ was developed, noting that consideration of some of the list offences suggested inclusion was not warranted.²⁷⁶ It also submitted the 6 year timeframe for the section 54 WRR Act offence was not warranted.²⁷⁷ QELA expanded on this submission at the public hearing:

*The simple concern is this: many of the companies who are caught by this legislation are large companies. They have many employees. If we are talking about a period of six years for an alleged offence, there is greater potential for memories to fade, for employees to move on and for knowledge about the incident to effectively fall away, and it makes, in those circumstances, it more difficult for an accused to effectively have to deal with the offence that they are alleged to have committed.*²⁷⁸

The QLS did not support the proposed changes to the EP Act and WRR Act and noted:

We consider the additional time period will cause issues in practice. ...it is often quite difficult to prepare a defence even after one year. ... People involved in the matter inevitably leave, forget or do not cooperate. ...

²⁷² DETSI, consultation feedback, p 19.

²⁷³ Bill, cl 40 (amends s 497 of the EP Act).

²⁷⁴ Bill, cl 40 (amends s 497 of the EP Act).

²⁷⁵ Explanatory notes, p 32.

²⁷⁶ Submission 8, p 5.

²⁷⁷ Submission 8, p 6.

²⁷⁸ Public hearing transcript, Brisbane (20 January 2026) p 2.

In addition to the difficulties of preparing a defence, parties will face uncertainty for a longer period about if and when a prosecution will be commenced. While the parties may have knowledge about an active investigation, there is still likely to be uncertainty ... [with flow on impacts to individual's health and wellbeing].²⁷⁹

QLS recommended reconsideration of the proposed extended timeframes and also recommended that 'guidelines be published to establish a clear communication process about a decision to not commence a prosecution'.²⁸⁰ At the public hearing, QLS were questioned further about suggested guidelines and told the committee:

The starting point is that the proposal is to move the limitation periods from 12 months or possibly two years to two years and three years under the Environmental Protection Act, which is the main piece of legislation that we concentrated on. We understand that there is a public interest balancing exercise in doing that and there are issues on either side.

From the experience of the practitioners of the QLS committee, the investigation and potential prosecution during that period is just of a potential prosecution. It might end up being there is no offence committed or it is not as if there has been one. In practice, you do see when there is an investigation ongoing it involves the employees of that company who might not have done ultimately anything wrong, but they now have an either two- or three-year period from when an incident happens where they know there could or could not be a prosecution where their actions are directly relevant to it.

It is important for there to be guidelines for the department as soon as possible that at least tell operators who are under investigation that they are not going to proceed to a prosecution, so at the very least you do not have a standard two- or three-year period where people just do not know. In practice it does create a lot of impacts on employees who work in a business. It might be engineers who designed the waste system that had an incident. During that period they do not know whether their evidence is going to be really important to a big prosecution that is all in the media or not. In practice it does create a big impact. There can be internal employment implications for employees if they have done something wrong.²⁸¹

EDO also supported the extended timeframes and said the amendments would 'ensure the regulator has adequate time to gather evidence'.²⁸² LGAQ offered in-principle support.²⁸³

Glencore supported removing the subjective threshold of 'complainant's knowledge' from current section and extending timeframes for select offences, but were concerned about how the list of 'relevant summary offences' had been developed.²⁸⁴ Glencore submitted that increased timeframes create uncertainty and put operators in a position of disadvantage, noting the challenges faced in collecting evidence to support a defence.²⁸⁵

²⁷⁹ Submission 33, pp 1-2.

²⁸⁰ Submission 33, p 2.

²⁸¹ Public hearing transcript, Brisbane (20 January 2026) p 7.

²⁸² Submission 22, p 2.

²⁸³ Submission 25, p 21.

²⁸⁴ Submission 24, pp 3, 4.

²⁸⁵ Submission 24, p 4.

PCA did not support this amendment and noted:

*While we recognise the importance of robust environmental compliance, significantly lengthening the investigation window has material consequences for the property industry. Longer limitation periods create prolonged uncertainty for projects ... [which] can delay financing, stall critical project phases, and erode feasibility...*²⁸⁶

ii. Department advice

In response to the diverse views about changes to the timeframes to commence summary prosecution, DETSI noted:

The department acknowledges the need to balance adequate time for investigations with providing certainty for operators and the wider community. The three-year limitation period has been carefully chosen to achieve this balance, allowing time for comprehensive and complex investigations while ensuring prosecutions are commenced within a reasonable timeframe.

...

*The department recognises the potential impacts of longer limitation periods on industry. However, the proposed extension is intended to address the challenges of investigating and prosecuting offences that may involve complex evidence or environmental impacts that are not always immediately apparent.*²⁸⁷

DETSI did not directly address queries about how the proposed list of 'relevant summary offences' was selected but emphasised 'operators who meet their environmental obligations will not be impacted by these provisions'.²⁸⁸

In response to QELA's concerns about the 6-year time limit for the section 54 offence, DETSI noted that the timeframe was not amended by the Bill.²⁸⁹



2.15.2.FLP – rights and liberties of individuals

The Bill's proposed amendments to the timeframes for commencing summary proceedings potentially affect the rights and liberties of individuals because accused persons may be 'subject to investigative and non-litigious enforcement actions for a longer period of time prior to court proceedings potentially commencing'.²⁹⁰ It also means that there may be a longer period between when the alleged offence occurred and when the person is required to defend the allegation.²⁹¹

The amendments are intended to provide the administering authority with 'sufficient time to ascertain and gather evidence of an offence and properly bring court proceedings for

²⁸⁶ Submission 15, p 2.

²⁸⁷ DETSI, response to submissions (14 January 2026) p 28.

²⁸⁸ DETSI, response to submissions (14 January 2026) p 29.

²⁸⁹ DETSI, response to submissions (14 January 2026) p 48.

²⁹⁰ Explanatory notes, p 8.

²⁹¹ Explanatory notes, p 8.

compliance with the legislation'.²⁹² Another goal is to reduce 'the risk of significant harm to the environment and public health and safety'.²⁹³

The explanatory notes assert that any adverse impact on a defendant arising from the extended timeframe would 'be mitigated by the accused's knowledge of the matter from the investigation and any non-litigious enforcement actions already undertaken'.²⁹⁴

Committee comment



The committee is satisfied that the proposed amendments to the EP Act and WRR Act, to change the timeframe for commencing summary proceedings, has appropriate regard to the rights and liberties of individuals.

The Bill carefully balances the rights of individuals who may be prosecuted for offences, with the broader public interest in ensuring that those who do not comply with their environmental obligations are held to account.

The committee notes that 5-year timeframe for commencing summary prosecutions was originally proposed in the department's consultation paper. This was reduced in response to feedback around long periods of uncertainty and the potential impact on defendants.

The committee is satisfied that the proposed approach strikes an appropriate balance.

The removal of the subjective 'complainant's knowledge' criteria is sensible, and the amendments will provide greater clarity for the department and proponents alike.

The committee notes QLS's recommendation to develop and publish guidelines about prosecutorial decisions and communication during investigations and suggests DETSI work with stakeholders to further develop such materials.

2.16. Compliance, monitoring, and enforcement activities

The EP Act contains a broad range of offences (particularly in chapter 8), with investigation and enforcement powers provided in Chapter 9.

Currently, the EP Act provides a power for an authorised person to seize a thing subject to potential forfeiture upon conviction.²⁹⁵ The Bill broadens the existing seizure and forfeiture power to incentivise compliance by allowing seizure or court ordered forfeiture of property which may be used in the ongoing conduct of an offence.²⁹⁶ These amendments reflect that seizure can also include restricting access to a thing or making

²⁹² Explanatory notes, p 9.

²⁹³ Explanatory notes, p 9.

²⁹⁴ Explanatory notes, p 8.

²⁹⁵ EP Act, ss 462, 463.

²⁹⁶ Bill, cls 38, 39 (inserts new ss 462-463E to the EP Act). Summary IAS, p 20.

it inoperable, and updates receipt and information notice requirements in relation to seized things.²⁹⁷

The Bill also includes amendments to the EP Act to introduce authority for a court to order, upon conviction of EP Act offences, the forfeiture of anything (including vehicle or machinery) used by the person to commit the offence, or anything else the subject of the offence.²⁹⁸

Additionally, the Bill proposes new offences to be added to the EP Act, including:

- replacement of the section 431A offence (discussed above)²⁹⁹
- offence of contravening a seizure requirement³⁰⁰
- offence to interfere (where a seized thing is restricted)³⁰¹
- offence to carry out code-managed ERA without registering (where registration is required)³⁰²
- offence of failing to give notice when ceasing to carry out registered code-managed ERA;³⁰³ and
- offence to contravene an ERA code.³⁰⁴



2.16.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

EDO supported the proposed amendments, noting ‘they clarify powers and provide [a] clearer legislative framework’.³⁰⁵ LGAQ offered in-principle support.³⁰⁶

In contrast, AMEC did not support the proposal, noting:

*AMEC does not support increased criminality of the EP Act. ... There’s a risk of unintended consequences, such as legal uncertainty for past actions and potential impacts on investor confidence and economic growth due to vague enforcement timelines.*³⁰⁷

ii. Department advice

In response to AMEC’s concerns, DETSI emphasised that ‘the amendments [to seizure and forfeiture provisions] do not create new offences or increase the criminality of the EP

²⁹⁷ Summary IAS, p 3.

²⁹⁸ Summary IAS, p 20.

²⁹⁹ See Bill, cl 36 (inserts new s 431A to the EP Act).

³⁰⁰ Bill, cl 38 (inserts new s 463 to the EP Act).

³⁰¹ Bill, cl 38 (inserts new s 463A to the EP Act).

³⁰² Bill, cl 73 (inserts new s 318ZL to the EP Act).

³⁰³ Bill, cl 73 (inserts new s 318ZO to the EP Act).

³⁰⁴ Bill, cl 82 (inserts new s 435A to the EP Act).

³⁰⁵ Submission 22, p 2.

³⁰⁶ Submission 25, p 21.

³⁰⁷ Submission 2, p 12.

Act' and said 'operators who comply with their environmental obligations will not be directly affected by these provisions'.³⁰⁸



2.16.2.FLP – rights and liberties of individuals

Committees have consistently stated that to have sufficient regard to the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. Penalties should be proportionate to the offence, and penalties within legislation should be consistent with each other.³⁰⁹

The Bill is essentially replicating some existing offences (like the amendment to section 431A) and providing new offences to compliment the ERA code framework. None of the offences in the Bill have a penalty of imprisonment, but individuals may be subject to significant monetary penalties if they contravene certain of the Bill's offences. The penalties for the offences are generally similar to those imposed for similar existing offences.

Committee comment



The committee is satisfied that the proposed amendments to the EP Act to amend certain offences and introduce new offences have appropriate regard to the rights and liberties of individuals. The proposed penalties, when considered alongside penalties for existing offences, are relevant and proportionate.

The additional enforcement powers will ensure the administering authority can take appropriate action to secure compliance with environmental obligations and respond to and prevent further environmental harm.

