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

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GLENCORE

Submission

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

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Health, Environment and Innovation Committee

Parliament House
George Street
BRISBANE QLD 4000

By email: heic@parliament.qld.gov.au

To whom it may concern

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

Glencore Australia (***Glencore***) refers to the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment 2025 (***Bill***) introduced to the Queensland Parliament on 20 November 2025 and provides the following submission.

Glencore is one of the world's largest diversified natural resource companies and is committed to responsibly sourcing commodities that advance everyday life. In Queensland, Glencore operates five coal mines in the Bowen Basin, which export coal to customers around the world from the Abbot Point, Dalrymple Bay, RG Tanna and Wiggins Island coal export terminals. In 2024, Glencore's operations directly employed 8,380 people and contributed 49.4 billion to the Queensland economy, representing a significant contribution to regional employment and economic development in Queensland.

Investment risks in continued operations and projects in Queensland, and Australia more broadly, have materially increased in recent years due to a combination of heightened financial and regulatory challenges, including targeted lawfare from environmental NGOs. The Crisafulli Government is promoting that it is "open for business", through its launch of 'Queensland of Opportunity' - rebuilding confidence in Queensland's regulatory process, is essential to ensure certainty and to underpin investor confidence for proponents.

As a preliminary comment, Glencore is pleased to observe that the Bill reflects several aspects of feedback given by stakeholders to the Department of the Environment, Tourism, Science and Innovation (the ***Department***) throughout the consultation process. Glencore welcomes the opportunity to further contribute to the consultation on the Bill and looks forward to continuing productive engagement with the Department and the Health, Environment and Innovation Committee (***Committee***).

1. Executive summary

Glencore broadly supports the objectives of the Bill to increase efficiency and ensure the *Environmental Protection Act 1994* (***EP Act***) remains fit for purpose and responds to emerging issues and challenges.

However, in addition to supporting many aspects of the Bill, Glencore continues to hold serious concerns about aspects of the Bill, and whether they achieve the stated objectives. Specifically:

- ***Public interest evaluation:*** Glencore supports the removal of the public interest evaluation (***PIE***) process. However, Glencore does not support the introduction of section 126E into the EP Act as it effectively preserves the obligations associated with the PIE process as part of the application process as it duplicates existing processes and creates unnecessary complexity, cost and delay without a clear corresponding community benefit.
- ***Transitional PRCPs:*** Glencore supports the introduction of proposed subsection 755(7) in relation to the assessment of transitional PRCPs. However, Glencore considers that it should be mandatory (rather than discretionary) for the administering authority to demonstrate that they have considered the historical context and constraints of the site.
- ***Significant environmental values:*** The introduction of significant environmental values, which we understand replace the concept of the State Environmental Protection Priorities proposed previously,

can have major implications for entities regulated by the EP Act as they govern circumstances in which approvals can be obtained. Despite this, there are no criteria or processes prescribed in the Bill for designating a significant environmental value; the only limitation on the Minister's power to declare a significant environmental value is that the Minister must be satisfied the value is State significance and should be protected under the EP Act as a priority. The EP Act should include procedural safeguards including integrating public consultation into the process for designating significant environmental values. This will be critical for ensuring certainty, predictability and underpinning investor confidence for proponents.

- ***Timeframes for summary proceedings:*** Glencore supports removing the subjective threshold of when an offence comes to the complainant's 'knowledge' and limiting extended timeframes to a select few offences. However, Glencore observes that the offences selected include a broad range of conduct ranging from nuisance to serious environmental harm. No justification for the selection of these offences has been provided.
- ***Directions to carry out rehabilitation:*** Glencore supports the introduction of proposed section 316S regarding rehabilitation directions. However, the section should include an additional precondition that the environmental authority does not contain a condition about rehabilitation milestones for the rehabilitation of land.
- ***Other proposals:*** In addition to the matters addressed in the Bill, this submission identifies further opportunities for reform to the major EA amendment and Land Court processes, which Glencore proposes would further streamline and improve the efficiency of the EP Act.

