HEALTH, ENVIRONMENT AND INNOVATION COMMITTEE

Members present:
Mr R Molhoek MP—Chair
Ms SL Bolton MP (via videoconference)
Ms K-A Dooley MP
Mr CG Whiting 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 HEARING—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 9.35 am

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill. 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 Chris Whiting, member for Bancroft, who is substituting for Mr Joe Kelly, member for Greenslopes and our deputy chair; Ms Sandy Bolton, member for Noosa, joins us via videoconference; Ms Kerri-Anne Dooley, member for Redcliffe; Dr Barbara O'Shea, member for South Brisbane; and Mr David Lee, member for Hervey Bay.

This hearing 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 hearing at the discretion of the committee.

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 discretion 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.

Members and witnesses, please remember to press your microphones on before you start speaking and off when you are finished, and please turn your mobile phones off or onto silent mode.

BATTY, Mr Mitchel KC, President, Queensland Environmental Law Association

CHAIR: I now welcome Mr Mitchel Batty KC, President of the Queensland Environmental Law Association. I invite you to make a brief opening statement.

Mr Batty: Thank you for the opportunity to address the committee this morning. The Queensland Environmental Law Association is generally supportive of the intent of the bill, particularly in respect of its streamlining of approval processes under the EP Act and specifically the use or introduction of ERA codes for low-risk activities. In our opinion, the bill will improve efficiencies and ensure contemporary, effective and responsive environmental regulatory framework applies in Queensland.

Perhaps one of the unfortunate outcomes of this sort of process is there is a tendency to focus on the negative rather than the positive to try to secure improvements, and I wanted to start with that today to ensure that our position on the bill overall was clear. That said, the association has made what we would say is quite a detailed submission over a number of pages. There are a handful of improvements that we think can be secured by the consideration of amendment to the bill. That particularly relates to the ERA codes themselves, that I have already referred to, and on page 3, paragraph 14 of our submission, we have set them out in some detail for the purposes of the opening statement. Given I am here for only 20 minutes, I will not dwell on them in any detail, but they have been set out.

Other than that, the perhaps greater focus or another point of focus in our submission was the limitation periods for prosecutions. The extension of time of that limitation period, I note, is something the Queensland Law Society has also made representations about. We do have concerns about the three-year period in terms of the effect that that will have on people to try and defend allegations of that nature. Again, between paragraphs 19 and 23, we have made submissions about that.

Finally, at paragraph 24 of our submission on the final page, we have addressed the proposed amendment to section 267(2) of the Waste Reduction and Recycling Act. Again, the limitation period on that is now proposed to be six years. Similar to the submission we have already made about the summary offences' timeframes, we do have concerns about the six-year limitation period being too long for the reasons as expressed in paragraph 24. Other than that, I am happy to answer any questions, but that is a brief synopsis of our position.

CHAIR: Going back to that last point of yours, can you perhaps explain what your concerns are in respect of the extension to six years and what the current process is and how it actually works in practical terms?

Mr Batty: Sure. 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.

At the present time, there is a variety of limitation periods included in the act. Some are as short as 12 months. Six years does seem like quite a long period of time. I do acknowledge that balanced against that is the fact that there can be quite an amount of environmental harm that can occur from these types of offences, if they are in a sensitive area or a particular type, but six years is a long period of time for corporate knowledge to have to be retained to potentially defend that sort of allegation.

CHAIR: Can you give us an example of the sort of complaint or offence that might apply, without naming anyone specifically?

Mr Batty: I would prefer to steer away from specifics, but I do not think one's mind has to travel too much to think of a large corporation who has hundreds of employees having multiple sites and an event occurring at one particular site—and we are dealing with waste. Sometimes the sites could be isolated et cetera. It is particular people who are likely to have the knowledge of the event that occurs.

CHAIR: It would be like some sort of spill of something or inappropriate disposal of something?

Mr Batty: The purview of circumstances considered by the act is significant. Environmental harm is very broadly drafted, but in respect of the waste area in particular, there would seem to be an ability for those alleged offences to be dealt with more expeditiously than the six years that is currently being put forward.

CHAIR: Would something like, say, asbestos disposal be one of those harmful—

Mr Batty: That is something of the more significant type that I was referring to earlier.

CHAIR: If someone has dumped a truckload of asbestos into landfill.

Mr Batty: Those type of offences can arise, yes.

CHAIR: It is that sort of thing?

Mr Batty: They can arise. As I say, the way 'environmental harm' is drafted is very broad, and in respect of the waste provisions, the disposal of asbestos is clearly a very sensitive subject at the moment, quite rightly.

CHAIR: The extension is to six years. What is the current time frame?

Mr Batty: It depends. I am not trying to be evasive or not answer your question directly, but—

CHAIR: Asbestos is actually six at the moment. Okay, I will move on to some other members.

Mr WHITING: Mr Batty, the introduction of the ERA codes for low risk has been a concern for quite a few submitters. From what I understand, an activity may only be prescribed as a code-managed ERA once a minister is satisfied that it has reached a range of criteria. Under these amendments, the minister can decide who gets a code assessment, or which ones get a code assessment, and therefore there is no public notification or appeal rights. That leaves a lot of power with the minister to prescribe who gets the code assessment and who does not; do I have that right?

Mr Batty: That is our understanding. It is also the case, as you will see from paragraph 9 of the written submission that we have made, that we do support an opt-in approach in respect of the ERAs. The submissions we have made around the participation in this system, both publicly and for operators, is something that we have drawn to the committee's attention in the written submission we have made. Yes, that is something we have canvassed.

Mr WHITING: On the issue of the opt-in, certainly if you are a proponent and you want to be code assessable because that is against quite an errant criteria, as opposed, as I said, no appeal rights, no public notification as opposed to assessment against a really broad criteria by different people making inputs. Everyone would want to go for the opt-in. They would want the code assessable. It would be quite popular; no-one would want the other one?

Mr Batty: I will not say no-one, but, yes, one would imagine that it is likely to be far more popular.

Mr WHITING: That is a large change to the system.

Mr Batty: As I say, we have made submissions about that.

Mr WHITING: Many submitters say there is a need for that publicly available online register for local activities operating under this code. How important would that be for local communities if a community would want that?

Mr Batty: That is one of the key aspects that we see of what has been put forward—the transparency. Public accessibility in respect of that register has clear public utility and we are supportive of it being as fulsome as possible.

Mr LEE: Thank you for your comprehensive submission. I have a question in relation to paragraph 7 of your submission. I will quote from that. You raise concerns about 'practically these amendments would appear to facilitate the introduction of a new layer of regulation rather than streamlining the existing regulatory frameworks'. How exactly does that appear to be so?

Mr Batty: Effectively, sections 4 and 9A of the amendment coin or consider this term 'significant environmental values'. This is already quite a complex piece of legislation. In our submission, there would be benefit in the language in the act if at all possible being able to be condensed rather than expanded. The introduction of that phrase is something we have drawn attention to in the sense that if the concept of the amendment can be perhaps drafted in a different way, consistent with the language that already appears in the act, then that may assist in greater efficiencies rather than expanding the terms and the purview of the act more generally.

Mr LEE: You raise a number of matters in paragraph 14. I am looking for a response from you, firstly in relation to the cumulative impact. You talk about the cumulative impact of mining operations. I want to go to the minister's powers with respect to making decisions around environmental oversight, and just seek your response. According to the explanatory notes—and this is a response, I should say, from the department—The minister will only be able to recommend the making of a regulation declaring an activity to be a code-managed ERA if the minister is satisfied—

Firstly, that—

the risk of environmental harm that may be caused by the carrying out of the activity is known; and

Secondly—

the environmental harm can be effectively prevented, minimised, rehabilitated or remediated by requiring compliance with an ERA code.

I am looking for your response to that statement from the department.

Mr Batty: Again, if I can answer your question this way: all we are trying to draw out as the association in paragraph 14B is to ensure that the cumulative impacts of a particular proposal are assessed and it is not just an assessment that is limited to one particular proposal, ignorant of its surrounding circumstances. Self-evidently, if there is a handful of operators operating in close proximity, there is potential for cumulative impacts and that needs to be part of the assessment. That is as high as we are putting it.

Mr LEE: In relation to paragraph 16 under the mandatory code for small-scale mining activities, you raise concern about nature refuges. There is a proposal in paragraph 17 around excluding nature refuges from the proposed mandatory code. Can you just expand on that, what the proposal is in your submission?

Mr Batty: Effectively, as we have outlined in particularly paragraphs 16 and 17, we have not specifically called for amendment. The language we have used is that—

…care is taken to ensure that mining activities carried out within nature refuges under the Nature Conservation Act 1994 (Qld) are not able to be subject to a mandatory ERA code.

I suppose all that has been conveyed in those particular paragraphs is potentially a matter of policy for consideration in terms of the impact that this may have on areas that are not caught by the Nature Conservation Act. That is really a policy decision for the government.

Ms BOLTON: To go on with the code-managed ERAs, DESI has said that they will progressively review them to ensure that they remain low impact. You did raise in your submission regarding remote locations, but also changes when the size of a particular project or an activity that may be assessed as low impact, when it grows in size, could become a bigger impact. I do not think it is just the remote locations. What do you see is the answer to that?

Mr Batty: I think that the ongoing review and process that DETSI has proposed is sensible. The balance has to be struck between not overregulating what is economically a very important resource for the state, as against the fact that, as you have referred to, the ability for cumulative creep to occur for a small facility to become a larger one and environmental impacts to arise as a result. Therefore, the process that you have referred to, namely the ongoing review, is an important one and one that we would be supportive of, and one that we would be supportive of the department being properly resourced to be able to carry out.

Ms BOLTON: It has been raised before around the criteria around determining whether an activity is genuinely suitable for regulation through a code ERA, that it is that identifying as in low-risk. What do you see as specific criteria is needed?

Mr Batty: 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.

Ms BOLTON: For example, in there it speaks to there being small mining activities under obviously the management of local government, but those are often transferred or sold and that is to have the mechanisms to ensure that that process itself does not get lost through that transition from local government to a private sector?

Mr Batty: Correct.

CHAIR: Would it be fair to assume, though, in the case where, say, an entity was sold, that all the original provisions and approvals would automatically flow through as obligations?

Mr Batty: That is traditionally, for example, how a development approval would work, that the rights and obligations under a development approval referred to as ‘running with the land’. Effectively, if you are acting under an approval for a parcel of land and there is a transfer of ownership, then anyone who wishes to come in and still have the benefit of that approval is bound by the obligations attached to it, namely conditions.

CHAIR: Yes. In respect of the issue of creep that has been raised—and I understand there is always that risk, but I would assume that if an organisation did creep, into areas that it should not, and it was starting to breach earlier or as-of-right approvals under the proposal, there would be a normal course of action that the environment department or the council could take in terms of investigating complaints about change to activities or scale or—

Mr Batty: That is correct.

CHAIR: So there would be some protections there?

Mr Batty: There are some protections. I suppose the other side of that argument is that then you are really waiting for a problem to arise in those circumstances before actually attending to it, whereas a requirement to approve something through a particular process attempts to weed those issues out before they occur. There are other measures in place as well that are available; I do not disagree with that.

Dr O’SHEA: I want to say thank you for your submission and helping us understand your concerns and particularly the information about the public register and the cumulative effect. I understand you support the intent of the bill. What would be your greatest concerns with this bill?

Mr Batty: I think there is an alignment between the association and the Law Society on the concerns about the limitation periods. I think that is a significant one. That would probably be our starting point. Other than that, the suggestions that we have made really relate to finessing the legislation to try and achieve the balance that I have tried to speak about today where the intent seems to be there to try to deliver important efficiency improvements and changes such that I think the limitation periods is probably the most central concern that we have. Everything else seems to be capable to be ironed out by way of amendment.

CHAIR: Thank you, Mr Batty.

BRODNIK, Ms Kate, Principal Policy Solicitor, Queensland Law Society

COWAN, Mr Mark, Planning and Environment Law Committee Member, Queensland Law Society

JOLLY, Mr Peter, President, Queensland Law Society

CHAIR: I now welcome representatives from the Queensland Law Society. I invite you to make a brief opening statement before we start our questions.

Mr Jolly: Thank you, Chair. Thank you for inviting the Queensland Law Society to appear today. In opening, I would like to respectfully recognise the traditional owners and custodians of the land on which we meet. As the committee is no doubt aware, the QLS is the peak professional body of the state's legal practitioners, and we represent more than 15,000 solicitors. We are an independent, apolitical representative body.