2.16.3.HRA – property rights



The right to property (section 24, HRA) gives people the right to own property and requires that people not be arbitrarily deprived of their property. Arbitrarily has been defined in case law as meaning conduct that is capricious, unpredictable or unjust, or unreasonable in the sense of being disproportionate.³¹⁰

The Bill limits the right to property by amending and expanding provisions related to seizure and forfeiture in both the EP Act and WRR Act. The proposed amendments restrict access to property and prevent it being used to commit, continue or repeat an offence,

³⁰⁸ DETSI, response to submissions (14 January 2026) p 27.

³⁰⁹ See for example, Justice, Integrity and Community Safety Committee, *Making Queensland Safer Bill 2024*, Report no. 1, 58th Parliament (December 2024) p 36. See also LSA, s 4(2)(a).

³¹⁰ Queensland Government, *Guide: Nature and scope of the human rights protected in the Human Rights Act 2019*, p 80 <https://www.forgov.qld.gov.au/__data/assets/pdf_file/0025/183922/Nature-and-scope-of-the-rights-V3.pdf>.

and increase the circumstances in which this property may be forfeited (by a court) under the EP Act.³¹¹

The Bill also amends the EP Act and WRR Act, which (generally) requires a seized thing to be returned to its owner at the end of one year after the seizure, and instead provides for return of a seized thing when it is no longer required to be retained as evidence or to prevent it being used to commit an offence against the WRR Act or the EP Act.³¹² This was likely required as a consequence of changing the timeframes for commencement of summary proceedings.

The purpose of the limitation is to support investigation and enforcement measures in the EP Act,³¹³ and to allow the relevant executive to ‘retain seized evidence of an offence for the duration of the proceedings for the offence, including any prosecution and appeals’.³¹⁴ Allowing the relevant executive to keep a thing effectively prevents the property from being used to commit an offence. Increased forfeiture powers are said to ‘incentivise compliance with the EP Act by allowing a court to order the forfeiture of things, the subject of or used in the commission of an offence’.³¹⁵

Procedures in the EP Act mitigate against arbitrariness. The EP Act sets out the circumstances in which an authorised person may seize a thing.³¹⁶ Under the Bill, the owner of the seized thing is required to be given a receipt and an information notice about the seizure,³¹⁷ and to be given access to the seized thing, unless it is impracticable or unreasonable.³¹⁸ Also, the thing must be returned to its owner once there are no reasonable grounds for retaining the thing.³¹⁹ The Bill does not limit the grounds that may be reasonable grounds for retaining the seized thing.³²⁰ The Bill also includes safeguards for those who would be affected by a forfeiture order, including third parties, and provides for procedural fairness, including that regard be had to specified matters.³²¹

The Bill introduces a safeguard for property owners that would enable a person to apply to the chief executive for the return of a seized thing if it has not been returned within 3 months after it was seized.³²² If the relevant executive decides against returning the thing to its owner, the relevant executive must give the owner an information notice about the decision, including the grounds for retaining the thing.³²³

³¹¹ Bill, cls 38, 178 (inserts new ss 462-463E to the EP Act; amends s 244 of the WRR Act. See EP Act, ss 462, 463.

³¹² Immediately under the EP Act, s 462(6). As soon as practicable under the WRR Act, s 224(3).

³¹³ Statement of compatibility, p 8.

³¹⁴ Explanatory notes, p 28. See also explanatory notes, p 2.

³¹⁵ Statement of compatibility, p 10. See also explanatory notes, p 2.

³¹⁶ EP Act, s 461.

³¹⁷ Bill, cl 38 (inserts new s 463B to the EP Act).

³¹⁸ Bill, cl 38 (inserts new s 463C to the EP Act).

³¹⁹ Bill, cl 38 (inserts new s 463D to the EP Act).

³²⁰ Bill, cls 38, 178 (inserts new s 463D(6) to the EP Act; inserts new s 224(3C) to the WRR Act).

³²¹ Bill, cl 38 (inserts new s 463E(4) to the EP Act).

³²² Bill, cls 38, 178 (inserts new s 463D to the EP Act; amends s 224 of the WRR Act).

³²³ The relevant executive must take the action within 30 days after receiving the application. Bill, cls 38, 178 (inserts new s 463D(3), (4) to the EP Act; amends s 224(3), (3A)) of the WRR Act).

There is a direct relationship between the limitation and its purpose – by limiting property rights in this way, evidence would be preserved and there is a reduced likelihood of the thing being used in an offence.

Regarding the amendments to seizure and forfeiture, the statement of compatibility states there is no less restrictive or reasonably available ways to achieve the purpose.

With respect to the removal of the one-year period (for return of seized property), the statement of compatibility does not directly address the limitation or identify whether there are any less restrictive and reasonably available ways to achieve the purposes of the amendment. However, the argument presented in relation to the procedure for seized things could be repurposed: that is, that the amendment is required to ‘prevent the commission, continuation, or repetition of offences’, which ultimately protects the environment.³²⁴

Committee comment



The committee is satisfied that the limits on property rights, arising from proposed amendments to seizure and forfeiture powers in the EP Act and WRR Act, are proportionate and reasonably necessary to achieve the stated purpose.

The proposal is a targeted and proportionate response. The committee is satisfied there are suitable safeguards in place to mitigate against any arbitrary deprivation of property.

2.17. EP Act – proposed transitional arrangements

The Bill provides that a transitional regulation may make provision about a matter for which it is necessary to make provision to facilitate the transition from the current EP Act to the amended EP Act, and for which the Bill does not provide or sufficiently provide.³²⁵

Further, the Bill provides that a transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment to which the regulation relates commences.³²⁶

The broad transitional regulation making power is said to be required because of the complexity of reforms and to ensure smooth and effective implementation.³²⁷ Several constraints have been included to limit its operation, including:

- retrospective operation is only allowed from the date of commencement
- transitional regulations must be expressly declared and limited in duration; and

³²⁴ Statement of compatibility, pp 8-9.

³²⁵ Bill, cl 48 (inserts new s 861 to the EP Act).

³²⁶ Bill, cl 48 (inserts new s 861(2) to the EP Act).

³²⁷ Explanatory notes, p 12.

- provisions will be subject to a two-year sunset clause to ensure the power is only used to address genuine transitional matters.³²⁸



2.17.1.FLP – retrospectivity and the institution of parliament

The power to make a transitional regulation with potential retrospective application raises FLP issues around the institution of parliament and retrospectivity.

In general, a Bill should only authorise the amendment of an Act by another Act.³²⁹ A Henry VIII clause is a clause which enables an Act to be expressly or impliedly amended by subordinate legislation.³³⁰ The presence of such a clause in a Bill may mean that the Bill does not have sufficient regard to the institution of Parliament. This is because it allows the executive to effectively amend an Act passed by the Parliament.³³¹

Henry VIII clauses are commonly included in Bills, particularly in transitional provisions,³³² in case the powers are needed,³³³ but there should be good justification provided for such clauses. It is also best practice for transitional regulation-making powers to be subject to a sunset clause.³³⁴

The explanatory notes do not provide a justification for the Henry VIII clause in the Bill. However, they do state that the transitional regulation-making power is included in the Bill ‘to manage any unforeseen issues that may arise during the transition to the new legislative framework’, and notes the complexity of the reforms, which provides some context for why the provision is needed.³³⁵

³²⁸ Explanatory notes, p 12.

³²⁹ LSA, s 4(4)(c).

³³⁰ Or executive action. See Legislative Assembly of Queensland, Scrutiny of Legislation Committee, *The use of “Henry VIII clauses” in Queensland legislation* (1997) p 23.

³³¹ See LSA, s 4(4)(c).

³³² For example, Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024, s 26; Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, s 115); Criminal Code (Decriminalising Sex Work) and Other Legislation Amendment Act 2024, s 34; Work Health and Safety Act 2011, s 361; Energy (Renewable Transformation and Jobs) Act 2024, s 180.

³³³ Legislative Assembly of Queensland, Scrutiny of Legislation Committee, *The use of “Henry VIII clauses” in Queensland legislation* (1997) pp 11, 47.

³³⁴ Legislative Assembly of Queensland, Scrutiny of Legislation Committee, *The use of “Henry VIII clauses” in Queensland legislation* (1997) p 50.

³³⁵ Explanatory notes, p 12.

Committee comment

The committee is satisfied that the proposed transitional regulation making power has sufficient regard to the institution of Parliament.

The retrospectivity of the future regulations is limited and appropriate constraints, including a sunset clause, have been included in the Bill.

Noting the complexity of the proposed amendments, and the technical nature of matters likely to be covered by a transitional regulation, the delegation of power is appropriate.

2.18. Water Act amendments – changing the UWIR reporting period from 3 to 5 years

The Water Act regulates planning, allocation and use of water in Queensland. It establishes a framework to support sustainable water resource management and adopts principles of ecological sustainable development.³³⁶

A licensing framework governs the taking of, or interfering with, surface or groundwater.³³⁷ The Water Act also provides for underground water management³³⁸ and establishes the Office of Groundwater Impact Assessment (OGIA).³³⁹ To assist with the management of underground water, the Water Act requires preparation of Underground Water Impact Report (UWIRs) every 3 years from the ‘anniversary date’ of the first report, though this may be extended.³⁴⁰

DETSI provided an overview of the current framework at the public briefing on 20 January 2026:

It might be worth taking a moment around what the current legislation has in place for the Water Act around underground water impact reports. The statutory right to take underground water is something which exists through the resource tenure legislation—in the Petroleum and Gas Act or in the Mineral Resources Act—which gives resource tenure holders the right to take underground water. The purpose of chapter 3 is to then manage the underground water framework and the impacts on potential landholders, which is what it does through the preparation of both baseline assessment plans and the preparation of underground water impact reports.

At the moment, the underground water impact report specifies in section 376 of the act what is required for the content of an underground water impact report. It includes a range of matters, but most particularly it is around the impact on what water bores are located within the area of the report itself. The underground water impact report can be done by individual tenure holders generally if there are areas there, but also an underground water impact report

³³⁶ Water Act, s 2.

³³⁷ Water Act, ch 2.

³³⁸ Water Act, ch 3.

³³⁹ Water Act, ch 3A.

³⁴⁰ Water Act, s 370(2)(c).

can be prepared by the Office of Groundwater Impact Assessment for those areas which are declared as a cumulative management area.

...

One of the key issues which has emerged over time and what the current legislation says around the requirement to prepare an underground water impact report is that it is based on a definition in the act called an anniversary date. That anniversary date is the date that the first report, back in 2011 or 2012 when OGIA first did the report, was approved by the department. Then it is required to be submitted every three years at the moment under the current legislation—every three years from that original anniversary date.³⁴¹

The OGIA is responsible for preparing the UWIR for Cumulative Management Areas (CMA) (of which the Surat CMA is the only one, which covers the Condamine Alluvium) and is required to provide annual updates and determine whether updates are required to the approved UWIR. Resource tenure holders are responsible for preparing UWIRs outside the CMA. UWIRs are used to predict and assess potential impacts and provide a basis for decision making both under the Water Act and EP Act.

