



Queensland

# **Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026**

## **Act No. 12 of 2026**

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**An Act to amend the Environmental Protection Act 1994, the Forestry Act 1959, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral and Energy Resources (Financial Provisioning) Act 2018, the Mineral Resources Act 1989, the Nature Conservation Act 1992, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Recreation Areas Management Act 2006, the Regional Planning Interests Act 2014, the State Penalties Enforcement Regulation 2014, the Waste Reduction and Recycling Act 2011, the Water Act 2000 and the legislation mentioned in schedule 1 for particular purposes**

**[Assented to 16 June 2026]**





Queensland

# Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026*.

### **2 Commencement**

The following provisions commence on a day to be fixed by proclamation—

- (a) part 2, division 3;
- (b) parts 3 to 7;
- (c) parts 9 to 12;
- (d) sections 182 and 183;
- (e) schedule 1, part 2.

## **Part 2 Amendment of Environmental Protection Act 1994**

### **Division 1 Preliminary**

#### **3 Act amended**

This part amends the *Environmental Protection Act 1994*.

*Note—*

See also the amendments in schedule 1.



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**6 Omission of ch 3, pt 1, div 2, sdiv 2 (Public notification of draft terms of reference)**

Chapter 3, part 1, division 2, subdivision 2—

*omit.*

**7 Amendment of s 46 (Finalising terms of reference)**

(1) Section 46, before subsection (1)—

*insert—*

(1AA) This section applies if, under section 41A(1)(b), the chief executive decides to allow the draft terms of reference to proceed.

(2) Section 46(1)(a)—

*omit.*

(3) Section 46(1)(b) to (d)—

*renumber* as section 46(1)(a) to (c).

(4) Section 46(1AA) to (2)—

*renumber* as section 46(1) to (3).

**8 Amendment of s 49 (Decision on whether EIS may proceed)**

Section 49(5A) to (5C) and (8)—

*omit.*

**9 Amendment of s 56 (Response to submissions)**

(1) Section 56(1), from ‘the following’—

*omit, insert—*

each submission accepted by the chief executive.

(2) Section 56(1A), (1B) and (2)(c)—

*omit.*

- (3) Section 56(2)(d), ‘or report’—  
*omit.*
- (4) Section 56(2)(d)—  
*renumber* as section 56(2)(c).
- (5) Section 56(3), definition *relevant period*, paragraph (a)—  
*omit, insert—*
  - (a) 20 business days after the proponent is given a copy of all submissions accepted by the chief executive; or

## 10 **Amendment of s 56A (Assessment of adequacy of response to submission and submitted EIS)**

- (1) Section 56A(1)—  
*omit, insert—*
  - (1) This section applies if a submission is accepted by the chief executive under section 55.
- (2) Section 56A(4)(a), ‘, and any report about a public interest evaluation,’—  
*omit.*
- (3) Section 56A(4)(b)—  
*omit.*
- (4) Section 56A(4)(c), ‘and any report about a public interest evaluation’—  
*omit.*
- (5) Section 56A(4)(c)—  
*renumber* as section 56A(4)(b).

## 11 **Amendment of s 65 (Public access to draft terms of reference or submitted EIS)**

- (1) Section 65, heading, ‘draft terms of reference or’—

*omit.*

- (2) Section 65, ‘the draft terms of reference for an EIS or the’—  
*omit, insert—*

a

## **12 Amendment of s 67 (Process is suspended)**

Section 67(3), ‘draft terms of reference or submitted EIS lapse’—

*omit, insert—*

submitted EIS lapses

## **13 Amendment of s 68 (Substantial compliance with notice requirements may be accepted)**

- (1) Section 68(1), ‘division 2, subdivision 2 or’—

*omit.*

- (2) Section 68(3)(b)—

*omit, insert—*

(b) fix a new submission period; and

- (3) Section 68(4), ‘comment or’—

*omit.*

- (4) Section 68(5), ‘section 43(3) or 51(2)’—

*omit, insert—*

section 51(2)

## **14 Amendment of s 112 (Other key definitions for ch 5)**

Section 112, definitions *public interest consideration* and *public interest evaluation*—

*omit.*

**15 Amendment of s 125 (Requirements for applications generally)**

(1) Section 125(3)(a), ‘either’—

*omit, insert—*

any of the following applies

(2) Section 125(3)(a)(i), ‘or’—

*omit.*

(3) Section 125(3)(a)(ii)—

*omit, insert—*

(ii) the Coordinator-General has, under the State Development Act, section 34D, evaluated an EIS for each relevant activity the subject of the application and stated conditions that relate to each relevant activity;

(iii) the Coordinator-General has, under the State Development Act, section 34L, evaluated an IAR for each relevant activity the subject of the application and stated conditions that relate to each relevant activity; and

(4) Section 125(3)(b), after ‘paragraph (a)(ii)’—

*insert—*

or (iii)

(5) Section 125(6)(c), ‘section 26(1)(a)’—

*omit, insert—*

section 26(1)

(6) Section 125(6)(c), after ‘EIS’—

*insert—*

or IAR

---

**16 Amendment of s 126 (Requirements for site-specific applications—CSG activities)**

Section 126(3)(a) and (b)—

*omit, insert—*

- (a) the Coordinator-General has—
  - (i) evaluated an EIS for the CSG activity under the State Development Act, section 34D; or
  - (ii) evaluated an IAR for the CSG activity under the State Development Act, section 34L; and
- (b) the Coordinator-General has stated conditions for each relevant activity the subject of the application; and

**17 Amendment of s 126D (Requirements for proposed PRCP schedule)**

Section 126D(2)(b)(ii), after ‘consideration’—

*insert—*

mentioned in section 126E

**18 Insertion of new s 126E**

After section 126D—

*insert—*

**126E Public interest considerations for s 126D**

For section 126D(2)(b)(ii), each of the following matters is a public interest consideration—

- (a) the benefit, including the significance of the benefit, to the community resulting from the mining activity or resource project the subject of the environmental authority

- application to which the PRCP schedule relates;
- (b) any impacts, including long-term impacts for the environment or the community, that may reduce the benefit mentioned in paragraph (a) or have other negative impacts on the environment or community;
  - (c) whether there are any alternative options to approving the area as a non-use management area having regard to—
    - (i) the costs or other consequences of the alternative options; and
    - (ii) the impact of the costs or other consequences on the financial viability of the mining activity or resource project;
  - (d) whether the benefit to the community mentioned in paragraph (a), weighed against the impacts mentioned in paragraph (b), is likely to justify the approval of the non-use management area having regard to any alternative options mentioned in paragraph (c);
  - (e) another matter prescribed by regulation.

**19 Omission of s 136A (Administering authority must obtain report about public interest evaluation for particular applications)**

Section 136A—

*omit.*

**20 Amendment of s 139 (Information stage does not apply if EIS process complete)**

- (1) Section 139, heading, after ‘EIS’—

---

*insert—*

**or IAR**

- (2) Section 139(1)(a), ‘either’—

*omit, insert—*

any of the following applies

- (3) Section 139(1)(a)(i), ‘or’—

*omit.*

- (4) Section 139(1)(a)(ii), ‘and’—

*omit.*

- (5) Section 139(1)(a)—

*insert—*

(iii) in evaluating an IAR under the State Development Act, the Coordinator-General has stated conditions mentioned in section 34L(3)(b) of that Act that relate to each relevant activity the subject of the application; and

- (6) Section 139(1)(b), after ‘paragraph (a)(ii)’—

*insert—*

or (iii)

- (7) Section 139(1)(b)(ii)—

*omit, insert—*

(ii) for a proposed PRC plan, none of the following has changed—

(A) a post-mining land use or non-use management area;

(B) achieving a stable condition for land;

(C) the way a post-mining land use will be achieved, or a non-use management area will be managed, to an extent likely to result in significantly different

impacts on environmental values compared to the impacts on the values under the EIS or IAR mentioned in paragraph (a);

- (D) the day by which rehabilitation of land to a stable condition will be achieved.