Our legal policy committees were consulted by the department on these reforms, but they are extensive, of course, spanning 220 pages. Our volunteer committee members were unable, in the time available, to examine the suite of amendments in detail, but our written submission really focuses on some specific areas of concern that we would be happy to speak to today. If there are other aspects that the committee does want to raise with us, it might be necessary for us to take those questions on notice.

Generally, the QLS supports reform to reduce complexity and duplication, and that enables regulation to be understood by those subject to or affected by it. Generally, the QLS supports the reforms in the bill, but there are a couple of possible unintended consequences which flow from that that we have addressed in the submission, and that is: firstly, the extended time frame to commence summary proceedings; secondly, the removal of consultation of draft terms of reference if the processes are made clear to the public; and thirdly, possible confusion as to whether ERA codes or the new codes are required to be registered with the department which might lead to a lack of oversight.

Today I am joined by Mark Cowan, who is a member of the QLS Planning and Environment Law Committee, and Kate Brodnik, our principal policy solicitor. We welcome any questions the committee might have.

Dr O'SHEA: I would like to mention that Mark is my nephew. I thought I should declare that.

CHAIR: I thought you were going to say he was a constituent.

Dr O'SHEA: In terms of any conflicts of interest, I thought I should declare that.

CHAIR: We will make sure that is noted. In your written submission you expressed concern around the absence of mandatory registration for code managed ERAs and some concern around regulatory visibility and oversight. What do you feel is the minimum registration or notification requirements necessary to ensure legal accountability under a code-based framework and how would that compare with what is current practice?

Mr Cowan: As we said in the submission, one of the key issues is the point you have raised there. When you move to an ERA standard there is no process to apply for an environmental authority. That is usually required to be a registered suitable operator. The person undertaking that activity has to be assessed as an appropriate person and hold that licence as well as apply for an environmental authority.

As our submission says, we support the principle of the code ERA process. One area that is important to add that is a little unclear in the amendments is about making sure that everyone knows who is proposing to operate under those ERA codes and when they start and when they stop so that DETSI understands who is saying they are operating under the codes and can use its general investigation and oversight powers to monitor compliance with that as well as the general public.

There is some provision for it. There is some provision for when an environmental activity is designated as an ERA code. At the same time it can be designated as something that requires registration of the person undertaking it. There is also a scenario where that is not required. There is in one of the provisions a need to notify still in that circumstance but it is a little unclear how it would work in practice. It does not really pick up all the intricacies of what is required—notifying when you cease so everyone knows what is going on. That is an area of improvement based on the current system that could be looked at.

Certainly, there is some precedent in the general planning and environment system in Queensland for approvals not to be required but to proceed under a system of rules you have to comply with absent an approval. It is quite important for these activities for everyone to know who is saying they are going to go under those codes and who is not and when they are or not. That is quite important.

CHAIR: Under the current system, if these ERAs are registered—I think the word was ‘registered’—how would a member of the general public or a lawyer or whoever go about finding if it has been registered? Is there a website they can go to?

Mr Cowan: It is on the website. There is a public register. Yes, there is a website of both environmental authorities and registered suitable operators. Anyone can search that on DETSI’s website.

CHAIR: Would be that council or DETSI?

Mr Cowan: That is on DETSI’s website. I believe that is the case even for devolved environmental authorities which are regulated by local government. I think DETSI keeps the central public register of all of them. It is very easily accessible. I have not quite checked whether that is the proposal here to keep a public register of who is notified they are going under the ERA codes, but that would seem to be a sensible move as well.

Mr WHITING: Under the code managed ERAs you are going to get less public notification, less public awareness, of what these proponents are doing or what they proposing. It is possible that there is going to be no record for a local community to find out who has the approvals and what they have the approvals for. Is that correct?

Mr Cowan: There are some proposals in there to say that operators do have to notify when they are proceeding under it. If that is made comprehensive and made on the public register then people could keep track of that. Whether that is a material change from the amount of awareness under the current system—

Mr WHITING: It is unknown.

Mr Cowan: Yes. It is a little bit unknown. A lot of the framework here is to be done in the future about designating what ERAs are applicable and what the ERA codes are. We do not know what we are dealing with yet. In a layman’s sense, people know the idea of getting an approval and a permit. It crystallises people’s interest in something. At that very basic level the existing system does that.

Mr WHITING: It sounds like a lot of this is what the minister decides what is going to be in this code—who is in it and what is in it and how it is captured under this code. Is that correct?

Mr Cowan: Yes. The scope of what the ERAs are going to capture is going to be quite important, I would say. You do have minimal low-risk activities which are currently ERAs all the way through to the biggest mines in Queensland. That is the important bit.

Mr WHITING: We have talked a bit about keeping a register whether there may or may not be one. It sounds like a lot of that work traditionally for code assessable activities and impact assessable activities has come down to local government. In the departmental response they have not ruled out more work devolving to councils to keep that register. Councils would be in the best position to keep that kind of register. Would that be correct?

Mr Cowan: Again, it depends on the ERAs that are captured. What you are talking about there is the development approval process, which councils are very much the primary regulator of. For the EP Act, primarily the regulator is the department of environment with some parts being devolved to council in terms of administrative enforcement. I would not say local government is the primary regulator. It is designed around a system of the state regulating and they devolve on a case-by-case basis certain powers to the local government for smaller ERAs.

Mr WHITING: So the department would be in the best position to have that register.

Mr Cowan: I would think so, yes, just for the mechanics of it. People buy and sell businesses all the time and they are trying to understand the regulatory framework that applies to them. Having one central public register on the department’s website where people can search and say, ‘This business is operating under an ERA code. I know what I am buying or it needs an environmental authority et cetera,’ would be easier than having to work out whether each local government has it or does not have it.

Mr LEE: Thank you for your submission. To help me better understand this, on page 2 of your submission you talk about a recommendation around guidelines being published to establish clear communication processes in order to commence a prosecution in terms of the proof that might be required and the burden on affected parties. Can you unpack that a little more and give us a bit more insight into what your thinking is around that?

Mr Cowan: Yes. 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.

Mr LEE: Presumably, the timing of the communication is obviously going to depend on the complexity of the case.

Mr Cowan: Yes. On the flip side, while we have not addressed it in the submission so much, if the department thinks there is a complex case and is intending to try to use the full three years, whether there is a prospect of the enforcement guidelines trying to let the person being investigated know that or not. I think just having some knowledge to what is happening might help alleviate these timeframe issues.

Mr LEE: On the time limitation period, the change to two or three years, you and the previous submitter, the Environmental Law Association, both seem to be on the same wave length in terms of having concerns about it being a blanket approach in terms of increasing the limitation period to two to three years. Is that my correct understanding?

Mr Cowan: Yes, because in a way it is being done because there is a legitimate issue as to there might be a delay in the department becoming aware of the offence. Because they are getting rid of that, they are providing a bigger window to when they can commence it. That will apply even if they know the offences started from day one—they can take three years. Some 30 offences can take three years. That is a long period of time to investigate something.

Mr LEE: You concede there are circumstances in which that may well be the case given the complexity of the case?

Mr Cowan: I agree. The example given in some of the department's material about underground contamination can be very complicated and it can be hard to detect when it happens. I would say that that is kind of the exception though. A lot of the offences are a very well-known release. Operations are subject of environmental authorities. They have to monitor anything that is released to waters or air and may have 24-hour notification obligations if they breach those. It is relatively common for the department to know on day dot that there has been a release that might be a breach and be investigated. I would say that is probably the majority of cases. I am not in the department. I have not investigated all of them. I am just looking at it as an outside practitioner.

In that scenario needing even two years for that is questionable, but there are certainly are scenarios, as you said, for a big mine that has very complicated underground water impacts, not only it might be difficult to understand what is happening but to get the discrete expert evidence on that point can take a long time as well. We do understand the competing interests here. It is the lack of knowledge as the person being investigated, guidelines and whatnot.

Mr LEE: Lastly but not least, do you have any views about the current listing of the summary offences? Do you think there is something that should be removed or something that should be added?

Mr Cowan: We have not gone through it line by line. I think I did a quick calculation. I think if you add them up there are 28 to 30 offences which are in the three-year bucket, rather than the more limited two-year bucket. About half of those only involve if the offence has a wilful element, which is the more serious nature of environmental harm where it is intentional. There is a legitimate point that investigating whether something is intentional or not intentional is more complicated than investigating just whether there has been harm done. We understand that.

There is another category of offences that are in there about the other half which could involve quite simple offences. A simple breach of an environmental authority condition whether it causes harm or not or whether it is intentional or not is captured in the three years. If you look at any standard environmental authority, they can have 30 conditions. One of those conditions could be that you have to keep a manual in your desk at all times about your operating system all the way to you cannot cause very bad harm. That could pick up quite simple offences as well as serious ones. There are some of those where it is not automatically more complicated or difficult. Any offence really can involve a degree of simplicity or complication. It comes down to a case-by-case basis and whether the department can give more guidance in its enforcement processes in this case as to whether it is involving more complicated factors or ruling it out earlier, which is in everyone's interest.

Ms BOLTON: In your submission you note that the existing EA process is already subject to limited oversight and assessment by DETSI. I think we have seen that including impacts to the surrounding community with some of these historical EAs. What do you see given also in your submission that this process appears to weaken the regulation of activities? You spoke about unintended consequences for these low-risk activities transitioning or being assessable under an ERA. Is this actually going to make situations worse with that limited oversight that we have experienced with EAs?

Mr Cowan: I think our submission is that with some improvements you can certainly address these issues around knowing who is undertaking these activities and not in terms of the requirement to be registered if you are and telling you when you stop and some more department guidelines around how that is intended to operate. 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. That comes down to more education and guidance from the department as to how important it is.

I would say that across all of our submissions here the department has an enormous amount of general powers to investigate and force anything whether there is an EA or not. It can issue environmental enforcement orders whenever it considers there is an issue. It can issue investigation notices. It has a lot of overarching regulatory power whether there is an environmental authority in place or not.

CHAIR: We are going to have to move on.

Ms DOOLEY: This bill is introducing ERAs around low-risk activities. Maybe you could give a yes/no answer. Is it your view from QLS that the bill clearly defines what low-risk activities are?

Mr Cowan: I do not think that is clear in the bill.

CHAIR: In the interests of time, we will move on to our next witness.

McCARTHY, Ms Narelle, Advocacy and Engagement Manager, Sunshine Coast Environment Council

CHAIR: I welcome Ms Narelle McCarthy from the Sunshine Coast Environment Council. Would you like to make a brief opening statement?

Ms McCarthy: I commence by acknowledging the traditional owners on the country that we gather on today. The Sunshine Coast Environment Council is the peak regional conservation council for the greater Sunshine Coast region. As such, we are non-partisan and representative of a broad membership base across the greater Sunshine Coast region, with membership from K'gari down through to Yarun, Bribie Island, through the hinterland and the coast. We have a collective membership and representation of some 10,000 members and individuals and a further 5,000 supporters engaged in advocacy work. We have been established since 1980, so we just celebrated our 45th anniversary.

We understand that the tourism industry underpins much of Queensland's economy. We can understand why the natural assets of Queensland are showcased. However, we need to be mindful of areas of streamlining that would allow continued cumulative impact on our natural areas, particularly in the context of biodiversity decline and climate crises and threatened species crises as well. We have opportunities to ensure that there is true accountability for operators on protected areas, noting that these are public assets which are entrusted to the state of Queensland on behalf of all Queensland. We have an obligation as one of the most biodiverse states in Australia and hosting some of the World Heritage areas as well.

Tourism operators by and large understand the importance of protecting and conserving these natural areas. However, the necessary oversight has to be maintained. We consider that aspects of this bill will not allow for that transparency and the accountability ensuring that we are able to monitor the impacts particularly of a cumulative nature and across our protected area estate. We note that the protected area estate is still lagging in terms of our percentage. We are working towards expanding the protected area estate, but many of our areas particularly in South-East Queensland are under enormous pressure from visitation as are species for which those areas are their habitat, their home.

As I mentioned in our submission, we took particular exception to the media release by the Minister for Tourism and the Crisafulli government. Again, I stress we are non-partisan but we do call policy and actions as we see them if they do affect nature, community and the environment and climate. We felt that that undermined the committee process and essentially was very presumptive in its delivery of those particular aspects of the bill regarding the integrated tourism permits—for example, that basically they had been delivered when in essence they were still subject to the committee process and, indeed, the submission period was still open as well. I make note of that presumption.

