



Nature Conservation and Other Legislation Amendment Bill 2025



Queensland

Nature Conservation and Other Legislation Amendment Bill 2025

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of Environmental Protection Act 1994	
Division 1	Preliminary	
3	Act amended	4
Division 2	Amendments commencing on assent	
4	Amendment of s 811 (Proceedings for particular offences relating to particular instruments)	5
Division 3	Amendments commencing 28 days after assent	
5	Insertion of new ch 5, pt 5, div 2, sdiv 1A	6
	Subdivision 1A Standard applications—general	
	169A Approval of standard applications generally	6
6	Replacement of s 170 (Deciding standard application)	7
	170 Deciding standard application for mining activity relating to mining lease	7
7	Replacement of s 177 (Automatic decision for standard application in particular circumstances)	8
	Subdivision 3 Deemed decisions	
	177 Deemed decision for standard application for mining activity relating to mining lease in particular circumstances	8
8	Replacement of s 195 (Issuing environmental authority or PRCP schedule)	8
	195 Issuing environmental authority or PRCP schedule	8
9	Replacement of s 204 (Conditions that must be imposed for standard or variation applications)	9
	204 Environmental authorities for standard or variation applications include particular condition	9

Contents

10	Amendment of s 553 (Electronic applications and submissions)	10
11	Insertion of new s 555	10
	555 Electronic system for automatically issuing particular environmental authority	10
12	Insertion of new ch 13, pt 34	11
	Part 34 Validation and transitional provisions for Nature Conservation and Other Legislation Amendment Act 2025	
	824 Validation of environmental authorities purportedly issued for particular standard applications	11
	825 Electronic system approved before commencement	12
13	Other amendments	13
Part 3	Amendment of Nature Conservation Act 1992	
14	Act amended	13
15	Amendment of s 143A (False or misleading documents)	13
16	Replacement of s 143B (Chief executive may approve use of information system)	14
	143B Authorisation for automatic dealing with particular authorities	14
	143BA Electronic system for automatic dealing with particular authorities	15
17	Amendment of s 143G (Internal review)	15
18	Insertion of new pt 12, div 9	16
	Division 9 Validation and transitional provisions for Nature Conservation and Other Legislation Amendment Act 2025	
	220 Validation of regulation authorities	16
	221 Electronic system approved before commencement	17
Schedule 1	Other amendments of Environmental Protection Act 1994 . .	19

2025

A Bill

for

***An Act to amend the *Environmental Protection Act 1994* and the
Nature Conservation Act 1992 for particular purposes***

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Nature Conservation and Other
Legislation Amendment Act 2025*. 4
5

Clause 2 Commencement 6

The following provisions commence on the day that is 28
days after the date of assent— 7
8

(a) part 2, division 3; 9

(b) part 3; 10

(c) schedule 1. 11

**Part 2 Amendment of Environmental
Protection Act 1994** 12
13

Division 1 Preliminary 14

Clause 3 Act amended 15

This part amends the *Environmental Protection Act 1994*. 16

Note— 17

See also the amendments in schedule 1. 18

Division 2	Amendments commencing on assent	1 2
Clause 4	Amendment of s 811 (Proceedings for particular offences relating to particular instruments)	3 4
	(1) Section 811—	5
	<i>insert—</i>	6
	(2A) A reference in subsection (2) to a proceeding for the offence includes, for an offence against a relevant infringement notice offence provision, a reference to action by way of an infringement notice under the <i>State Penalties Enforcement Act 1999</i> and, for that purpose, the <i>State Penalties Enforcement Regulation 2014</i> applies as if it had not been amended by the amending Act.	7 8 9 10 11 12 13 14
	(2) Section 811(3)—	15
	<i>omit, insert—</i>	16
	(3) Subsections (2) and (2A)—	17
	(a) do not limit the <i>Acts Interpretation Act 1954</i> , section 20; and	18 19
	(b) apply despite the Criminal Code, section 11.	20
	(3A) Any action under the <i>State Penalties Enforcement Act 1999</i> taken in relation to a relevant infringement notice offence provision before the commencement of subsection (2A) is taken to be, and to have always been, as valid as if subsection (2A) were in force when the action was taken.	21 22 23 24 25 26
	(3) Section 811(4)—	27
	<i>insert—</i>	28
	<i>relevant infringement notice offence provision</i> means a relevant offence provision that, immediately before the commencement of the amending Act, part 4, was mentioned in the <i>State</i>	29 30 31 32