The Bill proposes to extend the current 3-year timeframe, calculated from the date the first UWIR took effect, to 5 years from the previous UWIR's approval.³⁴² The Bill also amends related provisions to reflect the new 5-year timeframe, and ensure a baseline assessment strategy is included in the CMA UWIR.³⁴³

DETSI said that the 3-year reporting period caused problems for OGIA who prepare the UWIR for the Surat CMA because they have to gather data over the entire CMA area.³⁴⁴ DETSI said feedback suggested the 3-year timeframe made compliance difficult, extensions were required, and the timeframe was too short to consider impacts and gather data.³⁴⁵

This proposal was not included in DETSI consultation paper, though it appears limited consultation was done on the proposal when consulting on the exposure draft of the Bill.



2.18.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

There was very little support for this proposal, and strong opposition from a range of stakeholders.

In written submissions, AEP were the only stakeholder to directly offer their support and said:

A five-year UWIR cycle can improve administrative certainty and drafting quality, but only if UWIRs remain responsive to material changes. Explicit triggers and clear direction powers ensure that new development scenarios

³⁴¹ Public briefing transcript, Brisbane (20 January 2026) p 2.

³⁴² Bill, cl 184; Explanatory notes, p 96.

³⁴³ Bill, cls 185-188; Explanatory notes, pp 96-97.

³⁴⁴ Summary IAS, p 25.

³⁴⁵ Summary IAS, p 25.

*and observed impacts can be translated into updated management actions...*³⁴⁶

At the public hearing, AMEC noted its support for the proposal and told the committee that the shift to 5-year UWIR reporting would not undermine groundwater protection, and noted the other extensive ongoing monitoring undertaken:

The role of monitoring in Queensland, especially groundwater monitoring, is highly regulated. Whether it exists in multiple site specific EAs or standard EAs, groundwater monitoring occurs usually in relation to that every six to 24 months as a minimum. Our understanding from the briefings was that the idea here is to not diminish monitoring of a system and to have enough monitoring points to ensure that the monitoring is adequate to capture any change. The intent and purpose was more around simplifying the reporting processes. There is not anyone having an impact on or intercepting an aquifer and/or requiring to monitor for potential impact in Queensland that does not have to complete groundwater monitoring and/or rent monitoring in this state.

*It in no way devalues or undermines the monitoring requirements for operators in this state or the regulation process. The information is there. Implying that by changing the administrative structure around it will not pick up on a potential impact I think would be wrong. What that says is that if that is the question then maybe the detail in the guidance and policy or the information that has been released to support the changes might not be adequate enough to provide that assurance.*³⁴⁷

LGAQ did not support or oppose the amendments, but noted:

*As water service providers who sometimes rely on groundwater as the only source for the supply of potable water, regional, rural and remote councils believes that the State Government must adopt a precautionary approach to protection of water supply aquifers.*³⁴⁸

Some stakeholders opposed the proposed amendment.³⁴⁹ These submitters emphasised the vital role a UWIR plays in adaptive management, both under the Water Act and EP Act, and expressed grave concerns that less frequent reporting could '[leave] landholders and communities potentially exposed to dwindling or polluted groundwater for too long'.³⁵⁰

Central Down Irrigators Limited (CDIL) told the committee about the purpose of a UWIR and explained the link between UWIRs and EAs:

*A UWIR is prepared to update the assessment and management strategies in response to emerging data, information and issues following the principles of adaptive management. Once approved, implementation of management strategies in the report become a statutory obligation on the relevant tenure holders. Iterative assessments also provide a basis for ongoing review of environmental authorities.*³⁵¹

³⁴⁶ Submission 32, p 9.

³⁴⁷ Public hearing transcript, Brisbane (20 January 2026) p 20.

³⁴⁸ Submission 25, p 3.

³⁴⁹ Submission 29; Submission 28, p 9; Submission 16, p 1; Submission 18, p 8; Submission 34, p 8; Submission 20, p 2; Submission 22, p 7; Submission 23; Submission 26.

³⁵⁰ Submission 34, p 8.

³⁵¹ Submission 18, p 3.

EDO said that current timeframes are appropriate and longer timeframes for reporting risked delays in actioning impacts to bores, which:

*...could lead to late detection of critical environmental impacts and harm to landowners' water sources.*³⁵²

CDIL rejected the department's assertion that the proposal reduces administrative burden while maintaining effective oversight, and noted that legislation already provided for an extension where it was required, and submitted:

*Three years is more than adequate time for well-resourced resource companies... and [OGIA] ... to prepare and publish [UWIRs]. Extending this out to 5 years does not improve effective oversight of groundwater impacts, in fact, it represents a decided weakening of oversight...*³⁵³

CDIL also flagged that increasing the reporting cycle means 'the inter-linked (adaptive management) impact assessment process will be decidedly less effective and severely compromised' reducing the data available to regulators to make informed decisions.³⁵⁴ This was also raised by Glendon, who referenced the relevant DETSI guideline which notes the connection between the Water Act and EP Act and provides:

*it is anticipated that the information supplied with the environmental authority application will be utilised and build upon for the responsible entity's submission of UWIR. Equally, any relevant information contained in an approved UWIR may be utilised as part of the environmental authority application.*³⁵⁵

Noting this, Glendon said that stretching the UWIR cycle 'will cause [the] iterative (adaptive management) impact to be severely compromised due to the reduced frequency of pertinent information being made available to the administrative authorities.'³⁵⁶ At the public hearing, Glendon were questioned about this position in light of ongoing monitoring, as raised by AMEC (see above), and told the committee:

*There is ongoing reporting but in a much more brief connotation through OGIA's annual reports. The UWIR is a much more comprehensive structure and framework. I think the critical point is the obligations being assigned to the responsible tenure holders and then the triggering of the make-good process for bore owners, for landholders. At the moment that is happening within a three-year timeframe, which gives more [assurance] to landholders that things are going to be kicked into place.*³⁵⁷

AgForce noted that changes to monitoring and management arrangements for the CMA can only be made through the UWIR, said 5 years would reduce responsiveness, and submitted the proposed extension would potentially have the following adverse impacts:³⁵⁸

³⁵² Submission 22, p 7. See also Submission 34.

³⁵³ Submission 18, p 2.

³⁵⁴ Submission 18, p 8.

³⁵⁵ Submission 28, p 8, quoting from DETSI, 'Guideline: Underground water impact reports and final reports' (ESR/2016/2000) <https://www.detsi.qld.gov.au/policies?a=272936:policy_registry/rs-gl-uwir-final-report.pdf>.

³⁵⁶ Submission 28, p 9.

³⁵⁷ Public hearing transcript, Brisbane (20 January 2026) p 27.

³⁵⁸ Submission 20, p 2.

- diminish adaptive management capability
- increase the risk that impacts to groundwater and dependent primary production businesses and regional / rural communities will go unmanaged for longer periods
- delay identification and remediation of impacts affecting landholders' water supplies; and
- result in poorer environmental and landholder outcomes.

Submitters were also concerned about DETSI's failure to adequately consult on this proposal.³⁵⁹

ii. Department advice

In responding to concerns about extending the UWIR reporting period, DETSI said:

Following drafting and stakeholder feedback on the draft exposure Bill, an additional amendment was included [extending the UWIR reporting cycle].

The current routine three-year timeframe is too short to gather necessary data to assess and fully consider impacts for preparing the next report. Current experience has been that multiple extensions have been required for [OGIA] to gather necessary data for the report from across the [CMA]. This has led to the need for extensions for each subsequent report.

...Extending the timeframe...will allow more efficient use of resources and provide adequate time to run investigations and fully accommodate the outcomes in predictive modelling – noting that a shorter timeframe will still be triggered through the annual revision process if significant or material changes emerge in industry's development plans....

The extended routine reporting cycle does not change the frequency of monitoring or management obligations or reporting of data; the framework will remain responsive to emerging changes through the annual reporting process.

The government will still have adequate oversight of the underground water management framework through the existing powers of the chief executive to request preparation of the report earlier...and powers to direct an amendment to an approved report.³⁶⁰

Regarding concerns about the absence of prior consultation, DETSI acknowledged the specific proposal was not included in the prior consultation process, but said the proposal was introduced in response to stakeholder feedback on the exposure draft Bill, and emphasised the proposal was a streamlining measure that complimented other Water Act amendments in the Bill.³⁶¹ At the public briefing on 20 January 2026, DETSI provided further context for how the proposal came to pass:

One of the proposals in the consultation paper which went out in June of last year was to suggest that, instead of having an anniversary date being the date of the first report being approved, that the date be moved to the date that the last report was approved so that it would be three years from that date.

³⁵⁹ Submission 28, p 9.

³⁶⁰ DETSI, response to submissions (14 January 2026) pp 37-38.

³⁶¹ DETSI, response to submissions (14 January 2026) p 38.

Through that process where we engaged with stakeholders, there was a range of feedback received around that proposal, one of which was around how the framework itself has matured over that time. Particularly, industry stakeholders suggested that there would be an opportunity to consider potentially moving that to a five-year cycle, noting that the framework has matured. That was one of the proposals which came through that feedback process, noting that there are already requirements in chapter 3 of the Water Act to deal with any issues which may happen if the report itself becomes out of date for any reason within that period. I think it is section 392 of the Water Act which requires the department to issue a notice to require that a report be updated to take into account any updates which may occur or is required over that period.³⁶²

When asked whether the proposal was supported by OGIA:

...it was feedback which we received from both industry stakeholders when we undertook the original stakeholder consultation process as well as engagement with OGIA.³⁶³

DETSI were also asked about potential risks that may arise from the proposal and stated:

The act itself does provide those annual safeguards, particularly in the Surat Cumulative Management Area. We heard some of the submissions this morning and the feedback provided. OGIA does undertake an annual review of that modelling, and that is made public. OGIA publishes that report so that everybody can see a copy of it. It does provide that safeguard in that process where if there is a material change under the act, we can direct that the report either be updated. The other element to this is that the period is up to five years. If a three-year period is more appropriate, or a four-year period, that is something which could be worked through as part of the development, but up to five years is the proposal in the bill.³⁶⁴

It was also noted that the Bill's new power to allow a bore direction notice to be issued also provided an additional safeguard and would mitigate agricultural stakeholders' concerns.³⁶⁵

In response to council's concerns about the need to monitor the impact of resource extraction on aquifers, DETSI emphasised that the Water Act's framework to monitor and manage cumulative impacts would continue to apply.³⁶⁶

Committee comment



The committee notes the concerns expressed by stakeholders, particularly agricultural stakeholders, about the potential risks of extending the reporting timeframe and the risk that bore impairment will not be identified and addressed for a longer period of time.

The committee questioned the department further at the public briefing about how this proposal was developed and the safeguards in place to respond to

³⁶² Public briefing transcript, Brisbane (20 January 2026) p 3.

³⁶³ Public briefing transcript, Brisbane (20 January 2026) p 4.

³⁶⁴ Public briefing transcript, Brisbane (20 January 2026) p 3.

³⁶⁵ Public briefing transcript, Brisbane (20 January 2026) p 4.

³⁶⁶ DETSI, response to submissions (14 January 2026) p 34.

these concerns. The department noted existing provisions within the Water Act, which allow the CEO to request an earlier report or request an amendment to a UWIR, which go some way in addressing stakeholder concerns.