## **21 Amendment of s 150 (Notification stage does not apply to particular applications)**

- (1) Section 150(1)—

*omit, insert—*

- (1) This section applies to an application for an environmental authority if—

- (a) any of the following applies—

- (i) for an EIS under this Act—

(A) the EIS for each relevant activity the subject of the application has been publicly notified under section 51; and

(B) for a site-specific application for a mining activity relating to a mining lease—the public notification included notification of the proposed PRC plan for the application;

- (ii) for an EIS under the State Development Act—

(A) the draft EIS for each relevant activity the subject of the application has been publicly notified under section 33 of that Act; and

(B) for a site-specific application for a mining activity relating to a

- mining lease—the public notification included notification of the proposed PRC plan for the application;
- (iii) for an IAR under the State Development Act—
- (A) the draft IAR for each relevant activity the subject of the application has been publicly notified under section 34H of that Act; and
- (B) for a site-specific application for a mining activity relating to a mining lease—the public notification included notification of the proposed PRC plan for the application; and
- (b) since the public notification mentioned in paragraph (a)—
- (i) either—
- (A) the environmental risks of the relevant activity and the way it will be carried out have not changed; or
- (B) if the application proposes a change to the way the relevant activity will be carried out—the administering authority is satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change; and

(ii) for a proposed PRC plan mentioned in paragraph (a), neither of the following has changed—

(A) a post-mining land use or non-use management area;

(B) the day by which rehabilitation of land to a stable condition will be achieved.

(2) Section 150(3), after ‘EIS’—

*insert—*

or IAR mentioned in subsection (1)

(3) Section 150(4)—

*omit.*

## **22 Omission of ss 167A and 167B**

Sections 167A and 167B—

*omit.*

## **23 Amendment of s 176A (Criteria for decision—proposed PRCP schedule)**

(1) Section 176A(3)(b)—

*omit.*

(2) Section 176A(3)(c)—

*renumber* as section 176A(3)(b).

## **24 Amendment of s 205 (Conditions that must be imposed if application relates to coordinated project)**

(1) Section 205(2), note—

*omit, insert—*

*Notes—*

- 1 In evaluating an EIS under the State Development Act, the Coordinator-General may state conditions under section 34D(3)(b) of that Act.
- 2 In evaluating an IAR under the State Development Act, the Coordinator-General may state conditions under section 34L(3)(b) of that Act.

(2) Section 205(3)—

*omit.*

(3) Section 205(4)—

*renumber* as section 205(3).

**25 Amendment of s 226A (Requirements for amendment applications for environmental authorities)**

(1) Section 226A(2)(a)—

*omit, insert—*

(a) any of the following applies—

- (i) the process under chapter 3 for an EIS for the proposed amendment has been completed;
- (ii) the Coordinator-General has evaluated an EIS for the proposed amendment under the State Development Act, section 34D and stated conditions that relate to the proposed amendment;
- (iii) the Coordinator-General has evaluated an IAR for the proposed amendment under the State Development Act, section 34L and stated conditions that relate to the proposed amendment; and

(2) Section 226A(2)(b), after ‘paragraph (a)(ii)’—

*insert—*

or (iii)

**26 Amendment of s 226B (Requirements for amendment applications for PRCP schedules)**

Section 226B, after ‘schedule’—

*insert—*

, other than an application for a minor amendment (PRCP threshold),

**27 Amendment of s 238 (Effect on assessment of amendment application—other changes)**

(1) Section 238(3), before paragraph (a)—

*insert—*

(aa) the information stage restarts, on the day notice of the change is received, from the start of the stage; and

(2) Section 238(3)(a), from ‘, within’ to ‘received,’—

*omit.*

(3) Section 238(3)(b), ‘paragraph (a)’—

*omit, insert—*

paragraph (b)

(4) Section 238(3)—

*insert—*

(ba) a request under paragraph (b) must be made within the number of business days after the day notice of the change is received that would apply if a reference in section 144, as applied under section 232, to the end of the application stage were a reference to the later of the following—

(i) the day notice of the change is received;

(ii) the day the fee mentioned in section 236(1)(b) is paid; and

(5) Section 238(3)(c), ‘paragraph (a)’—

*omit, insert—*

paragraph (b)

(6) Section 238(3)(aa) to (d)—

*renumber* as section 238(3)(a) to (f).

**28 Amendment of s 271 (Payment may be required for residual risks)**

Section 271(2), ‘within a stated reasonable period’—

*omit, insert—*

, within 6 months after the day the notice is given,

**29 Insertion of new s 273A**

After section 273—

*insert—*

**273A Extension of period for payment**

- (1) Before the end of the 6-month period mentioned in section 271(2) for a residual risks requirement, the administering authority may, with the written agreement of the applicant, extend the period for compliance with the requirement.
- (2) The administering authority may extend the period under subsection (1) only once.

**30 Amendment of s 274 (Directions to carry out rehabilitation may be given if surrender refused)**

Section 274(2), ‘(the *rehabilitation direction*)’—

*omit, insert—*

(the *surrender rehabilitation direction*)

**31 Amendment of s 276 (Restriction on surrender taking effect if payment required for residual risks)**

- (1) Section 276, heading, ‘Restriction’—

*omit, insert—*

**Restrictions**

- (2) Section 276—

*insert—*

- (3) Also, a decision to approve the surrender lapses if the applicant does not comply with the residual risks requirement within—
- (a) the 6-month period mentioned in section 271(2) for the requirement; or
  - (b) if the administering authority extends the period under section 273A—the extended period.

**32 Amendment of s 285 (PRCP schedule must be audited)**

- (1) Section 285, heading, after ‘audited’—

*insert—*

**if administering authority directs holder**

- (2) Section 285(1)—

*omit, insert—*

- (1) The administering authority may direct the holder of a PRCP schedule, by written notice (a **PRCP schedule audit notice**) stating the matters mentioned in subsection (3), to commission an audit of the schedule.
- (1A) However, a PRCP schedule audit notice may be given under subsection (1) only if—
- (a) the administering authority is satisfied the audit is necessary or desirable; and

- 
- (b) for a notice given within 3 years after the day the holder was last required to give an audit report for the PRCP schedule under this section—the administering authority is satisfied exceptional circumstances exist for the giving of the notice.
- (1B) The PRCP schedule audit notice must state—
- (a) that the audit must be carried out by a rehabilitation auditor; and
- (b) the period (the *audit period*) for which the audit must be carried out.
- (1C) For subsection (3)(b), the period must be a reasonable period—
- (a) starting no earlier than 3 years before the day the PRCP schedule audit notice is given; and
- (b) ending no later than the day the notice is given.
- (1D) A PRCP schedule audit notice mentioned in subsection (2)(b) must be accompanied by or include an information notice about the decision to give the PRCP schedule audit notice.
- (3) Section 285(2), from ‘The’ to ‘period,’—  
*omit, insert—*
- Unless the holder has a reasonable excuse, the holder must, within 4 months after the PRCP schedule audit notice is given,
- (4) Section 285(3), ‘subsection (2)(b)’—  
*omit, insert—*
- subsection (6)(b)
- (5) Section 285(1A) to (3)—  
*renumber* as section 285(2) to (7).

**33 Omission of ch 5, pt 15, div 4A (Public interest evaluations)**

Chapter 5, part 15, division 4A—

*omit.*

**34 Insertion of new s 316S**

After section 316R—

*insert—*

**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.

**35 Amendment of s 359 (Meaning of *enforcement ground*)**

- (1) Section 359(e)(ix)—

*omit, insert—*

- (ix) a surrender rehabilitation direction; or
  - (ixa) a general rehabilitation direction; or
- (2) Section 359(e)(ixa) to (xiii)—  
*renumber* as section 359(e)(x) to (xiv).
- (3) Section 359(f), after subparagraph (i)—  
*insert—*
- (ia) section 431A;
- (4) Section 359(f)(ia) to (v)—  
*renumber* as section 359(f)(ii) to (vi).

**36 Replacement of s 431A (PRCP schedule required for particular environmentally relevant activities)**

Section 431A—

*omit, insert—*

**431A PRCP schedule required for particular environmental authorities**

The holder of an environmental authority issued for a site-specific application for a mining activity relating to a mining lease must also hold a PRCP schedule to which the authority relates.

Maximum penalty—4,500 penalty units.

