

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

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Andrew Powell MP, Minister for the Environment and Tourism and Minister for Science and Innovation make this statement of compatibility with respect to the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The primary policy objective of the Bill is to amend the *Environmental Protection Act 1994* (EP Act), the *Nature Conservation Act 1992* (NC Act) and the *Water Act 2000* (Water Act) to ensure the Acts remain fit for purpose, increase efficiency and reduce regulatory burden.

The Bill also amends the *Forestry Act 1959* (Forestry Act) and the *Recreation Areas Management Act 2006* (RAM Act) to deliver the government's commitment for a single integrated permission for tourism activities occurring on protected areas, State forests, recreation areas and State marine parks under the government's tourism plan, *Destination 2045 – Delivering Queensland's Tourism Future*.

Specifically, the Bill amends the:

- EP Act to strengthen the role of the Department of the Environment, Tourism, Science and Innovation (the department) as a transparent and efficient regulator by modernising the management of environmentally relevant activities (ERAs). Key changes include streamlining administrative processes, introducing ERA codes as alternatives to environmental authorities, standardising ERA procedures, and clarifying significant environmental values for administration of the Act. These targeted reforms will make the EP Act agile and adaptable, enabling government to refine the legislative framework over time through risk-based processes, consultation, and careful assessment of environmental risks;
- NC Act to expand the functions of conservation officers, enabling officers from the department to investigate, monitor, and enforce compliance with the *Planning Act 2016* for matters involving the NC Act, such as koala-related offences. Additionally, an amendment to the NC Act will clarify the definition of 'protected area' in the Dictionary to clearly reference all meanings of 'protected area' used throughout the Act;
- Water Act (Chapter 3) to clarify and provide a practical timeframe for the cycle of

underground water impact reports, streamline planning of baseline assessments on and off tenure in the cumulative management area, create an application process for a bore owner to seek a bore assessment, and clarify matters for make-good agreements; and

- Forestry Act and the RAM Act to streamline the permitting process for tourism businesses by facilitating the grant of a single integrated permission for operations such as guided tours, tourism programs and organised events in protected areas, recreation areas, State forests and State marine parks. This approach will also ensure a single expiry date and a single fee providing streamlined arrangements for operators even when conducting their business across lands and waters managed under different legislation. Other minor amendments relating to permitting are also included in the Bill, to further improve and align the regulatory framework and to remove redundant provisions.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 HR Act)

I have considered each of the rights protected by Part 2 of the HR Act. In my opinion, the human rights under the HR Act that are relevant to this Bill are:

- Freedom of expression (section 21 of the HR Act);
- Taking part in public life (section 23 of the HR Act);
- Property rights (section 24 of the HR Act); and
- Cultural rights - Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act).

As explained below, some of these human rights are promoted, some are engaged but not limited, while others are limited, but in a way that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality, and freedom under section 13 of the HR Act.

Human rights promoted by the Bill

The Bill potentially promotes freedom of expression (section 21 of the HR Act) and promotes property rights (section 24 of the HR Act) and cultural rights - Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act) in relation to the below amendments.

Freedom of expression (section 21 of the HR Act)

Establish a transparent, reviewable and appealable process to undertake a bore assessment

The Bill provides that owners of water bores on a resource tenure may request the chief executive to issue a notice to the resource tenure holder to undertake a bore assessment. The proposed amendment introduces a transparent, reviewable and appealable process. The outcome of this application process is intended to result in a decision that can be appealed through internal and external review mechanisms. This process has the potential to enhance freedom of expression in relation to seeking information (section 21 of the HR Act).

Property rights (section 24 of the HR Act)

Clarify matters for make good agreements

Landholders have raised concerns that granting land access through a make good agreement could unintentionally authorise resource tenure holders to have access to their land for purposes beyond those intended by chapter 3 of the Water Act. The Bill clarifies that an agreement is a make good agreement only to the extent it provides for the matters referenced in section 420 of the Water Act. This is intended to remove uncertainty and strengthen the protection of property rights (section 24 of the HR Act).