We are concerned about the type of language and tone that is used. Again, I emphasise that we support bona fide ecotourism in the right place if it is done in the right way by good operators. However, the bill introduces some broad scope and discretion within the provisions within division 3 particularly and section 42 around the integrated permit system. It could be that there is a situation where it is legitimate to have integrated permits, particularly with GBRMPA, across marine park areas and international parks, for example. GBRMPA, as a Commonwealth agency, has the necessary checks and balances, and rightly so.

Just going back to the areas that the operators are introducing people to or bringing people into, these are areas that under the cardinal principle of the Nature Conservation Act which is for the conservation of nature. The very definition of commercial activity permits is that they are for commercial gain. That is not to say that businesses can't be necessarily viable. As I said, I spoke about the importance of the economy and the tourism industry for employment but not at the expense of nature.

There could be examples where it could actually be somewhat seamless but there still needs to have the full profile of an operator who is operating in an area. In other respects, there will not be that assessment of what the level of activity is and certainly if there is any intensification of use—for example, four-wheel driving on beaches, which again is quite contentious and very impactful to coastal environments and for threatened species, so there are issues there. To then consider that that could just continue on to an activity within a state forest, for example, which has threatened species—it is their habitats: they do form part of our conservation estate and habitat refuge—without having to apply or at least without having that oversight of a permit system which allows for those checks and balances.

I know it is a long opening statement. I do apologise. If there are any questions, I would be happy to answer those in the interests of time. I have a few more comments if there is time.

CHAIR: I note in your submission you say quite clearly that you do not support code managed environmentally relevant activities. Can you give an example of where you have a concern?

Ms McCarthy: Certainly. Extractive industries is one of those. I will preface that I will not necessarily be going into detail in terms of some of the mining aspects. I will leave that to my more learned colleagues within the sector.

CHAIR: There are no mining activities on the Sunshine Coast.

Ms McCarthy: Extractive industries and quarries are a big issue.

CHAIR: I was thinking more in regard to tourism related matters because you spoke at length about that.

Ms McCarthy: My apologies.

CHAIR: Can you give specific examples of concerns that you would have?

Ms McCarthy: There are often activities that would have an environmental impact whether that is from four-wheel driving, recreational, motorised vehicles—terrestrial and on water as well. It is the types of activities over time. I will refer to my notes on that particular aspect, Chair.

CHAIR: Take your time. Can you give some examples of tourism activities?

Ms McCarthy: Rather than as an ERA context?

CHAIR: In the context of code managed ERAs.

Ms McCarthy: Chair, I think it would be just going into protected area estates and the types of activities that might actually be undertaken there. Obviously under other provisions and legislation, the taking of plants and things like that is prohibited. We can see that there can be some intensification of use. Again, this goes to the checks and balances of intensification of use and group numbers, for example. If it is a permit system and/or an ERA where it is under a code, it may be advised or notified for a particular number of people and uses but then that could be expanded. It is where those checks and balances are and the oversight, and also the publishing of the information for the community and the public more broadly to understand how that activity is interacting with the environment and what the impacts are.

I note that Queensland is one of the few states that does not have park fees or they are very nominal. I appreciate it is about equity, but at the same time access to protected areas, for example, and the use thereof by the tourism industry and the operators do not necessarily contribute directly back to the conservation of those areas.

I probably have not expanded on specific examples of an ERA in a tourism context in the submission. It was more to highlight that once a permit has been assessed that could actually then not have that oversight and the checks and balances, but also how that actually is happening in practice and how the operator is demonstrably showing that they are not having an impact and also that these permits are proposed to be transferable as well, which is a real concern.

CHAIR: I will go to the member for Noosa because I know overvisitation is an issue that you have raised before. I am not sure of the term that you used but I am sure you probably want to ask some questions about it before we go to the member for Bancroft.

Ms BOLTON: At the last hearing I raised single integrated permission for tourism activities. You have mentioned checks and balances. The question that I asked is: how will these checks and balances apply, especially when sectors are oversubscribed already and the impacts are being felt so how is that going to be managed? As SCEC would be aware, we have continued to struggle with smoothing out the volume within the Cooloola Recreation Area. Besides the types of things that we have endeavoured to do, when you talk about those checks and balances or the assessment of them can you give an example that would not result in any further detrimental impacts that have not been able to be resolved?

Ms McCarthy: It would appear from reading this draft bill that those checks and balances would be even less than they are now. I certainly commend the work that has been done to date and having working groups and addressing some of the issues, particularly in the Cooloola Recreation Area as well. It still has not alleviated that pressure of the overvisitation and the accessibility of that particular location. This bill, in our reading of it, would not actually help address those impacts. Indeed, it could actually make it even more of a broader scope as well. It would come down to the levers that are in other instruments and other policies to actually try to manage and smooth out and cope with the volume of visitation and the impacts there as well.

To date the government has not accepted and necessarily fully considered the idea of addressing the smoothing out, particularly when there have been recommendations around sustainable visitor carrying capacities of our particular areas. Bribie Island is one of those and K'gari and also Cooloola Recreation Area. There were some recommendations from a number of years ago that actually looked at the impacts of the overvisitation and how some of these measures could be introduced to help alleviate it. One of those was looking at sustainable visitor numbers. It is still about equity but it is also about sustainability. To date, those recommendations have not been entertained and that was even with the World Heritage committee saying that K'gari is under extreme pressure and that is something that should be considered.

With this single integrated permit system, our fear would be that there is even less oversight and accountability. Even for the department to actually manage the number of visitations, they have a way of doing it now for free and independent travellers, for example, but not necessarily for tourism operators as well. For example you could—simplifying the process—register one tour, if you like. This is for FITs as well, potentially. If they are looking at the actual reporting of permits or applications for permits, it does not actually pick up the number of people. It might be one vehicle, but it could be eight people, for example so it is just extrapolating that out. It is those sorts of things where you can actually get a better and more fulsome understanding of the number of people, the types of behaviours, how long they are staying, what they are doing whilst they are there and what the condition of that particular area is, knowing that it is already under pressure.

CHAIR: We will keep moving along because we are nearly out of time.

Ms McCarthy: Understood.

Dr O'SHEA: If the ERA codes do go ahead, can you explain the importance of registration with the state body and the keeping up of a publicly available register for communities in the area?

Ms McCarthy: It is extremely important that there is accessibility and visibility of that. Not everyone understands or is aware that these portals are available. I note that with the environmental authorities, for example, it took many years and many submissions and advocacy to actually have that portal up and running and have it more publicly available and accessible. With the ERA for a permit, most certainly it needs to be in real time as far as possible with the details of the permit, the bona fides and credentials of the operator and also the period and the type of activity. That should be much more visible and publicly available so people understand what is happening in their area. These places are loved by many people as well.

Dr O'SHEA: In terms of the cumulative impact of the different activities, how do you think that could be best monitored?

Ms McCarthy: By keeping the profile of an operator and the full picture of activities and operators within a given area as well. That would be either a permit system, again not streamlining unnecessarily and having that full accountability so it could actually be accessed and you can go, 'That is what they are doing here, this is what they are doing there and this is who is doing it.' Again, having an equitable and sustainable fee: currently, the caps are of a value that I appreciate are not unnecessarily a burden on operators, but look at the fees for going into our protected areas and what they actually gain. Cumulative impacts are really important to be able to understand on the ground but also through the aggregation of the permits and the operators and the frequency and the volume at any given time and in any given area.

CHAIR: Thank you. We are way over time.

Ms McCarthy: May I make one closing point? We do have concerns around some of the secondary instruments and some of the things that are going into regulation rather than being embedded in legislation. We know how—

CHAIR: Can you give a specific example?

Ms McCarthy: It would be the Planning Regulation 2017. Regulations can be changed by Governor in Council and there is no real consultation on it, but they do have far-reaching effects in their implementation on the ground. There is development assessment either for councils or for the State Assessment and Referral Agency. There was a recent amendment to Planning Regulation 2017, which became 2025, that directly goes to tourism and recreation activities, specifically in South-East Queensland and that is in the regional interurban break. That is in the rural landscape and rural production area as well. That regulation had a direct impact on development applications that had been called in, I would say contentiously, by the Deputy Premier for so-called tourism operations in Coochin Creek on a Ramsar wetland at Pumicestone Passage. Those regulations were changed while the decision-making period was still open and submissions were still open. Key points in those submissions and in SARA's recommendations for refusal relate to the Comiskey Group's tourist park and then the music festival is still with the Deputy Premier. They directly changed the very provisions that SARA had in their recommended refusal—

CHAIR: I think we are straying a little and we are out of time.

Ms McCarthy: I understand.

CHAIR: I think you have made your point. Thank you.

PARRATT, Mr Nigel, Water Policy Officer, Queensland Conservation Council

SILCOCK, Ms Clare, Energy Strategist, Queensland Conservation Council

CHAIR: I now welcome representatives from the Queensland Conservation Council. Would you like to make a brief opening statement before we ask questions?

Ms Silcock: Thanks for the opportunity to present. I would also like to acknowledge the Aboriginal owners of the land on which we meet, the Yagara and Turrbal people, and also the many nations whose unceded land the activities that we are talking about today will happen on.

The Queensland Conservation Council has 60 member groups across the state and thousands of individual members working to try to make the Environmental Protection Act live up to its primary purpose, to protect Queensland's environment while allowing for ecologically sustainable development. I want to note that this has not been achieved yet. In Queensland we are still a deforestation hotspot. We have huge rates of land clearing, which is resulting in an ever-rising number of threatened species listed.

We welcome some parts of this bill, particularly additional powers for conservation officers and additional powers under the Water Act for landholders to protect their water. However, we are concerned that parts of this bill go too far towards facilitating development rather than protecting the environment. We have talked a lot this morning about the code management framework for environmentally relevant activities. We also are concerned that this will reduce oversight and compliance and make it harder for both the community and the department to uphold the environmental standards. We believe that the current system already has enough streamlining for lower risk activities and that the public notification and discretion of the decision-maker does not need to be extended. As well, we would strongly recommend a public register of activities if a code management framework is progressed.

We also want to raise our concerns around the removal of public interest tests from the progressive rehabilitation and closure plans for mines, particularly where mines promote non-use management areas. The rate of rehabilitation of mines in Queensland is already very low and non-use management areas or active voids are a costly liability for Queensland. The public interest test is an important impartial check on not allowing more of these to occur, particularly across areas like the Bowen Basin where there is a lot of cumulative impact of those voids. We also do not support the removal of the three-year audit for rehabilitated mines.

As other submitters have said, we would like to retain the public notification terms for draft terms of reference on environmental impact statements to allow further engagement with communities and make sure that projects are addressing the complexities of the individual environment as those processes go ahead. Our colleagues from SCEC and Wildlife Queensland will talk more about the tourism aspects, but we are concerned that the legislation does allow for activities for up to 15 years, which is too long to allow for reactive management. There needs to be greater clarity on the types of protected areas and how tourism operators will be managed within those.

Nigel will make some comments particularly on chapter 3 of the Water Act.

Mr Parratt: Broadly, we support all of the amendments proposed in the bill to chapter 3 of the Water Act with the exception of the proposal to increase the reporting timeframe from three years to five years. I note from reading many of the submissions on the bill for this inquiry that other submitters have similar issues. The main concern is that, by extending the reporting period for underground water impact reports, there is a high risk that emerging issues that are coming up do not get addressed immediately. An example of that, which I want to mention, is what has happened with land subsidence as a result of coal seam gas extraction on the Darling Downs. That is a completely and utterly unforeseen consequence of coal seam gas extraction. If we were in that five-year reporting period framework, as suggested in the bill, we would not have the action that is being implemented now as a result of that issue.

CHAIR: Can I ask you about that particular point? Is that in relation to coal seam gas wells that have been developed recently or ones that were developed probably pre 2015, I think, when the coal seam gas commission came into being? I am curious whether they are really old ones that were loosely regulated in the past and not well established or are they ones that have been developed in, say, the past five or six years?

Mr Parratt: I do not know exactly but I would suspect that it is to do with both historical and current coal seam gas activities. That only came to light as a significant issue that is affecting landholders within the past five to seven years. That is my understanding.

CHAIR: Would you be happy to take that as a question on notice?

Mr Parratt: Sure.

CHAIR: I am curious because I know that, when the coal seam gas commission was established, along with it we established some of the toughest regulations probably in the world around the implementation and the relationship between farmers' rights. There has been a lot of changes. Anyway, I am straying. I will let you continue.