The proposal responds to concerns about the practicality of continuing with the current timeframe, particularly the challenges faced by OGIA in meeting the current reporting deadlines, and the ongoing need for extensions.



2.18.2. HRA – property rights

The right to property (section 24, HRA) gives people the right to own property and requires that people not be arbitrarily deprived of their property.³⁶⁷ Landholders access to and use of water bores would amount to property, with case law recognising a broad interpretation of property, which encompasses economic interests and ‘deprivation in the broad sense’.³⁶⁸

Extending the timeframe for reporting may limit the property rights of landholders as it increases the risk that detection of adverse cumulative impacts to bores, arising from resource activities, will be delayed. This potentially increases the risk of harm being done to water sources and delayed detection, with potential adverse impacts on property rights (including financial impacts which may arise from contamination of water sources).

The statement of compatibility did not address how this proposed amendment to the Water Act would limit the right to property. As such, the purpose of the limit, the relationship between the limitation and its purpose, and the availability of less restrictive ways to achieve that purpose, have not been directly addressed by the Minister.

The explanatory notes suggest the purpose of the amendment is to respond to problems created by the 3-year time frame and ensure a more sensible, flexible and efficient reporting timeframe.³⁶⁹ Other departmental material supports the extension to a standard 5-year timeframe by reference to ‘the continual need for extensions’.³⁷⁰

Based on this assessment of purpose, it would seem that the limit on property rights, achieved by extending the reporting timeframe, would go some way to achieving the purpose of improving efficiency and reducing administrative burden.

At the public briefing on 20 January 2026, DETSI emphasised existing safeguards which allows the chief executive to require an earlier report or direct an amendment to an earlier

³⁶⁷ HRA, s 24.

³⁶⁸ See eg *Austin BMI Pty Ltd v Deputy Premier* [2023] QSC 95 at [327] citing PJB in accepting ‘that the term ‘property’ in s 24 should be construed liberally and beneficially to encompass economic interests’. See also *Queensland College of Teachers v Teacher MXQ* [2025] QCAT 60, Queensland Civil and Administrative Tribunal, 17 January 2025; and *Vanilla Rentals v Tenant* [2023] QCAT 519, Queensland Civil and Administrative Tribunal, 7 November 2023.

³⁶⁹ Hon A Powell MP, Minister for the Environment and Tourism and Minister for Science and Innovation, Queensland Parliament, Record of proceedings (20 November 2025) p 3778. See also Explanatory notes, p 96.

³⁷⁰ Summary IAS, p 25.

report, if required.³⁷¹ This would go some way to mitigate the risks associated with increasing the reporting timeframe.

Additionally, the current provisions allowing for extensions to the reporting timeframe could be said to be a less restrictive way to achieve the purpose and does not require legislative intervention. However, given DETSI's advice concerning the problems with the current timeframe (including the current drafting which means the timeframe runs from the anniversary date, rather than from when the UWIR was approved) and about the need to ongoing extensions, the less restrictive option of maintaining the existing approach may not be considered appropriate.

Committee comment



The statement of compatibility generally met the requirements of section 39 the HRA; however, there was no direct analysis on the proposal's implication for property rights. The Minister should consider tabling an amended statement of compatibility addressing the limit on property rights arising from these proposed changes during the second reading debate.

2.19. Subsidence from Coal Seam Gas activities

A number of stakeholders raised concern about resources activities being carried out in the Condamine Alluvium, noted to be one of Queensland's richest agricultural areas, and noted potential adverse impacts from coal seam gas activities on water supply and water quality.³⁷² Risks of subsidence, associated with coal seam gas (CSG) activities, were also repeatedly raised by stakeholders.³⁷³

For example, regarding this important agricultural region, Cotton Australia said in their written submission:

*While activities by the tenure holder have long been planned, at the time of writing there has been no active CSG extraction east of the Condamine River. ... UWIR reporting will be critical in identify any unforeseen impacts or alternatively, providing positive assurance that CSG extraction is not causing harm to this critical water supply or the land above it.*³⁷⁴

Similarly, QFF submitted:

*...extending this interval materially weakens the responsiveness of the underground water management framework at a time when extractive activity and cumulative groundwater pressures are increasing ... [and] [reduces] the timeliness and effectiveness of protections for bore owners and agricultural water users.*³⁷⁵

³⁷¹ Public briefing transcript, Brisbane (20 January 2026) p 3.

³⁷² Submission 28; Submission 18.

³⁷³ See, for example, Public hearing transcript, Brisbane (20 January 2026) pp 14, 27.

³⁷⁴ Submission 29, p 2.

³⁷⁵ Submission 16, p 1.

The department acknowledged submitter concerns about the Condamine Alluvium, recommendations to amend the underground water management framework to protect agricultural land, and concerns about CSG impacts arising from issues such as gas migration but noted these were outside of the scope of the Bill.³⁷⁶

The committee asked DETSI further questions about the concerns about subsidence that were raised by stakeholders. DETSI told the committee:

The current framework of chapter 3 of the Water Act relating to subsidence in particular requires the reports to be produced, at the moment, on a three-yearly basis. One of the elements in the long list of things which need to be considered—and OGIA, in their 2021 underwater ground impact report, started to first look at this—is the impact of the drawdown from an environmental point of view, which potentially has a trigger back into the Environmental Protection Act if any issues are required to be managed through that process. OGIA has looked at subsidence from a regional point of view as part of that process, but the bill itself does not look to change anything around subsidence in this framework or anything about that.

...

It is the mineral resources legislation. It needs to primarily deal with the impact of subsidence on someone's ability to continue to operate their farming land in a way that they would like to. The make-good agreements that we have been talking about under the Water Act are really about the loss of groundwater which then impacts bores so that people who are using it for irrigation purposes, for example, can no longer get the pressure out of that bore to run their irrigation systems.³⁷⁷

Committee comment



The issue of subsidence from CSG activities was raised in written submissions and during the public hearing.

Subsidence, which is a gradual or sudden lowering of ground surface caused by movement, compaction or removal of material beneath the ground, is a complex issue.

Under the Water Act, resource tenure holders may have obligations to conduct bore assessments, enter make good agreements, undertake monitoring, and complete UWIRs. However, the Water Act framework deals with impairment of water bores from such activities, not subsidence arising from resources activities.

Issues of subsidence are therefore outside the scope of this Bill.

In theory, this issue is covered by the *Mineral and Energy Resources (Common Provisions) Act 2014*, which allows parties to enter 'conduct and compensation agreements'.

³⁷⁶ DETSI, response to submissions (14 January 2026) p 51.

³⁷⁷ Public briefing transcript, Brisbane (20 January 2026) p 5.

In 2024, proposals to introduce a framework for managing the impacts of CSG induced subsidence were included in the Mineral and Energy Resources and Other Legislation Amendment Bill 2024 and were examined by the Clean Economy Jobs, Resources and Transport Committee.³⁷⁸ However, the proposed framework was removed during the second reading debate in June 2024. This was done to allow time for further consultation, with a stated intention to re-introduce once further consultation was completed. The former government did not re-introduce the amendments prior to the election in 2024.

Statements on the webpage of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development indicate that work is ongoing and 'government will continue to work with stakeholders to quantify the extent and impact of CSG-induced subsidence and any required regulatory response'.³⁷⁹

The committee notes the concerns of stakeholders and ongoing work being undertaken to address CSG induced subsidence concerns.

2.20. Other Water Act amendments

The Bill proposes other amendments to the Water Act to clarify the operation of certain provisions and promote co-existence between landholders and resource tenure holders, including:³⁸⁰

- amending requirements for baseline assessment plans
- extending and clarifying the timing for submission of underground water impact report (UWIR)
- amending the reporting requirements for bore assessments, baseline assessments and make good agreements
- providing legislative power to the issuing of a bore assessment direction to be completed by a resource tenure holder
- amending notice requirements for approved UWIR; and
- amendments to reflect the introduction of code ERAs.

³⁷⁸ Clean Economy Jobs, Resources and Transport Committee, 'Mineral and Energy Resources and Other Legislation Amendment Bill 2024 – Report No. 6, 57th Parliament' (June 2024) <<https://documents.parliament.qld.gov.au/tp/2024/5724T901-2F3F.pdf>>.

³⁷⁹ Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, 'Review of CSG-induced subsidence' (Webpage, accessed 22 January 2026) <<https://www.nrmrdd.qld.gov.au/mining-exploration/initiatives/review-of-csg-induced-subsidence>>.

³⁸⁰ Summary IAS, p 24-26.

The Bill also amends section 391(1)(a) to clarify that minor amendments to the UWIR are those which do not adversely affect a tenure holder or another person.³⁸¹

Additionally, the Bill makes consequential amendments to provide additional funding for the functions for the OGIA,³⁸² and improve access to information, while ensuring the protection of personal and commercially sensitive information.³⁸³

The proposed amendments regarding baseline assessment, make good agreements and reporting, bore assessment notices, notice requirements, and consequential amendments to recognise code-managed ERAs are covered in more detail in sections 2.20.1 to 2.20.5 below.

The purpose of these amendments is to ‘ensure processes focus on outcomes associated with monitoring groundwater impacts, contemporary modelling and reporting of underground water impacts, and better coexistence arrangements’.³⁸⁴

2.20.1. Baseline assessments

Baseline assessments document the existing condition of a water bore before it is impacted by relevant activities. Within the CMA, separate processes for baseline assessments apply where bores are on tenure or off tenure but within a long term affected area.³⁸⁵

Presently, resource tenure holders prepare a baseline assessment plan for water bores that are on tenure, which includes a timetable for undertaking baseline assessments of water bores in each priority of the resource tenure.³⁸⁶ Additionally, a UWIR must include a program of baseline assessments for water bores that are outside the resource tenure but within the long term affected area.³⁸⁷ These separate processes have resulted in inconsistent and duplicative processes.³⁸⁸

The Bill amends provisions pertaining to baseline assessments to provide a consolidated strategy for water bores (both on and off tenure) within a CMA, to be administered by OGIA, with consequential amendments to support implementation of this new strategy.³⁸⁹ Resource tenure holders within a CMA will no longer have to prepare an individual baseline assessment plan, reducing regulatory burden. They will instead be subject to the baseline assessment strategy set by OGIA.

³⁸¹ Bill, cl 191 (amends s 391 of the Water Act); Explanatory notes, p 99; Summary IAS, p 4.

³⁸² Bill, cl 207 (amends s 479 of the Water Act); Explanatory notes, p 106; Summary IAS, p 6.

³⁸³ Bill, cls 208-211 (amends s 482A, 483, 484 and 485 of the Water Act); Explanatory notes, pp 106-107.

³⁸⁴ Explanatory notes, p 3.

³⁸⁵ Summary IAS, p 24.

³⁸⁶ Water Act, s 397. See also Summary IAS, p 24.

³⁸⁷ Water Act, s 398. See also Summary IAS, p 24.

³⁸⁸ Summary IAS, p 24.

³⁸⁹ Bill, cls 188, 190, 193, 195, 197 (amends multiple sections of the Water Act); Explanatory notes, pp 6, 101 ff. See also DETSI, written briefing (3 December 2025) p 11.