Cultural rights - Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act)

Continued application of the native title assessment pathways in the grant of permits in accordance with the *Native Title (Queensland) Act 1993*

The tourism related amendments in the Bill positively engage cultural rights under section 28 of the HR Act and continues to provide for Aboriginal peoples and Torres Strait Islander peoples consultation consistent with native title work procedures associated with the *Native Title (Queensland) Act 1993* (NT Act) when considering applications for a single integrated permission across protected areas, State forests, recreation areas and State marine parks. By continuing to apply the native title assessment pathways in the grant of permits as set out under the NT Act, the Bill preserves cultural rights.

Human rights engaged, but not limited, by the Bill

The Bill engages the right to take part in public life (section 23 of the HR Act), property rights (section 24 of the HR Act), and cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act), in relation to the below amendments. However, for the below proposals, they are not considered to limit the human rights.

Freedom of expression (section 21 of the HR Act)

Streamlining of environmental authority applications for Coordinated Projects for which an Impact Assessment Report was prepared

The Bill engages the right to freedom of expression under section 21 of the HR Act but does not impose any limitations on it. This amendment removes a public notification step from the Environmental Authority application process.

The opportunity to express a view about a project's environmental impact is preserved through the public notification and submission process for the Impact Assessment Report under the *State Development and Public Works Organisation Act 1971*. The public notification stage for the environmental authority will not apply if the proponent does not change the project's activities between the Impact Assessment Report notification and the application for an environmental authority, or if the administering authority determines that any changes are unlikely to attract objections.

If the activities are altered, the public notification stage may still apply. Consequently, this amendment removes a duplicative process, while maintaining the original process that upholds the right to freedom of expression.

Taking part in public life (section 23 of the HR Act)

Removal of public interest evaluation process for Progressive Rehabilitation and Closure Plans

The Bill engages the right to participate in the conduct of public affairs under section 23 of the HR Act by providing for the removal of the public interest evaluation process for progressive rehabilitation and closure plans (PRCPs). Public interest considerations will continue to be integrated into the assessment of PRCPs during the application stage. The change is procedural in nature and aims to reduce duplication and improve regulatory efficiency. While the public interest evaluation process aimed to provide additional scrutiny of community benefits and impacts, it does not require public participation. Therefore the proposed amendment does not limit or restrict taking part in public life.

Property rights (section 24 of the HR Act)

Single integrated permission to streamline the permitting process for tourism operators

The Bill engages property rights under section 24 of the HR Act. The tourism related amendments to the Forestry Act and RAM Act streamline the permitting process for tourism operators via a single integrated permission. For example, a permit for guided tours on State forests and recreation areas can also be combined with a tourism permission for a State marine park. The Bill also includes amendment and transfer provisions and extends the maximum term of commercial activity permits for consistency with tourism permits on protected areas.

While the grant of a tourism authority on these areas may have some commercial and financial implications for the applicant, these authorities are not formal property rights. Irrespective, the Bill does not affect these commercial or financial interests. Additionally, while the grant of an authority allows for access to the protected area property (for example), the authority does not transfer property rights to the authority holder. Therefore, any amendment or transfer provisions do not result in the holders being deprived of property.

Introduction of financial penalties in offence provisions

The below amendments engage property rights under section 24 of the HR Act by introducing offences prescribing maximum financial penalties for:

- carrying out a code-managed ERA without registering;
- contravening a relevant ERA code;
- failing to provide notice of ceasing to carry out a code-managed ERA;
- contravening seizure requirements; interfering with access to a seized thing or to a place;
- failing to provide notice to the chief executive and OGIA about entering into a make good agreement;
- failing to comply with the annual make good measure reporting requirement to OGIA;
- failing to comply with an information request notice issued by OGIA regarding make good obligations;

- failing to provide notice to OGIA about a material change that may cause the timetable in the baseline assessment strategy to be non-compliant; and
- failing to provide notice to OGIA if a relevant aquifer is affected by the exercise of underground water rights in an area excluded from the baseline assessment strategy.

