HEALTH, ENVIRONMENT AND INNOVATION COMMITTEE

Members present:
Mr R Molhoek MP—Chair
Ms SL Bolton MP (via videoconference)
Ms K-A Dooley MP
Mr LP Power MP
Mr DJL Lee MP
Dr BF O'Shea MP

Staff present:
Ms K Jones—Committee Secretary
Miss A Bonenfant—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE ENVIRONMENTAL PROTECTION (EFFICIENCY AND STREAMLINING) AND OTHER LEGISLATION AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Tuesday, 20 January 2026

Brisbane

TUESDAY, 20 JANUARY 2026

The committee met at 2.01 pm.

CHAIR: Good afternoon. I declare open this public briefing for the committee's inquiry into the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025. My name is Robert Molhoek, member for Southport and chair of the committee. I acknowledge the Aboriginal people and Torres Strait Islander people of this state and their elders past, present and emerging. I also acknowledge the former members of this parliament who have participated in and nourished the democratic institutions of this state. Finally, I acknowledge the people of this state, whether they have been born here or have chosen to make this state their home and whom we represent to make laws and conduct other business for the peace, welfare and good government of the state.

With me here today are Mr Linus Power MP, member for Logan, who is substituting for Mr Joe Kelly MP, member for Greenslopes and deputy chair; Ms Sandy Bolton MP, member for Noosa, who joins us via videoconference; Ms Kerri-Anne Dooley MP, member for Redcliffe; Dr Barbara O'Shea MP, member for South Brisbane; and Mr David Lee MP, member for Hervey Bay.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee. I remind committee members that officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Please remember to turn your mobile phones off or onto silent mode.

BENNINK, Ms Kate, Director, Business Centre Coal, Coal and Central Compliance, Environmental Services and Regulation, Department of the Environment, Tourism, Science and Innovation

KLAASSEN, Mr Ben, Deputy Director-General, Queensland Parks and Wildlife Service and Partnerships, Department of the Environment, Tourism, Science and Innovation

LLOYD, Mr Kahil, Acting Deputy Director-General, Environment and Heritage Policy and Programs, Department of the Environment, Tourism, Science and Innovation

SMYTH, Ms Louise, Acting Executive Director, Environment and Conservation Policy and Legislation, Environment and Heritage Policy and Programs, Department of the Environment, Tourism, Science and Innovation

WEINERT, Mr Nick, Executive Director, Protected Area Strategy and Investment, Queensland Parks and Wildlife Service and Partnerships, Department of the Environment, Tourism, Science and Innovation

CHAIR: I now welcome representatives from the Department of the Environment, Tourism, Science and Innovation who have been invited to brief the committee. I invite you to provide a brief opening statement after which committee members will have some questions.

Mr Lloyd: Thank you for the invitation to appear before this committee again today. I would like to make a brief opening statement. I hope and trust that the department's written responses to the follow-up questions raised by the committee in December, along with our departmental response to the public submissions has assisted the committee in its consideration of the bill to date. I

appreciate that several submissions acknowledge the department's consultative approach to the development of the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025. On behalf of the department, I would like to express my appreciation and gratitude to all of the stakeholders for their time and effort in making a submission to the committee and in supporting the department in this process as well. I want to acknowledge that several submitters indicated support for delivering on the goal of practical and sensible red tape reduction through the proposed bill.

The proposed streamlining and efficiency amendments will allow the department to prioritise its efforts towards regulating higher-risk activities. As Queensland's environmental regulator, the department will continue to use its administrative powers to ensure industries are held accountable to environmental obligations and community expectations, and manage and monitor environmental performance through a range of assessment, compliance, investigation and enforcement activities. I want to assure the committee that the department is committed to ensuring transparency and allowing the community to have a say.

The amendments made by the bill reduce unnecessary regulatory burden and remove duplicated consultation processes. In response to submitter feedback, the department has detailed the other opportunities for public notification and consultation in the Environmental Protection Act 1994 to demonstrate that public engagement and natural justice has been preserved.

In addition, I understand that some submitters are interested in understanding next steps and priorities for implementation, including which activities might be suitable for code development. Subject to passage of the bill, the department will engage closely with industry, local government and other interested parties on ERA code proposals. This will involve notifying interested parties, undertaking regulatory impact analysis, considering public submissions and a regulation-making process to ensure workability and that there are no unintended consequences. We are happy to answer any questions the committee might have. Thank you again.