[s 5]

	<i>Penalties Enforcement Regulation 2014, schedule 1, entry for Environmental Protection Act 1994.</i>	1 2
Division 3	Amendments commencing 28 days after assent	3 4
Clause 5	Insertion of new ch 5, pt 5, div 2, sdiv 1A	5
	Chapter 5, part 5, division 2—	6
	<i>insert—</i>	7
	Subdivision 1A Standard applications—general	8 9
	169A Approval of standard applications generally	10
	(1) This section applies if—	11
	(a) an applicant makes a standard application, other than an application for a mining activity relating to a mining lease; and	12 13 14
	(b) the applicant—	15
	(i) is a registered suitable operator; or	16
	(ii) has, together with the standard application, applied under section 318F to be registered as a suitable operator for carrying out the relevant activity for the application and has been given notice under section 318I(1)(a) stating the application for registration is approved.	17 18 19 20 21 22 23 24
	(2) On the day the decision stage starts, the administering authority is taken to have decided to approve the standard application subject to the standard conditions for the relevant activities for the application.	25 26 27 28 29

	<i>Notes—</i>	1
	1 See sections 170 and 177 in relation to a standard application for a mining activity relating to a mining lease.	2 3 4
	2 See also section 555 about approval of an electronic system to automatically issue an environmental authority for a standard application mentioned in this section.	5 6 7 8
Clause 6	Replacement of s 170 (Deciding standard application)	9
	Section 170—	10
	<i>omit, insert—</i>	11
	170 Deciding standard application for mining activity relating to mining lease	12 13
	(1) This section applies for a standard application for a mining activity relating to a mining lease.	14 15
	(2) The administering authority must decide that the standard application be approved subject to the standard conditions for the mining activity.	16 17 18
	(3) However, the administering authority may decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions if—	19 20 21 22
	(a) a properly made submission was made for the standard application relating to the subject of a standard condition for the mining activity; and	23 24 25 26
	(b) the conditions are different only in relation to the subject of the standard condition mentioned in paragraph (a).	27 28 29
	<i>Note—</i>	30
	See section 169A in relation to the approval of other standard applications.	31 32

[s 7]

Clause 7	Replacement of s 177 (Automatic decision for standard application in particular circumstances)	1 2
	Section 177—	3
	<i>omit, insert—</i>	4
	Subdivision 3 Deemed decisions	5
	177 Deemed decision for standard application for mining activity relating to mining lease in particular circumstances	6 7 8
	(1) This section applies for a standard application for a mining activity relating to a mining lease.	9 10
	(2) If the administering authority does not decide the standard application within the period required under subdivision 1 for the application—	11 12 13
	(a) the administering authority is taken to have decided to approve the application on the standard conditions for the mining activity under section 170(2); and	14 15 16 17
	(b) the decision is taken to have been made on the last day of the period.	18 19
Clause 8	Replacement of s 195 (Issuing environmental authority or PRCP schedule)	20 21
	Section 195—	22
	<i>omit, insert—</i>	23
	195 Issuing environmental authority or PRCP schedule	24 25
	(1) This section applies if the administering authority—	26 27
	(a) is taken to have decided to approve a standard application under section 169A; or	28 29
	(b) decides to approve another application for an environmental authority; or	30 31