Section 24 of the HR Act provides that all persons have the right to own property alone or in association with others, and that a person must not be arbitrarily deprived of their property. Property generally includes all real and personal property interests, including money. In the context of property rights, 'deprived' includes a substantial restriction on the use or enjoyment of property, while 'arbitrary' refers to actions that are unpredictable, unjust, unreasonable or not proportionate to a legitimate aim.

The Bill engages the right to property by introducing several offences with maximum penalty units. The purpose of introducing financial penalties is to allow for a Court to order punitive measures for contravention. This approach ensures a balanced and proportionate response to compliance, as it allows courts to use their discretion to order the appropriate and proportionate penalty in response to offending behaviour. As such, the imposition of these penalties is not arbitrary. Consequently, the introduction of financial penalties for new offence provisions does not limit or restrict the right to property.

Cultural rights - Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act)

As the Bill may impact the regulation of activities on Aboriginal peoples' and Torres Strait Islander peoples' lands, it implicitly engages cultural rights under section 28 of the HR Act. In considering this engagement, the concept of "future acts" as defined under the *Native Title Act 1993 (Cth)* was also taken into account.

The amendments introducing ERA Codes and significant environmental values relate to the framework of the EP Act. Any legislative changes affecting the regulation of activities on lands would be implemented through future amendments to the Environmental Protection Regulation 2019 (EP Reg). As such, the amendments in this Bill do not directly impact native title in a way that would diminish, extinguish, or impair native title rights or interests over any specific area. Consequently, the future act regime under the *Native Title Act 1993 (Cth)* is not triggered by this legislation.

Future amendments to the EP Reg enabled by this Bill would be assessed for their potential impacts on section 28 of the HR Act at the time they are proposed. Whilst this Bill enables such changes, it does not alter the fundamental protections for native title or cultural rights; all existing rights and procedural safeguards remain intact. Place-based consideration of specific lands will occur during the administration of the Act and under other regulatory frameworks, when the HR Act will also be considered.

It is also relevant to note that section 6 of the EP Act requires the Act to be administered, as far as practicable, in consultation with, and with regard to the views and interests of Aboriginal peoples and Torres Strait Islander peoples, in accordance with Aboriginal tradition and Island custom.

Human rights limited but demonstrably justified by the Bill

The Bill potentially limits freedom of expression (section 21 of the HR Act), property rights (section 24 of the HR Act) and cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act), in relation to the below amendments. However, the limitations are demonstrably justified.

Freedom of expression (section 21 of the HR Act)

Removal of requirements to publicly notify terms of reference for environmental impact statements

The Bill engages freedom of expression under section 21 of the HR Act by providing for the removal of requirements to publicly notify the draft terms of reference (ToR) for environmental impact statements (EIS). Considering public notification of the draft ToR provides an opportunity for the public to express their views in the EIS process, and therefore removing this requirement could be viewed as limiting section 21 of the HR Act.

(a) the nature of the right

Section 21 of the HR Act provides that every person has the right to hold an opinion without interference. Section 21 also provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Queensland and whether orally, in writing, in print, by way of art or in another medium chosen by the person. The right to freedom of expression is ‘one of the essential pillars of a democratic system of government, because it enables citizens to freely and effectively participate in the political, social, economic and other affairs of their community’.¹

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The requirement in the EP Act for public notification of the draft ToR for an EIS currently provides minimal benefits for the EIS process as it duplicates the requirement for public notification of the EIS itself. It represents a burden for industry and government, and can be confusing for prospective submitters which provide a submission on the terms of reference that is better suited to being considered a submission on the EIS itself.