For resource tenure holders outside the CMA, there are no changes, other than the increased reporting timeframe of 5 years.

2.20.2. Make good agreements and reporting

Make good agreements are entered between landholders / bore owners and resource tenure holders who take water from an aquifer. At present, OGIA only receives limited information about the status and outcomes of relevant make good agreements. This makes monitoring compliance with make good conditions challenging.³⁹⁰

The Bill proposes amendments to introduce mandatory reporting requirements regarding the status and outcome of make good agreements and associated measures which are not compensatory.³⁹¹ This will ensure regular reporting, transparency and accountability in the implementation of make good obligations while protecting sensitive financial information.³⁹²

The Bill also makes amendments to:

- clarify that a make good agreement is only a make good agreement to the extent it provides for certain identified matters.³⁹³ While tenure holders and bore owners may agree to other matters, these matters would not be subject to provisions in chapter 3.³⁹⁴ This ensures that land access provided in make good agreements cannot be used for other purposes unless specifically agreed to.³⁹⁵
- require tenure holders to provide notice to OGIA, in addition to the chief executive, within 20 business days of entering a make good agreement;³⁹⁶ and
- provide the manager of OGIA with the power to issue a notice to a resource tenure holder requesting information about their compliance with make good obligations.³⁹⁷

2.20.3. Issuing directions for bore assessments

At present, there is no legislated process for the owner of a water bore within a resource tenure to request the tenure holder undertake a bore assessment to determine what, if any, impaired capacity exists or will exist for their bore. Instead, the obligation is to enter a make good agreement which includes measures to ensure the owner has access to reasonable quantity and quality of water and is carrying out a plan to monitor the bore. If

³⁹⁰ Summary IAS, p 25.

³⁹¹ Bill, cl 205 (inserts new s 473B of the Water Act); Explanatory notes, p 104. See also Summary IAS, p 25.

³⁹² Explanatory notes, p 105.

³⁹³ Bill, cl 203 (amends s 420 of the Water Act).

³⁹⁴ Summary IAS, p 4.

³⁹⁵ Explanatory notes, p 104.

³⁹⁶ Bill, cl 204 (amends s 423 of the Water Act); Explanatory notes, p 104.

³⁹⁷ Bill, cl 206 (inserts new s 454A of the Water Act); Explanatory notes, p 105.

the department receives complaints about bore impairment, there is currently no statutory process to respond to concerns and request an assessment.³⁹⁸

The Bill proposes amendments to allow water bore owners to apply, with evidence, to the chief executive to have a bore assessment notice issued to the relevant tenure holder and provides a new statutory framework for issuing notices and making decisions.³⁹⁹ This process will only be available where there is no make good agreement.⁴⁰⁰ The chief executive will be required to decide within 30 days whether to issue a direction notice to the resource tenure holder. The decision on whether to issue a bore assessment notice will be an original decision; internal and external review and appeal processes will be available.⁴⁰¹

2.20.4. Notice of approved UWIR

When a UWIR is approved, the responsible entity is required to send a notice to each owner of a water bore within the area to which the UWIR applies. Within a CMA, this is the responsibility of OGIA; outside the CMA, the resource tenure holder is responsible.

Not all bore owners who receive the notice own bores that are impacted or affected. It is said the expansive notice requirement has resulted in administrative inefficiency and unnecessary confusion for a large number of bore owners.⁴⁰²

The Bill amends the notification requirements so that notice is only required to be provided to impacted bore owners in the immediately affected areas or long term affected areas.⁴⁰³ While certain bore owners will no longer be notified of an approved UWIR, they will still be notified of consultation on a proposed UWIR prior to approval, which is said to limit the potential impact of reducing notification to these owners.⁴⁰⁴

2.20.5. Amendments to reflect introduction of Code ERAs

The Bill proposes to amend the Water Act to allow a person to take or interfere with water if it is necessary to carry out an activity prescribed by regulation.⁴⁰⁵ The amendment will allow the Minister (through a water plan) or chief executive (through the regulation) to authorise a person to take or interfere with water for carrying out an activity without requiring a water entitlement.⁴⁰⁶

It is said this would provide 'additional flexibility where no water plan exists or where the plan does not specify authorisations'.⁴⁰⁷ Further, that the proposed changes 'support

³⁹⁸ Summary IAS, p 26.

³⁹⁹ Bill, cl 201 (amends s 418 of the Water Act) and cl 202 (inserts new subdiv 4 of the Water Act); Explanatory notes, pp 103-104.

⁴⁰⁰ DETSI, response to submissions, p 37.

⁴⁰¹ Summary IAS, p 26.

⁴⁰² Summary IAS, p 26.

⁴⁰³ Bill, cl 189 (amends s 389 of the Water Act); Explanatory notes, p 99.

⁴⁰⁴ Summary IAS, p 28.

⁴⁰⁵ Bill, cls 182-183 (amends ss 97 and 102 of the Water Act); Explanatory notes, pp 95-96.

⁴⁰⁶ Bill, cl 183 (amends s 102 of the Water Act). Explanatory notes, p 96.

⁴⁰⁷ Explanatory notes, p 96.

clearer and more flexible water management by aligning authorisations with both water plans and regulatory provisions'.⁴⁰⁸

These are consequential amendments resulting from the introduction of ERA codes, and will allow for authorisation to be given without requiring a separate authorisation under the Water Act where the take or interference is associated with an activity identified in the water plan or regulation.⁴⁰⁹ DETSI advised:

*It is important to note that the taking or interfering with water under new section 102 of the Water Act must be done in accordance with a relevant water plan, or as prescribed by regulation. Unless authorised under the relevant water plan or prescribed by regulation, resource tenure holders are not able to take water without approval.*⁴¹⁰



2.20.6. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

The feedback from stakeholders on these proposals was largely supportive and noted the measures were likely to improve landholder rights, improve transparency and support coexistence with resource tenure holders.⁴¹¹

EDO were concerned about the proposed amendments to section 102, and said the provision was drafted in overly broad terms, with the potential to allow for unintended uses.⁴¹²

CDIL were concerned the UWIR process was only capturing water bores identified in the long term affected area where there is a decline in water level, and said this failed to capture water bores that may be impaired by CSG activities through free gas or contamination, but don't exhibit a decline in water levels.⁴¹³ CDIL recommended that DETSI further consider which impaired bores could be reported on through the UWIR process.⁴¹⁴

PRA submitted the amendments regarding bore direction notices lacked clarity, and also raised concerns about the baseline assessment timetable outside the CMA, stating

*there is no landholder protection for bores [outside the Surat CMA]. Clause 187 of the Bill...states a baseline assessment plan is required for non-CMA tenures. There are no specifications for a baseline assessment timetable similar to requirements within the Surat CMA...*⁴¹⁵

AEP also raised concerns about the bore direction notice amendments, stating:

The Bill also inserts new section 419C, empowering the Chief Executive to decide whether to issue a bore assessment notice (without explicit assessment

⁴⁰⁸ Explanatory notes, p 96.

⁴⁰⁹ DETSI, correspondence (19 December 2025) p 9.

⁴¹⁰ DETSI, correspondence (19 December 2025) p 10.

⁴¹¹ See for example, Submissions 28, 29, 16, 18, 22, 2, 25.

⁴¹² Submission 22, p 3.

⁴¹³ Submission 18, pp 8, 10.

⁴¹⁴ Submission 18, p 11.

⁴¹⁵ Submission 14, p 3.

*criteria) which creates a broad discretion inconsistent with Queensland Fundamental Legislation Principles (FLPs) that require administrative powers to be sufficiently defined and decision to be clear and precise. To maintain certainty and keep directions anchored in science, AEP supports amending section 419C to require objective triggers...written reasons, and prospective application through transitional provisions.*⁴¹⁶

A number of submitters urged the government to require baseline assessment plans to be made publicly available, noting that at present, they can only be obtained through a RTI process.⁴¹⁷

Glendon were concerned about historical gaps in baseline assessments and noted that many bores had not yet undergone baseline assessments.⁴¹⁸ Glendon also raised concerns about changes to notice requirements, and about resource tenure holders being allowed to essentially self-assess.⁴¹⁹

PRA recommended that make good requirements imposed on resource tenure holders be extended to renewable energy development applications.⁴²⁰

Amendments to allow OGIA to raise additional funds were supported, with it noted that OGIA has said it is unable to raise funds to model overland water flow in Condamine River floodplain, which is being impacted by subsidence caused by CSG activities carried out by Arrow Energy, which 'has the potential to cause billions of dollars in damage and losses to road networks, communities, and agricultural sector'.⁴²¹

ii. Department advice

Regarding EDO's concerns about the amendments to section 102, DETSI advised that the provision 'provides flexibility for where no water plan exists or where the plan does not specify authorisations' and said: 'any activities prescribed by regulation would be subject to consultation, regulatory impact analysis and [Parliamentary scrutiny]', and that this process would prevent unintended consequences.⁴²²

Regarding concerns about changes to notification requirements, DETSI acknowledge there may be other interested parties, but said:

*...there are a range of mechanisms to notify these stakeholders which are considered timely and cost effective. These include subscriptions to the department's public notices and consultation page, subscription to Coexistence Queensland webpage, and viewing the approved report on the [OGIA]'s webpage.*⁴²³

Noting support for the changes to baseline assessment planning within the CMA, and suggestions for some stakeholders that this should be extended to bores outside the CMA,

⁴¹⁶ Submission 32, p 5.

⁴¹⁷ Submission 28, p 10.

⁴¹⁸ Submission 28, p 11.

⁴¹⁹ Submission 28, p 15.

⁴²⁰ Submission 14, p 3.

⁴²¹ Submission 26.

⁴²² DETSI, response to submissions (14 January 2026) pp 33-34.

⁴²³ DETSI, response to submissions (14 January 2026) p 34.

DETSI said this had not been done because ‘resource tenures do not overlap outside the [CMA], making underlying baseline assessment much simpler and easier to plan for and sequence’.⁴²⁴

Regarding submissions that urged additional information be made publicly available, DETSI noted that ‘not all information and data can be released publicly, particularly where it includes information that is commercial in confidence’.⁴²⁵

In response to submissions that the Bill lacked clarity about when a bore direction notice could be issued to a resource tenure holder, DETSI said the notice can only be issued prior to a make good agreement being made, and noted:

New section 419B allows owners of bores located on a resource tenures...to apply to the chief executive for a bore assessment notice. The bore owner must provide evidence showing issues with the bore’s capacity, such as problems with pumps, infrastructure, health and safety risks, or matters affecting the bore’s ability to supply water. ...

*Matters or concerns about bores included in a make-good agreement must be dealt with through the dispute resolution process outlined in Chapter 3 of the Water Act.*⁴²⁶

...

*The amendment is intended to be broad to ensure it is not limiting and provides a fair opportunity to potentially affected bore owners to apply.*⁴²⁷

Committee comment



The committee notes the overwhelming support for these measures which will increase oversight and public reporting and help improve coexistence between landholders and resource tenure holders.

The committee notes CDIL’s concerns. The department should consider how the UWIR process could be applied to capture contaminated water bores.