CHAIR: Thank you for that, Mr Lloyd.

Dr O'SHEA: Thank you for coming and for the work you have done in preparing briefings and responding to the submissions. I wanted to start with the underground water impact report. Can you explain what was the decision behind extending that from the three-year to five-year period and why was it not in the draft consultation paper that went out?

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

In Queensland, there is only one cumulative management area that has been declared to date, and that is in the Surat Cumulative Management Area. It has been in place since 2011. Through the period 2011-2012 when the first report was being undertaken by OGIA through to today, there have been about are four or five different versions of that report which have been prepared. Each of those reports has required an extension, though, to be able to provide that to the department. So, there has been a range of factors there.

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.

So, we have a situation, because there has been multiple iterations of the report, where it is already overdue. By the time it is submitted to the department, we can agree to the extensions, but it is already overdue by virtue of when you approve it almost because of the definition in the act. There was a requirement to really address that issue.

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. 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.

One of the key elements in the preparation of an underground water impact report under section 376 of the act is a requirement for the responsible entity—either OGIA as the Office of Groundwater Impact Assessment or a resource tenure holder if it is outside that cumulative management area—to develop a program for annual monitoring of the report itself and whether it is still effective.

One of the key elements of an underground water impact report is to identify bores which will be immediately affected and require make-good obligations. A bore assessment needs to be undertaken and then enter into a make-good agreement to make good that issue. The report identifies those ones within that period. At the moment under the current legislation, that is that three-year period. Under the proposed bill, it would be modelled over a five-year period. It also identifies a range of bores within the Surat Cumulative Management Area which are likely to be affected in the long term. For the Surat Cumulative Management Area, that could be a 50-year period, for example. It identifies both. The ones which require make-good agreements are those in the immediately affected area and defined as that.

Then the requirement in the report, which is then signed off by the department as part of an assessment process about whether to approve that report or not, is an annual monitoring program to determine whether the modelling that underpins those bores which are identified in the immediately affected area is still valid. If there is a material change, there is an ability in the act itself to require that the report be updated so that we could take that into account.

In 2024, because we had to provide an extension to OGIA to allow additional time for them to prepare the next report, they identified less than 15 extra bores which would potentially be affected within that 12-month period, and we went through a process to update that report and have those obligations so that the owners of the bores which were identified were able to have make-good agreements put in place. That safeguard exists in the current legislation and that is proposed to be retained in the bill. The bill does not alter those arrangements with respect to those make-good arrangements.

The final point around the make-good caveat is that the bill itself is looking to establish a process for the department to be able to issue a bore assessment notice and provide landholders with a statutory process to be able to apply for a bore assessment notice if there are any issues. That would then go through the process where it would require us to consider that. Natural justice is provided to both the landholder and the tenure holder in that situation, but that is another safeguard which exists to manage any of those issues around make-good agreements.

Dr O'SHEA: Do you see any risks associated with going from the three to five years?

Mr Lloyd: 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.

Dr O'SHEA: The report is the only mechanism for finding which bores would be affected in an area and, therefore, monitoring happening on them?

Mr Lloyd: It is not the only way that a make-good agreement could be required. The other element is the direction notice process. It is an additional safeguard. The modelling for an underground water impact report—particularly in the OGIA case or the Surat Cumulative Management Area, is done at a regional scale which goes down to property level. However, if there are areas outside of those, we could look at potentially issuing a direction notice. That is a safeguard which exists. The department has to consider any relevant information that would come through from the landholder as well as the tenure holder in that situation to decide whether or not to issue that notice—there are natural justice processes there—but that would then be an additional safeguard for the requirement of managing that make-good agreement.

Mr POWER: The whole process of this is to provide reassurance to landholders that their activities are not being damaged by the other uses that involve water bores. It seems universally that those to whom we are seeking to give reassurance are not supportive of this. In that case, why are we making a change that undermines the relationships that are so important to this industry?

Mr Lloyd: That may contain some policy questions for government, but what I can talk to is around how—

Mr POWER: What evidence is there to ensure that farm stakeholders, for the most part, but landholders, are supportive of this?