Freedom of expression is preserved through the existing requirement to publicly notify the draft EIS. In addition, under existing provisions, the chief executive may seek and consider relevant advice, comment or information from the proponent or another person on the preparation of the ToR. Removing the requirement to publicly notify the draft ToR will mean community feedback relevant to an EIS project is captured in a single and clear public notification process, consistent with a free and democratic society based on human dignity, equality and freedom.

¹ *Magee v Delaney* [2012] VSC 407, 181. See also *XYZ v Victoria Police* [2010] VCAT 225 where the freedom was described as ‘essential to democracy, the rule of law and the social and cultural development of the individual in society, as well as society collectively’.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The purpose of this amendment is to streamline a part of the overall EIS process, which is considered burdensome for industry and government, and providing limited value. Any limitation on section 21 of the HR Act is minor, as the requirement to seek public comment on the draft EIS remains, and the chief executive is able to consult with the community on the draft ToR, where desirable.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The purpose of this amendment is to simplify a part of the EIS process by removing duplication and reducing the administrative burden on both government and industry. The removal of the requirement to publicly notify the draft ToR for the EIS is a practical and reasonable approach to streamlining the process.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The benefits provided by a streamlined process will outweigh potential limitations in relation to freedom of expression.

- (f) any other relevant factors

Not applicable.

Property rights (section 24 of the HR Act)

Procedure for seized things

- (a) the nature of the right

The Bill engages and potentially limits section 24 of the HR Act. The procedure for seized things in the EP Act will be amended to allow for seizure by leaving the thing at the place where it was seized and taking reasonable action to restrict access to it, or move the thing from the place of seizure, and to retain the seized thing if there are reasonable grounds to do so.

The ability to own and protect property historically underpins many of the structures essential to maintaining a free and democratic society based on human dignity, equality and freedom. Section 24 of the HR Act provides that all persons have the right to own property alone or in association with others. Section 24 of the HR Act also provides that a person must not be arbitrarily deprived of their property. The concept of arbitrariness in the context of the right to property carries a human rights meaning of ‘capriciousness, unpredictability, injustice and unreasonableness – in the sense of not being proportionate to the legitimate aim sought’.²

This right does not include a right to compensation if a person is deprived of their property. The term ‘deprived’ is not defined by the HR Act, however deprivation in this sense is

² *WBM v Chief Commissioner of Police* (2012) 43 VR 466, 472 (Warren CJ, Hansen JA agreeing).

considered to include the substantial restriction on a person's use or enjoyment of their property, to the extent that it substantially deprives a property owner of the ability to use the property or part of the property (including enjoying exclusive possession of it, disposing of it, transferring it or deriving profits from it). Property is likely to include all real and personal property interests recognised under general law (for example, interests in land, contractual rights and shares) and may include some statutory rights (especially if the right includes traditional aspects of property rights, such as to use, transfer, dispose and exclude).

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

Section 13(2)(b) of the HR Act requires consideration of the purpose of the limitation of a human right, including whether it is consistent with a free and democratic society based on human dignity, equality, and freedom.

The power to secure seized things has the purpose of securing evidence, to prevent the thing from being concealed, lost or destroyed and to prevent the thing being used to commit, continue or repeat the offence. This supports in the necessary investigation and enforcement measures in the EP Act.

A seized thing may only be retained if there are reasonable grounds to do so, including if the thing is needed for a proceeding for an offence against the Act, or an appeal from a decision in a proceeding for an offence against the Act.

The seizure of things and retaining seized things may limit property rights, as access to the seized things or locations will be restricted. However, this limitation is not arbitrary, as it is essential to secure evidence to properly facilitate the investigation and enforcement measures which ensure compliance with the EP Act and prevent environmental offences. Owners or people in control of seized things are given a receipt and an information notice about the decision to seize the thing, and unless it is impracticable or unreasonable, an owner is afforded access to their seized thing. Owners are also afforded the right to apply for the return of the seized thing. Where the administering executive decides to retain a seized thing, an information notice about the decision, including the grounds for retaining the seized thing must be given to the owner. Therefore, the amendment aligns with the principles of a free and democratic society founded on human dignity, equality and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The purpose of the amendment is to secure evidence and prevent the thing from being used to commit, continue or repeat an offence. This is achieved by enabling the seizure of things. Therefore, the limitation helps to achieve this purpose, and it is a reasonable and effective measure to prevent ongoing environmental harm and ensure accountability.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available alternatives to effectively secure evidence and prevent the commission, continuation, or repetition of offences, other than by enabling the