The committee notes AEP’s concerns about fundamental legislative principles, notes DETSI’s response, and is satisfied that the provisions in the Bill dealing with decisions on bore assessment notices adequately define the scope of this administrative power. The Bill provides review rights which should reassure resource tenure holders.



2.20.7.FLP – delegation of legislative power and the institution of Parliament

The explanatory notes do not address the delegation of legislative power, provided for by clauses 182 and 183 of the Bill, in the context of fundamental legislative principles.

⁴²⁴ DETSI, response to submissions (14 January 2026) pp 34-35.

⁴²⁵ DETSI, response to submissions (14 January 2026) p 35.

⁴²⁶ DETSI, response to submissions (14 January 2026) p 36.

⁴²⁷ DETSI, response to submissions (14 January 2026) p 37.

The amendment appears to be necessitated by the introduction of ERA codes. Furthermore, there will be parliamentary oversight through the tabling of statutory instruments (both regulations and water plans).

The committee notes the concerns of EDO about the potential breadth of this power but is satisfied with the department's response to those concerns.

Committee comment



The committee is satisfied that the proposed delegation of legislative power is appropriate and has sufficient regard to the institution of Parliament.



2.20.8.FLP – rights and liberties of individuals

As discussed above, the consequences of legislation should be relevant and proportionate, and penalties consistent and proportionate.⁴²⁸

The amendments to the Water Act include the introduction of new offences (related to the new obligation to give notice and report), which have varying penalties, but are largely aligned the existing, comparable Water Act offences.⁴²⁹

The explanatory notes provide the following rationale for the annual reporting requirement and penalty:

Make good measures are measures that ensure the bore owner has access to a reasonable quantity and quality of water for the bore's authorised use or purpose (including providing an alternative water supply) and carrying out a plan to monitor the bore. ... Non-compliance with this reporting requirement is an offence and carries a maximum penalty of 500 penalty units. This ensures regular reporting, transparency, and accountability in the implementation of make good obligations while protecting sensitive financial information.⁴³⁰

Committee comment



The committee is satisfied that the proposed new offences have sufficient regard to the rights and liberties of individuals.

2.21. Single integrated permission

The Bill proposes amendments to the *Forestry Act 1959* (Forestry Act) and *Recreation Areas Management Act 2006* (RAM Act) to deliver on the government's commitment to

⁴²⁸ See for example, Justice, Integrity and Community Safety Committee, *Making Queensland Safer Bill 2024*, Report no. 1, 58th Parliament (December 2024) p 36. See also LSA, s 4(2)(a).

⁴²⁹ Bill, cls 190, 204, 205, 206 (inserts new ss 390A, 423, 437B, 454A to the Water Act).

⁴³⁰ Explanatory notes, p 105.

introduce a single integrated permission (SIP) for tourism activities.⁴³¹ These Acts regulate activities in protected areas, marine parks, state forests and recreation areas.⁴³²

A SIP will provide tourism operators with the ability to apply for a single permit, for a consistent term (period of time), with one application fee.⁴³³ This is intended to make it easier for tourism operators to get the necessary permits and authorities required to undertake their business.⁴³⁴ It will allow permissions under the *Marine Park Act 2004* to be combined with commercial activity permits (CAPs) and organised event permits under the NC Act, RAM Act and Forestry Act.⁴³⁵

Forestry Act amendments include:

- Amendments to make explicit that commercial activity permits (CAP) and organised event permits are available under the Forestry Act.⁴³⁶ This will ensure consistency with the NC Act and RAM Act.⁴³⁷
- Amendments to improve legislative consistency regarding conditions for commercial activity permits.⁴³⁸
- Amendments to provide the power to issue a SIP where a person is applying for a CAP or organised event permit and has been granted other related permissions.⁴³⁹
- Inserting a new division into the Forestry Act which applies to commercial activity agreements, and gives the chief executive broad, discretionary powers to enter such agreements. The maximum term for a commercial activity agreement is 15 years.⁴⁴⁰
- New offence provisions which make it an offence to conduct certain activities without a permit.⁴⁴¹

Significant amendments to the RAM Act include:

- Amendments to increase the maximum duration of CAPs to 5 years.⁴⁴²
- Amendments to allow CAPs under the RAM Act to be combined with CAPs under other legislative frameworks to create a SIP.⁴⁴³

⁴³¹ Public briefing transcript, Brisbane (10 December 2025) 2.

⁴³² DETSI, written briefing (3 December 2025) p 12.

⁴³³ DETSI, written briefing (3 December 2025) p 12.

⁴³⁴ Public briefing transcript, Brisbane (10 December 2025) p 9.

⁴³⁵ DETSI, correspondence (19 December 2025) p 9.

⁴³⁶ Bill, cl 98 (amends s35 of the Forestry Act).

⁴³⁷ Explanatory notes, pp 6, 68.

⁴³⁸ Bill, cl 100 (amends s 40B of the Forestry Act); Explanatory notes, p 69.

⁴³⁹ Bill, cl 99 (inserts new s 38 of the Forestry Act); Explanatory notes, pp 68-69.

⁴⁴⁰ Bill, cl 102 (inserts new pt 4, div 3 of the Forestry Act). Explanatory notes, p 70-71.

⁴⁴¹ Bill, cls 104 (inserts new s 73B of the Forestry Act), 105 (inserts new s 73C of the Forestry Act).

⁴⁴² Bill, cl 158 (amends s 35 of the RAM Act); Explanatory notes, p 85.

⁴⁴³ Bill, cls 159 and 162 (replaces s 55A and inserts new s 55L to the RAM Act); Explanatory notes, p 85.

- Creating a new framework for the transfer of commercial activity permits.⁴⁴⁴
- Giving the chief executive an extended power to enter a commercial activity agreement which can be combined with permits under other legislative frameworks to give effect to the SIP.⁴⁴⁵

The various Acts regulating tourism activities apply different legislative requirements when assessing permits under the current framework. At the public briefing, the committee asked DETSI how these different, and potentially conflicting, legislative requirements would be addressed under a SIP. DETSI told the committee:

*Through our assessment process we would consider that. An example could be, say, Bribie Island, where you have state forest, national park, marine park and recreation areas. Someone may want to do an integrated, multipackage process for a four-wheel drive tour through the state forest, going out onto the beach, which is the recreation area and national park, and then doing something in the marine park. We would get the necessary information through the application and assess the relevant parts of their activity against the legislative requirements. Each of those acts has things we need to consider in authorising a permit. Our assessment process essentially in the department will consider those necessary steps and weigh them up and decide whether we can authorise that, we can partially authorise some of it or we cannot authorise it all. That is the process we go through.*⁴⁴⁶

DETSI were also asked about whether introduction of a SIP may increase the risk of overtourism, and how this risk would be identified and assessed:

*What we have to look at in considering an application is the existing uses that are already in place, the number of operators that are there, any capacity issues that we need to manage, any limits set within a management plan that we may already be at or nearing and then the overall visitor experience. They are criteria that we would consider in an assessment process.*⁴⁴⁷

The committee queried whether the Bill changed the maximum term applicable to permits. DETSI advised:

Commercial activity agreements are currently entered into for State forests under the general powers of the chief executive to enter agreements under the Forestry Act and are currently entered into for a period of up to 15 years. This maximum period is being maintained.

The Bill formalises commercial activity agreements as a specific agreement type for the Forestry Act, consistent with the frameworks under the RAM Act, the NC Act and the MP Act.

The maximum terms for commercial activity permits under the Forestry Act and RAM Act is being extended under the Bill, from three years to five years, for

⁴⁴⁴ Bill, cls 160 and 161 (omits pt 4, div 5A of the RAM Act; inserts new pt 4, div 5, subdiv 3); Explanatory notes, pp 85-86.

⁴⁴⁵ Bill, cl 166 (amends s 69 of the RAM Act).

⁴⁴⁶ Public briefing transcript, Brisbane (10 December 2025) p 6.

⁴⁴⁷ Public briefing transcript, Brisbane (10 December 2025) p 7.

*consistency with the term under the NC Act, to support streamlined permitting under a single integrated permission.*⁴⁴⁸



2.21.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

There was general (sometimes conditional) support for the proposal to introduce a SIP, with stakeholders noting it has the potential to reduce red tape, improve accessibility for tour operators, and encourage new and diverse tourism experiences.⁴⁴⁹

Wildlife Queensland conditionally supported administrative streamlining to reduce duplication for tourism activities but did not support changes that ‘weaken environmental safeguards, reduce transparency, or enable unfettered commercial activity inconsistent with sustainability principles’.⁴⁵⁰

This was echoed by other submitters, including NRM Regions Queensland, who noted:

*We acknowledge the concern of the tourism industry regarding excessive red tape... [but streamlining] must not come at the cost of maintaining the natural and cultural values upon which these same businesses rely...*⁴⁵¹

SCEC submitted that while tourism activities in some areas may be suitable for a streamlined permit process, it noted:

*...there are many [activities] that operate in high conservation areas with varying uses and activities that should have clear and accountable oversight and obligations.*⁴⁵²

EDO also raised concerns about whether the proposed approach ensured existing requirements to consider factors under relevant Acts were maintained, and noted:

*A present, the Bill proposes that the chief executive can ‘consider any matter about the related permissions that the chief executive considers relevant for granting the commercial activity permit or organised event permit’. This should be amended to ensure that existing factors required to be considered under the various Acts, which are aimed at ensuring protected and recreational areas, are not impacted by the granting of permits for activities’.*⁴⁵³

LGAQ noted:

*[S]ome councils have raised concerns that as a result of streamlining the approval process, additional pressures may be imposed on local waste, sanitation, infrastructure and wildlife habitats ... councils are seeking reassurance that robust processes to assess these impacts across multiple tenures will be retained.*⁴⁵⁴

⁴⁴⁸ DETSI, correspondence (19 December 2025) p 9.

⁴⁴⁹ Submission 4, p 2. See also Submission 15, p 2.

⁴⁵⁰ Submission 6, p 1.

⁴⁵¹ Submission 12, p 1.

⁴⁵² Submission 34, p 6.

⁴⁵³ Submission 22, pp 6-7.

⁴⁵⁴ Submission 25, p 24.

IRC were also concerned about increased tourism increasing demand on services provided by local government and recommended appropriate resourcing or cost-recovery pathways be introduced alongside the proposed changes.⁴⁵⁵

QCC provided conditional support for a SIP, but stated:

*...the Bill as drafted does not adequately ensure nature protection when granting permits. The Bill should be amended to explicitly require that permits can only be granted [for] activities that will not adversely impact the environment and which can demonstrate, through measurable performance indicators, that they achieve ecological sustainability.*⁴⁵⁶

Like other submitters, QCC also raised concerns with the current drafting and recommended ‘the Bill should be amended to ensure that all factors required to be considered under different Acts are still considered when granting an integrated permit’.⁴⁵⁷ It also opposed the granting of permits for a period of up to 15 years, and recommended a public register of permits be introduced.⁴⁵⁸

ii. Department advice

DETSI acknowledge stakeholder concerns about potential reductions in environmental protections, and recommendations for inclusion of mandatory considerations applicable under various Acts. DETSI emphasised:

Under this process there will be no reduction in environmental protections as assessment of applications for commercial activity permits, commercial activity agreements and organised event permits will continue as per current processes. The application will undergo the same level of assessment as present for individual authorities, with each component assessed against the relevant legislation.