Mr Lloyd: I think you heard from a range of submitters this morning around other elements of the bill. I take your feedback on this. We have heard through the submissions that there are potentially some concerns with those elements, but I would say there are the safeguards currently in the act how you can update an underground water impact report if there is a change within that period. There are also the other elements that if there are concerns from any landholders at any point in time, they can come to the department and request that bore assessment be undertaken.

Mr POWER: We have heard from farm stakeholders that they are up against large companies and we are introducing this multifaceted, quite complex process which they have to undertake in order to keep what was already there in legislation before with three years. Is that not making it harder for those participants in the process?

Mr Lloyd: This will not be a new process. I take your point around the change in timeframes, potentially from three years to five years—that will be a change—but the requirement to identify immediately affected area bores, which is under the current act which triggers the requirement for a make-good agreement, will be retained, along with the current process of doing an annual update and annual review of the currency of the modelling which identifies those bores which are either immediately affected or in the long-term affected area. If there is a change needed because we have identified 15 or so new bores, which is what happened in the last annual report undertaken by OGIA, we can request and require that the report be updated which then triggers new make-good agreements for those landholders.

Mr POWER: We might need a flow chart of how that works.

Mr Lloyd: I am happy to provide that.

CHAIR: Did OGIA ask for an extension of the reporting time frame?

Mr Lloyd: It is something under the current legislation and how it would be retained through the bill. The department or the chief executive, under chapter 3 of the Water Act, agrees to an extension of time. It can be requested. Generally, it would be OGIA requesting it of the department and then us agreeing to that time frame, or a tenure holder doing the same.

CHAIR: I am referring more directly to the measure in the bill. Did the recommendation to go from three to five years come from OGIA or is it a policy?

Mr Lloyd: That would be a policy matter for government, but it was feedback which we received from both industry stakeholders when we undertook the original stakeholder consultation process as well as engagement with OGIA.

CHAIR: Is the Condamine Alluvium area within the Surat CMA or outside of it?

Mr Lloyd: It is largely within the Surat Cumulative Management Area, so it is part of that process.

CHAIR: We have heard a couple of witnesses today talk about subsidence issues as a result of coal seam gas wells. One of the questions I have been asking, and I am asking you now, is it old wells under previous legislation that are subsiding, or is it newer wells that have been created, say, in the last five to seven years under new legislation? Are you aware of any wells that have subsided?

Can you perhaps explain to us what a subsided well looks like—how big is it? What is the extent of it? Is it just the core that has collapsed or is it all the land around it? I do not really understand what a subsided coal seam gas well looks like or what impact it has?

Mr Lloyd: In terms of how subsidence would be considered under the current framework, there is no proposed change to how that is characterised through the process. The requirement for make-good deals with the reduction in water level and the capacity of a water bore to provide that—

CHAIR: My question is: are we aware of any wells that have subsided and were they old wells that go back years and years that are becoming a problem, or are they newer wells that have reached the end of life and have subsided in more recent years?

Mr Lloyd: Land subsides based on any drawdown of water. It could be agricultural use or resource activities. It depends on the natural flow of aquifers and what happens in that process. Things happen over time and change over time. There are a range of environmental impact statements which are undertaken which look at subsidence as a key issue for the resources industry, but it could happen from a range of different activities, depending on yearly rainfall or what might happen in that process.

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.

CHAIR: Maybe I should be a bit more direct in my question. Do we have any evidence or do we know of wells that have subsided and, if so, how many are there? Who keeps a record of that and who manages the complaints and who is the responsible agency to follow up on that?

Mr POWER: When we say 'wells', we mean the land around the area?

CHAIR: Yes. Have we had 300 complaints about subsidence on properties across the Darling Downs, or are there six? Is that not your department? Should I be asking the Department of Natural Resources or—

Mr POWER: Can I supplement this question a little bit?

CHAIR: Sure. I just want to understand the extent of the issue.

Mr POWER: We have seen previously that a lot of the wells are in areas of animal husbandry where the cost of subsidence is considerably different to laser-levelled crop land and overland flow and the impacts. Is this more of a concern? Would the three-year period be better faced in judging whether there is any subsidence that has an economic impact on these laser-level crop lands?