seizure of things used to commit such offences. This measure is a targeted and proportionate response that may impose limitations on property rights in order to protect the environment, the shared resource essential for public health, biodiversity, and sustainable development.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The benefits of fulfilling the purpose of the Bill outweigh any potential impacts on property rights. Preventing environmental offences and preserving evidence to ensure accountability is essential for the well-being of society and future generations, aligning with the purpose of the EP Act. Although the proposed amendments may affect property rights, from a human rights perspective, the right to property under section 24 is only regarded as limited if the deprivation of property is considered arbitrary.

- (f) any other relevant factors

Not applicable.

Forfeiture of property ordered by the court

- (a) the nature of the right

The Bill engages and potentially limits property rights under section 24 of the HR Act. The Bill amends the EP Act to enable the court to order the forfeiture of a thing (e.g., vehicle or machinery) that was used to commit the offence regardless of whether it had been seized as evidence of an offence. Where a person is convicted of an offence and the court grants an order forfeiting a thing that was the subject of, or used to commit the offence, the person whose property is the subject of the forfeiture order will be deprived of that property.

Section 24(2) states that the right to property under section 24 of the HR Act is only limited where the deprivation of property is arbitrary. As discussed above, ‘arbitrary’ refers to conduct that is capricious, unpredictable, or unjust, and deprivation is considered to be acts or decisions that, amongst other acts and decisions, limit or terminate property rights. If a deprivation is proportionate to a legitimate aim sought, it will not be arbitrary. Where a law that deprives a person of property meets the standard of proportionality under section 13 of the HR Act, which is a higher standard, it will not be arbitrary. If this is the case, the right will not be limited.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

Section 13(2)(b) of the HR Act requires consideration of the purpose of the limitation and whether it is reasonable and justifiable, insofar as it serves a legitimate purpose and is proportionate to the objectives outlined in the proposed legislation.

Cases have arisen where the compliance process and penalties are not stopping persons convicted of an offence from continuing to commit similar offences. This occurs as court powers to order the forfeiture of things are limited to those things which are seized as evidence of the offence, and not necessarily the things used to commit the offence. Such cases

demonstrate that, had the court forfeited the relevant thing, such as a vehicle, it would likely have prevented further similar offences from being committed under the EP Act.

The purpose of the proposed amendment is to incentivise compliance with the EP Act by allowing a court to order the forfeiture of things, the subject of or used in the commission of an offence.

In deciding whether to make a forfeiture order for a thing, the court must hear any submissions that a person claiming to have any property in the thing may wish to make.

Safeguards are incorporated into the forfeiture process to ensure fairness and proportionality. Therefore, when deciding on a forfeiture order, the court is required to have regard to any hardship that may reasonably be expected to be caused to a person by a forfeiture order, the use ordinarily made or intended to be made of the thing and the seriousness of the offence. This ensures that a court considers whether ordering the forfeiture of a thing would have undue impacts on a third party. These safeguards mean that a court order for the forfeiture of property will not be granted arbitrarily. Rather, it will be applied only in cases where it is necessary and justified. Thus, any potential limitation of the right to property is consistent with a free and democratic society based on human dignity, equality and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The purpose of the amendment is to incentivise compliance with the EP Act by enabling the court to order the forfeiture of things that are used to commit environmental offences and crimes. The forfeiture of property is a reasonable and effective measure to prevent ongoing environmental harm. While the proposed amendment may impose a limitation on property rights, from a human rights perspective, the right to property under section 24 is only considered limited if the deprivation of property is deemed arbitrary.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

