Department of Environment, Tourism, Science and Innovation

By Email: EPAct.Policy@des.qld.gov.au

13 July 2025

Re: Realising efficiencies and streamlining in the *Environmental Protection Act 1994* and other portfolio amendments

Thank you for the opportunity to provide feedback on the proposed amendments to *Environmental Protection Act 1994* (**EP Act**), the *Nature Conservation Act 1992* and Chapter 3 of the *Water Act 2000*.

Environmental Advocacy in Central Queensland (**EnvA**) is a grassroots community group based in the largest coal mining region in Australia. We are concerned about the direct impacts of coal mining and coal seam gas projects on our environment and their contribution to greenhouse gas (**GHG**) emission fuelling anthropogenic climate impacts.

EnvA supports the intent of the proposed amendments to the EP Act, particularly the aim to improve efficiency and ensure the legislation remains fit for purpose. However, we are concerned that some of the proposed changes may not achieve these goals and could result in unintended negative consequences for the environment and the Queensland community. Our concerns are further detailed in our submission below.

EnvA's submission

Inconsistent regulatory approach across different industries.

The Consultation Paper[1] proposes a new mandatory code to regulate certain 'low risk' activities in place of the requirement to hold an environmental authority.

This proposal demonstrates an inconsistent approach taken by the Queensland Government in how activities are determined to be impactful and the standard of regulation they are subject to. For example, amendments passed via the *Planning Act through the Planning (Community Benefits and Impact Assessment) and other Legislation Amendment Act 2025* required that most renewable energy projects would be impact assessable. That Bill also proposed that development applications for renewable energy projects would only be able to be made with the consent of the local government. To our knowledge, these changes create the toughest regulatory space for any industry in Queensland.

The Consultation Paper also proposes that eligibility for mandatory codes would be self-assessed by the proponent, with little to no assessment by government or the opportunity for addressing the concerns of stakeholders.

This disparity in regulatory treatment risks undermining community trust and environmental protection by holding renewable energy to a far higher standard than other sectors with demonstrably greater environmental impacts.

[1] Queensland government consultation paper (June 2025): Realising efficiencies and streamlining in the *Environmental Protection Act 1994* and other portfolio amendments

Government assessment and oversight.

As noted above, we understand eligibility for regulation by mandatory codes would be self-assessed and would remove the need for DETSI to assess compliance with eligibility criteria.

Under the existing framework, proponents can make a standard application for lower risk activities and there is little to no power for the Department of Environment, Tourism Science, and Innovation (**DETSI**) to refuse the grant of an Environmental Authority (**EA)** subject to standard conditions. We understand that for these kinds of applications there is already limited oversight by DETSI and no community consultation is provided for.

An application process ensures that the proponent has turned its mind to the potential impacts of its activity and how these can be mitigated. Regulatory oversight also reduces the risk of a proponent undertaking poorly planned and/or reckless activities.

EnvA is concerned that creating a new process with even less government oversight may further weaken regulatory safeguards and accountability.

Public comment on terms of references

Terms of reference for environmental impact statements (**EIS**) should remain available for public comment. This step in the assessment process provides an important opportunity for public input into what must be considered in an EIS. This enables the administering authority to gain local knowledge and other expertise of the community and experts.

Removal of consultation on the draft terms of reference may also have unintended consequences on bilateral approval processes under the *Environment Protection and Biodiversity Conservation Act 1999* which need to be determined.

We urge the Queensland Government to retain this consultation step to preserve transparency, community engagement, and the integrity of assessment processes under state and federal frameworks.

Public interest evaluations for progressive rehabilitation and closure plan (PCRP) framework

Public interest evaluations were introduced by the Queensland Government after an extensive reform process to rehabilitation laws. The result of that process was a clear finding that current regulation of rehabilitation by the DETSI was inadequate and was leaving the State and communities impacted with considerable risk, both financially and environmentally.

The purpose of an independent evaluation is to guard against regulatory capture and ensure that rehabilitation standards are enforced in the public interest.

The fact that DETSI has not previously used the public interest evaluation power is not a reason to remove it; rather, it is a reason to review why it has not been used and to ensure that it is implemented in the way the reforms proposed.

EnvA is concerned that this would take Queensland back to the time of limited regulation of rehabilitation which we know has significantly increased the financial risk to the State and has previously resulted in stranded assets and a decline in environmental health.

Removal of three yearly audits of PCRPs.