CHAIR: Those are two different questions. I will allow it, but I still want to know the extent of it. How many subsidences have occurred?

Mr Lloyd: Perhaps Lou can touch on how subsidence occurs. Generally, any activity which has drawdown will have some impact on subsidence which would be a key concern. Then we will be happy to take the second question.

Ms Smyth: We would have to get back to you with figures essentially from our colleagues in the Office of Groundwater Impact Assessment in terms of the extent to which subsidence is being experienced at the moment in the cumulative management area that we are talking about. It is within the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.

CHAIR: Which department receives those complaints and deals with that? Is it water or mines and natural resources?

Ms Smyth: 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.

Subsidence is a slightly different area or different issue, but it is related because obviously when you start drilling for gas, you remove pressure from underneath the ground which is why you then get that collapsing of the ground. You remove pressure both from removing the gas and also from dewatering the coal seam so that the gas can be accessed. That results in the subsidence. Then

you have impacts both to potentially your water bore and also to the lay of the land. A lot of farmers use laser levelling to make their systems much more efficient, and you can use big machinery, you can line your machinery up and do zero till and all that sort of stuff with laser-level farm areas. If you then have subsidence, obviously that impacts your ability to do that.

Mr POWER: We have not seen that on that type of land as much as—

Ms Smyth: I am sorry, we do not have that data with us in terms of the extent of subsidence, but we do know that there is subsidence being experienced.

CHAIR: We need to move on, but perhaps it could be taken as a question on notice. I would like to more fully understand the issue. What is the complaints process? What is the prevalence of it? Are there 10 wells that collapse for every thousand, or are there 10 wells that collapse for every 20? Is there a difference between wells that were created under previous legislation versus current practices?

Ms Smyth: Okay. Thanks for the question.

CHAIR: Did you get the answer you were looking for?

Mr POWER: I did. The areas where there is animal husbandry, the complaints are going to be far less vociferous because there is less economic impact where there is just a pooling of water on very arid country. It is very different in high-impact farmland, as we have just heard from Glendon.

Mr Lloyd: On that, though, in terms of that potential impact, that is not something covered through chapter 3 of the Water Act.

CHAIR: I understand, but it has been raised and it is an issue we want to explore. It is a technical question. I would have thought that with broadacre farmland, when you laser plough it to prepare it, you would correct some of that subsidence, or is it not that simple? I do not really understand it so I have questions. I would just like to understand it more fully. We will leave that for now. We will go to other questions.

Ms DOOLEY: We had questions raised this morning, through various presentations, and one which was quite consistent was around low-risk activity and the desire for more clarification on that. Quite a few witnesses said they do not feel that the current bill provides sufficient clarity on what is a low-risk activity. Do you want to speak to that? You would have heard them this morning, so it would be good to hear what your response is.

Mr Lloyd: As you are aware, one of the key elements of the bill is around the proposal to establish environmentally relevant activity codes for those low-risk activities. The proposed approach is around progressively reviewing the environmentally relevant activities which are currently listed through the schedule to identify those which would potentially be suitable for conversion to an ERA code over time, starting with resource activities and in particular starting with the small-scale mining activities which are defined in the regulation at the moment. If there are further questions on that, we could get Kate to talk more about small-scale mining. This may include low-risk activities for exploration such as aspects of exploration permits and mineral development licences, as well as monitoring authorities and data acquisition authorities.

Other activities that the government may consider over time to move to an ERA code could be sewage pump stations, small dredging operations potentially, chemical storage, certain bulk material handling facilities and other similar small-scale activities.

The criteria for what could be prescribed as an ERA code is specified in section 20 of the bill, and the minister would need to be satisfied of two key elements, and these would depend on the specific type of activity. The first one is that the risk of environmental harm from that activity is known, and the second element is that the environmental harm can be managed by compliance with the conditions in the code. They are two key elements which would need to be satisfied for an activity to be able to be specified through the regulation as an ERA code.