Mr Parratt: With the results or the consequences of coal seam gas activities, the land subsidence issue was completely unforeseen. When coal seam gas first started on the Darling Downs, we had no idea that land subsidence could result as a result of those activities. Once again, coming back to this proposal to increase the reporting period of underground water impact reports, you would then not be able to, I suppose, react more readily to emerging issues if you are in that extended reporting timeframe. Certainly for the conservation sector, we very much rely on the information that is provided in those underground water impact reports, both for cumulative management areas—and you would be aware that there is only one of those currently in Queensland, which is the Surat Basin—plus the individual underground water impact reports that mining and other gas activities in other parts of the state are required to provide the government. That is like a data checkpoint for us. If we cannot get that data on as regular a basis as we currently do, that leaves a big delay factor there.

It is important for the conservation sector to be able to access that information to getter a better understanding of whether the impacts to groundwater from coal seam gas activities and now mining are being adequately mitigated as a result of all of the other requirements under chapter 3. If we push that back to five years, we would probably be in a situation where things would happen and, by the time we got around to reporting on it, it may have got to a point where those impacts that have occurred—those emerging impacts—are irreversible, for example. There is a significant risk of adverse impacts occurring as a result of extending that reporting period.

Mr WHITING: In your opening statement you talked about the issue of the code managed ERAs, less oversight and less transparency. We have heard about the need for a public register of code managed ERAs. That is really important for local communities. I note your point that there have been some recent cases of CSG projects leading to subsidence. Hence, you have to have that shorter timeframe to check to see what is going on. I also liked that you talked about the removal of public interest tests. Last year, with the passing of the planning bill, if a mining operation has an energy project like a wind or a battery project then they need to undergo a social benefit assessment and a public interest test to operate that. However, you do not have that same level of public interest test for a mining operation under the ground. That is the scenario we are facing with the current regime; is that not so?

Ms Silcock: We are very concerned that removing the public interest test would remove the impartial checks from the management of particularly non-use management areas. Active voids are still being proposed and approved in Queensland so there is still a growing number of active voids. We are concerned that removing this independent public interest test and putting it within the existing regulation of the department could lead to regulatory capture and less public interest considerations, especially given that the rehabilitation of mines in Queensland is at a very low rate at the moment and is not progressing in the public interest in our view.

Mr WHITING: It is not a big ask to ask for that public interest test because it has been applied to other parts of other developments in these areas as well. Obviously we will get back to the code managed ERAs and giving people less oversight and less transparency because the company itself or their consultants decide what meets the code. There is no public input, no appeal and no-one in the public can make a submission to that. It is the company themselves or their consultants that decide if they meet the criteria; do I have that right?

Mr Parratt: It appears to be so, from our understanding of the proposals. The other issue with the proposed ERA codes is that, from my understanding, there will be public consultation on establishing those codes but nowhere in the bill have I seen a clear definition of what is actually going to be a low-risk activity.

Mr WHITING: I think that is the key here because it is saying, 'Trust us, we will establish this in the future and we will decide what is low risk and what is not.'

Mr Parratt: Yes. The other issue for me personally is that, once the ERA codes are established, there does not seem to be any process thus far for a review of whether those ERA codes are actually fit for purpose. For us to feel really comfortable with the introduction of ERA codes, we would like to see a statutory review period once those ERA codes have been introduced to essentially check that they are fit for purpose and that there are no unintended environmental impacts occurring as a result of the introduction of those ERA codes. Currently, the bill does not have anything like that in it. I suppose it is a bit of a red flag for us in that the threshold to determine what a low-risk activity is could change over time. That could be subject to lobbying from proponents of particular projects. That statutory bar or threshold could move.

Mr WHITING: So we need to see the codes. We have no idea what those codes contain, what the timeframes are and what is going to define low risk. There should also be a time for statutory review of those.

Mr Parratt: Correct.

Ms BOLTON: I want to go quickly to the single integrated permits for tourism. I have heard previously that we have four different areas covered and DETSI confirms that decisions will be delegated down to permit officers. I am seeking an example of how this could have unintended consequences in terms of impacts to areas because, looking at it at the moment, if that is what is occurring then the same assessments would occur with the permit officers. How do you see it?

Ms Silcock: I am not across the detail of how that would be regulated with the permit officers. Our concern is that, across the different tenure classes and different types of protected areas, if there is a single integrated decision it will not remove any existing protections on the areas that are currently differently defined and protected. The bill should ensure that any requirements to consider factors under each of the relevant acts—like the Nature Conservation Act, the Recreation Areas Management Act, marine parks, forestry et cetera—are all maintained in a single integrated framework.

CHAIR: We have only a few minutes so please be brief.

Dr O'SHEA: We have been talking about the establishment of a public register. What kind of information do you think should be included in that register to make it workable, make it transparent and make it relevant?

Ms Silcock: I think our main concern there is around the transparency and the accessibility of it. Having clearly understandable timeframes, types of activities and potential impacts of those activities across the ERAs is what we would think is important.

Mr LEE: On integrated permits, from a Hervey Bay perspective a lot of local marine operators are very keen to get access to the island. You raised concerns that the bill does not draft sufficiently concerns about nature protection when granting the permits. I am interested in your views about what sort of things should be considered when granting such a permit for operators and marine operators particularly?

Ms Silcock: As in response to Sandy Bolton's question, making sure that the integrated permits consider all the factors that are currently considered under the different bills. For the Marine Parks Act and the Nature Conservation Act, for example, making sure that any single integrated permit does not weaken any environmental protection for those areas.

CHAIR: In the interests of time, we are pretty much done. Did you want to make a final comment?

Mr Parratt: In regard to the proposal to extend the reporting period for underground water impact reports, there is already an existing provision under section 370 of the Water Act that enables the chief executive to extend individual underground water impact reports. If that particular provision stays in the act and we move to a five-year reporting framework, as suggested in the bill, technically and in theory we could see a particular underground water impact report extended way past the five-year period. That is a bit of a risk, I suppose, in that if we are going to introduce or change the reporting period then we would have to go back and look at other aspects of the Water Act to make sure that there is no get-out-of-jail cards or loopholes. That has not been done yet, in my opinion.

CHAIR: It would be interesting to know if there are any specific cases that you could reference where there have been groundwater concerns in the past, under the current three-year provisions.

Mr Parratt: Okay.

CHAIR: Otherwise, it is a hypothetical discussion.

Mr Parratt: Sure.

CHAIR: Thank you. We are going to adjourn for 20 minutes. We will resume at 11.20 am. Thank you for joining us today.

Proceedings suspended from 10.59 am to 11.22 am.

BYRNE, Mr Graham, President, North Queensland Miners Association (via videoconference)

CHAIR: I now welcome Mr Graham Byrne. Would you like to make a brief opening statement?

Mr Byrne: Yes, I have something prepared. It will take only a couple of minutes. Good morning. I am the President of the North Queensland Miners Association. This is my third year as president. I am a foundation member of this organisation which was formed in 1985. During this time, I have always been involved in the management committee.

NQMA is a volunteer, not-for-profit organisation. Our aim is to represent full-time miners, prospectors, exploration and related industry providers. Our membership of approximately 100 is comprised mainly of individuals, partnerships or small companies that are actively mining. We now have 10 corporate members whose exploration for gold and critical minerals ramps up in North Queensland.

The area NQMA represents ranges from Townsville and Charters Towers north to the tip of Cape York and west to Cloncurry and the Mount Isa district. In the past, members were mainly tin or gold miners, but now with the worldwide metal shortage a much more diverse range of minerals are being sought. These include antimony, copper, tungsten, tin and the platinum family to name a few.

NQMA is associated Queensland-wide in the mining industry by its membership with other industry bodies. We are one of the five mining groups that make up the Queensland Small Miners Council. Together, the five organisations represent over 4,500 claim or leaseholders in Queensland. For a number of years, NQMA has also been an associate member of AMEC, the Association of Mining and Exploration Companies, representing over 500 member companies Australia-wide. Using our own resources or working with QMC or AMEC, NQMA lobbies relevant government departments on any of the problems facing our membership. At our general meetings held in Mareeba, representatives of mines, safety and EPA often attend to update members on current or pending legislation. This gives NQMA the opportunity and chance to discuss or voice any concerns we may have.

Finally, today's discussion will look at the changes to the ERA affecting small miners. Small miners are claim holders. A query to the small miners in Emerald informed me that we currently have 27 current and four claim applications in our NQMA area. Quite a few of our members also have small-scale mining EPMs which are four blocks or less.

CHAIR: Could you talk us through the substantive difference between a small-scale activity conducted under a mining claim and those activities conducted under a mining lease?

Mr Byrne: That was one of the things I put in our submission. 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.

CHAIR: Further to that, if you go out to Rubyvale, for example, are the miners out there operating on leases or on small-scale activities or would there be a mixture of both?

Mr Byrne: A mixture of both. I often talk to Kev Phillips, the Secretary of the Queensland Small Miners Council. There are some claims that are only 30 by 30 metres, which is 900 square metres. Then there are prescribed claims which can be up to 20 hectares. The small mining hub told me that the difference is that you can have machinery mining on those. Quite a lot of the bigger opal or gem miners are working on mining leases, just like our members.

CHAIR: So there would be larger scale operators?

Mr Byrne: I do not think there are all that many. I was surprised to find out not that long ago that there were only five fairly big scale sapphire miners. A lot of the others come up during the winter. I think they follow the weather and do a bit of mining and fossicking and hope to get a few nice stones.

CHAIR: When you say North Queensland miners, what is the boundary? How far south do you come?

Mr Byrne: Around Charters Towers and Townsville—that line there. We have one or two members a little further south than that. We go out to Cloncurry and then right up to the tip of the cape. We have no-one right at the tip of the cape. You are getting up into the Weipa area there. We have members in Coen and north of Coen. We have a very large area and we pretty well represent the majority of miners or people who are putting plans together to get mining.

Dr O'SHEA: Thank you for joining us today and thank you for your submission. Can you explain what average amount of surety a small-scale miner would be providing at the moment?

Mr Byrne: That depends on the size of the lease and what you are actually doing with it. We have a variety of leases. We have one of the only hard rock mills in our area. There are only two that are active—ours and another one that we used to own. With hard rock you do not have as big a footprint with the mine or milling area because you do not have as many hectares open that you have paid surety on for your FA. Some of the big alluvial leases might have up to 10 hectares open at any one time that has not been rehabbed. Rehab is worked out on your open area by the amount the government says it is going to cost to rehabilitate one hectare.

Dr O'SHEA: With this bill, if the requirement for surety was removed where would that potential risk for rehabilitation of the land lie then, if it is not with the surety being provided by the miner?

Mr Byrne: I do not think there would be much of a risk to government at all. In our area, of the hundreds of leases, I do not know of one area owned by individuals, partnerships or small companies where the government has ever had to call on financial assurance to do any work. I definitely would not add ASX listed companies in there because, putting it bluntly, they are spending somebody else's money and some of them just walk off when things go pear shaped.

When I talked to the small miners hub only a few days ago I was told that some of those claims only have a couple of hundred dollars on them. In this day and age, that is about two bags of groceries so there is not much that could be done using that FA on those leases.

Dr O'SHEA: So they could range from a few hundred dollars to a number of thousands or hundreds of thousands?

Mr Byrne: We have one lease that has over $7,000 on it. It is quite an old lease with not a lot open on it. I think it is more likely about $12,000 to $15,000 on leases—that would be about the average.

Dr O'SHEA: Thank you very much.

CHAIR: Member for Noosa, do you have some questions?

Ms BOLTON: Yes, I do. Excuse my ignorance, I am going back to the claims versus the leases. I am trying to understand. Small-scale activities occur on both; is that correct?

Mr Byrne: Yes.

Ms BOLTON: What is the difference between the current legislation and how that is dealt with versus what is proposed?

Mr Byrne: The difference is, I think, that a lot of leaseholders like ourselves are kind of in a never land where we are called small miners, but we do not fit what the act says. With the claims versus leases, you start with people on a 30 by 30 metre claim—some of them working by hand on the surface or they might have a shaft down a few metres—doing a little bit of cleaning up. We only use a Willoughby, which is a screed and a bucket of water. That compares to our members and myself where we have a full blown hard rock mill—ball mill, crushing circuit, tailings dam—everything is on concrete and covered. There is an alluvial plant right beside it where we can either work hard rock or alluvial. Our family investment is probably a minimum of $6 or $7 million. We have dump trucks and three excavators—you name it—and we are still called small miners but we do not fit the requirements of being a small miner. A small miner is somebody on a claim when you read the act.