The regular auditing requirement of PRCPs provides for a safety net to ensure rehabilitation progress is occurring in line with the prescribed conditions. The proposed shift to audits only at DETSI's discretion poses significant environmental and financial risks, potentially enabling non-compliance and project delays to go undetected.

Proposed amendments to PRCP transitional provisions

PRCP requirements for resource activities took effect from 1 November 2019. EAs granted prior to this date were required to transition to the new PRCP framework and have had the opportunity to prepare their PRCPs over the last five and a half years.

All new site-specific EA applications submitted after 1 November 2019 were required to submit a PRCP with their application.

EnvA strongly believes that the transfer of an EA under transitional provisions should not justify any further delay in submitting or finalising a PRCP. This requirement has been clearly established in the EP Act for over five years.

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 PRCP timelines, rather than shifting environmental and financial risk onto the community.

Additionally, we recommend that all major EA amendments include a requirement to submit or update a PRCP for review. For projects operating within the transitional arrangements, it should be a requirement that a PRCP be prepared for the extended project and submitted with the application, and for extensions to projects already operating under the PRCP framework, that an amended PRCP to cover the entire project be required.

Under the current arrangements, proponents are using the existing loophole to significantly extend projects without any requirement to submit a PRCP as would be required for a new project.

Best Practice Environmental Management codes

EnvA supports the introduction of Best Practice Environmental Management codes which will assist in providing clear guidance to industry on the standards it is required to meet. These Best Practice Environmental Management codes should be made enforceable to ensure that proponents undertaking higher-risk activities are held to consistent and robust standards. We suggest that the work of the Queensland Mine Rehabilitation Commissioner be used to inform the development of these codes, particularly in relation to mining rehabilitation.

The clarified powers of DETSI to amend environmental authorities to provide for best practice management conditions without consent of the proponent is also supported. Very few proponents will willingly accept changes to strengthen conditions that restrict or require more costly mitigation. However, DETSI as a regulator has a clear role to play in protecting the environment and communities and so it should be empowered to amend conditions as it sees fit to achieve these purposes.

Consistent environmental risk basis for regulating environmentally relevant activities (ERAs)

EnvA acknowledges the value of a risk-based approach to managing Environmentally Relevant Activities (ERAs) as described in the Technical Report.[2]

However, we are concerned that the current assessment approach does not adequately address several critical factors, including:

- The level of environmental impact from a particular activity depends not only on its nature and scale, but also on its location—particularly its proximity to sensitive human

[2] Queensland Government Technical Report (June 2025). Environmental risks of resource activities.

or ecological receptors, or other important natural resources;

- Whether standard environmental management practices are genuinely effective for the specific project and context in which they are applied; and
- Whether proposed avoidance, mitigation, or offset measures are appropriate and effective in addressing the likely environmental impacts of the activity.

We are particularly concerned about the granting of Environmental Authorities (EAs) for exploration activities on resource tenures that are issued prior to approval under the *Mineral Resources Act 1989*.[3] These EAs are typically assessed without reference to the factors listed above and are not subject to public consultation at the state level.

In some instances, our only opportunity to comment is under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). We note that the examples referenced here are currently being assessed under that framework, either for compliance or approval.

The proposed amendments to the EP Act present an opportunity to improve transparency and public engagement in the assessment of EA applications for high-risk projects—regardless of whether final approval occurs under other legislation (as outlined in Section 1.5 of the Consultation Paper).

EnvA strongly encourages consideration of further amendments to require public consultation on EA applications for projects that:

- Are likely to impact matters of national or state environmental significance, or
- Rely on avoidance, mitigation, or offset measures to manage environmental impacts.

These projects carry long-term environmental, social, and financial risks that ultimately fall on the Queensland community. Public input is therefore essential in ensuring that the full scope of potential impacts is considered during assessment.

In conclusion, while EnvA supports the intent to modernise and streamline environmental legislation, we are concerned that the proposed changes risk undermining critical oversight and weakening environmental protections. We urge the Queensland Government to reconsider amendments that reduce transparency, diminish public participation, or delay rehabilitation obligations, and instead prioritise stronger enforcement and long-term environmental safeguards.

Thank you again for the opportunity to provide comments on the proposed amendments to the EP Act and other portfolio amendments. We look forward to the opportunity to review the Draft Bill when available.

Kind regards

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Environmental Advocacy in Central Queensland

[3] For example. EnvA correspondence to the Queensland government: Callan Coal Bulk Sample Project and Vulcan South Coal Bulk Sample Project