The development of an ERA code goes through what is a similar process for ERA standards which are a different type of environmental authority under the act, but it is a similar process in terms of at least a 30-business-day consultation process where we would need to engage with industry and other stakeholders. It would be publicly available. We would receive submissions and feedback through that process, on both the type of activity which is proposed to be included as a low-risk ERA code, as well as the types of conditions which would be proposed to be put in place to manage those activities. Subject to that process and considering the feedback, then it moves into the next stage which would be for a regulation-making process for it to be made, and then obviously subject to potential disallowance if it goes through the Governor-in-Council process. They are really the two elements of the low-risk nature. One would be that we need to be satisfied that the environmental

harm that may be caused by the carrying out of the activity is known and that the environmental harm can be effectively prevented, minimised, rehabilitated or remediated, so basically managed, by requiring compliance with the ERA code.

Ms DOOLEY: It seems to be striking that balance of not only being too prescriptive but also being protective of what is in that. My second question is quite different. It is around the single permit for ecotourism. It might be Ben's department potentially. Can you speak to the benefit to ecotourism to have a single-permit process? We are about reducing red tape. Do you want to speak to that?

Mr Klaassen: Essentially, that is exactly what it is about—reducing red tape for operators to provide a single integrated process that, instead of having to apply for multiple permits through multiple pieces of legislation, they can lodge one application and we will consider that, and then they get the necessary permit to do the activity across a state forest, a marine park, a recreation area or a national park. It does reduce time, effort and costs for the operators.

I would point out that in some of the sessions this morning, it was getting a bit confused. To be very clear, this does not relate to code assessable activities or low-risk activities. They are a different criteria. They are already prescribed in the act for how we assess the permits for these activities, and they are not changing; they are staying the same. This process is about reducing the red tape at the front end of the process for the operators and providing a simplified, streamlined activity and a way for them to get a permit to do the activities they want to do that allows people to access and participate in activities on our protected areas.

Mr LEE: While we are on the subject of code ERAs, some submitters raised concerns about a departure from the ISO 31000 standard which seems to be an industry practice in terms of mining. What is the justification for that in terms of adopting this new framework?

Mr Lloyd: Whenever it is that we are developing the kind of codes, there will be the consultation process which is included as part of that. Lou, did you want to chat through that one at all?

Ms Smyth: The department uses a similar risk management process, as what would be pointed to, in ISO 14001. It is pretty common, I think, in terms of the likelihood of something occurring and then the consequences of something occurring, and doing a risk assessment based on that. There are situations where, with reference to the submitters and the witnesses' speaking points this morning, environmental risks line up very directly with the risk assessments that are taken for other legislation, for example, for the workplace health and safety matters that were raised. However, there are some situations where environmental risks are quite different. Under the Environmental Protection Act, we will use a similar approach in terms of what is the likelihood of some event occurring and what is the harm we would expect if that event did occur, but it would be in relation to environmental values and our requirement to protect the environment from harm and include safeguards for the community in relation to that. Yes, in some case it lines up; in other cases it may not.

Mr LEE: How do you propose to prepare the industry for these changes?

Ms Smyth: As Kahil has outlined, we have to go through quite an involved process for identifying something that would be suitable for an ERA code and the development of that code. Initially, we have indicated some of the activities that we are looking to transition to ERA codes, and I will remind the committee that these are lower-risk activities. We are not talking about the big coalmines and things; we are talking about matters that we are very well aware of how industry currently manage and mitigate impacts from these activities. We would be notifying anyone who is currently an operator in relation to these activities, telling them that we are about to start preparing an ERA code for that activity. We would need to provide copies of that draft ERA code and open that up for public submissions, and then discuss that with any stakeholders or other interested parties, and then work through a process of finalising the proposed code, including the response to any impact assessment statements, for example, and then go through a regulation-making process to make the code. So, it is quite involved and would include a public consultation as well as engagement with interested parties and stakeholders.

Mr LEE: Going back to the Water Act, there is a proposal to insert a new provision, 379B, and in that it refers to a two kilometre testing, in terms of talking about requirements for a baseline assessment timetable and a baseline assessment strategy. What is the scientific basis for the two kilometre impact zone, where the bore is within two kilometres of the testing and draws from the same aquifer? What is the basis for that? By way of context, I will add something I have here: one submitter has suggested 10 kilometres which accords with data published by OGIA.