Ms BOLTON: So a small miner would not have a high-risk activity? Does it equate that a small miner would be low risk or can they be either/or?

Mr Byrne: That gets back to the EA. If you have a standard EA, an environmental authority, that means you are small risk. If you move up the scale—much bigger scale than ourselves and a lot of my friends—then you would have to have an EA that has a lot of conditions on it, which is not a standard one. NQMA's position is that we should be added to the small miner pile. The way they describe a small miner in the act is under 20 people on site or whether you work under a standard EA.

Ms BOLTON: Does it have anything to do with the size of a site? For example, you mentioned 20 hectares. Does that have any relevance to whether you are a small miner or not?

Mr Byrne: Not really. Our family probably has over 100 hectares in five leases. It is the amount of disturbance that you have made and your working area. You allow for the size of your camp, your mill and your tailings dam and water dam. That is what you base your financial assurance on. If you are a neat and tidy operator, you can have a fairly big site with not all that big a footprint.

Ms BOLTON: Thank you for that. I really appreciate that.

Mr LEE: The department has suggested that other small-scale mining activities conducted under a mining lease may be considered for code ERA regulations in the future. Is that something you would support?

Mr Byrne: Absolutely. It is terrific to hear that. It is something we have been trying to get for years. When you try to work out one of these financial assurances, which everyone used to call a bond, you have to get third party quotes. People hate giving you the quotes because they know they will never see you again. It is a bit academic because nobody has ever been called upon to do any remedial work on any of the leases in the north that are privately owned. Once again, I will exclude ASX companies as it is someone else's money. We would be 100 per cent behind that. We can prove with our past record that our risk is very low. To make it fairer on everybody, if you just come into the industry perhaps there should be a few checks and balances.

A lot of us have been in it for generations. For our family, this year is 120 years of continuous mining. I know lots of other families that are much the same. If you get somebody who comes in and is not sure of the processes they probably need to earn the right to have no financial assurance. It used to be the case years ago where you had a sliding scale of categories from five down to one. Five was a new person coming into the industry. We had a large mine at the time, with a decline, mill and God knows what else there and we ended up being only one of two in Queensland that had a category 2. It is just from being a good operator with a neat and tidy site and being compliant when you have inspections.

Mr LEE: We spoke earlier about holding surety. You mentioned that for some small-scale operators it might only be a couple of hundred dollars and would vary depending on the size of your operation. I am looking for a bit of clarity around paragraph 2 in your submission. At the last line you state—

The holding of Surety is a substantial burden on the lease holder.

Can you expand on that to help my understanding?

Mr Byrne: Most operators have to have reserve leases, especially for alluvial miners, because when you finish the lease you are on, do your rehab and move onto another lease that lease that you have just finished you have to hold on to and pay rent and rates and everything else on for another couple of years while you grass regrows and you get trees back on it and you make sure there are no washouts after the wet. You then move to your next lease. If you have multiple leases, you have sureties on the whole lot of them. When you add the whole lot up it amounts to quite a lot of money that would be way better off put into your new plant and equipment—back into your project.

CHAIR: Thank you for joining us today.

Mr Byrne: No worries. Thank you for giving me the opportunity to put our ideas forward. Once again, if the EP Act that you are proposing to change now comes across to the mining leases, you will get nothing but support from the NQMA.

CHAIR: Thank you.

DICKSON, Ms Kate, Queensland Director, Association of Mining and Exploration Companies

WARDEN, Ms Amy, Queensland Policy Manager, Association of Mining and Exploration Companies (via videoconference)

CHAIR: I now welcome representatives from the Association of Mining and Exploration Companies. Would you like to make an opening statement?

Ms Dickson: Good morning, committee members. The Association of Mining and Exploration Companies is a national industry body representing nearly 550 mineral exploration and mining companies across Australia, with almost 80 of them having operations primarily based in Queensland. Our members are mineral explorers, emerging miners, producers and a wide range of supporting businesses that work in and for the industry. AMEC Queensland members explore for and develop and produce minerals including bauxite, copper, graphite, mineral sands, phosphate, rare earths, tungsten, uranium, vanadium and zinc. In addition to AMEC's original submission on 17 October last year, we also provided the committee with an additional submission on 9 December.

We remain focused on the key elements of the proposed reform. While changes made in response to feedback have generally improved the proposals, some items remain unsupported. Our positions of support and concern are set out in our submission. Many proposed changes are broadly supported by industry and AMEC members because they reduce the administrative burden and clarify complex aspects of the legislation, particularly since the introduction of the MERFP Act in 2018.

Key items of concern include the increased criminal penalties in the EP Act. AMEC also has concerns about the amendment to section 4 of the EP Act introducing the concept of significant environmental values. The federal EPBC reforms also introduce the term 'significant', and this will add confusion and complexity to the process if there is not alignment between the state and federal governments.

AMEC's key items we support are the mandatory codes as an alternative to the EAs for low-risk activities, identifying state priorities for environmental protection through the SEPPs. The investigation process is still being developed. AMEC does not support the flawed mapping systems and retroactive application of SEPPs or unclear mapping profiles. We support assistance to EA holders transitioning to the progressive rehabilitation and closure plan framework under the EP Act and we also support the new category for transitional applications for the PRCP schedules.

We appreciate the opportunity to address you today and welcome your questions.

Ms DOOLEY: Thanks for your submission and for your time here this morning. In your submission you do not outline any additional activities within the resources sector that could be appropriate for regulation through ERAs. This may be a question on notice. Are there other activities that you think should be included as ERAs?

Ms Dickson: As environmentally relevant activities?

Ms DOOLEY: Yes.

Ms Dickson: No.

Ms DOOLEY: You also note concerns—and this has been raised by others—about the clarity of what is a low-risk activity. Could you suggest what needs to be included to make that clearer?

Ms Dickson: Particularly after hearing Graham, the previous witness, and the lack of clarity around what a small mine is under the Mineral Resources Act under the Environmental Protection Act, there seems to be some mismatch there. Under the Environmental Protection Act, it is around the disturbance activity. Under the Mineral Resources Act, it depends on the type of mining lease you have. Our submission said that we wanted exploration activities to be considered low risk. It was not a concern. We wanted to make sure that exploration was included as a low-risk activity. That means exploration drilling.

Dr O'SHEA: Thank you for coming in and also for your extensive submission. It is great. The bill supports the period for an underground water impact report moving from three to five years. Were you consulted about that going into the bill?

Ms Dickson: We were and that is an Amy answer.

Ms Warden: Part of what we put through with regard to water was—and it was similar to some of the other elements—that we thought it may be quite a large amendment package to try to unpack in one simple change. Some of the issues that we highlighted around water were that when you consider everything that is captured under the Water Act, especially the multiple use agreements and the multiple use rights and access to water resources, our thoughts were that it was too far reaching to achieve possibly what the intent and purposes were. We set that out in our original submission quite extensively and provided examples of where we thought that this might not work in this round of amendments and some of our suggestions on how that could be better structured.

Dr O'SHEA: We have heard this morning of concerns that moving from three to five years might miss problems that arise that if they are not addressed earlier on might become irremediable. How do you feel if that applies?

Ms Warden: 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.

Dr O'SHEA: What you are saying is that what is included in this bill from going from three to five years in the reporting will not actually affect the current level of monitoring of the water quality. Is that correct?

Ms Warden: Yes, they are two different things. Groundwater monitoring in Queensland is heavily legislated. Guidance material exists. Outside of maybe air quality it is probably one of the most significantly regulated aspects within environmental requirements. Reporting is separate to monitoring. Listening to some of the other concerns, I think there is a clear delineation between those two key points. What is adequate in monitoring—and monitoring is your lead indicator and your actual action of activity that allows you to monitor the environmental value against the baseline standard for change—does not change. The obligations that we saw in the last round of the EP Act for reporting against change or impact are very clear. Reporting is separate. Preparing a baseline report or putting a report together every three to five years is just consolidating what you have observed over that period of monitoring. It does not change an obligation if something has changed that system. That is still very much enshrined in legislation.

Dr O'SHEA: Are the monitoring results publicly available?

Ms Warden: Yes, they are. There are a few different structures that the department have employed over time. This does really speak to the history of different activities across the state. Depending on when an activity commenced and when it gained its first approval, there may be slight variances, especially from 2016 and 2017 onwards. We have seen a few different reiterations of approval processes for activities that may or potentially have an impact on groundwater systems. That being said, the intent is still the same—you have to provide continuous monitoring against a baseline and if there is a variance from that baseline then you have an obligation to report against that, irrespective of other reporting requirements because it is a change in baseline.

Mr LEE: You raised concerns, I understand, about the proposed risk management structure. Is that correct?

Ms Warden: Yes. This is something that historically the department developed and they did a two-year program around developing a risk profile—a risk matrix, detailed risk profiles for different activities under different pieces of legislation and licencing and approval in Queensland. Everyone within the resource sector was very vocal about highlighting how (a) quickly that can become outdated and (b) it did not have the maturity or the background data or statistics that every other risk profile system has. We stepped those out quite clearly saying that there is an Australian standard for this. We have very deep requirements and legislation around safety and risk, especially in mining and resources. We stepped out the different acts which govern those risk profiles.

Our recommendation was to lean on those existing frameworks and structure for safety and risk control in Queensland, as pretty much everything that is regulated or co-regulated under the safety framework is normally co-regulated under either an ERA or an EA, especially in the resource sector, and to not duplicate additional risk profiles that create conflict. The example we give is if you have a risk profile that says, 'Certain activities will not be performed because they present a risk to human life,' how do you then weigh that certain activity against an environmental risk? Rather than create conflict, lean on the existing profiles and how they develop their risk matrix and risk statistics and use the existing frameworks to build a robust system

Mr LEE: What might that existing framework be?

Ms Warden: We have listed the Australian standard for risk management. It already exists. It is highly used. Then we said to take that and you can also apply the ISO standards, which is a similar framework again to profile risk. From there, looking at either the mineral resources, the Commonwealth health and safety act or the health and safety acts in Queensland, all work on how you can develop risk profiles which include developing realistic statistic data which is based on actual events. That is the slight difference. You cannot logically—and all good academics—say you can develop a robust risk profile if you cannot baseline it against actual events. Otherwise you are saying, 'Did this event happen in the last five years, the last 10 years, the last 20 years?' If there has never been an event then the risk profile may be slightly lower, but it allows you to say, 'Well, the structure and metrics of safety controls are strong and they should be what remains.' Then you leap forward off that baseline to create an appropriate risk profile.

Mr LEE: I take it that the risk system you are talking about is ISO 31000. Is that correct?

Ms Warden: Yes.

Ms BOLTON: Kate, you mentioned in regard to significant environmental values that the term 'significant' can be confusing between state and federal legislation. Is that correct?

Ms Dickson: Yes, I said it was confusing because the definitions under the state and federal legislation might be different in the future. There may be some confusion about the application of that terminology under the different levels of government legislation. Introducing another significant environmental value or another term of 'significant environmental value' may be confusing.

Ms BOLTON: I have another quick one for Amy. You mentioned the baseline prior to 2017. Can you explain whether that baseline can be vastly different to baselines used after 2017 and what that impact is?

Ms Warden: Yes, so 2017 introduced the trigger for water to be federally assessable as an impact for certain projects. If it is just a state-based project, the Water Act 100 per cent still governs that the baseline has to be 24 minimum monitoring points to develop a groundwater model. That is the standard baseline. There is a lot of very good background data to say how that can be developed. Not every site has a groundwater monitoring bore, so you may have to access existing bores, historical data, other proponents' data, and so on and so forth. In 2017, they went forward and said that water is now not just a state interest but a federal interest, for which there was then another layer added for impact to groundwater systems for that reason.

Ms BOLTON: So anyone prior to 2017 does not have to adhere to those new federal—

Ms Warden: It is not that they will not. It is not a new federal standard. There was a national report on water and that national report said that we now carry an interest in groundwater systems. It was only that prior to that it had not been enshrined at the federal level if a project triggered requiring a state and a federal approval. It does not diminish the fact that you would still have to have an adequate baseline groundwater assessment to gauge whether an activity will or will not have an impact on a certain element.

CHAIR: We are out of time. Thank you for that.