	(c) decides under section 170(3) or 171(2)(b) to issue an environmental authority; or	1 2
	(d) decides to approve a draft PRCP schedule for a proposed PRC plan.	3 4
	(2) The administering authority must—	5
	(a) for a decision mentioned in subsection (1)(a), (b) or (c)—issue an environmental authority to the applicant within the period stated in section 196 for the decision; or	6 7 8 9
	(b) for a decision mentioned in subsection (1)(d)—issue a PRCP schedule to the applicant within the period stated in section 196 for the decision.	10 11 12 13
Clause 9	Replacement of s 204 (Conditions that must be imposed for standard or variation applications)	14 15
	Section 204—	16
	<i>omit, insert—</i>	17
	204 Environmental authorities for standard or variation applications include particular condition	18 19 20
	(1) This section applies for an environmental authority or draft environmental authority issued for a standard or variation application.	21 22 23
	(2) The environmental authority is taken to include a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.	24 25 26 27 28
	(3) The condition under subsection (2) is taken to be a standard condition imposed on the environmental authority.	29 30 31

[s 10]

Clause 10	Amendment of s 553 (Electronic applications and submissions)	1 2
(1)	Section 553(1)(b), ‘at a stated email address.’— <i>omit, insert—</i>	3 4
	by using a stated electronic system or sending an email to a stated email address.	5 6
(2)	Section 553(2)— <i>omit, insert—</i>	7 8
	(2) The application or submission may be made by—	9
	(a) giving the information required by the approved form by using the stated electronic system; or	10 11 12
	(b) sending the information required by the approved form to the stated email address in a format substantially similar to the approved form.	13 14 15 16
Clause 11	Insertion of new s 555	17
	After section 554—	18
	<i>insert—</i>	19
	555 Electronic system for automatically issuing particular environmental authority	20 21
(1)	An electronic system must not be used to automatically issue an environmental authority for a standard application mentioned in section 169A unless the chief executive approves the use of the system for that purpose.	22 23 24 25 26
(2)	The chief executive must take all reasonable steps to ensure the approved electronic system operates, and continues to operate, in compliance with the requirements of this Act.	27 28 29 30
(3)	Subsection (1) does not prevent the approved electronic system being used for another purpose	31 32

	relating to the administration of this Act.	1
Clause 12	Insertion of new ch 13, pt 34	2
	Chapter 13—	3
	<i>insert—</i>	4
	Part 34	5
	Validation and	6
	transitional provisions	7
	for Nature	8
	Conservation and	9
	Other Legislation	10
	Amendment Act 2025	11
	824 Validation of environmental authorities	12
	purportedly issued for particular standard	13
	applications	14
	(1) This section applies if, before the	15
	commencement—	16
	(a) a standard application was made for an	17
	environmental authority; and	18
	(b) the application was purportedly approved	19
	under former section 170(2)(a) by the	20
	operation of an automated system; and	21
	(c) the authority was purportedly issued under	22
	former section 195(2)(a) by the operation of	23
	an automated system.	24
	(2) Both of the following apply—	25
	(a) the standard application is taken to have	26
	been approved by a decision of the	27
	administering authority;	28
	(b) the environmental authority is taken to have	29
	been issued by the administering authority	30
	at the relevant time.	31

[s 12]

- (3) Anything done or omitted to be done that would have been valid and lawful under this Act or another Act, had the standard application been approved by a decision of the administering authority, and had the environmental authority been issued by the administering authority at the relevant time, is taken to be, and always to have been, valid and lawful.
- (4) In this section—
- automated system* means an electronic system operated from time to time by a person performing a function under this Act for an administering authority.
- former*, for a provision, means the provision as in force from time to time before the commencement.
- relevant time*, in relation to an environmental authority, means the time the authority was purportedly issued by the operation of an automated system.