Mr Lloyd: The bill establishes a new process. As one of the streamlining efficiency measures proposed in the bill, there is a proposal for a new baseline assessment strategy as a new concept to replace the need for an assessment plan for individual tenure holders in the Surat Cumulative

Management Area, or any other cumulative management area if there was one declared. Instead of having 20 different baseline assessment plans because there are multiple tenure holders operating, there is now just one proposed, which is the baseline assessment strategy for the entire cumulative management area. It would be developed by the Office of Groundwater Impact Assessment. They would be the lead to develop that timetable and to specify all of the elements. Effectively, the baseline assessment strategy is combining the need to do 20 or so different individual baseline assessment plans into one.

Mr LEE: I understand the sentiment of the strategy, but I am curious as to where the two kilometres comes from?

Mr Lloyd: The two kilometres is the current requirement under the act. I will confirm that and will come back to you on that, but we propose to retain the current requirements in the bill. There are two elements now under the baseline assessment strategy. One is replacing the need for individual baseline assessment plans which deal with just on-tenure requirements for the undertaking of a baseline assessment plan. That is the existing one. The underground water impact report process under the current act is a bit complicated, but it requires, as part of the development of that model, identifying all of the long-term affected area bores. It identifies any which are in that long-term affected area and requires those to have a baseline assessment. The gap which the UWIR covers is that for those which are not on the boundaries of a tenure, it specifies a timetable in the UWIR—not the baseline assessment plan but the UWIR—for when those baseline assessments would need to be undertaken as a bit of a stopgap measure. The baseline assessment plan currently only deals with on-tenure, and the UWIR currently deals with off-tenure. For the Surat Cumulative Management Area and what is proposed in the bill is to combine both things—combine the off-tenure with the on-tenure and set out an entire timetable. The two kilometres, I believe, is based on the current act which has two kilometres as that period. It has been like that since chapter 3 was established back in 2011.

Mr LEE: No scientific basis for it other than it has come from the previous legislation and has not been reviewed from an evidence base?

Mr Lloyd: It was not reviewed as part of this process; that is right.

Ms BOLTON: Deputy Director Ben mentioned confusion with submitters around the single integrated permission. A really simple question: does the bill, as drafted, mandate consideration of the existing list of factors, including assessments that are applicable to different permits and what they go through right now?

Mr Klaassen: Yes. There are no changes that this bill is making to the current assessment criteria that are in place for consideration of, for example, a permit for a national park. There are criteria in the regulation that an assessment officer must consider, and there is a long list of those. They are not being changed by this bill. This bill is allowing the department to amalgamate the issuing of a single permission rather than having four separate permissions should an applicant apply for four separate permissions. The criteria themselves are not being changed by the bill.

Ms BOLTON: So it is just the process that is being changed?

Mr Klaassen: There is an existing process which goes partway towards allowing us to issue amalgamated permits. This is allowing it to be across the four pieces of legislation in a seamless, integrated way which the current process does not affect. Yes, it is process.

Ms BOLTON: I have asked this before: how will intensification of activity, as there will be resulting from the introduction of this changed process, be monitored and assessed?

Mr Klaassen: There are a couple of elements to that. Let me start by saying that what this process relates to is commercial permits for tourism-related activities. As the member would be aware, there are a range of other people who visit our protected areas such as free and independent travellers that will not be impacted by this process. What we are getting into there is how do we effectively manage visitation in an area, which is where your intensification question comes from?

For this piece of the puzzle, the operators are required to submit returns on usage. They have limits on the number of people they can take to an area at a particular time, which considers the overall impact and usage of an area and the environmental factors that are involved. That is what is done through our regulation and management of commercial activities.

The part where the bill does not impact is the free and independent travellers, and that is where we look to regulate activities through our management planning process and through our compliance activities through the Queensland Parks & Wildlife Service. That obviously depends on the number of people who are looking to visit a particular location at a certain time. Right now, in prime holiday period, yes, we have lots of visitors at various locations across the state where we employ additional

rangers to try to manage that load. We have requirements around infrastructure and we have systems in place to try to manage that, but ultimately the regulation of free and independent travellers is not part of the scope of this bill.

Ms BOLTON: To finish, when will that sustainable visitor study be released?

Mr Klaassen: Are you referencing the sustainable visitor study for Cooloola, or what particular area?