...

Clause 108 provides the proposed revised definition of ‘commercial activity’ for the Forestry Act that only relates to low impact tourism activities. ... The definition does not extend to vegetation clearing or permanent infrastructure.

...

Conditions may be imposed on permits and agreements to ensure environmental impacts are minimised.

*There is no authority in the Forestry Act to override the protection requirements of the NC Act or the EPBC Act and therefore all activities undertaken must comply with the requirements of these Acts where applicable.*⁴⁵⁹

DETSI noted that current assessment criteria would continue to apply and said:

Inclusion of a broad provision for a single integrated permission allows for the chief executive to take into consideration all relevant matters in deciding the

⁴⁵⁵ Submission 27, p 6.

⁴⁵⁶ Submission 23, pp 4-5.

⁴⁵⁷ Submission 23, p 5.

⁴⁵⁸ Submission 23, p 5.

⁴⁵⁹ DETSI, response to submissions (14 January 2026) pp 40-41.

*application to ensure applicant suitability and adequate environmental protection.*⁴⁶⁰

In response to concerns from stakeholders about whether current considerations would be mandatorily considered when issuing a SIP, the committee questioned DETSI further about this at the public briefing on 20 January 2026. DETSI confirmed that it was just process, not criteria, that were changed by the proposed amendments.⁴⁶¹

In response to concerns about allowing commercial activities in scientific areas or feature protection areas, DETSI indicated that 'generally, guided tours are not permitted in scientific areas' and said, 'the Forestry Act allows for people to enjoy [feature protection areas]' and suggested assessment would consider proposed use and management for each proposed commercial activity.

DETSI said that it would not be 'beneficial or cost effective' to require accurate mapping to be attached to each permit.⁴⁶² Instead, 'more detailed information is included in the conditions and specifications of commercial activity agreements as required by proposed new section 42(1)(g) and (h). This includes information on the sites where the activity is allowed to be conducted (e.g. particular tracks, day use areas, and lookouts).'⁴⁶³

In response to calls for information to be made publicly available, DETSI noted the commercial in confidence aspects of commercial activity agreements, and noted information could be requested through RTI processes.⁴⁶⁴

Regarding submitter concerns about compliance and monitoring, DETSI noted that the activities conducted under a SIP would be similar to activities undertaken by other independent visitors, and said 'compliance actions are undertaken to ensure permit holder compliance with conditions'.⁴⁶⁵ Environmental monitoring and reporting mandates were not considered necessary.⁴⁶⁶ DETSI noted that there was power to suspend or cancel authorities where unacceptable impacts are detected.⁴⁶⁷

DETSI confirmed the proposed amendments extend permits to a maximum term of 5 years, and noted this was consistent with maximum term under the NC Act.⁴⁶⁸ The 15 year period, which some submitters expressed concerns about, was for commercial activity agreements under the Forestry Act, which did not provide a maximum term, but is consistent with the maximum terms for CAAs in protected areas and recreation areas.⁴⁶⁹

⁴⁶⁰ DETSI, response to submissions (14 January 2026) p 41.

⁴⁶¹ Public hearing transcript, Brisbane (20 January 2026) p 8.

⁴⁶² DETSI, response to submissions (14 January 2026) p 42.

⁴⁶³ DETSI, response to submissions (14 January 2026) p 43.

⁴⁶⁴ DETSI, response to submissions (14 January 2026) p 43.

⁴⁶⁵ DETSI, response to submissions (14 January 2026) p 43.

⁴⁶⁶ DETSI, response to submissions (14 January 2026) p 44.

⁴⁶⁷ DETSI, response to submissions (14 January 2026) p 44.

⁴⁶⁸ DETSI, response to submissions (14 January 2026) p 44.

⁴⁶⁹ DETSI, response to submissions (14 January 2026) p 44.

In response to council concerns about increased demand for services, DETSI noted that no adverse impacts on local government resources ‘above existing capacity’ were anticipated as a result of the amendments.⁴⁷⁰

Committee comment



The introduction of a SIP for tourism activities will reduce red tape for business while still ensuring Queensland’s sensitive ecosystems are protected.

The committee notes DETSI’s response to concerns raised by submitters (about mandatory considerations for differing permits) and is reassured by DETSI’s evidence that the Bill only amends processes. There is no change to the matters which must be considered when a permit is assessed.

The committee also notes the concerns raised about the potential impact of overtourism and its effect on environmental values, and notes DETSI’s advice that various management plans are currently being revised to ensure this risk is mitigated.

The committee asks the department to further consider how information about SIPs will be made available to local governments without the requirement for an RTI process.

2.22. NC Act amendments

The Bill proposes various amendments to the *Nature Conservation Act 1992* (NC Act), described as minor and machinery in nature,⁴⁷¹ to achieve the following objectives:

- enable authorised officers to use their existing powers to investigate an offence related to the NC Act about a matter protected under the Planning Act.⁴⁷² This addresses an administrative gap in authorised officer powers.⁴⁷³
- clarification of the definition of ‘protected area’ contained in the NC Act dictionary in the schedule.⁴⁷⁴

At present, conservation officers have power to investigate and enforce compliance with the NC Act.⁴⁷⁵ The Bill proposes amendments to enable conservation officers to exercise

⁴⁷⁰ DETSI, response to submissions (14 January 2026) p 45.

⁴⁷¹ Summary IAS, p 1.

⁴⁷² Bill, cls 140-148, which extends powers contained in various provisions of the NC Act to include investigation, monitoring and compliance activities to extend beyond NC Act offences to ‘relevant planning provisions’. Relevant planning provision is defined (by clause 149) as an offence under the Planning Act 2016 where the provision relates to protected wildlife or its habitat.

⁴⁷³ Summary IAS, p 4.

⁴⁷⁴ Bill, cl 149 (amends schedule in NC Act). Note: The NC Act currently provides for two definitions of protected area: section 14 provides the general definition, and section 28 provides a specific, more limited definition for the purpose of that division. That nuance was not reflected in the schedule definition. The amendment corrects this oversight.

⁴⁷⁵ NC Act, pt 9.

certain of these powers in relation to offences under the Planning Act, to the extent they relate to an NC Act matter.⁴⁷⁶

Under the proposed changes, conservation officers would be able to investigate NC Act matters that are regulated through the Planning Act,⁴⁷⁷ such as regulation of development in koala priority areas and koala habitat area determinations.⁴⁷⁸

2.22.1. Stakeholder Submissions and Department Advice

i. Stakeholder submissions

EDO supported the proposal and noted it would 'enable officers to better carry out their responsibilities'.⁴⁷⁹ AMEC and LGAQ also supported the NC Act amendments.⁴⁸⁰

PCA noted:

*...dual compliance pathways (Planning Act + NC Act) risk creating overlap. Developing clear guidelines to avoid duplication between the Acts, regulations, and the compliance officers' mandates is essential in achieving streamlined and efficient environmental and planning systems.*⁴⁸¹

ii. Department advice

DETSI noted the support for the amendments.⁴⁸² Regarding concerns about potential duplication, DETSI emphasised that there was no duplication because 'there is no legislative authority for conservation officers to carry out investigations [for Planning Act matters]'.⁴⁸³

Suggestions by some stakeholders to reconsider the scope of 'protected area' were considered to be outside of the scope of the Bill.⁴⁸⁴

2.22.2. FLP – rights and liberties of individuals

These extended powers for conservation officers potentially impact the rights and liberties of individuals.

The Bill amends the provisions in the NC Act relating to:

- stopping and searching vehicles⁴⁸⁵
- entering and searching places⁴⁸⁶

⁴⁷⁶ Bill, cls 139-149; Explanatory notes, p 5.

⁴⁷⁷ Explanatory notes, p 3.

⁴⁷⁸ Explanatory notes, p 3. Note: These areas are established through the Planning Regulation 2017 and development offences are provided in the Planning Act.

⁴⁷⁹ Submission 22, p 2.

⁴⁸⁰ Submission 2, p 14. Submission 25, p 22.

⁴⁸¹ Submission 15, p 3.

⁴⁸² DETSI, response to submissions (14 January 2026) p 32.

⁴⁸³ DETSI, response to submissions (14 January 2026) pp 32-33.

⁴⁸⁴ DETSI, response to submissions (14 January 2026) p 50.

⁴⁸⁵ Bill, cl 141 (amends s 144 of the NC Act).

⁴⁸⁶ Bill, cls 142, 143 (amends ss 145, 146 of the NC Act).

- warrants for determining compliance with the NC Act⁴⁸⁷
- warrants for seizing evidence;⁴⁸⁸ and
- requiring name and address,⁴⁸⁹ and information.⁴⁹⁰

After exercising these powers, a conservation officer would have various powers, including the power to search (including without warrant in certain cases),⁴⁹¹ inspect, and request information.⁴⁹² The conservation officer may seize a thing while searching the vehicle, boat or aircraft, if the officer believes on reasonable grounds that it will afford evidence of the commission of an offence against a relevant planning provision.⁴⁹³

There are various offences associated with failing to comply with instructions given by a conservation officer in relation to the power to stop and search vehicles, with maximum penalties of 165 penalty units (\$27,538.50)⁴⁹⁴ or one year's imprisonment.⁴⁹⁵

A conservation officer would also be permitted, with a warrant or the consent of the occupier, to enter a place and exercise the powers set out above if the officer has reasonable grounds for suspecting there is in the place a particular thing that may afford evidence of the commission of an offence against a relevant planning provision.⁴⁹⁶ The conservation officer may seize the evidence.⁴⁹⁷

The NC Act provides for an offence with a maximum penalty of 50 penalty units (\$8,345) for an occupier or other person who fails to comply with a requirement to assist the conservation officer in their search of the place.⁴⁹⁸

The explanatory notes do not address the proposed expansion of the powers granted to conservation officers from the perspective of fundamental legislative principles. The explanatory notes assert that giving conservation officers comparable powers to officers under other frameworks linked to the Planning Act would 'support administrative efficiency'.⁴⁹⁹ According to the explanatory notes:

The intent is to ensure that the NC Act investigative powers may be utilised for an investigation of a development offence that relates to an NC Act matter that is regulated by the Planning Act. The changes ensure that authorised officers from the agency responsible for the NC Act will have the full suite of tools to

⁴⁸⁷ Bill, cl 144 (amends s 148 of the NC Act).

⁴⁸⁸ Bill, cl 145 (amends s 149 of the NC Act).

⁴⁸⁹ Bill, cl 146 (amends s 151 of the NC Act).

⁴⁹⁰ Bill, cl 147 (amends s 152 of the NC Act).

⁴⁹¹ Bill, cl 142 (amends s 145 of the NC Act).

⁴⁹² NC Act, s 147.

⁴⁹³ Bill, cl 141 (amends s 144 of the NC Act); Explanatory notes, pp 81-82.

⁴⁹⁴ The value of a penalty unit is \$166.90. See *Penalties and Sentences Act 1992*, ss 5, 5A; *Penalties and Sentences Regulation 2015*, s 3;

⁴⁹⁵ NC Act, s 144(4), (7).