825 Electronic system approved before commencement

- (1) This section applies if—
- (a) before the commencement, the chief executive approved the use of an electronic system for the purpose of automatically issuing an environmental authority for a relevant standard application; and
- (b) immediately before the commencement, the approval was in effect.
- (2) The electronic system is taken to be approved by the chief executive under section 555(1) for the same purpose for the period—
- (a) starting on the commencement; and

	(b) ending when the chief executive cancels the approval, whether to give a new approval under section 555(1) or otherwise.	1 2 3
	(3) In this section— <i>relevant standard application</i> means a standard application, other than an application for a mining activity relating to a mining lease.	4 5 6 7
Clause 13	Other amendments Schedule 1 also amends the <i>Environmental Protection Act 1994</i> .	8 9 10
Part 3	Amendment of Nature Conservation Act 1992	11 12
Clause 14	Act amended This part amends the <i>Nature Conservation Act 1992</i> .	13 14
Clause 15	Amendment of s 143A (False or misleading documents) (1) Section 143A, ‘give to’— <i>omit, insert—</i> give (2) Section 143A— <i>insert—</i> (2) Subsection (1) applies in relation to a document given to an authorised person by any means, including by using an electronic system. <i>Note—</i> See also section 157 in relation to making a false or misleading statement to a conservation officer.	15 16 17 18 19 20 21 22 23 24 25 26

[s 16]

Clause 16	Replacement of s 143B (Chief executive may approve use of information system)	1 2
	Section 143B—	3
	<i>omit, insert—</i>	4
	143B Authorisation for automatic dealing with particular authorities	5 6
	(1) A regulation may prescribe any of the following matters—	7 8
	(a) a type of relevant authority that may be automatically issued, given or granted to a person by the operation of an electronic system;	9 10 11 12
	(b) a type of relevant authority that may be automatically amended, cancelled or renewed by the operation of an electronic system;	13 14 15 16
	(c) the way in which a relevant authority mentioned in paragraph (a) or (b) may be automatically issued, given, granted, amended, cancelled or renewed by the operation of an electronic system.	17 18 19 20 21
	(2) The Minister may recommend to the Governor in Council the making of a regulation prescribing a matter under subsection (1) only if the Minister is satisfied prescribing the matter would not have a detrimental effect on achieving the object of this Act.	22 23 24 25 26 27
	(3) In this section—	28
	<i>prescribed provision</i> see section 141(3).	29
	<i>relevant authority—</i>	30
	(a) means a licence, permit or other authority under the Act; but	31 32
	(b) does not include a licence, permit or other authority mentioned in a prescribed	33 34

provision for which the chief executive may 1
not, under section 141(2), delegate the chief 2
executive's powers. 3

**143BA Electronic system for automatic dealing 4
with particular authorities 5**

(1) An electronic system must not be used to deal 6
with a relevant authority under a regulation made 7
under section 143B(1) unless the chief executive 8
approves the use of the system for that purpose. 9

(2) The chief executive must take all reasonable steps 10
to ensure the approved electronic system operates, 11
and continues to operate, in compliance with the 12
requirements of this Act. 13

(3) A relevant authority that is automatically dealt 14
with by the operation of the approved electronic 15
system is taken to have been dealt with by a 16
decision of the chief executive. 17

(4) Subsection (1) does not prevent the approved 18
electronic system being used for another purpose 19
relating to the administration of this Act. 20

(5) In this section— 21

deal with, a relevant authority, means issue, give, 22
grant, amend, cancel or renew the authority. 23

relevant authority see section 143B(3). 24

Clause 17 Amendment of s 143G (Internal review) 25

(1) Section 143G(3)— 26

omit, insert— 27

(3) The application may be dealt with only by— 28

(a) for an original decision about a relevant 29
authority taken to be dealt with by a 30

[s 18]

decision of the chief executive under section 143BA(3)—an authorised person; or	1
	2
(b) for another original decision—a person who—	3
	4
(i) did not make the original decision; and	5
(ii) holds a more senior office than the person who made the original decision.	6
	7
(2) Section 143G(4), ‘Subsection (3)’—	8
<i>omit, insert—</i>	9
Subsection (3)(b)	10