2. Comments on Bill

2.1 Public interest evaluation process

Glencore supports the removal of the PIE process on the basis that it duplicates existing processes and creates unnecessary complexity, cost and delay without a clear corresponding community benefit. However, Glencore does not support the introduction of section 126E into the EP Act. Glencore has concerns that section 126E effectively requires an applicant to perform a PIE (i.e. the cost-benefit analysis of the project based on public interest considerations) as part of the application process. As such, the substance of the PIE obligation remains, with the potential to require applicants to carry out assessments of the public interest that are just as onerous in circumstances where public interest is already adequately addressed through the assessment criteria for a PRCP schedule. Accordingly, in addition to the removal of the PIE process, Glencore considers that the proposed section 126E should also be removed,

2.2 Transitional PRCP s

Glencore supports, in principle, the introduction of the following subsection into section 755 of the EP Act:

> (7) Without limiting subsection (6), in assessing, under section 126C(1)(i), an applicant's proposed methodology for achieving best practice management of the area to support the management milestones under the proposed PRCP schedule for the area, the administering authority may have regard to—
>
> (a) the historical context of operations on the land; and
>
> (b) historical constraints related to existing infrastructure and approvals; and
>
> (c) the extent to which it is practicable to apply current standards related to best practice management to the land.

The introduction of this transitional PRCPs assessment provision is a positive step in acknowledging that many sites the subject of transitional PRCPs have long operational histories that do not easily fit within contemporary best practice management frameworks.

However, Glencore considers that drafting of sub-section (7) should be amended to state that the administering authority *'must'* have regard to the listed factors rather than 'may'. Mandatory consideration of these factors is logical and would provide certainty across industry.

2.3 Significant environmental values

The Bill introduces broad powers for the Minister to designate a matter as a significant environmental value. The only limitation on this power is that the Minister must be satisfied the value is of significance to the State and should be protected under the EP Act as a priority.

There are no criteria or factors in the Bill that the Minister must consider when evaluating whether a value is of environmental significance.

The introduction of a significant environmental value, which will govern the circumstances in which approvals may be granted, can have significant implications for entities regulated by the EP Act. For example, the introduction of a new significant environmental value also provides a basis for declaring new ERAs, introducing increased regulatory and licencing requirements for previously unregulated activities.

Accordingly, Glencore submits that the process of selecting and designating significant environmental values must be carefully considered to ensure that the introduction of the concept does not lead to an increase in prescriptive or duplicative regulation or result in moving regulatory 'goalposts'. The Committee should ensure appropriate safeguards against these risks, including introducing a process for declaring a significant environmental value, including a requirement that the Minister engage in structured consultation with stakeholders before declaring a matter as a significant environmental value.

2.4 Timeframes for commencing summary proceedings

Glencore acknowledges that the Department has revised the summary proceedings proposal in line with industry feedback. This has resulted in a range of positive reforms, which Glencore supports. In particular, Glencore supports:

- Removing the subjective element, which provided that the Department may commence proceedings within a specified time after the offence came to the complainant's knowledge (which could be restarted for differing officers within the Department being named as the complainant). This amendment improves certainty by ensuring that timeframes to commence proceedings are objective and clear; and

- Limiting extended timeframes to an express list of offences, which are stated to be 'more serious and complex' summary offences, and indictable offences commenced summarily.

However, Glencore notes that the offences specified as being subject to longer timeframes comprise a broad range of offences, from nuisance to serious and material environmental harm. It is not clear what basis was used to select the offences which are said to be 'serious and complex'. No risk assessment or materiality threshold has been provided to justify the selection of these offences.