Ms BOLTON: Yes, and the plan, which should outline visitor numbers.

Mr Klaassen: You are specifically talking about the management plan?

Ms BOLTON: Yes.

Mr Klaassen: The sustainable visitor strategy has been released. We are working through the management plan for Cooloola, and I am expecting to see a draft very soon, and then it is a matter of going through a consultation and government process. I cannot give you a specific time frame, but a draft is coming to me very soon.

Ms BOLTON: Wonderful. Thank you.

Mr POWER: I wanted to firstly thank the department for getting to the questions that the committee put to you. I am talking specifically to question 14 where we asked, 'What percentage of cases did the public notification of the draft TOR with regard to EISs led to changes in the final terms of reference?' Helpfully, the answer you gave us was that the terms of reference for EISs were, in 100 per cent of cases, amended as a process of public notification and the submissions contained in them which meant that the EIS was dealing with the right things. My concern is that the EIS will not be dealing with the right terms of reference if they are not put to public consultation. Does that not mean the EIS will not be examining some of the things that under the terms of reference it should be examining?

Mr Lloyd: I will get Kate to talk through this as well—the experience we go through as a department when we are developing the terms of reference with the stakeholders. 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. Kate, do you want to provide more context on that?

Mr POWER: That is through the process of public notifications and submissions?

Mr Lloyd: That is one element of the process.

Mr POWER: Pretty useful element, though.

Ms Bennink: I can provide a little more detail. 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.

Mr POWER: My concern is that in your own answer you say that the future public notification of the EIS will then provide the public, I am presuming here, 'the appropriate opportunity for any remaining site-specific matters to be identified and addressed by the proponent.' What we are doing is getting the terms of reference possibly wrong and then, after the EIS is completed, asking the public after public notification. Will that not potentially lengthen the process but also, more importantly, not have issues that should be addressed, addressed through the EIS? Would we not get the terms of reference right in the first place?

Ms Bennink: What we are seeing as a department is that the changes we are making are often minor in nature administratively. I have talked about the legislative updates to ensure the currency of the legislation. That is why our proposal is that 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. The proposal is that what we are seeing from this step is not leading to fundamental changes, there is not significant issues that are being missed because of the draft terms of reference, and that we can address those as part of the EIS process in the remaining stages. Ultimately, because the department is the decision-maker, there is nothing that stops us from seeking advice on a draft terms of reference if we are concerned.

Mr POWER: From the public?

Ms Bennink: From anyone.

Mr POWER: But how do they know about it?

Ms Bennink: It obviously depends on what the issue is. If it is a government department, we will know which one to go to. If it is a specific area that might have sensitive matters in it and there is a local interest group, we do have a lot of stakeholder engagement across our department.

Mr POWER: But no legislative requirement?

CHAIR: Can you give us an example? Is there a case study?

Ms Bennink: No, sorry, I do not—

CHAIR: Who is this person that will apply? What is it they are applying for? What is the process?

Ms Bennink: In terms of who applies for—

CHAIR: Under this particular set of provisions. What would we expect—a scuba diver operator on the reef or a mountain climbing company? Dumb it down so a 12-year-old can understand.

Ms Bennink: This is only EIS projects, so large resource projects. It is typically coalmines, mineral mines and petroleum and gas operations. That is the limit of it.

CHAIR: In terms of the process, they come in with an application to, what, expand a site or to have the environmental conditions changed on a site, and what happens? Walk us through the steps of that process.

Ms Bennink: Typically, a company comes to us and asks for a pre-lodgement meeting. They say, 'We are looking to start a new coalmine,' or, 'We are looking to expand an existing coalmine.' Typically they prepare a document called an initial advice statement which outlines their proposal, whether it is located, what they have already identified as potential environmental values, what they have already identified as potentially interested stakeholders, affected landholders, and it outlines the scope of their activity, how they propose to do it, how many years it will go for, and gives us some of those key highlights about what the risk of the project is it for us to determine whether or not it is appropriate to go through an EIS process for that activity. That is how they come into us. We have various conversations around, 'Do you need more information? Have you started your studies? Have you been doing fauna studies? Do you have groundwater studies underway?' Then the formal commencement of the EIS process is when the company submits the draft terms of reference to the department.