**37 Amendment of s 444I (Functions)**

Section 444I(a)—

*omit, insert—*

- (a) providing advice to the Minister on rehabilitation and management practices, outcomes and policies;

## **38 Replacement of ss 462 and 463**

Sections 462 and 463—

*omit, insert—*

### **462 Power to secure seized thing**

- (1) Having seized a thing under this chapter, an authorised person may—
  - (a) leave the thing at the place where it was seized (the *place of seizure*) and take reasonable action to restrict access to it; or
  - (b) move the thing from the place of seizure.
- (2) For subsection (1)(a), the authorised person may, for example—
  - (a) seal the thing, or the entrance to the place of seizure, and mark the thing or place to show access to the thing or place is restricted; or
  - (b) for equipment—make it inoperable; or

*Example—*

make the equipment inoperable by dismantling it or removing a component without which the equipment can not be used

- (c) require a person the authorised person reasonably believes is in control of the place or thing to do an act mentioned in paragraph (a) or (b) or anything else an authorised person could do under subsection (1)(a).

### **463 Offence to contravene seizure requirement**

A person must comply with a requirement made of the person under section 462(2)(c) unless the person has a reasonable excuse.

Maximum penalty—165 penalty units.

### **463A Offence to interfere**

(1) If access to a seized thing is restricted under section 462, a person must not tamper with the thing or with anything used to restrict access to the thing without—

- (a) an authorised person's approval; or
- (b) a reasonable excuse.

Maximum penalty—165 penalty units.

(2) If access to a place is restricted under section 462, a person must not enter the place in contravention of the restriction or tamper with anything used to restrict access to the place without—

- (a) an authorised person's approval; or
- (b) a reasonable excuse.

Maximum penalty—165 penalty units.

### **463B Receipt and information notice for seized thing**

(1) This section applies if an authorised person seizes anything under this chapter unless—

- (a) the authorised person reasonably believes there is no-one apparently in possession of the thing or the thing has been abandoned; or

- (b) because of the condition, nature and value of the thing, it would be unreasonable to require the authorised person to comply with this section.

(2) The authorised person must, as soon as practicable after seizing the thing, give an owner or person in control of the thing before it was seized—

- (a) a receipt for the thing that generally describes the thing and its condition; and
  - (b) an information notice about the decision to seize the thing.
- (3) However, if an owner or person from whom the thing is seized is not present when it is seized, the receipt and information notice may be given by leaving them in a conspicuous position and in a reasonably secure way at the place where the thing is seized.
- (4) The receipt and information notice may—
- (a) be given in the same document; and
  - (b) relate to more than 1 seized thing.
- (5) The authorised person may delay giving the receipt and information notice if the authorised person reasonably suspects giving them may frustrate or otherwise hinder an investigation by the authorised person under this chapter.
- (6) However, the delay may be only for so long as—
- (a) the authorised person continues to have the reasonable suspicion; and
  - (b) the authorised person, or a person acting under the direction of the authorised person, remains in the vicinity of the place where the thing was seized to keep the thing secure or under observation.

### **463C Access to seized thing**

- (1) Until a seized thing is forfeited or returned, the authorised person who seized the thing must allow an owner of the thing—
- (a) to inspect it at any reasonable time and from time to time; and
  - (b) if it is a document—to copy it.

- (2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.
- (3) The inspection or copying must be allowed free of charge.

### **463D Return of seized thing**

- (1) This section applies if a seized thing is not subject to a forfeiture order under part 2A.
- (2) As soon as the administering executive stops being satisfied there are reasonable grounds for retaining the thing, the administering executive must return the thing to its owner.
- (3) If the thing is not returned to its owner within 3 months after it was seized, the owner may apply to the administering executive for its return.
- (4) Within 30 days after receiving the application, the administering executive must—
  - (a) if the administering executive is satisfied there are reasonable grounds for retaining the thing and decides to retain the thing—give the owner an information notice about the decision, including the grounds for retaining the thing; or
  - (b) otherwise—return the thing to the owner.
- (5) For this section, there are reasonable grounds for retaining a seized thing if—
  - (a) the thing is being, or is likely to be, examined; or
  - (b) the thing is needed, or may be needed, for the purposes of—
    - (i) a proceeding for an offence against this Act that is likely to be started or that has been started but not completed; or

- (ii) an appeal from a decision in a proceeding for an offence against this Act; or
  - (c) it is not lawful for the owner to possess the thing; or
  - (d) the administering executive believes it is necessary to continue to keep the thing to prevent its use in committing an offence.
- (6) Subsection (5) does not limit the grounds that may be reasonable grounds for retaining the seized thing.
- (7) Nothing in this section affects a lien or other security over the seized thing.
- (8) In this section—  
*examine* includes analyse, test, account for, measure, weigh, grade, gauge and identify.

## Part 2A            Forfeiture orders

### 463E Forfeiture order

- (1) This section applies if a person is convicted of an offence against this Act.
- (2) The court may make an order (a *forfeiture order*), on its own initiative or on an application by the prosecution, for the forfeiture of a thing owned by the person to the relevant entity for the thing if the thing was the subject of, or used to commit, the offence.
- (3) The court may make a forfeiture order for a thing—
  - (a) whether or not the thing has been seized under this chapter; and

- (b) if the thing has been seized—whether or not the thing has been returned to the person who owned the thing immediately before the seizure.
- (4) In deciding whether to make a forfeiture order for a thing, the court—
- (a) may require notice to be given to any person the court considers appropriate, including, for example, a person who may have any property in the thing; and
  - (b) must hear any submissions that a person claiming to have any property in the thing may wish to make; and
  - (c) must have regard to—
    - (i) any hardship that may reasonably be expected to be caused to a person by the order; and
    - (ii) the use that is ordinarily made, or was intended to be made, of the thing; and
    - (iii) the seriousness of the offence.
- (5) If the court makes a forfeiture order for a thing, the thing becomes the property of the relevant entity for the thing and may be destroyed or disposed of as directed by the administering executive.
- (6) The court may make any order it considers appropriate to enforce the forfeiture order.
- (7) This section does not limit the court’s powers under another law.
- (8) In this section—
- relevant entity***, for a thing, means—
- (a) if an authorised person seized the thing in the exercise of the power of seizure in the

enforcement of a matter devolved to a local government—the local government; or

(b) otherwise—the State.

**39 Amendment of s 467 (Authorised person may take or direct someone to take stated action)**

Section 467(5)(c), from ‘apply’ to ‘the evidence’—

*omit, insert—*

to 463D apply to the thing as if the thing were the evidence or thing

**40 Amendment of s 497 (Limitation on time for starting summary proceedings)**

(1) Section 497, after ‘*Justices Act 1886*’—

*insert—*

, other than a relevant summary proceeding,

(2) Section 497(a), ‘1 year’—

*omit, insert—*

2 years

(3) Section 497(b)—

*omit.*

(4) Section 497(c), ‘1 year’—

*omit, insert—*

2 years

(5) Section 497(c)(ii)—

*omit.*

(6) Section 497(c)(iii)—

*renumber* as section 497(c)(ii).

(7) Section 497(c)—

*renumber* as section 497(b).

(8) Section 497—

*insert*—

(2) A relevant summary proceeding must start—

- (a) within 3 years after the commission of the offence; or
- (b) if an enforceable undertaking has been made in relation to the offence—within 2 years after—
  - (i) the enforceable undertaking is contravened; or
  - (ii) the administering authority has agreed under section 509 to the withdrawal of the enforceable undertaking.

(3) In this section—

***relevant summary proceeding*** means a proceeding by way of summary proceeding under the *Justices Act 1886* for—

- (a) an indictable offence against this Act; or
- (b) an offence against any of the following provisions of this Act—
  - (i) section 319(2) if paragraph (b) of the penalty applies;
  - (ii) section 319C(3) if paragraph (b) of the penalty applies;
  - (iii) section 357I if paragraph (b) of the penalty applies;
  - (iv) section 369A(1) if paragraph (b) of the penalty applies;
  - (v) section 369A(2);
  - (vi) section 426(1);

- (vii) section 430(3);
- (viii) section 431(2) if the penalty under section 430(3) applies;
- (ix) section 437(2);
- (x) section 438(2);
- (xi) section 440(1) or (2);
- (xii) section 443A.

#### **41 Amendment of s 520 (Dissatisfied person)**

(1) Section 520(1)—

*insert—*

- (ea) if the decision is to give a PRCP schedule audit notice under section 285 and section 285(2)(b) applies in relation to the giving of the notice—the holder of the schedule; or

(2) Section 520(1)—

*insert—*

- (sa) if the decision is about seizing a thing under section 461 unless a circumstance mentioned in section 463B(1)(a) or (b) applies—the owner or person in control of the seized thing before it was seized; or
- (sb) if the decision is about retaining a seized thing under section 463D(4)(a)—the owner of the seized thing; or

(3) Section 520(1)(ea) to (x)—

*renumber* as section 520(1)(f) to (zb).