Clause 18	Insertion of new pt 12, div 9	11
	Part 12—	12
	<i>insert—</i>	13
	Division 9	Validation and transitional provisions for Nature Conservation and Other Legislation Amendment Act 2025
		14
		15
		16
		17
		18

220 Validation of regulation authorities	19
(1) This section applies if—	20
(a) before the commencement, a regulation authority was purportedly dealt with by the operation of an automated system; and	21
	22
	23
(b) at the relevant time, the authority could have been lawfully dealt with by the chief executive under the relevant Act.	24
	25
	26
(2) The regulation authority is taken to be as valid and lawful as if the authority had been lawfully dealt with at the relevant time by the chief executive	27
	28
	29

-
- under the relevant Act. 1
- (3) For applying subsection (2), a matter required to 2
have been considered by the chief executive under 3
the relevant Act is taken to have been considered 4
by the chief executive at the relevant time when 5
the regulation authority was dealt with. 6
- (4) Anything done or omitted to be done that would 7
have been valid and lawful under this Act or 8
another Act, had the regulation authority been 9
lawfully dealt with, is taken to be, and always to 10
have been, valid and lawful. 11
- (5) In this section— 12
- automated system* means an electronic system 13
operated from time to time by public service 14
employees of the department. 15
- dealt with*, in relation to a regulation authority, 16
means the authority was issued, given, granted, 17
amended or renewed. 18
- regulation authority* means a licence, permit or 19
other authority mentioned in a regulation made 20
under the relevant Act. 21
- relevant Act*, in relation to a regulation authority, 22
means the Act as in force at the relevant time. 23
- relevant time*, in relation to a regulation authority, 24
means the time the authority was purportedly 25
dealt with. 26
- 221 Electronic system approved before 27
commencement 28**
- (1) This section applies if— 29
- (a) before the commencement, the chief 30
executive approved the use of an electronic 31
system for an automated purpose; and 32

[s 18]

- | | | |
|-----|---|----------------------------|
| (b) | immediately before the commencement, the approval was in effect. | 1
2 |
| (2) | The electronic system is taken to be approved by the chief executive under section 143BA(1) for the same automated purpose for the period— | 3
4
5 |
| (a) | starting on the commencement; and | 6 |
| (b) | ending when the chief executive cancels the approval, whether to give a new approval under section 143BA(1) or otherwise. | 7
8
9 |
| (3) | In this section— | 10 |
| | <i>automated purpose</i> means automatically issuing, giving, granting, amending, cancelling or renewing, by the operation of an electronic system, a licence, permit or other authority mentioned in a regulation made under this Act. | 11
12
13
14
15 |

Schedule 1	Other amendments of Environmental Protection Act 1994	1 2 3
	section 13	4
1	Chapter 5, part 5, division 2, subdivision 2, heading, 'Decision'— <i>omit, insert—</i> Other applications	5 6 7 8
2	Section 175, heading, after 'application'— <i>insert—</i> for mining activity relating to mining lease	9 10 11
3	Section 178, heading, 'Automatic'— <i>omit, insert—</i> Deemed	12 13 14
4	Section 179, heading, 'Automatic'— <i>omit, insert—</i> Deemed	15 16 17
5	Section 181(1), 'subdivision 2,'— <i>omit.</i>	18 19
6	Section 181(2)(b), 'section 170(2)(b)'— <i>omit, insert—</i> section 170(3)	20 21 22

Schedule 1

7	Section 182(1), ‘section 170(2)(b)’—	1
	<i>omit, insert—</i>	2
	section 170(3)	3
8	Section 196(e), after ‘made’—	4
	<i>insert—</i>	5
	or taken to be made	6
9	Section 203(3), ‘given’—	7
	<i>omit, insert—</i>	8
	issued	9
10	Section 277, heading, ‘Automatic cancellation’—	10
	<i>omit, insert—</i>	11
	Cancellation	12
11	Schedule 4, definition <i>registered suitable operator</i>, ‘section 318(1)(b)’—	13
	<i>omit, insert—</i>	14
	chapter 5A, part 4	15
		16