Glencore considers that further information is warranted to justify why the selected range of offences are considered to be ''serious and complex' and ought to be subject to longer timeframes. In this context, Glencore submits that increased timeframes introduce uncertainty and place operators in a position of disadvantage when seeking to defend such proceedings. Collating evidence to defend a summary proceeding commenced three years after an incident is likely to be complicated by a range of factors, including turnover of staff, evolving management systems and the inability for personnel to

recall factual matters with accuracy. While the prosecution has powers to compel individuals to produce evidence, a defendant does not have these powers to develop its defence.

2.5 Directions to carry out rehabilitation

Glencore does not take issue with the introduction of the power for the Department to direct an operator to perform rehabilitation requirements by insertion the following section 316S into the EP Act:

> **316S Direction to carry out rehabilitation if no PRCP schedule**
>
> (1) This section applies in relation to the holder of an environmental authority issued for a site-specific application for a mining activity relating to a mining lease if—
>
> (a) the holder does not also hold a PRCP schedule to which the environmental authority relates, whether or not section 431A applies to the holder; and
>
> (b) section 274 does not apply in relation to the environmental authority.
>
> (2) The administering authority may give the holder a written direction (the general rehabilitation direction) to carry out stated rehabilitation within a stated reasonable period.
>
> (3) The general rehabilitation direction must include an information notice about the decision to give the direction.
>
> (4) In this section—
>
> ***rehabilitation*** includes environmental management.

However, Glencore considers that section 316S should not apply if the environmental authority includes a condition about rehabilitation milestones for the rehabilitation of land. Glencore's position is that the application of section 316S should include an additional pre-condition on this point by amending proposed subsection 316S(1) as follows (added emphasis):

> (1) This section applies in relation to the holder of an environmental authority issued for a site-specific application for a mining activity relating to a mining lease if—
>
> (a) the holder does not also hold a PRCP schedule to which the environmental authority relates, whether or not section 431A applies to the holder; and
>
> (b) the environmental authority does not contain a condition about rehabilitation milestones for the rehabilitation of land; and
>
> (c) section 274 does not apply in relation to the environmental authority.

2.6 Other proposals

Glencore submits that there is further scope to amend the EP Act to improve overall efficiency and reduce duplication. This includes:

- ***Public notification for major amendments:*** Currently, major EA and PRCP amendments *must* require public notification, with the opportunity for submitters to object to the amendment through the Land Court process. This applies regardless of whether the amendment results in improved environmental outcomes, are requested by the regulator, or are required to facilitate a PRCP. Consideration should be given to reviewing the practical effect of these reforms on the amendment process, and whether they contribute to increased complexity, costs and delay.
- ***Publication of application documents:*** Under the EP Act, application notices, documents and responses to information requests must be published on the applicant's website from the day the document is given to the Department. Although this applies to major amendments, this obligation often results in documents being published before an assessment level decision is

made, producing unnecessary administrative burden on applicants. It is also not clear when some informal communications (e.g., email requests for documents or information) with the Department must be published. We suggest the Committee recommend that a publication of application documents only be required for the notification and decision stages, and greater clarity is provided about when informal communications are published.

- ***Land Court processes:*** Under the EP Act, any person who makes a properly made submission during the public notification period (for an EA relating to mining activities) may request the submission be taken as an objection to the application, with the result that the application is referred to the Land Court. Objectors do not have to actively participate in the Land Court process. Nor is there a threshold level, such as a minimum number of objections or objectors needing to have a direct interest in the application that provides sufficient nexus to trigger legal proceedings. This creates substantial cost and delay, and is often not an efficient use of Land Court resources. The Committee should consider approaches adopted in other jurisdictions (such as the New South Wales Independent Planning Commission) to improve efficiencies.

Glencore thanks the Committee and the Department for the opportunity to contribute to the consultation on the Bill and for the Committee's consideration of this submission. If the Committee has any queries regarding the contents of this submission, Glencore would be happy to discuss the above matters.

John Watson

Director of Environment & Community
Glencore Coal Assets Australia