#### **42 Amendment of s 540 (Registers to be kept by administering authority)**

Section 540(1)(a)(xiii)—

*omit.*

**43 Amendment of s 540A (Registers to be kept by chief executive)**

(1) Section 540A(1)(a)(i) to (iii)—

*omit.*

(2) Section 540A(1)(a)(vii), ‘subparagraph (vi)’—

*omit, insert—*

subparagraph (iii)

(3) Section 540A(1)(a)(iv) to (ix)—

*renumber* as section 540A(1)(a)(i) to (vi).

**44 Amendment of s 755 (Administering authority must assess proposed PRC plan)**

(1) Section 755(3)(c)—

*omit, insert—*

(c) the notification stage applies subject to section 755B.

(2) Section 755—

*insert—*

(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.

**45 Omission of s 755A (Application of requirement for public interest evaluation for application stage)**

Section 755A—

*omit.*

**46 Amendment of s 765A (Application of part if holder of environmental authority changes)**

Section 765A—

*insert—*

*Note—*

However, see section 848 in relation to transfers of environmental authorities to which this part applies.

**47 Amendment of s 802 (Particular holders may apply for PRC plan approval for pt 27)**

- (1) Section 802(1)(a)—

*omit, insert—*

- (a) a PRCP schedule is not approved for an environmental authority to which part 27 applies (including because of the operation of this division); and

*Note—*

See also section 849 for the application of subsection (1)(a).

- (2) Section 802(1)(b), ‘for an environmentally relevant activity carried out under’—

*omit, insert—*

in relation to

- (3) Section 802(1)(c), after ‘holder’—  
*insert—*  
of the authority
- (4) Section 802(5)—  
*omit, insert—*
- (5) Section 431A does not apply to the holder of the environmental authority during the following periods—
- (a) if, immediately before the relevant commencement day, the administering authority was not assessing a proposed PRC plan for the authority under part 27 or subsection (2)—the period of 60 business days from the relevant commencement day;
  - (b) if an application for assessment of a proposed PRC plan for the authority is made under subsection (2), whether before or after the relevant commencement day—
    - (i) the period for which the administering authority is assessing the proposed PRC plan; and
    - (ii) the period of 60 business days from the day the assessment ends, if the assessment ends without the proposed PRC plan being approved.
- (6) For subsection (5), the ***relevant commencement day*** is the day the amendment of this section by the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026* commences.
- (7) To remove any doubt, it is declared that the holder of the environmental authority may ask the administering authority, under subsection (2), to assess a proposed PRC plan for the authority more than once.

## 48 Insertion of new ch 13, pt 35

Chapter 13—

*insert—*

# Part 35 Transitional provisions for Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026

## Division 1 Preliminary

### 826 Definitions for part

In this part—

*amendment Act* means the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026*.

*former*, in relation to a provision of this Act, means the provision as in force from time to time before the commencement of the transitional provision in which the term is used.

*new*, in relation to a provision of this Act, means the provision as in force from the commencement of the transitional provision in which the term is used.

*transitional provision* means a provision of this part.

*unamended Act* means this Act as in force before the commencement of the transitional provision in which the term is used.

## **Division 2      Transitional provisions for amendments commencing on assent**

### **Subdivision 1   Public interest evaluations**

#### **827 Definition for subdivision**

In this subdivision—

*public interest evaluation* means a public interest evaluation under former section 112.

#### **828 Ending of relevant matters in relation to existing public interest evaluations**

- (1) This section applies if, before the commencement—
  - (a) either—
    - (i) an EIS was submitted by a proponent; or
    - (ii) a person gave a proposed PRC plan to the administering authority for assessment; and
  - (b) either—
    - (i) the chief executive asked a qualified entity, under former section 49(5B), to carry out a public interest evaluation and give the chief executive a report about the evaluation that complied with former section 316PB; or
    - (ii) the administering authority asked a qualified entity, under former section 136A(2), to carry out a public interest evaluation and give the administering

authority a report about the evaluation that complied with former section 316PB; and

- (c) a relevant matter, or the period for carrying out a relevant matter, in relation to the evaluation had not ended under the former provisions of this Act.
- (2) On the commencement, the relevant matter, or a requirement to carry out the relevant matter, ends.
- (3) From the commencement, the new provisions of this Act apply for—
  - (a) the completion of the EIS process for the EIS; or
  - (b) the assessment of the proposed PRC plan.
- (4) However, subsection (3)(a) does not apply in relation to the terms of reference stage for the EIS.

*Note—*

See section 837 in relation to draft terms of reference submitted before the commencement.

- (5) To the extent this section is inconsistent with section 755, 778 or 802, this section prevails to the extent of the inconsistency.
- (6) This section applies subject to sections 829 to 836.
- (7) In this section—

***relevant matter***, in relation to a public interest evaluation, means each of the following matters—

  - (a) the carrying out of the evaluation;
  - (b) the preparation and giving of a proposed report about the evaluation;
  - (c) the making of submissions about a proposed report about the evaluation;

- 
- (d) the consideration of submissions about a proposed report about the evaluation;
  - (e) the preparation and giving of a final report about the evaluation;
  - (f) the preparation and giving of a response to a report about the evaluation;
  - (g) the consideration of a response to, or recommendations made in, a report about the evaluation;
  - (h) the making of a decision based on a report about the evaluation;
  - (i) a request for a review of a report about the evaluation;
  - (j) a review of a report about the evaluation.

### **829 Modified application of new s 56—giving proponent a copy of submissions**

- (1) This section applies in relation to an EIS if, before the commencement—
  - (a) under former section 49(5B), the chief executive had asked a qualified entity to give the chief executive a report about a public interest evaluation for a proposed non-use management area; and
  - (b) the qualified entity had not given the chief executive the report; and
  - (c) the submission period had ended, but the chief executive had not given the proponent a copy of each submission accepted by the chief executive.
- (2) Despite new section 56(1), the chief executive must, within 10 business days after the day of the commencement, give the proponent a copy of each submission accepted by the chief executive.

### **830 Modified application of new s 56—period for proponent’s response to submissions**

- (1) This section applies in relation to an EIS if, before the commencement—
  - (a) a public interest evaluation was carried out for a proposed non-use management area; and
  - (b) an entity asked for a review of a report about the public interest evaluation under former section 316PC; and
  - (c) the proponent had not complied with former section 56(2).
- (2) For applying new section 56(2), new section 56(3), definition *relevant period*, paragraph (a) is taken to refer to 20 business days after the day of the commencement.

### **831 Modified application of new s 56A—period for chief executive’s consideration of EIS etc.**

- (1) This section applies in relation to an EIS if, before the commencement—
  - (a) a public interest evaluation was carried out for a proposed non-use management area; and
  - (b) an entity asked for a review of a report about the public interest evaluation under former section 316PC; and
  - (c) the chief executive had accepted a submission under section 55, but had not complied with former section 56A(2).
- (2) For applying new section 56A(2), new section 56(3), definition *relevant period*, paragraph (a) is taken to refer to 20 business days after the day of the commencement.

### **832 Starting of decision stage for particular site-specific applications**

- (1) This section applies in relation to a site-specific application if, before the commencement—
  - (a) the administering authority asked a qualified entity, under former section 136A, to give the chief executive a report about a public interest evaluation; and
  - (b) the decision stage for the application had not started only because of the operation of former section 167A.
- (2) The decision stage starts on the day of the commencement.

### **833 Restarting of assessment process suspended under former s 167B(3)**

- (1) This section applies in relation to a site-specific application if, before the commencement—
  - (a) the applicant had asked the administering authority, under former section 167B(2), to suspend the assessment process; and
  - (b) the assessment process had not restarted under former section 167B(3).
- (2) The assessment process restarts on the earlier of the following days—
  - (a) the day notified by the applicant to the administering authority whether notified before or after the commencement;
  - (b) the day that is 18 months after the day the decision stage started for the application.