KNUDSEN, Mr Keld, General Manager, States and Territories; Queensland Director, Australian Energy Producers

VENZ, Mr Mark, Director, Regulatory Resolve, Australian Energy Producers

CHAIR: For the benefit of Hansard, I want to acknowledge the arrival of the member for Logan, Mr Linus Power, who is subbing in for the member for Bancroft. For the committee's benefit, we have received a letter from the Leader of the Opposition requesting that he be allowed to do so. I now welcome representatives from the Australian Energy Producers. Would you like to make an opening statement?

Mr Knudsen: Thank you, Chair, and thank you to the committee for the opportunity to appear today. My name is Keld Knudsen. I am the Queensland Director for Australian Energy Producers. I am being joined today by Mark Venz, the Director of Regulatory Resolve. Mark is a subject matter expert. I would like to also pay my respects to Bidjara and Turrbal people whose land we are meeting on today.

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 and it directly relates to some of the issues that we have raised in our submission and that we will be covering today. We might need a bit more time to read through some of that material.

As I noted, Australian Energy Producers is the national peak body representing Australia's oil and gas industry including Queensland' natural gas sector. In Queensland our members operate long-life capital intensive projects that have been improved through rigorous environmental impact assessment processes including the Coordinator-General evaluations. We, as an association, advocate for regulatory frameworks that deliver strong environmental outcomes, while providing the certainty required to sustain investment, support jobs and regional investment.

The concerns we wish to raise today and in our submission relate specifically to the proposals in the bill to change the primary architecture of the legislation through the introduction of a new subset of environmental values. While the intent of the bill is to provide administrative efficiencies primarily through the ERA codes, the bill introduces new regulatory concepts—significant environmental values, or SEVs. These SEVs are intended to identify and prioritise matters of significance, but their introduction raises questions about clarity, scope and how they will be applied in practice over the existing approvals.

Most importantly for our members, 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. As other submitters, including Cement Concrete & Aggregates Australia, have explained in their submission, we see this as a change to the regulatory landscape. It also creates uncertainty about how those SEVs might relate or interact with other elements of the framework including environmentally sensitive areas and the associated buffers and rules and requirements that overlap with those. That uncertainty has raised concerns among our members about the ongoing integrity of their existing approvals.

To be clear, we are not asking the parliament to reverse the policy direction of the bill. We do support the intent of streamlining and rationalising the legislation. We are looking for the department and the government to give effect to its stated intention that these reforms are prospective by incorporating a provision that protects those existing approvals, the Coordinator-General approvals in particular. This will ensure that approved projects are provided certainty and not later constrained by the new concepts. This approach is not novel. We have seen it done. These certainty preserving provisions, these exemption provisions, have been adopted previously including under offsets for reforms introduced in 2014.

At this point we have spent a bit of time thinking about what a provision could look like, and we would be happy to table that today. We have not had it legally drafted, but it is our thoughts on how that might look. At this point we are happy to do that.

Before concluding, I would also like to acknowledge that AEP supports the minister and the government's objectives of improving the efficiency of the legislation. We recognise that this is probably part of an ongoing journey. We look forward to continuing to work with the minister, the department and the parliament to progress reforms. With that, Chair, I would be happy to take some questions.

Mr LEE: Thank you for that introduction. You welcome the changes to the legislation, as I understand it. I would be interested in some of the historical problems you have had with the previous legislation and how this new legislation is going to address that.

Mr Knudsen: I think the core to our comments was more about our concern about how these new requirements will overlap. We currently operate under significant approvals under the EISs but also through ongoing environmental authorities. We think that framework works. It is generally condition based and site specific. The additional layer of significant environmental values is where we are interested in where the intersect might occur.

Mr LEE: You have raised concerns about the significant environmental values. How could this legislation improve on addressing your concerns around that? What might that look like?

Mr Venz: We propose a grandfather clause in the legislation that recognises existing approvals both from the Coordinator-General and, more importantly, on those values which were assessed at the time when those assessments were made. Notably, the historic events, if you like, from the Coordinator-General projects, which were predominantly in the petroleum and gas fields, led to substantial assessment—EIS processes—over a significant period of time and identified what were known as a set of environmental values at the time and then approvals for the entirety of the project including the total number of wells but without the specificity of precisely where they were going to be placed. However, having said that, the evaluation was still conducted on the basis of a set of existing environmental values for the entirety of projects.

The department's requirement was that the environmental authorities would then be amended as more specific locational details were known as the industry progressed across their various tenures, which were over quite substantially large areas of land. Then, as those environmental authorities were assessed, the conditions were put in place and it could not be inconsistent with existing Coordinator-General conditions et cetera.

However, the situation that we have now is a scenario where there is potential for any number of different values which are unknown and unassessed. Despite the fact that there is approval for the entire gas field operation, there is potential for a new environmental value unknown to us at this particular point in time which may, in effect, make particular projects unviable. That comes to light when a proponent applies for one of these amendments for progressive impact across their entire tenure, when necessarily and compulsorily the assessment manager will need to take into consideration the new SEVs, whatever that may look like. This value set has the potential to be different to the value set which was originally assessed under the Coordinator-General project.

We propose a grandfathering clause which protects not only just the existing approval and the existing conditions but also the values that that was assessed by. This is not to say that the department would not assess on any new applications for environmental authorities. This would only relate to where the existing approvals are already in place and the specific location of where these are known. We do have a suggestion which we offered to table today by way of—

Mr POWER: Are you hoping to give us a copy of that?

Mr Knudsen: Yes.

CHAIR: That was going to be the next thing I was going to do. Are we are all happy to accept—

Mr POWER: We have not seen it yet. We can take a copy and then examine it.

CHAIR: We can take a copy and then we can deal with it procedurally.

Mr POWER: Do you have copies?

Mr Knudsen: We do. Alternatively, we are happy to send them through electronically as well if that is easier.

CHAIR: I think electronic copies are always appreciated by the secretariat and Hansard. That would be good.

Mr POWER: Obviously the industry wants to protect significant environmental values but, within the framework of the law, there may be an unanticipated and unknown meaning to that phrase that may evolve through legal processes. Does the energy industry have concerns about what novel interpretations significant environmental values may bring up and is that similar to what the Law Society brought up this morning?

Mr Knudsen: Our key concern is that we have only seen some limited information about what those SEVs could be and where they might be. They are not mapped. Until we have that information we cannot fully assess what that might be.

Mr POWER: So you have a proposed amendment which could effectively rip up previous agreements, but you would probably be concerned about that for the future as well.

Mr Venz: Our concern is definitely for the future in terms of what the potential of those environmental values could become through that regulatory process.

Mr POWER: The Law Society this morning described it as a novel concept. I note you have an acronym for it already—SEVs. That novelty in itself creates a level of uncertainty for the industry about both previous projects and future projects.

Mr Venz: Absolutely.

Mr POWER: You spoke about how an approval may be for a number of wells over a large area, but this particular SEV may create an ongoing trigger for a rupture to that approval process or an unknown in that approval process in future projects as well as the past ones?

Mr Venz: It is quite clear that for anything that is currently approved it would not affect the current approvals. It is triggered when a proponent would apply to amend their environmental authority for an expansion for the precise location of that particular infrastructure. That is when an amendment process will be triggered because the EA only gives partial approval to the total number approved under the Coordinator-General process. When the additional wells or the additional location of infrastructure is bedded down and well known, that then triggers an environmental authority amendment. We propose a grandfathering clause or a clause which protects that initial approval based on the environmental values that they have already been assessed under and are almost identically in place to this day, to protect those particular environmental values to ensure that they are only assessed against those environmental values to which they had made investment decisions based on.

CHAIR: Is there any objection to accepting this for tabling? Member for Noosa, you have not seen it. Are you fine with that?

Ms BOLTON: Yes.

CHAIR: So we do not need to go into a private session to deal with that. Thanks for that. Member for Noosa, do you have a question?

Ms BOLTON: Yes, I do. I want to go to what has just been discussed around grandfathering, understanding that over time environmental values do change in line with community expectation but also new learnings. We do have some historical EAs—and I am not referring to the energy sector but various sectors—that have some serious flaws that only an amendment to an EA could remedy. I understand what you are saying. To give surety you would need that grandfathering so that current projects would be reassessed under updated values, but you can understand that the other side of the coin is that communities feel that this is really essential. Could you give an example as to how the expectations of communities about environmental concerns can be addressed should grandfathering be in place and what avenues they would have?

Mr Venz: Yes, absolutely. You raise a point with respect to those potential future environmental values. The current system already takes care of that. By way of example, if you look at essential habitat which is a function of the existing value set, which is on the basis of some sort of rare and threatened species framework under the Nature Conservation Act, it protects those particular species or their habitat from various impacts. The systems are already in place to protect the ongoing nature of the changing component of the environment. That is known to the industry. For a species that becomes of more concern or becomes triggered under the Nature Conservation Act that process is already in place, but it is something that is known. If you like, it is a known unknown. However, we know about the structure, how it is protected and how it impacts the industry and we can manage for that. If a new species comes to bear that can be adjusted.

However, we are talking about something whereby there could be a future prescription of a brand new value, which at this stage is totally unknown. While there are some assurances from the department that they would be based on the existing framework, there is nothing to stop an additional value being brought into place, with all that uncertainty that brings to the industry.

CHAIR: We are close to the end of our time.

Dr O'SHEA: I go back to the underground water impact reports that we were talking about earlier in the day. You are supporting the move from three-year reporting to five-year reporting. Can you explain how the water quality reporting and monitoring will be held to the same standard as is happening at the moment?

Mr Knudsen: We did support the extension of the UWIRs to a five-year cycle with some important caveats that there was an opportunity, should new information be presented, for the UWIR to be brought forward. We saw the UWIR cycle as being five years as a maximum. The most recent UWIR is a good example. There were no surprises in that piece of work. It was understood. The modelling was largely in line with what we had seen in previous years. As we progress further through the field and that information is more well known we might to be able to extend that. As long as there is not some sudden need to do a UWIR that cycle could be brought forward.

One of the things that we are really keen to see is increased efficiency. They are not cheap. They are not small exercises. It takes the Office of Groundwater Impact Assessment a lot of work and effort to develop and produce them. This would free up the resources of the Office of Groundwater Impact Assessment to do other work and to focus on other areas. We think it should be driven by science rather than a strict schedule.

Dr O'SHEA: Would there still be annual monitoring of the water associated with mining sites?

Mr Knudsen: Absolutely, and the Office of Groundwater Impact Assessment does an annual report as well. There would be the existing tools and mechanisms in place. It is just the large, formal UWIR would potentially be on a longer cadence—five years at a maximum.

Mr LEE: I had a quick perusal of the department's response to your submission and in two locations they have said that existing projects and previously approved activities will not be subject to reassessment as a result of changes made by the amendment bill and significant environmental values will not be applied retrospectively to environmental authorities. It is mentioned in two locations. Hopefully that will give you some reassurance, but I certainly note your concerns about the grandfathering.

Mr POWER: That is not a question. Their point was where there might be future triggers where they nominate locations of wells or other changes that are not dealt with by that. They made reference to it.

Mr LEE: It is quite clear.

Mr POWER: It is not clear at all. Their evidence is that it is not clear.

Mr LEE: It is quite clear.

Mr Knudsen: We support the clarity in the document that that is the intent of the department not to apply it retrospectively. What we put forward today is a legislative provision that would give effect to that.

Mr LEE: As I have just said that is noted, member.

CHAIR: We will move on.

BALMAIN, Mrs Liza, Glendon Farming Co.

CHAIR: I welcome Mrs Liza Balmain. You have obviously brought the family with you for some support. Would you like to make a brief opening statement?

Mrs Balmain: Yes, I will make a brief one. I would like to thank the committee for inviting me here today. Just to give some background context, my husband and I and two children operate a multigenerational farming enterprise near Cecil Plains on the Darling Downs. The farm has been in my husband's family for over 100 years. We grow a variety of crops: wheat, barley, chickpeas, cotton, sorghum and mung beans. We are both dry land and irrigated farmers, sourcing our irrigation water from the Condamine alluvium, the north branch of the Condamine River and overland flow. We therefore have a very keen interest in the future integrity and sustainability of our region's water resources to enable our future generations to continue growing the food and fibre that we do so today with such pride as well as ensuring that the wider communities have access to the water resources that they do today and are able to grow and prosper.

We are understandably very concerned for the future integrity of our groundwater supplies in the face of impending coal seam gas extraction in our region. I have spent the last five years informing myself of the associated legislation and countless hours researching the potential impacts that we stand to face as coal seam gas expands across the Condamine alluvial flood plain.

