




Speech By  
**Barbara O'Shea**

**MEMBER FOR SOUTH BRISBANE**

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**NATURE CONSERVATION AND OTHER LEGISLATION AMENDMENT BILL**

 **Dr O'SHEA** (South Brisbane—ALP) (7.55 pm): I rise today to address the Nature Conservation and Other Legislation Amendment Bill 2025. In addressing this bill, I would like to first acknowledge the work of my colleagues on the Health, Environment and Innovation Committee, the submitters who provided contributions, and the hard work of the secretariat in supporting the committee in its review of this proposed legislation.

This bill amends two acts that protect Queensland's environment: the Nature Conservation Act 1992 and the Environmental Protection Act 1994. The Department of the Environment, Tourism, Science and Innovation, DETSI, is responsible for administering these acts and overseeing compliance and enforcement of them. DETSI currently uses electronic systems to streamline the process of applying for, and automatically issuing, authorities for low-risk activities under the nature conservation and environmental protection acts. Authorities for low-risk activities include permits for camping in protected areas such as national parks and state forests as well as licences for the keeping, breeding or trading of native animals. The proposed amendments in this bill ensure that authorities for low-risk activities can continue to be issued automatically through an electronic system and validate any authorities previously issued by this method. The amendments modernise the legislation, reflecting advances in technology, and allow for the continuation of DETSI's current operational practices.

The proposed amendment to the Nature Conservation Act will take effect with subordinate legislation: the Nature Conservation Legislation Amendment Regulation 2025. DETSI provided a draft of this proposed regulation to the committee for consideration during its review of the bill.

Regulation under the Nature Conservation Act is important to maintain the long-term viability of protected animal populations. Prior to the regulation of tarantulas in 2020, it was estimated that 10,000 tarantulas a year were being taken from the wild, predominantly from Queensland, and sold as pets around Australia. If this had continued unchecked it could have had a devastating effect on the conservation of tarantulas. It is now illegal in Queensland to collect tarantulas without a harvesting licence. These spiders can only be bought from an authorised seller who has either bred the spider in captivity or collected the spider from the wild under a harvesting licence.

In Queensland there are three licences which allow people to keep native animals: standard, specialised and advanced. The licences are granted for five years and are based on the number of animals kept by the licensee and the intention to breed or trade them. In accordance with the bill, the proposed subordinate legislation provides a framework to support the current practice of automatically issuing these low-risk licences using DETSI's online licensing system. To provide safeguards for the process, an applicant must meet mandatory criteria to allow an authority to keep protected animals to be issued automatically. There are no discretionary factors in the process. If the applicant cannot meet the mandatory criteria, then the authority cannot be automatically issued and the application is instead referred for manual assessment by the department.

During the committee's review into this bill, the Queensland Conservation Council, QCC, in their submission raised concerns about the introduction of broad powers for the minister to create regulations regarding which activities can be automatically approved. They were concerned that the automatic approval of activities could reduce the rigour of assessment for various authorities under the Nature Conservation Act 1992. Referring to the current regulation—the Nature Conservation (Animals) Regulation 2020 relating to renewals of existing licences—the QCC stated that there is currently a requirement for—

... the chief executive to consider whether the existing licence was obtained on the basis of false or misleading information and whether the applicant has failed to comply with a condition of the existing licence. It is unclear how this consideration as part of the decision making function could/would occur in an automated system.

In its public briefing, DETSI addressed this concern by explaining that the proposed new subordinate legislation lays out robust processes for automatic issuing of authorities related to pet keeping and trade of non-dangerous, protected animals. These include the applicant being required to provide information regarding their suitability to keep animals, such as previous wildlife convictions and breach of conditions. Furthermore, as with all authorities currently issued under the act, under the proposed new subordinate legislation it will be an offence for an applicant to provide false or misleading information when using the electronic system. The chief executive will be able to immediately cancel an automatically issued authority on false or misleading grounds.

As mentioned previously, this bill also amends the Environmental Protection Act 1994. This act aims to protect Queensland's environment while allowing for ecologically sustainable development. As well as requiring certain industries and activities with high environmental risk to obtain permits, the act also imposes on all persons three duties with respect to environmental harm. These duties are: a general environmental duty to prevent or minimise environmental harm; a duty to notify of environmental harm; and a duty to restore the environment if an incident occurs that can harm the environment.

The Environmental Protection (Powers and Penalties) and Other Legislation Amendment Act 2024, the P&P act, which came into effect last year, amended the Environmental Protection Act to replace environmental protection orders, direction notices and clean-up notices with environmental enforcement orders, or EEOs. An EEO is an order that may be issued by DETSI to require a person to cease the commission of an offence or respond to any environmental harm that may have been caused. If there is noncompliance with an EEO, the department may issue a fine called a penalty infringement notice. These infringement notices are a way of dealing with common contraventions of the law where the impact is not serious enough for court action.

This bill amends the Environmental Protection Act to ensure that obligations to comply with environmental protection orders, direction notices and clean-up notices issued prior to the P&P act continue to apply and that penalty infringement notices can be issued for noncompliance with these orders as an alternative to court proceedings being brought.

In summary, this bill will modernise the Nature Conservation Act 1992 and the Environmental Protection Act to allow for electronic systems to continue to be used by DETSI for automatically issuing selective authorities. The bill also strengthens the Environmental Protection Act by ensuring that previous offence provisions continue to apply and that fines may be issued for noncompliance with these provisions. I commend the bill to the House.