### **834 Restarting of assessment process suspended under former s 167B(6)**

- (1) This section applies in relation to a site-specific

application if, before the commencement—

- (a) under former section 316PC, an entity had asked the chief executive for a review of a report about a public interest evaluation in relation to the application; and
  - (b) the assessment process had not restarted under former section 167B(6).
- (2) The assessment process restarts on the earlier of the following days—
- (a) the day notified by the applicant to the administering authority whether notified before or after the commencement;
  - (b) the day that is 18 months after the day of the commencement.

### **835 No debt payable by third party entity under former s 316PD**

- (1) This section applies if, before the commencement, costs were reasonably incurred by the administering authority or the chief executive as mentioned in former section 316PD.
- (2) From the commencement, the costs are no longer a debt payable by a third party entity.
- (3) To remove any doubt, it is declared that a debt that arose under former section 316PD but was not paid before the commencement is, from the commencement, no longer payable by a third party entity.
- (4) In this section—

*third party entity* means an entity other than the administering authority or the State.

### **836 Continuation of confidentiality of public interest evaluation**

- (1) This section applies if—
  - (a) immediately before the commencement, former section 316PE applied to a person; and
  - (b) on the commencement, new section 579D does not apply to the person.
- (2) Former section 316PE(2) to (4) continues to apply in relation to the person as if the amendment Act had not been enacted.
- (3) To remove any doubt, it is declared that a proceeding for an offence against former section 316PE(2) may, after the commencement, be started or continued under that section as if the amendment Act had not been enacted.

## **Subdivision 2 Other matters**

### **837 Draft terms of reference submitted before commencement**

- (1) This section applies if, before the commencement—
  - (a) a proponent submitted to the chief executive draft terms of reference for an EIS; and
  - (b) the chief executive had not published the final terms of reference for the EIS.
- (2) The following provisions continue to apply in relation to the EIS as if the amendment Act had not been enacted—
  - (a) former chapter 3, part 1, division 2;
  - (b) former sections 65, 67 and 68;

- (c) former schedule 2, part 1, division 1 to the extent it applied to an original decision under former section 41A(1)(b), 43(3)(c) or 68(3)(b);
- (d) the *Environmental Protection Regulation 2019*, former chapter 2, part 3.

**838 Information stage does not apply to application made before commencement if IAR evaluated**

New section 139 applies in relation to an application for an environmental authority—

- (a) whether the application was made before or after the commencement; and
- (b) whether an IAR relevant to the application was evaluated before or after the commencement.

**839 Notification stage does not apply to application made before commencement if draft IAR publicly notified**

New section 150 applies in relation to an application for an environmental authority—

- (a) whether the application was made before or after the commencement; and
- (b) whether a draft IAR relevant to the application was publicly notified before or after the commencement.

**840 Continuation of former s 238 for particular changes to amendment applications made before commencement**

- (1) This section applies if, before the commencement—

- (a) an applicant gave the administering authority written notice of a change to an amendment application; and
  - (b) the change was not a minor change; and
  - (c) the administering authority had not given its written agreement to the change.
- (2) Former section 238 continues to apply in relation to the change to the amendment application as if the amendment Act had not been enacted.

#### **841 Application of new ch 5, pt 10, div 6 for residual risks requirement given after commencement**

New chapter 5, part 10, division 6 applies in relation to a residual risks requirement given after the commencement, whether the surrender application to which the requirement relates was made before or after the commencement.

#### **842 Application of new s 273A to existing residual risks requirement**

- (1) This section applies if, before the commencement—
- (a) the administering authority had given an applicant a residual risks requirement under former section 271(2); and
  - (b) the stated reasonable period mentioned in former section 271(2) had not ended.
- (2) New section 273A applies in relation to extending the period for compliance with the residual risks requirement as if the reference in new section 273A(1) to the 6-month period mentioned in section 271(2) were a reference to the stated reasonable period mentioned in former section 271(2).

### **843 Application of new s 276 in relation to existing residual risks requirement**

- (1) This section applies if—
  - (a) before the commencement—
    - (i) the administering authority had given an applicant a residual risks requirement under former section 271(2); and
    - (ii) the stated reasonable period mentioned in former section 271(2) had not ended; and
  - (b) after the commencement, the applicant does not comply with the residual risks requirement within—
    - (i) the stated reasonable period; or
    - (ii) if the administering authority extends the period under new section 273A, as applied by section 842—the extended period.
- (2) New section 276(3) applies in relation to the applicant as if a reference to a period in new section 276(3)(a) or (b) were a reference to the period mentioned in subsection (1)(b)(i) or (ii).

### **844 Continuation of audits of PRCP schedules started before commencement**

- (1) This section applies if, before the commencement—
  - (a) an audit period, within the meaning of former section 285, had ended for the holder of a PRCP schedule; and
  - (b) the holder had not given the administering authority an audit report, within the

meaning of former section 285, for the audit period.

- (2) Former section 285 continues to apply in relation to the holder as if the amendment Act had not been enacted.
- (3) A reference in new section 285(2)(b) to an audit report for the PRCP schedule given under new section 285 includes a reference to an audit report for the schedule given under former section 285.

#### **845 Continuation of former ss 462 and 463 in relation to things seized before commencement**

- (1) This section applies in relation to a thing seized by an authorised person under former chapter 9 before the commencement.
- (2) Former sections 462 and 463 continue to apply in relation to the thing as if the amendment Act had not been enacted.

#### **846 Limitation period for particular summary proceedings**

- (1) This section applies in relation to a proceeding, by way of summary proceeding under the *Justices Act 1886*, for an offence against this Act that was committed before the commencement.
- (2) Former section 497 continues to apply in relation to starting the proceeding as if the amendment Act had not been enacted.

#### **847 Register of particular TOR documents to be kept by chief executive**

- (1) The chief executive must continue to keep a register of the following in relation to an EIS submitted before the commencement—

- (a) the submitted draft terms of reference for the EIS;
  - (b) written summaries of comments given to the chief executive about the draft terms of reference for the EIS;
  - (c) the proponent's response to the comments mentioned in paragraph (b).
- (2) A reference in this Act to a register kept under section 540A is taken to include a reference to the register kept under subsection (1).

#### **848 Transfers of environmental authorities to which pt 27 applies**

- (1) This section applies if, after the commencement—
- (a) a person (the *transferee*) becomes the holder of an environmental authority to which part 27 applies; and
  - (b) a PRCP schedule is not approved for the authority.
- (2) Within 60 business days after the transfer day, the administering authority may, with the agreement of the transferee, give the transferee a notice mentioned in subsection (3) (a *restart notice*).

*Note—*

If the administering authority does not give a restart notice to the transferee, see section 765A.

- (3) The restart notice must state a period of at least 6 months, from the day the notice is given, within which the transferee may, under section 802(2), ask the administering authority to assess a proposed PRC plan for the environmental authority.
- (4) If the administering authority gives the transferee a restart notice—

- 
- (a) section 765A(2) does not apply, and is taken not to have applied from the transfer day; and
  - (b) without limiting section 802(5), section 431A does not apply to the transferee during the period—
    - (i) starting on the transfer day; and
    - (ii) ending on the last day of the period stated in the restart notice under subsection (3); and
  - (c) if, before the transfer day, the administering authority had given a notice under section 754(1) to the previous holder of the environmental authority—
    - (i) the notice given under section 754(1) stops having effect, and is taken to have stopped having effect from the transfer day; and
    - (ii) section 765A(3) does not apply, and is taken not to have applied from the transfer day; and
  - (d) if, immediately before the restart notice was given, the administering authority was assessing an application for a proposed PRC plan for the environmental authority, the application is taken to have been withdrawn on the giving of the restart notice.

(5) In this section—

*transfer day*, for an environmental authority mentioned in subsection (1), means the day the transferee becomes the holder of the authority.

## 849 Application of new s 802

New section 802(1)(a) applies—

- (a) regardless of the reason a PRCP schedule has not been approved; and

*Examples of reasons a PRCP schedule may not have been approved—*

- The holder of an environmental authority failed to comply with a notice given under section 754.
  - The holder of an environmental authority did not receive a notice required to be given to the holder under section 754.
  - The administering authority gave the holder of an environmental authority a written notice refusing to approve a proposed PRCP schedule.
  - The application to which a proposed PRCP schedule relates lapsed or was withdrawn.
- (b) whether the reason arose before or after the commencement.

## **Division 4      Transitional regulation**

### **861 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition—
- (i) from the operation of this Act as in force before the commencement of a relevant amendment; and
  - (ii) to the operation of this Act as in force after the commencement of the relevant amendment; and
- (b) this Act does not provide or sufficiently provide.

