

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

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Submission By: North Queensland Land Council NTRB
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Reply to: [REDACTED]

17 December 2025

Health, Environment and Innovation Committee

Online submission at: parliament.qld.gov.au

To whom it may concern,

RE: NQLC SUBMISSION ON THE ENVIRONMENTAL PROTECTION (EFFICIENCY AND STREAMLINING) AND OTHER LEGISLATION AMENDMENT BILL 2025

Background

1. The North Queensland Land Council (**NQLC**) is a recognised Native Title Representative Body (**NTRB**) under the *Native Title Act 1993* (Cth) (**Native Title Act**). NQLC represents registered native title bodies corporate (**RNTBCs**), commonly referred to as Prescribed Body Corporate (**PBCs**) across the North Queensland region.
2. These submissions are in response to the request for submissions by the Health, Environment and Innovation Committee (**Committee**) in relation to the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (the **Bill**).
3. NQLC represents native title parties (**NTPs**) in negotiations and agreement making in relation to mining tenements granted under the *Mineral Resources Act 1989* (Qld) (**Mineral Resources Act**) and subject to the 'right to negotiate' under section 29 of the *Native Title Act 1993* (Cth) (**Native Title Act**).
4. NQLC has prepared these submissions on its own behalf as an NTRB that provides legal assistance to native title parties in relation to mining matters, and on behalf of native title parties across the North Queensland region.

Changes to the Environmental Protection Act

5. The Bill and explanatory notes clearly state the policy intent is to improve 'efficiency' and 'streamline' the environmental processes under the *Environmental Protection Act 1994* (Qld) (**EP Act**) for the benefit of the State and proponents. In doing so, the Bill puts native vegetation, wildlife and cultural sites at risk and weakens environmental protections for the benefit of industry.

6. The Bill does not improve environmental protections or the meet the needs of Traditional Owners to preserve and protect Country.
7. NQLC has serious concerns about the impact of the Bill on mining, particularly in relation to small scale mining, with the removal of environmental authorities and prescribed conditions in favour of environmentally relevant activity (**ERA**) codes. The limited information provided regarding the ERA codes and the released drafts indicates that an oversimplified, standardised approach will be applied to small scale mining that is considered 'low risk' by the State. This removes the opportunity for case-by-case assessment for mining occurring in environmentally or culturally significant areas.
8. The Bill also removes detailed provisions of the EP Act to be replaced by regulations. Regulations are not subject to the same level of scrutiny, reducing certainty for affected parties and creating a greater risk that environmental and cultural protections will be diluted over time.

Removal of requirement to publish draft terms of reference

9. Clauses 5 and 6 of the Bill remove the requirement under the EP Act to publish the draft terms of reference for an environmental impact statement and right to comment by affected persons.
10. NTPs are a defined 'affected' person under section 28 on EP Act, therefore under the current legislation the proponent must send the draft terms of reference to NTPs for comment. Removing this requirement directly limits NTPs rights.
11. Early access to project information is crucial for the protection of cultural heritage interests and agreement-making between NTPs and proponents. The removal of this requirement also removes the rights of NTPs, as affected persons, to make an objection, provide comments on the draft terms of reference and if required, request amendments to the terms of reference.
12. The publishing of the draft terms of reference is an important step for NTPs, who often deal with proponents resistant to engagement and information sharing.

Recommendation: NQLC recommends that the requirement to publish and provide a draft terms of reference to affected persons be reinstated.

Changes to Small Scale-Mining

13. The Bill proposes to remove the environmental authority application process and surety requirements under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, with environmental protections to instead be implemented by ERA codes and general duties. This creates risks for NTPs in relation to the protection of Country, cultural heritage and agreement-making.

14. Small scale mining is assumed to be 'low risk' to the environment. While the footprint and impact of small scale mining may be seen as 'low risk' compared to larger, complex mining operations, small scale mining requires clearing of native vegetation and has lasting impacts on native landscapes and watercourses. Given the large volume of small scale mining operations, particularly in the North Queensland region, the cumulative impacts of these mining operations and the impacts on the environment should be considered by the state.
15. There is no certainty in the Bill about where the limits of 'small scale' mining will be under future regulations. There is no guidance of how small scale mining will be defined or differentiated from large, complex mining operations. If ERA codes will apply, there must be clear limits on the scale and methods of mining they can apply to.
16. Clause 55 of the Bill removes the condition for small scale miners to provide a financial surety before carrying out any mining activities. Repayment and removal of sureties for small-scale mining diminishes the guaranteed funds available for rehabilitation if a small operator walks away from a project, which can increase the risk that disturbed Country is not properly restored, leaving native title holders with long-term environmental and cultural impacts.
17. NTPs already deal with issues of non-compliance by small scale mines in relation to cultural heritage, current EAs and agreements. These challenges have been communicated to the State by NQLC's clients on many occasions. These changes will further reduce the leverage both the State and NTPs have to hold small scale operators accountable for their activities on Country.
18. There is insufficient information available to consider whether the ERA codes will be adequate to provide any protection to the environment in relation to small scale mining, exploration permit for minerals and small scale mining leases. Reliance on regulations and ERA codes developed by the State are highly discretionary and do not provide secure forms of environmental protection.
19. The current published draft ERA codes require minimal compliance from proponents and do not contain the detail or level of protections provided under the current prescribed conditions.
20. NQLC urges the Committee to consider the suitability of the Bill to adequately address the impact of small scale mining on the environment.

Recommendation: NQLC recommends that small scale mining lease applicants be required to apply for an environmental authority and that the ERA codes should not apply.

Recommendation: NQLC recommends that sureties should still be required from all mining lease holders, including small scale miners.

NQLC looks forward to hearing the outcomes of submissions in response to the Bill.

Yours sincerely

North Queensland Land Council NTRB Aboriginal Corporation