I have engaged throughout this consultation process from June last year, focusing more recently on the changes to the Water Act, which are most pertinent to our situation. In the most part, the proposed changes to the Water Act are positive and much needed to ensure better transparency and accountability of the impacts to the groundwater resources and other environmental values caused by resource companies exercising their groundwater rights. The biggest contender by far being the onshore gas industry.

Examples of such positive changes being the inclusion of the baseline assessment plans into the groundwater impact report process. Up until now, such plans and their timetables have not been available to the public. This means that landholders and bore owners have been unable to ascertain if baseline assessments have been carried out by the required timeframes in accordance with the approved plans, despite this being a critical future insurance policy for said landholders and bore owners if impacts are to occur to their groundwater assets. Up until now, these plans have only been available through the right to information process at a cost and significant delay to affected stakeholders. This is a contravention of natural justice and creates an extremely unlevel playing field for agricultural stakeholders and regional community members.

I am also very pleased to see enhanced reporting and transparency when it comes to the make good framework, and particularly outcomes of make good agreements. Up until now, there has been no statutory reporting obligations on the make good outcomes other than the fact that they are completed, which has resulted in a lack of cumulative regulatory oversight of the outcomes, including the efficacy of outcomes and sustainability of alternative water sources being put in place. For example, when I inquired with the department of environment on the quantity of alternate water bores being drilled under the make good process and into what formations they struggled to obtain the data. This should be something that the regulator is consistently across, including whether impaired bores are being made good with alternate water supplies or ending up in financial compensation. It sadly appears most make good outcomes are resulting in financial compensation rather than the provision of long-term alternate water supplies.

However, what I am very strongly opposed to is the very last minute proposal in the bill for the extension of the underground water impact report cycle to five years from the current three years. This was not included or not mentioned at all in the consultation from June last year, which I heavily partook in. It has come out of left field completely. I would like to see better transparency of where this suggestion has come from—is it from one stakeholder or a variety of stakeholders. I understand from the submissions of the other agricultural stakeholders, as regards the agricultural sector, including the Queensland Farmers' Federation, Cotton Australia, AgForce and Central Downs Irrigators, that they are heavily opposed to this move to extend it to five years. The way such a major change has been done does not represent due process. It will have large ramifications for so many stakeholders and bore owners. There are thousands of bore owners across the Surat CMA.

The UWIR is a statutory reporting process and it is only through the UWIR that the management and identification of impacts and the obligation to responsible tenure holders can be assigned. Therefore, it is a critical process. It is very important that it is done in a decent timeframe of three years. It represents a reduction in information being made available to stakeholders, including farmers, bore owners, community members as well as the regulator itself. There is already provision under section 370 for the cycle to be extended if needed, which has just happened with the latest iteration of the underground water impact report by OGIA. The process is already in place. We do not see that there needs to be this formal extension to five years.

The process is also critical in that it provides the ongoing adaptive management impact assessment. There is a complementary process between the assessment under the Environmental Protection Act through environmental authorities and amendments to environmental authorities where when those are being applied for there are inherent uncertainties in the science or in the impacts at that time. There is a reliance on the UWIR process for the ongoing iteration of impact assessment and identification of impacts. If the true extent of the impacts are not known at the environmental authority assessment stage, you have that ability, that provision, in the UWIR process that changes can be made to the environmental authorities if needed through the identification of impacts on a cumulative basis and also subregional basis. We believe it is critical that it remains at three years.

If it were changed there are also potential ramifications at a federal level with the joint industry framework that has been signed between the CSG industry and the federal department of environment. It is based very strongly on that UWIR process. There may be implications there if it were extended to five years. I strongly believe that it needs to remain at three years. We have OGIA that is very well resourced and funded through the industry through the levy. I believe there is no reason it needs to be extended to five years.

CHAIR: Thank you, Mrs Balmain. We had heard statements from the Association of Mining and Exploration Companies, AMEC, earlier. One of the comments they made with respect to this was that there are already significant groundwater monitoring requirements in Queensland, they are heavily regulated and the process is fairly rigorous. What difference does it actually make? If there is a requirement for ongoing monitoring under their approvals of three yearly or five yearly reporting, from the way they presented it it seemed like it was like a progress update on their ongoing monitoring. How does it change the effectiveness of the ongoing monitoring?

Mrs Balmain: The underground water impact report is the statutory report so it can then assign the obligations to the responsible tenure holders whereas the annual reports do not do that. There is ongoing monitoring but it is the UWIR that then assigns the obligations on the tenure holders. It will identify in that three-year process any what they call 'immediately affected area' water bores that will be impaired, potentially, in that short term three years. It also identifies long-term affected area bores. Through that process, once the IAA short-term affected bores are identified that is when the obligations are triggered onto the responsible tenure holder.

CHAIR: Is there no public reporting of the ongoing monitoring from a statutory point of view? Is that the key difference?

Mrs Balmain: 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 assurity to landholders that things are going to be kicked into place.

Dr O'SHEA: I am trying to understand this. Moving from the three- to five-year time period, would there have to be changes to how OGIA operates in terms of things being picked up in their other monitoring so that they actually then would need to be triggered to look at the other bores that might be affected and also to check on those make goods?

Mrs Balmain: Yes. There would have to be a mechanism or provision put in place to ensure that that process would still continue if there was an identification of impacts.

Dr O'SHEA: But at the moment there is nothing like that in the bill?

Mrs Balmain: I think there is a provision where an addendum can be made to a UWIR, but it is quite rare. That had to happen this time round because of the extension from the standard three years to four years.

The other point to make is that our area on the Condamine alluvial flood plain—I do not know if you are aware of the area—is a huge agricultural area. It is one of the top producing agricultural areas of Queensland. We are facing an expansion of coal seam gas across that flood plain, coming from the west. We have great concerns in regards to the impacts to the Condamine Alluvium, which is a shallow groundwater source directly overlying the coal measures that they are targeting. There is a lot of evolving research and monitoring taking place. It is critical that that is able to be made available in the UWIR process in a timely manner. Also in our area we are very vulnerable to coal seam gas induced subsidence. I am not sure if you are aware of that process.

CHAIR: Actually, I wanted to ask you about that. One of the earlier submitters raised the issue as well. I think it was the Conservation Council. There have been significant changes in the legislation that managed the process, the requirements and all of that in the past decade. My question was: is subsidence occurring with older coal seam gas wells that were not regulated under the new legislation or are you seeing or hearing of subsidence under the current legislation with more recent wells?

Mrs Balmain: Just to clarify, unfortunately, at the moment there is no legislation managing the impacts of coal seam gas induced subsidence. The previous Labor government tried to introduce a subsidence management framework under the MEROLA Bill in 2024 but because of the opposition to the framework in its current form, from all sides—it was very rushed—the subsidence management framework was pulled from the MEROLA Bill and it was going to be embedded in the underground water impact report framework. Unfortunately, at the moment we are in a bit of limbo land.

CHAIR: I am glad you raised that because that is an interesting point. My question was: are you aware of newer wells that have been developed in recent times where there are issues with subsidence or are these much older wells? While I do not fully understand the process, I understand that the process for actually sinking these wells has changed significantly with the technology they use now.

Mrs Balmain: It is not so much the wells. All gas wells, because they are extracting from the subsurface water and gas, will cause subsidence. The issue is the topography of the land on which that subsidence occurs. If you are on undulating grazing country out at Roma, you are not going to have an issue as such. Where we live it is a very, very flat flood plain where drainage is critical to our crop production and to our irrigation and the application of water in our irrigation processes. If you suddenly start getting depressions in your consistent gradient where water is going to sit and lie when you have a rain event, your crops are going to sit in water and you cannot access that land with your machinery for a while because you are waiting for it to dry out. Also, bear in mind we have very rich clay soil which retains water. When you are trying to apply your irrigation water, the water is not going to flow down the furrows.

All gas wells, through the extraction process, will cause subsidence but not every area will have implications. Unfortunately, for our area it does have huge implications because of the flat flood plain that we are on. Under the UWIR process they have to report on impacts to all environmental values, which includes subsidence. We are at a very critical juncture, especially as we do not have any legislation in place at the moment to manage those impacts so it is very important that the three-year cycle remains so that we have a regular updating of the impacts and oversight of the coal seam gas induced subsidence.

Dr O'SHEA: As you said, there was already the provision there that it could be extended if needed.

Mrs Balmain: Yes.

Dr O'SHEA: You mentioned that it tends to be financial compensation rather than make good. Can you give us examples of where that has happened?

Mrs Balmain: At the moment there is no public reporting on it. It is only through my own requests for information from the department. I did see in the consultation draft of the UWIR 2025, the recent one, they reported that—I cannot remember the exact figures—out of 212 make-good agreements I think there were only about 36 that resulted in alternate water supplies. It was roughly 16 per cent. For such a semi-arid region as inland Queensland, which relies wholeheartedly on groundwater, especially in dry times, personally I do not see that that is sustainable going forward. Unfortunately, it looks like most make-good outcomes are resulting in financial compensation.

I did put in my submission as well that unfortunately landholders are very unsupported in that space. Basically, as an unsupported and unresourced farmer, you are up against a multinational gas company that is very well resourced. There is very little support in that space. That is why I would like to see a lot more support for landholders.

Ms BOLTON: I must say that this has been highly educational, thank you. I need some clarity regarding the difference between the three and five years. I understand water is life and any changes can obviously happen quite quickly and we need to understand what is occurring so it can be remedied. With the difference between the three years and five years, that extra two years, can I have an example of the types of things that could occur with that delay?

Mrs Balmain: I can speak from our area. For example, in our area we have a high density of water bores so it is very different to the existing extraction that has occurred to the west. For example, in the Condamine Alluvium we have over 3,000 water bores as well as critical water supply for towns like Dalby, Pittsworth and Millmerran. Dalby has a population of 13,000 people and is wholly reliant on the Condamine Alluvium for its water supplies. Having that ongoing monitoring and assessment of that particular water source—which is very vulnerable because it sits directly on top of the Walloon Coal Measures and we also have this major fault system that runs through the heart of the proposed coal seam gas area. We are already experiencing, through reading OGIA's other technical reports that sit outside of the UWIR, that there are significant concerns in regards to potential connectivity there. It is very critical that that monitoring and assessment is happening on a shorter timeframe so that any mitigation measures under the statutory obligatory process can be put in place if needed in that three-year timeframe as opposed to stretching it out to five years.

Ms BOLTON: And that obligatory constraint or provision is not available through the normal annual monitoring?

Mrs Balmain: As far as I understand, no. That may need to be clarified with the department or with OGIA.

CHAIR: We might seek some clarification on that. We are out of time and we do need to keep moving. Thank you so much. As the member for Noosa said, it has certainly been educational and has raised a few questions that I will be taking up with the department today as well.

Mrs Balmain: Thank you for your time.

TRACEY, Dr John, Chief Executive Officer, Wildlife Queensland

CHAIR: I now welcome Dr John Tracey. Thank you for joining us today. Would you like to make a brief opening statement?

Dr Tracey: Thanks for inviting me along. I am keen to make a statement. First, I would like to acknowledge the traditional owners on whose land we meet today. It is a pleasure to be here so I thank you for the opportunity.

Wildlife Queensland has worked for more than 60 years to protect Queensland's native wildlife and the habitats that sustain them alongside communities, farmers, landholders, traditional owners, industry and governments. We engage more than half a million Queenslanders each year and what we hear consistently is this: people care deeply about our wildlife and expect strong, fair stewardship of public land. We protect wildlife, we influence choices and we engage communities. Our focus is taking action for threatened species in particular. PlatypusWatch and environmental DNA, Queensland Glider Network, Brush-tailed Rock-wallaby Conservation Network, EchidnaWatch, Quoll Seekers Network and Richmond Birdwing Conservation Network are some examples of the on-ground action that we take to protect our unique and most vulnerable wildlife. We support ecotourism, we support streamlining of legislation, we support modernisation and we support reforms that genuinely improve efficiency. We are on board with that.

This bill matters because of how Queensland manages its public land. It will set the tone for biodiversity protection across the state. Queensland is facing a real and escalating extinction crisis. We now have more than 1,000 threatened species listed, with hundreds found nowhere else on earth. This loss is forever so there is a lot at stake. Government cannot do this alone. Success depends on trust, partnership and shared responsibility across public and private landscapes with industry, with government and with community. These public reserves, the state forests and timber reserves in many regions are the last remaining refuges, corridors and climate buffers for wildlife.