- 
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day the relevant amendment to which the regulation relates commences.
  - (3) A transitional regulation must declare it is a transitional regulation.
  - (4) A transitional regulation—
    - (a) may be made for a relevant amendment within 2 years after the relevant amendment commences; and
    - (b) expires on the day that is 2 years after the day the relevant amendment commences.
  - (5) This division expires on the day that is 2 years after the day the last relevant amendment commences.
  - (6) In this section—

***relevant amendment*** means an amendment of this Act by the amendment Act.

#### 49 Amendment of sch 2 (Original decisions)

- (1) Schedule 2, part 1, division 1, entry for section 41A(1)(b), ‘to public notification’—

*omit.*
- (2) Schedule 2, part 1, division 1, entry for section 43(3)(c)—

*omit.*
- (3) Schedule 2, part 1, division 1, entry for section 68(3)(b), ‘comment or’—

*omit.*
- (4) Schedule 2, part 1, division 3, entry for section 274(2), after ‘give’—

*insert—*

surrender

- (5) Schedule 2, part 1, division 3—  
*insert—*
- 285 decision to give PRCP schedule audit notice if section 285(2)(b) applies in relation to the giving of the notice
- 316S decision to give general rehabilitation direction
- (6) Schedule 2, part 1, division 3, entries for sections 318YN(1)(b), 318YN(1)(c), 318YU(2) and 318ZJA—  
*relocate* to schedule 2, part 1, division 4.
- (7) Schedule 2, part 2, division 6—  
*insert—*
- 461 decision to seize a thing under section 461 unless a circumstance mentioned in section 463B(1)(a) or (b) applies
- 463D(4)(a) decision to retain a seized thing

## 50 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *comment period*, *public interest consideration*, *public interest evaluation*, *rehabilitation direction* and *TOR notice*—  
*omit.*
- (2) Schedule 4—  
*insert—*
- general rehabilitation direction*** see section 316S(2).
- surrender rehabilitation direction*** see section 274(2).
- (3) Schedule 4, definition *audit period*, ‘section 285(1)’—  
*omit, insert—*
- section 285(3)(b)

- 
- (4) Schedule 4, definition *audit report*, ‘section 285(2)(a)’—  
*omit, insert*—  
section 285(6)(a)
- (5) Schedule 4, definition *regulatory requirement*, paragraph  
(b)(i), ‘to public notification’—  
*omit.*

### **Division 3                      Amendments commencing by proclamation**

#### **51            Amendment of s 4 (How object of Act is to be achieved)**

Section 4(4)—

*insert*—

- (c) deciding environmental values that are to be protected as a priority and declared to be significant environmental values.

#### **52            Amendment of s 6A (Principles of environmental protection)**

(1) Section 6A(1)—

*insert*—

- (d) the State interest of protecting significant environmental values as a priority.

(2) Section 6A(2)(b), ‘principle’—

*omit, insert*—

matter

#### **53            Insertion of new s 9A**

After section 9—

*insert—*

### **9A Significant environmental values**

- (1) Each of the following is a *significant environmental value*—
  - (a) an environmental value declared to be a significant environmental value under an environmental protection policy;
  - (b) an environmental value declared to be a significant environmental value under a regulation.
- (2) An environmental value may be declared to be a significant environmental value only if the Minister is satisfied the value is of significance to the State and should be protected under this Act as a priority.
- (3) Environmental values may be declared to be significant environmental values by reference to environmental values in a particular area.

*Examples for subsection (3)—*

- all environmental values in a protected area under the *Nature Conservation Act 1992*
- all environmental values in a marine conservation park zone established under a zoning plan for a State marine park under the *Marine Parks Act 2004*
- all environmental values in a fish habitat area declared under the *Fisheries Act 1994*

## **54 Replacement of ch 1, pt 3, div 2, sdiv 4 (Environmentally relevant activities)**

Chapter 1, part 3, division 2, subdivision 4—

*omit, insert—*

### **Subdivision 4 Environmentally relevant activities**

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## **18 Meaning of *environmentally relevant activity***

- (1) An *environmentally relevant activity* is an activity that is prescribed under section 19 to be—
  - (a) an environmentally relevant activity (general); or
  - (b) an environmentally relevant activity (resource).
- (2) An agricultural ERA as defined in section 79 is also an *environmentally relevant activity*.

## **19 Activity may be prescribed as environmentally relevant activity**

- (1) A regulation may prescribe an activity, other than a resource activity, as an environmentally relevant activity (general).
- (2) A regulation may prescribe a resource activity as an environmentally relevant activity (resource).
- (3) To remove any doubt, it is declared that an activity that is an agricultural ERA as defined in section 79 may be prescribed as an environmentally relevant activity (general).

*Note—*

An environmental authority is required for carrying out an agricultural ERA that is a general ERA—see section 426.

- (4) However, the Minister may recommend the making of a regulation prescribing an activity under subsection (1) or (2) only if the Minister is satisfied—
  - (a) that—
    - (i) a contaminant will or may be released into the environment when the activity is carried out; and

- (ii) the release of the contaminant will or may cause environmental harm; or
- (b) the activity will or may otherwise adversely affect—
  - (i) a significant environmental value; or
  - (ii) an environmental value of the marine environment.

### **19A Transitional arrangements for former or new environmentally relevant activities**

- (1) This section applies if, on the commencement of a regulation under section 19 (the *relevant regulation*)—
  - (a) an activity that was an environmentally relevant activity is no longer an environmentally relevant activity; or
  - (b) an activity that was not an environmentally relevant activity becomes an environmentally relevant activity.
- (2) A regulation may provide for transitional arrangements about the operation of this Act in relation to the activity, including, for example, by providing that—
  - (a) if subsection (1)(a) applies—
    - (i) on the commencement of the relevant regulation, an application for an environmental authority for the activity that has been made but not decided is taken to have been withdrawn; or
    - (ii) on the commencement of the relevant regulation, an environmental authority for the activity that is in effect is taken to have been surrendered; or

- (iii) particular fees relating to a withdrawal mentioned in subparagraph (i), or a surrender mentioned in subparagraph (ii), must be refunded; or
- (b) if subsection (1)(b) applies—for a stated period, a stated provision of this Act, including, for example, section 426 or 435A, does not apply in relation to a person who was carrying out the activity immediately before the commencement of the relevant regulation.

## **20 Declaration of environmentally relevant activity as a code-managed ERA**

- (1) A regulation may declare an environmentally relevant activity to be a code-managed ERA.
- (2) The regulation may also declare that a person carrying out the code-managed ERA under the relevant ERA code must be registered under chapter 6, part 1.
- (3) The Minister may recommend the making of a regulation under this section for an environmentally relevant activity only if the Minister is satisfied—
  - (a) the risk of environmental harm that may be caused by the carrying out of the activity is known; and
  - (b) the environmental harm can be effectively prevented, minimised, rehabilitated or remediated, by requiring compliance with an ERA code.
- (4) Also, the Minister may recommend the making of a declaration under subsection (2) in relation to the environmentally relevant activity only if the Minister is satisfied the carrying out of the activity needs to be monitored under this Act—

- (a) having regard to—
  - (i) the nature of the activity; and
  - (ii) the degree of risk of environmental harm that may be caused by the carrying out of the activity; and
- (b) to ensure the effective administration of this Act.

### **20A General ERAs carried out in connection with resource ERAs**

- (1) This section applies in relation to an environmental authority for a resource ERA that authorises 1 or more other activities that are general ERAs (each an *ancillary activity*).
- (2) The ancillary activities are taken to be resource ERAs for the purpose of an application for an environmental authority.
- (3) However, the ancillary activities are taken to be general ERAs for the purpose of the following—
  - (a) the power to impose conditions on the environmental authority under chapter 5, part 5, division 6;
  - (b) the fees that apply to the environmental authority under this Act.
- (4) This section applies whether or not the environmentally relevant activities approved by the environmental authority are carried out as a resource ERA project.

### **55 Omission of ch 1, pt 3, div 2, sdiv 6 (Prescribed conditions)**

Chapter 1, part 3, division 2, subdivision 6—  
*omit.*

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**56 Amendment of s 28 (Contents of policies)**

Section 28(1)—

*insert—*

- (c) include each declaration of a significant environmental value made under section 9A(1)(a) in relation to the environment or aspect or part of the environment to which the policy applies.