CHAIR: What is that document? That is a statement saying what they want to achieve, what they want to do and how they are going to go about it?

Ms Bennink: The draft terms of reference is the outline about how they will undertake the EIS and what will be included in it. It is like a table of contents with more detail in it about what the EIS will contain. It is made specific to each project in terms of considering the location and all the matters I mentioned before with the landholders and any sensitive areas and any notable interactions with other legislation, such as social or transport or federal legislation. That is where the generic terms of reference—the document that the department has prepared and published—outlines our typical expectation about what needs to be in that document. Each project, when they make that application to us with their draft terms of reference, does make it site-specific to their project to capture those site-specific circumstances for each project.

CHAIR: If I read it correctly, the concern that is being raised is around the lack of public consultation. How big or small is the project likely to be where there would not be public consultation?

Ms Bennink: There is a range of public consultation that is undertaken under the EP Act depending on what your activity is. EIS is one type of assessment process. There are also environmental authorities and they have a public notification stage for some activities where it does not have a generic terms of reference or a terms of reference stage but it does provide for the public to review the application material and make any comment on any matters that they are concerned about, and then the department is required to consider that in its decision-making.

CHAIR: Thank you. I thought I had understood the process previously, but I thought it would be good to have it unpacked a little for the *Hansard*, for the public record, to understand the extent of it and how it works.

Ms DOOLEY: You might have heard the Australian Energy Producers' submission this morning. They identified, around the significant environmental values, that there is a bit of discrepancy between state and federal. Do you want to comment on that? They just highlighted that. I do not know what the discrepancies are.

Ms Smyth: I want to acknowledge that there have been some recent reforms to the federal legislation. They have released a draft environmental standard for matters of national environmental significance. It is true that at the moment there could be differences, and we are currently assessing, alongside colleagues in other agencies, what those differences are. It is true that regimes at the federal and at the state level can mismatch. For things like threatened species, this can make sense because something can be nationally common but, within Queensland, it can potentially become threatened because we have had a reduction in that same species locally or regionally, but not at a federal level. So, yes, there are differences between state and federal requirements. We certainly acknowledge that and are aware of that.

The other component of the federal government making changes is that we have some of our regulatory frameworks recognised under what are called bilateral agreements whereby the federal government can essentially accredit or agree to the way that Queensland is managing a particular matter of national environmental significance, and then we can align our assessment processes between the federal government and the state government. We have one of those in place at the moment, however we need to look at it in the context of these reforms having come through. We have not done the work, and nor has the Commonwealth, to make sure that that existing agreement is sufficiently up to date, given the new laws that have just been put in place at the Australian government level.

Mr Lloyd: That agreement is largely around environmental impact statement processes that we do. Both the EIS processes and the Coordinator-General EIS process is what that agreement relates to specifically.

Dr O'SHEA: A number of submitters have raised the matter of having a public register for the ERA code operators. Have you considered this?

Mr Lloyd: Clauses 86 and 87 of the bill look to amend both sections 540 and 540A which are the public register sections in the act. Any of those ERA codes which require registration will be placed on the public register through that process. At this stage, the intent would be things like small-scale mining which are already registered with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development. That information is already publicly available so those sort of activities would likely not need registration with the department. Because we can access that information through an agreement with that department, it saves two processes; it can all be through one.

In regards to those other activities, we would look to potentially require registrations for those ERA codes. If they are registered they would be on our public register and available through sections 540 and 540A of the Environmental Protection Act, so they would be publicly available.

CHAIR: That concludes this briefing. Thanks to everyone for your participation today. Thank you to our Hansard reporters. There are some questions on notice that have been taken. Your responses to those will be required by 12pm on Friday, 23 January. We will get you a list to confirm those questions on notice. How many do we have?

Mr POWER: It depends. Possibly I was making a rhetorical point about the flow chart of how things worked, but if it is a viable thing, I will leave that to your discretion as to whether that is useful or not. You asked one as well.

Mr Lloyd: You are seeking a bit more information on subsidence.

Mr POWER: The number of subsidence incidents, that is right, but I might leave that to your discretion as to whether that is a useful product.

CHAIR: Thank you, member for Logan. I declare this public briefing closed. Thank you.

The committee adjourned at 3.01 pm.