⁴⁹⁶ Bill, cl 143 (amends s 146 of the NC Act).

⁴⁹⁷ Bill, cl 143 (amends s 146 of the NC Act). Note: The evidence may be kept for 6 months, or until the completion of the prosecution for the offence, and any related appeal, provided the prosecution is instituted within 6 months of the seizure. See also NC Act, s 146(2); explanatory notes, p 82.

⁴⁹⁸ NC Act, s 147(2).

⁴⁹⁹ Explanatory notes, p 1.

*undertake compliance action, comparable with other frameworks linked to the Planning Act.*⁵⁰⁰

At the public briefing on 10 December 2025, the committee queried DETSI about why this FLP issue was not addressed in the explanatory notes and was told:

*It is really a clarifying amendment to enable that provision to also apply for our conservation officers under the Nature Conservation Act to investigate a relevant Planning Act matter—for example, koalas or prohibited development under the Planning Act related to koalas—where they could use their existing investigation powers under the Nature Conservation Act but apply it to the Planning Act. It is just a clarifying amendment to confirm that they can already do those investigations when they are out there so that they can leverage the same powers when they are doing that investigation.*⁵⁰¹

The amendments, particularly those empowering entry without warrant, with extensive powers available following entry, impacts the rights and liberties of individuals. There is also a potential impact on property and privacy rights. There is no judicial oversight of entry. Further, offences apply where a person does not cooperate, with the potential penalty including imprisonment.

Committee comment



The committee is satisfied that the proposed amendments to the NC Act, to provide conservation officers with the power to investigate Planning Act offences, have sufficient regard to the rights and liberties of individuals. The proposed approach aligns with other comparable compliance frameworks under the Planning Act.

⁵⁰⁰ Explanatory notes, p 3.

⁵⁰¹ Public briefing transcript, Brisbane (10 December 2025) p 16.

Appendix A – Submitters

Sub No.	Name / Organisation
1	North Queensland Miners Association
2	AMEC
3	Soroptimist International of Brisbane Inc
4	Caravan Parks Association of Queensland Ltd
5	Civil Contractors Federation
6	Wildlife Queensland
7	Redland City Council - Health and Environment Unit
8	Queensland Environmental Law Association
9	Coolum and North Shore Coast Care
10	Mine Managers Association of Australia Incorporated
11	Sunshine Coast Regional Council - Officer Level Submission
12	NRM Regions Queensland
13	Environmental Advocacy in Central Queensland Inc
14	Property Rights Australia Inc.
15	Property Council of Australia
16	Queensland Farmers' Federation
17	Urban Development Institute Australia Queensland
18	Central Downs Irrigators Ltd (CDIL)
19	North Queensland Land Council NTRB
20	AgForce Queensland Farmers Ltd
21	Queensland Trust for Nature (QTFN)
22	Environmental Defenders Office Limited
23	Queensland Conservation Council
24	Glencore Australia
25	Local Government Association of Queensland
26	Name Withheld
27	Isaac Regional Council
28	Glendon Farming Co

29	Cotton Australia
30	Queensland Beekeepers' Association Inc
31	Cement Concrete & Aggregates Australia (CCAA)
32	Australian Energy Producers (AEP)
33	Queensland Law Society
34	Sunshine Coast Environment Council
35	Confidential
36	Celia Karp

Appendix B – Public Briefing, 10 December 2025

Department of the Environment, Tourism, Science and Innovation

Mr Kahil Lloyd	A/Deputy Director-General, Environment and Heritage Policy and Programs
Mr Ben Klaassen	Deputy Director-General, Queensland Parks and Wildlife Service and Partnerships
Ms Louise Smyth	A/Executive Director, Environment and Conservation Policy and Legislation, Environment and Heritage Policy and Programs
Ms Kate Bennink	Director, Business Centre Coal, Coal and Central Compliance, Environmental Services and Regulation

Appendix C – Public Briefing, 20 January 2026

Department of the Environment, Tourism, Science and Innovation

Mr Kahil Lloyd	A/Deputy Director-General, Environment and Heritage Policy and Programs
Mr Ben Klaassen	Deputy Director-General, Queensland Parks and Wildlife Service and Partnerships
Ms Louise Smyth	A/Executive Director, Environment and Conservation Policy and Legislation, Environment and Heritage Policy and Programs
Ms Kate Bennink	Director, Business Centre Coal, Coal and Central Compliance, Environmental Services and Regulation
Mr Nick Weinert	Executive Director, Protected Area Strategy and Investment, Queensland Parks and Wildlife Service and Partnerships

Appendix D – Witnesses at Public Hearing, 20 January 2026

Organisations

Queensland Environmental Law Association

Mr Mitchel Batty KC President

Queensland Law Society

Mr Peter Jolly President

Mr Mark Cowan Planning and Environment Law Committee Member

Ms Kate Brodnik Principal Policy Solicitor

Sunshine Coast Environment Council

Ms Narelle McCarthy Advocacy and Engagement Manager

Queensland Conservation Council

Ms Clare Silcock Energy Strategist

Mr Nigel Parratt Water Policy Officer

North Queensland Miners' Association - via videoconference

Mr Graham Byrne President

Association of Mining and Exploration Companies (AMEC)

Ms Kate Dickson Queensland Director

Ms Amy Warden Queensland Policy Manager - *via videoconference*

Australian Energy Producers

Mr Keld Knudsen General Manager States & Territories, Director Queensland

Mr Mark Venz Director, Regulatory Resolve

Glendon Farming Co

Mrs Liza Balmain

Wildlife Queensland

Dr John Tracey Chief Executive Officer

Civil Contractors Federation

Mr Kristian Marlow Policy Advisor

Appendix E – EP Act amendments – stated objectives and relevant clauses

Objective	Assent / Proclamation	Relevant clauses
Identify ‘significant environmental values’ (SEVs)	Proclamation	51 - 53, 56
Reframe how environmentally relevant activities (ERAs) are identified and regulated	Proclamation	54 (new sections 18, 19, 19A), 57 - 60, 91, 92
Introduce “code managed ERAs” (ERA Codes) for lower risk activities as an alternative to an environmental authority (EAs) (and recognise GED codes as essentially being equivalent to current codes of practice)	Proclamation	54 (new section 20, 20A), 61 - 64, 73 - 90
Transition small scale mining activities (SSMAs) to a code managed framework and remove the surety requirement for SSMAs (with related amendments to the Mineral and Energy Resource (Financial Provisions) Act 2018 (MERFP Act))	Proclamation	55, 65
Modify the progressive rehabilitation and closure plan (PRCP) framework to remove the independent public interest evaluation (PIE) process and replace with public interest considerations	Assent	8 - 10, 14, 17 - 19, 22 - 24, 33, 37, 42, 45
Amend the 431A offence	Assent	36
Remove requirement to provide certain information for minor amendments to PRCP	Assent	26
Remove barriers for EA holders to transition to PRCP framework	Assent	46, 47
Abolish requirement for mandatory 3 yearly audits of PRCP compliance and introduce department managed, discretionary audits	Assent	32
Allow regard to be had to historical context when assessing PRCPs	Assent	44

Remove the requirement for public consultation on draft terms of reference (TOR) for environmental impact statement (EIS)	Assent	5 - 7, 11 - 13, 43
Recognise Impact Assessment Reports (IAR) made under the <i>State Development and Public Works Organisations Act 1971</i> (SDPWO Act) as equivalent to an EIS to meet certain requirements for an application for an environmental authority (EA)	Assent	15, 16, 20, 21, 25
Modify the residual risk, surrender and rehabilitation requirements and introduce 'general rehabilitation directions'	Assent	28 - 31, 34
Increase the timeframe for commencing summary prosecutions for EP Act offences	Assent	40
Strengthen enforcement and seizure powers	Assent	35, 38, 39, 41
Minor / consequential / clarifying changes	Assent	27, 49, 94, 95
New transitional provisions, including power to make transitional regulations	Assent	48, 93
Accreditation framework	Proclamation	66 - 72

Statement of Reservation - Member for Noosa

Health Environment and Innovation Committee (HEIC)

Inquiry into the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025

Statement of Reservation — Sandy Bolton MP, Member for Noosa

Efforts to streamline processes regarding the environment have understandably raised concerns from submitters.

These concerns were addressed in the department's response to submissions, with queries raised during the committee's inquiry.

I am of the view that a number of these concerns have not been adequately addressed by the Bill or by the committee in this report. I am most concerned about the following issues, which is the reason for this Statement of Reservation.

1. The Bill introduces a code-managed ERA framework for 'low risk' environmentally relevant activities (ERAs). Low risk is poorly defined and the decision on whether an activity is lower risk and suitable to be managed through a ERA code is ultimately made by the Minister, who is given vague criteria, and is declared through regulation. These regulations and codes have not yet been finalised.
2. Code managed ERAs will be an alternative to environmental authorities for lower risk activities. At present, a register of these authorities is kept by DETSI. The Bill does not include a requirement for all code-managed ERAs to be registered with DETSI, with submitters recommending mandatory registration and a publicly accessible register. DETSI advised that mandatory registration was not required because this information may be available through other frameworks. The absence of any measures in the Bill to ensure mandatory, centralised registration and an easily accessible public register makes it difficult for communities to see what is occurring in their communities and thwarts community participation.
3. The Bill removes the requirement to publicly notify and consult on draft terms of reference (ToR) for an environmental impact statement (EIS). It is said the requirement is duplicative and stakeholder concerns can be addressed at a later time during the submission period for the EIS. The committee heard evidence that draft ToR are amended in response to consultation in 100 per cent of cases, as well that removing consultation may lead to issues not being addressed and has the potential to lead to objections later in the process. This suggests that the streamlining benefits intended by the proposal will not be achieved and if this proposal progresses, the department should consult broadly on the generic ToR to ensure stakeholder concerns are addressed.
4. The Single Integrated Permission (SIP) for commercial tourism activities raises a number of issues, noted by submitters, including how intensification of tourism activities, and consequential environmental harm, will be monitored and assessed. SIP applications should be sent to the relevant local government to ensure impacts to their communities

through increased visitation to already overburdened and high value environmental areas are assessed. The reassurances from the department that impacts will be managed through control measures fails to acknowledge existing failures to adequately manage tourist hot spots, for example at sites such as the Cooloola Recreation Area.

5. Underground water impact reports (UWIR's) are vital to safeguard our water and food security, with farming communities and submitters raising significant concerns, including subsidence caused by coal seam gas activities. Even though subsidence is deemed 'out of scope', there has been no progress on a framework to address CSG induced subsidence to date. As noted in the committee comment on page 66, the former government did not reintroduce amendments in 2024 to introduce a framework for managing the impacts of CSG and this must be prioritised as the importance of food and water in this state cannot be understated. Furthermore, noting the opposition from almost all stakeholders to the proposal to extend the UWIR reporting period to 5 years, I have concluded that the existing 3-year period should be maintained.

I would like to thank our Chair, fellow committee members and secretariat for their work, and the collegiate and collaborative manner that existed throughout this process. I also thank all submitters for their time and thoughtful contributions on what has been a complex set of amendments.



Sandy Bolton MP
Member for Noosa