**57 Amendment of s 79 (What is an *agricultural ERA*)**

Section 79—

*insert—*

*Note—*

An agricultural ERA may also be a general ERA—see section 19(3).

**58 Amendment of s 81 (What is an *agricultural ERA standard*)**

(1) Section 81—

*insert—*

(3A) An agricultural ERA standard—

- (a) applies to a person carrying out the agricultural ERA to which the standard relates; but
- (b) does not apply to the person carrying out the agricultural ERA to the extent the standard is inconsistent with a condition of an environmental authority under which the person is carrying out the activity.

(2) Section 81(3A) to (6)—

*renumber* as section 81(4) to (7).

**59 Omission of ss 106–111**

Sections 106 to 111—

*omit.*

**60 Amendment of s 112 (Other key definitions for ch 5)**

- (1) Section 112, definitions *ERA project*, *prescribed ERA project* and *resource project*—

*omit.*

- (2) Section 112—

*insert—*

***ERA project*** means a general ERA project or resource ERA project.

***general ERA project*** means 2 or more general ERAs, whether of the same or different kinds, carried out, or proposed to be carried out, as a single integrated operation.

***resource ERA project*** means resource ERAs carried out, or proposed to be carried out, as a single integrated operation—

- (a) under 1 or more resource tenures, in any combination; and
- (b) whether or not general ERAs are also carried out, or proposed to be carried out, as part of the operation.

*Note—*

See section 20A in relation to environmental authorities authorising resource ERAs and general ERAs.

**61 Amendment of s 115 (Development application taken to be application for environmental authority in particular circumstances)**

- (1) Section 115(1)(b)(i), (2), (4) and (5), ‘prescribed ERA’—

*omit, insert—*

general ERA

(2) Section 115—

*insert—*

(1A) However, this section does not apply in relation to a material change of use of premises for a general ERA that is a code-managed ERA if the applicant states in the development application that the applicant intends to carry out the code-managed ERA under the relevant ERA code.

(3) Section 115(1A) to (5)—

*renumber* as section 115(2) to (6).

(4) Section 115—

*insert—*

(7) Also, if the general ERA is a code-managed ERA—

(a) the applicant may give the administering authority written notice that the applicant intends to carry out the code-managed ERA under the relevant ERA code; and

(b) if the applicant gives a written notice under paragraph (a), the application for an environmental authority for the general ERA under subsection (3)—

(i) is taken to have been withdrawn; or

(ii) for an application for an environmental authority for the general ERA under subsection (3) relating to a code-managed ERA the subject of a notice under paragraph (a) and other general ERAs—is taken to have been withdrawn to the extent the application relates to the code-managed ERA the subject of the notice.

*Note—*

See—

- (a) chapter 6, part 1 for the requirement to be registered under that part if a regulation made under section 20 declares that a person carrying out the code-managed ERA under the relevant ERA code must be registered; and
- (b) section 435A for the requirement to comply with the relevant ERA code when carrying out the code-managed ERA other than under an environmental authority.

## **62 Amendment of s 118 (Single application required for ERA projects)**

- (1) Section 118(2), after ‘all’—

*insert—*

the environmentally

- (2) Section 118—

*insert—*

- (3) Subsection (2) does not apply to an environmentally relevant activity that is a code-managed ERA if the person—
  - (a) for a code-managed ERA that may be carried out under the relevant ERA code only by a person who is registered under chapter 6, part 1—is registered under chapter 6, part 1 in relation to the code-managed ERA; or
  - (b) for another code-managed ERA—has given the administering authority a written notice stating the person intends to carry out the code-managed ERA under the relevant ERA code.

*Note—*

See section 435A for the requirement to comply with the relevant ERA code when carrying out a code-managed ERA other than under an environmental authority.

**63 Amendment of s 119 (Single environmental authority required for ERA projects)**

(1) Section 119(3), ‘resource activity’—

*omit, insert—*

resource ERA

(2) Section 119—

*insert—*

(5) Also, this section does not prevent the holder from carrying out a code-managed ERA as part of the project if the holder—

(a) for a code-managed ERA that may be carried out under the relevant ERA code only by a person who is registered under chapter 6, part 1—is registered under chapter 6, part 1 in relation to the code-managed ERA; or

(b) for another code-managed ERA—has given the administering authority a written notice stating the holder intends to carry out the code-managed ERA under the relevant ERA code.

*Note—*

See section 435A for the requirement to comply with the relevant ERA code when carrying out a code-managed ERA other than under an environmental authority.

**64 Amendment of s 130 (Nomination of principal applicant)**

(1) Section 130—

*insert—*

(2A) Also, the principal applicant nominated in the application may give the administering authority a written notice mentioned in section 118(3)(b) or 119(5)(b) for all applicants for the application.

*Note—*

See also sections 318ZN and 318ZW(4) in relation to making requests or giving notices relating to carrying out a code-managed ERA under the relevant ERA code.

(2) Section 130(2A) and (3)—

*renumber* as section 130(3) and (4).

**65 Amendment of s 316C (Application of division)**

Section 316C(1)(b), ‘or prescribed condition for a small scale mining activity’—

*omit.*

**66 Amendment of s 318YE (Conditions of recognition)**

(1) Section 318YE(2), ‘granted’—

*omit, insert—*

approved

(2) Section 318YE(2)(b)—

*omit, insert—*

(b) the owner of the program must—

(i) make a record about a decision to accredit a person under the program;  
and

(ii) keep the record for at least 6 years after the decision is made;

- (3) Section 318YE(2)(c)(ii), ‘address’—  
*omit, insert—*  
lot on plan description
- (4) Section 318YE(2)(c)(iii), after ‘accreditation’—  
*insert—*  
, including the day the accreditation expires
- (5) Section 318YE(2)—  
*insert—*  
(ca) the owner of the program must, if asked by the chief executive, give the chief executive a copy of the records mentioned in paragraph (b);
- (6) Section 318YE(2)(ca) to (f)—  
*renumber* as section 318YE(2)(d) to (g).
- (7) Section 318YE(4)(a), ‘granted’—  
*omit, insert—*  
approved
- (8) Section 318YE(4), after paragraph (a)—  
*insert—*  
(aa) renewal of the recognised accreditation program is approved; or
- (9) Section 318YE(4)(aa) and (b)—  
*renumber* as section 318YE(4)(b) and (c).

**67 Amendment of s 318YI (Approval continues pending decision about renewal)**

Section 318YI(1), ‘60 days’—

*omit, insert—*

45 business days

**68 Amendment of s 318YM (Inquiry about application)**

Section 318YM(1) and (3), ‘30 days’—

*omit, insert—*

30 business days

**69 Replacement of s 318YN (Decision on application)**

Section 318YN—

*omit, insert—*

**318YN Decision on application**

- (1) The chief executive must consider the application and decide—
  - (a) to approve the application subject to the standard recognition conditions only; or
  - (b) to approve the application subject to the standard recognition conditions and 1 or more non-standard recognition conditions; or
  - (c) to refuse the application.
- (2) If the chief executive decides to approve the application subject to the standard recognition conditions only, the chief executive must give the applicant a notice about the decision.
- (3) If the chief executive decides to refuse the application, or to approve the application subject to 1 or more non-standard recognition conditions, the chief executive must give the applicant an information notice for the decision as soon as practicable after making the decision.
- (4) In this section—

***non-standard recognition conditions*** means conditions of recognition under section 318YE(2)(g).

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*standard recognition conditions* means conditions of recognition under section 318YE(2)(a) to (f).

**70 Amendment of s 318YO (Failure to decide application)**

Section 318YO(1) and (3), ‘30 days’—

*omit, insert—*

30 business days

**71 Amendment of s 318YR (Show cause notice)**

Section 318YR(3), ‘28 days’—

*omit, insert—*

20 business days

**72 Amendment of s 318YV (Immediate suspension of recognition of accreditation program)**

Section 318YV(3)(b)(iii), ‘45 days’—

*omit, insert—*

45 business days

**73 Insertion of new ch 6**

After chapter 5A—

*insert—*

**Chapter 6 Carrying out code-managed ERA under relevant ERA code**

## **Part 1                      Registration for particular code-managed ERAs**

### **318ZK Application of part**

This part applies in relation to a code-managed ERA if—

- (a) an ERA code is in effect for the activity; and
- (b) a regulation made under section 20 declares that a person carrying out the activity under the ERA code must be registered under this part.