We support a lot of the comments that the Queensland Conservation Council and the Sunshine Coast Environment Council have made and they are outlined in our submission. I will not step through those one by one, but I want to focus on the principle behind them. This bill should improve efficiency without lowering the bar for environmental protection. The bill is complex. It creates a lot of uncertainty around what implications are going to be created. Clear rules up-front matter when safeguards are vague or discretionary. The result is cumulative habitat loss, loss of public trust, long-term costs for government and uncertainty for industry. That is not efficient for anyone. It is that clarity that I think we are seeking.

Strong environmental guardrails, by contrast, do provide that certainty. It takes out the element of risk for both industry and the community. They reduce conflict, support compliance and create conditions for genuine partnerships—the kind of partnerships Queensland needs if we are serious about threatened species recovery. Public land should lead by example with transparency, clear ecological thresholds, spatial clarity and protections for areas that matter most for science, water and wildlife.

We support economic growth. Economic growth, ecotourism and environmental protection are not competing goals; they are complementary if done well and reinforced. With the right amendments, as outlined in our submission, this bill can streamline decision-making while strengthening the credibility and durability of Queensland's environmental framework. We are committed to working constructively with the minister, with government and with industry to achieve that.

CHAIR: Thank you, Dr Tracey. We will move to questions.

Dr O'SHEA: Nice to see you again, Dr Tracey. What is your biggest concern with this bill?

Dr Tracey: The bill is complex. It creates uncertainty. For us there is uncertainty in terms of particularly moving away from risk-based environmental assessment. What is low risk? What does that mean? What is the cumulative impact of that low risk? How do we manage that? There is a blurred line and that relies on a lot of blind trust. A lack of clarity is not good for industry, but it is not good for the environment as well. It is uncertainty that is the biggest issue.

Ms BOLTON: In terms of the integrated permits, how do you understand a commercial activity in a national park or elsewhere is assessed at the moment?

Dr Tracey: I think that is the question that we are missing in this. What concerns me is that it appears to be a change to streamline the development of codes that will bypass the environmental risk-based assessment. That is the bit we are concerned about. What we recommend to overcome that is to be explicit—include the mandatory considerations for, first, deciding whether or not a permit should be issued and that the chief executive be satisfied that that activity will not have adverse impacts on the environment and then, two, requiring explicit language that any commercial activity must not adversely impact wildlife et cetera. You can be up-front and then it is more transparent and you are getting the result. I think this creation of codes and things takes that away. I do not think it is a lot to ask in terms of drafting that it explicitly includes those requirements up-front. That will make it clearer for everyone about what is required and what the impacts are.

Mr LEE: I refer to the transition from the previous legislation to the new legislation. How is low-risk activity currently classified? How is that identified? I want to better understand the change in terms of low-risk activities.

Dr Tracey: My understanding is that that there is not really much clarity around that, but what is in place is a more site specific risk-based assessment of that activity. The reason the concern around low risk is that you are moving to a code or a standard that is not site specific and does not have a specific look at the detailed situation and what the environmental impact of that activity is on that land. It relies on a standard or a code to tick that off and keep it moving. For us, it is less about the one-on-one activity, but it needs to be controlled at that level because the cumulative impact of that activity is what we are concerned about. There are lots of examples of where that is happening now with high visitation. You are getting high visitation in areas and that is a real concern long term. We need to make sure that we do not hamper the department from being able to properly manage that.

Mr LEE: Do you have any concerns about the powers that conservation officers will have under the legislation? You have not raised anything specifically in your submission, but I am interested in whether you are happy with that—the searches without warrants and so on?

Dr Tracey: It has not really come to our attention in terms of concerns. I think we are mostly concerned about decisions and the issuing of permits—where they are and what the impact is. It is how that is rolled out. It goes down to what level of decision-making is undertaken by various levels and what scrutiny is on that. My comment would be that it is down to the situation and what decisions are now going to be made at a more junior level that perhaps have longer term implications from that activity.

Mr POWER: You expressed in your submission a concern about reduced transparency. I suppose that is particularly in terms of something that is code assessable and assessed outside of a site specific risk-based assessment. Can you give us more detail about your concerns around transparency of the new processes?

Dr Tracey: I think the Queensland Conservation Council raised the point as well about a register that you can see. It is critical to be transparent about what is there and understand the broader environmental impact. It is a little about cumulative activity again. If we do not have visibility on what is being undertaken collectively it is difficult to work out what the longer term impacts of those activities are going to be.

Mr POWER: The legislation also speaks about known risks and risks that can be mitigated. Will there be transparency about what those known risks are, what the damaging impacts are going to be and what the mitigation will be? Will there be clarity about those?

Dr Tracey: We have concerns about that. That is the point, I guess. We have concerns about whether there is transparency around that.

CHAIR: Thanks for joining us today, Dr Tracey. We will keep moving in the interests of time. It has been a bit of a marathon morning.

MARLOW, Mr Kristian, Policy Advisor, Civil Contractors Federation

CHAIR: I now welcome Mr Kristian Marlow. Would you like to make an opening statement?

Mr Marlow: Yes, thank you, Chair. The Civil Contractors Federation Queensland represents the interests and enhanced prosperity of the civil construction industry in Queensland. CCF Queensland prides itself on being the voice of the civil construction industry and advocates for the interests of industry to all. Population growth, driving the need for new housing and transport, and the Brisbane 2032 Olympic and Paralympic Games have created a perfect storm in the civil construction industry in Queensland. These factors create an enormous impetus to ensure that Queensland's entire civil sector is as productive as possible in the coming years.

The best solution to these problems is multifaceted. A critical lever to achieving this goal is to have supply chains flourishing and approvals streamlined so that facilities and associated transport infrastructure are delivered on time and to a high standard. We note that the production of quarry materials is projected to be around 24 million tonnes per annum over the next three years in South-East Queensland. Over the same time, projected demand is forecast to be around 26 million tonnes per annum, with this two million tonne shortfall likely to have a significant impact on housing and infrastructure construction if not remedied. Given the demand for materials is accelerating and with the need to deliver Olympic infrastructure, without intervention this problem could become worse.

We note this bill is geared towards streamlining approvals for these activities. We hope for its quick passage through the parliament and we also hope there is a cultural shift driven in many ways by necessity to help ensure that we have the raw materials to build the infrastructure the state needs. We hope for further positive bills to drive productivity in the sector and also that a culture of sensible, pragmatic environmental protection continues in Queensland.

CHAIR: Thanks, Kristian. I will turn to the member for Redcliffe.

Ms DOOLEY: Good afternoon, Kristian. Congratulations on the new role.

Mr Marlow: Thank you, member for Redcliffe.

Ms DOOLEY: How do the current requirements of the EP Act impact on productivity?

Mr Marlow: They can be very long and they can be very litigious, particularly for small-scale operations where it probably is not necessary. We are hopeful that an ERA code comes out quickly. I was given the department's response to our submission before. That was given as an example of something that might be able to come online fairly quickly. That is a good example of a positive change in terms of productivity and to ensure that we can get more quarry materials, more aggregates and we can build more roads.

Ms DOOLEY: We have heard a lot about low-risk activities. In the construction industry, what type of low-risk activities would come under an ERA?

Mr Marlow: According to the department's response, low-level or small-scale quarrying is one of those. So we are very hopeful that that is one of the priorities and that that is sorted fairly quickly to get the rock and other raw materials that we need.

Ms DOOLEY: Excellent. Thank you.

Mr POWER: What scale would you anticipate is a small-scale quarry? What kind of tonnage would a small-scale quarry be?

Mr Marlow: That is really how long is a piece of string. I could not give you an accurate estimate. The thrust of our submission is that anything that makes any quarry production happen sooner than it otherwise would have is a positive thing.

Mr POWER: Having visited quarries, quarries can be quite different in their nature. Is there any difference between those that would be assessable in that way and those that are not?

Mr Marlow: Small scale is small scale and bigger quarries are bigger. I cannot get into the granular detail on that too much. We are pleased to see that there is a movement towards making it easier to produce quarry materials.

Mr POWER: Where there is a known risk and where there are contaminants in the rocks that are used for construction—particular quarries have different materials—at what level should they be code assessable and where should they not?

Mr Marlow: We are not the experts in that field. We are the users of the raw materials. We just know that there are insufficient raw materials at the moment. In terms of environmental controls, our members pride themselves on being extremely thorough with things like their supply chain management. Their environmental credentials are critically important. As an infrastructure builder, having good environmental credentials makes you very attractive to clients, be they local or state government. Our members invest an incredible amount of time in making sure they get those things right. For our members, clarity and specific, clear, measurable procedures to follow are what is most important. Our members will comply with what they are told to comply with. It is about making sure that what they are told to comply with is simple and reasonable.

Mr POWER: If we have a small-scale quarry that is right next to or on top of housing—and I note that there were a lot of issues on the Gold Coast with quarrying next to housing; I am not sure of the scale of those quarries—would those be code assessable?

Mr Marlow: I am aware of that Boral quarry proposal that I assume you are referencing.

Mr POWER: There are also historic ones.

Mr Marlow: Part of that is where SARA and the Planning Act comes in. Where you are talking about quarrying near housing that is probably more a planning issue than an environmental issue. I understand. I read the paper. There is concern about quarries next to housing, but then again that is a planning issue. This is an environmental bill. What we would say is that anything that moves the needle to fix the supply shortfall is a positive step, but, of course, there are not going to be positive outcomes if a community is up in arms and there is litigation and so on.

CHAIR: I just want to clarify something. You are actually representing the consumers of quarried materials and not the operators of quarries?

Mr Marlow: Correct.

CHAIR: I want to pull the member for Logan up just for a second and say that we probably need to be asking questions that are relevant to the receiver of the goods and the construction industry and not quarrying more generally, although I have allowed some licence.

Mr POWER: My understanding is that we are making reference to the code assessability of the construction of small-scale quarries. That is what the submissions is about.

Mr Marlow: Yes.

Mr POWER: Am I not supposed to ask about the submission?

CHAIR: I think we are asking questions that are outside of the witness's realm of expertise, that is all.

Mr Marlow: That I would certainly agree with, Chair.

Mr POWER: I was going to ask about small-scale quarries and watercourses, but I will take your advice.

CHAIR: I am happy for you to ask, but, again I make the point, the civil contractors are receivers of quarried goods and not the producers.

Mr Marlow: In that context, yes, I would agree. We are consumers of quarry materials not quarries.

Mr POWER: The submission says that the 'Environmentally Relevant Activity Code is created for quarries and that there is a focus on ensuring quarry approvals are easy to obtain.' Are we talking generically and not to any level of specificity?

Mr Marlow: Our members have environmental experts generally. I am not a planning expert, but I know that our members are concerned about the current shortfall in quarry supplies. I will defer to experts on where it is appropriate for quarries to be, but needless red tape and regulation should not hold up production, if I can put our submission into one sentence.

Ms BOLTON: I understand that you are coming from the perspective of consumers. Those consumers also live in communities that seek more process to ensure that impacts are managed. Within your organisation or among the people you represent, do they do social impact statements?

Mr Marlow: Our members build a lot of renewable energy projects. When we surveyed our members recently around 50 per cent of them were constructing renewable energy projects. The state government in, I think, the middle to late last year introduced a community benefit or social impact test for renewable energy infrastructure. Our members are familiar with a process like that. Very few of our members would own or operate quarries, if any. In terms of quarry production, as the member for Southport said, we are consumers of the products. We want to make sure that there are enough quarry products to upgrade the Bruce Highway around your electorate, to build the Olympic stadium and to build the housing that we desperately need.

That is our concern. The minutiae around the planning and the environmental impact of quarry construction is outside of our expertise. In terms of your general question around social impact, yes, about half of our members would be familiar with a process along the lines that you are referring to.

Mr LEE: I completely sympathise with the request for quarry materials having been a former member of the Fraser Coast Regional Council. That was a huge issue and that added multimillions of dollars to road projects. I make the observation that there is an overlap between the planning legislation. Under the planning legislation, quarries are not all code assessable. They may be impact assessable.

CHAIR: What is the question, member for Hervey Bay?

Mr LEE: I am just making an observation. I agree it is a very complex issue and there is an overlap between environmental and planning legislation.

CHAIR: There being no further questions, thanks very much for your appearance here today. That concludes this public hearing. Thanks to everyone else who has participated. Thanks to Hansard. A transcript of these proceedings will be available on the committee's webpage in due course. The response to an earlier question on notice is due by 5 pm on Tuesday, 27 January. I declare this public hearing closed.

The committee adjourned at 1.06 pm.