The amendment aims to prevent environmental offences by empowering the court to order the forfeiture of things used to commit such offences and crimes. Forfeiting property is a reasonable and effective measure to mitigate ongoing environmental harm. While this amendment may impact property rights, section 24 is only limited if the deprivation is deemed arbitrary. Importantly, a range of compliance measures are utilised by the administering authority beforehand, with forfeiture serving as a last resort for persistent or significant breaches. This measure is a targeted and proportionate response that may impose limitations on property rights in order to protect the environment, which is a shared resource essential for public health, biodiversity, and sustainable development.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The benefits gained by fulfilling the purpose of the Bill outweigh any potential limitations imposed on property rights. Preventing environmental offences is essential for the well-being of society and future generations. While property rights are fundamental, they are not absolute

and must sometimes yield to the greater public interest, particularly when environmental harm poses significant risks to ecosystems, public health, and sustainable development. Balancing these priorities ensures that property ownership is exercised responsibly and in compliance with environmental laws. Although the proposed amendment has the potential to limit property rights, the right to property under section 24 is only regarded as limited, from a human rights perspective, if the deprivation of property is considered arbitrary.

(f) any other relevant factors

Not applicable.

Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HR Act)

Removal of requirements to publicly notify draft terms of reference for environmental impact statements

The Bill further engages cultural rights under section 28 of the HR by providing for the removal of requirements to publicly notify draft ToR for environmental impact statements. The requirement for public notification of draft ToR provides an opportunity for affected Aboriginal peoples and Torres Strait Islander peoples to be informed of and highlight topics for consideration in the EIS. This represents a potential limitation of cultural rights.

(a) the nature of the right

Section 28 of the HR Act recognises that Aboriginal peoples and Torres Strait Islander peoples hold distinct cultural rights and sets out particular rights which Aboriginal peoples and Torres Strait Islander peoples must not be denied. The right extends to the enjoyment, maintenance, control, protection, and development of, but not limited to, identity, heritage, practice, custom, teachings, and observances. The right also provides for Aboriginal peoples and Torres Strait Islander peoples to conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The requirement in the EP Act for public notification of the draft ToR for an EIS currently provides minimal benefits to the EIS process and represents a burden for industry and government. Removing this requirement does not negate the opportunity for meaningful participation by Aboriginal peoples and Torres Strait Islander peoples at the draft EIS notification stage of the process. Therefore, any limitation under section 28 of the HR Act is minor as the requirement to seek public comment on the draft EIS remains, and the chief executive is able to consult with the community on the draft ToR where desirable.

Section 6 of the EP Act provides further safeguards by requiring the Act to be administered, as far as practicable, in consultation with, and having regard to the views and interests of Aboriginal peoples and Torres Strait Islander peoples under Aboriginal tradition and Island custom. The opportunity for participation by Aboriginal peoples and Torres Strait Islander

peoples in the EIS process is preserved and any limitation to cultural rights is justified, consistent with a free and democratic society based on human dignity, equality and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The purpose of this amendment is to streamline the EIS process and reduce delay. The removal of public notification of draft ToR helps to achieve this purpose. The requirement to publicly notify the draft EIS is retained and guarantees that meaningful public participation in the EIS process is preserved, which includes the participation of Aboriginal peoples and Torres Strait Islander peoples.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill.

The purpose of this amendment is to simplify the EIS process by removing duplication and reducing the administrative burden on both government and industry. The removal of the requirement to publicly notify the draft ToR for the EIS is a practical and reasonable approach to streamlining the process.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The benefits of a streamlined process will outweigh any potential limitations on the cultural rights of Aboriginal peoples and Torres Strait Islander peoples. In practice, the requirement is duplicative and of limited utility, as Aboriginal peoples and Torres Strait Islander peoples have the opportunity to meaningfully participate at later stages of the EIS process.

- (f) any other relevant factors

Not applicable.

Conclusion

In my opinion, the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 is compatible with human rights under the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

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