### **318ZL Requirement to be registered**

- (1) A person must not carry out the code-managed ERA under the ERA code unless the person is registered under this part in relation to the activity.

Maximum penalty—50 penalty units.

- (2) Subsection (1) does not apply to a person carrying out the code-managed ERA under an environmental authority.

### **318ZM Request for registration**

- (1) A person may ask the administering authority to register the person under this part in relation to the code-managed ERA.
- (2) The request must be—
  - (a) in the approved form; and
  - (b) accompanied by the registration fee (if any) prescribed by regulation for the registration.
- (3) If a person makes a request under this section, the

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administering authority must as soon as practicable—

- (a) register the person under this part in relation to the code-managed ERA; and
  - (b) record in the relevant register the person's registration for the code-managed ERA; and
  - (c) give the person written notice of the registration.
- (4) To remove any doubt, it is declared that a person may make a request under this section even if the person—
- (a) is the applicant for an environmental authority for the code-managed ERA; or

*Note—*

See also section 318ZS.

- (b) holds an environmental authority approving the code-managed ERA; or

*Note—*

See also section 318ZT.

- (c) has given the administering authority a written notice mentioned in section 318ZU(1)(b)(ii) or 318ZY(1)(b)(ii) in relation to the code-managed ERA.

### **318ZN Joint request for registration**

- (1) A person (the *principal*) may make a request under section 318ZM for the registration of the principal and 1 or more other persons (the *others*) under this part in relation to the code-managed ERA if—
- (a) the principal is the principal applicant for an application for an environmental authority for the code-managed ERA made jointly by the principal and the others; or

- (b) the principal and the others jointly hold an environmental authority for the code-managed ERA.
- (2) If a request under section 318ZM is made as mentioned in subsection (1)—
- (a) the administering authority must—
    - (i) register the principal and the others under this part in relation to the code-managed ERA; and
    - (ii) give the principal written notice of the registration of the principal and the others; and
  - (b) for applying this Act, the principal and the others are all taken to have requested registration in relation to the code-managed ERA under section 318ZM.

### **318ZO Notice of ceasing to carry out code-managed ERA**

- (1) This section applies if a person registered under this part in relation to the code-managed ERA proposes to stop, or stops, carrying out the activity on a day (the *end day*).
- (2) The person must give the administering authority notice, in the approved form, of the person no longer carrying out the code-managed ERA from the end day—
  - (a) at least 30 days before the end day; or
  - (b) if the end day is less than 30 days after the day the person decides to stop carrying out the activity on the end day—as soon as practicable but no later than 10 business days after the end day.

Maximum penalty—50 penalty units.

### **318ZP Term of registration**

A person's registration under this part in relation to the code-managed ERA continues in effect until any of the following happens—

- (a) the person gives the administering authority a notice under section 318ZO and the later of the following days ends—
  - (i) the end day stated in the notice;
  - (ii) the day the notice is given;
- (b) the administering authority otherwise becomes aware the person has stopped carrying out the code-managed ERA and gives the person a written notice stating that the person's registration has ended;
- (c) the person is issued an environmental authority that approves the code-managed ERA.

## **Part 2                      Transitioning to    relevant ERA code**

### **Division 1              Preliminary**

#### **318ZQ Purpose of part**

The purpose of this part is to provide for persons who have applied for, or hold, an environmental authority for a code-managed ERA to transition to carrying out the code-managed ERA under the relevant ERA code instead of an environmental authority.

## **Division 2            Code-managed ERAs for                                  which registration required**

### **318ZR Application of division**

This division applies in relation to a code-managed ERA to which part 1 applies.

### **318ZS Withdrawal of application for environmental authority if applicant requests registration**

- (1) This section applies if a person who has applied for an environmental authority for the code-managed ERA requests registration in relation to the code-managed ERA under section 318ZM before the application is decided.
- (2) The person's application for the environmental authority for the code-managed ERA is taken to have been withdrawn.
- (3) The administering authority must refund to the person any fee paid for the application for the environmental authority for the code-managed ERA.
- (4) If the person's application for an environmental authority relates to the code-managed ERA and other environmentally relevant activities—
  - (a) subsection (2) applies only to the extent the application relates to the code-managed ERA; and
  - (b) subsection (3) does not apply in relation to the application.

### **318ZT Surrender of environmental authority if holder requests registration**

- (1) This section applies if a person who holds an environmental authority that approves the

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code-managed ERA requests registration in relation to the code-managed ERA under section 318ZM.

- (2) When the person is registered under part 1 in relation to the code-managed ERA—
  - (a) the environmental authority stops applying in relation to the code-managed ERA; and
  - (b) the person is taken to have surrendered—
    - (i) the environmental authority; or
    - (ii) if the environmental authority also applies to 1 or more other environmentally relevant activities—the part of the environmental authority applying to the code-managed ERA.

*Note—*

See section 435A for the requirement to comply with the relevant ERA code when carrying out a code-managed ERA other than under an environmental authority.

- (3) The administering authority must, as soon as practicable—
  - (a) record the surrender of the environmental authority, or the part of the environmental authority, in the relevant register; and
  - (b) give the person written notice of the surrender; and
  - (c) refund to the person any amount required to be refunded for the environmental authority under section 318ZZ.

### **318ZU Surrender of environmental authority on holder's deemed registration**

- (1) This section applies if—

- (a) a person holds an environmental authority that approves the code-managed ERA when the first ERA code for the code-managed ERA takes effect; and
  - (b) the person does not, within 12 months after the first ERA code takes effect—
    - (i) request registration in relation to the code-managed ERA under section 318ZM; or
    - (ii) give the administering authority a written notice stating that the person intends to continue carrying out the code-managed ERA under the environmental authority.
- (2) However, this section does not apply if—
- (a) the person’s environmental authority is for an ERA project; or
  - (b) a development permit for a material change of use of premises is necessary under the Planning Act for the code-managed ERA; or
  - (c) the person’s environmental authority was issued for a site-specific or variation application.
- (3) On the day that is 12 months after the first ERA code takes effect—
- (a) the person is taken to be registered under part 1 in relation to the code-managed ERA; and
  - (b) the environmental authority stops applying in relation to the code-managed ERA; and
  - (c) the person is taken to have surrendered—
    - (i) the environmental authority; or
    - (ii) if the environmental authority also applies to 1 or more other

environmentally relevant activities—the part of the environmental authority applying to the code-managed ERA.

*Note—*

See section 435A for the requirement to comply with the relevant ERA code when carrying out a code-managed ERA other than under an environmental authority.

- (4) The administering authority must, as soon as practicable—
  - (a) record in the relevant register—
    - (i) the person’s registration under part 1 in relation to the code-managed ERA; and
    - (ii) the surrender of the environmental authority, or the part of the environmental authority; and
  - (b) give the person written notice of the registration and the surrender; and
  - (c) refund to the person any amount required to be refunded for the environmental authority under section 318ZZ, after deducting any registration fee prescribed for the registration under section 318ZM(2)(b).
- (5) If the registration fee mentioned in subsection (4)(c) is higher than the amount required to be refunded for the environmental authority under section 318ZZ, the person must, within 20 business days after receiving a notice under subsection (4), pay the amount of the difference to the administering authority.

### **Division 3      Other code-managed ERAs**

### **318ZV Application of division**

This division applies in relation to a code-managed ERA if—

- (a) an ERA code is in effect for the activity; and
- (b) part 1 does not apply in relation to the activity.

### **318ZW Withdrawal of application for environmental authority if applicant gives notice**

- (1) A person who has applied for an environmental authority for the code-managed ERA may, before the application is decided, give the administering authority a written notice stating that the person intends to carry out the code-managed ERA under the ERA code.
- (2) If the administering authority receives a written notice under subsection (1)—
  - (a) the person's application for the environmental authority for the code-managed ERA is taken to have been withdrawn; and
  - (b) the administering authority must refund to the person any fee paid for the application for the environmental authority for the code-managed ERA.
- (3) If the person's application for an environmental authority relates to the code-managed ERA and other environmentally relevant activities—
  - (a) subsection (2)(a) applies only to the extent the application relates to the code-managed ERA; and
  - (b) subsection (2)(b) does not apply in relation to the application.
- (4) If the application for the environmental authority

was made jointly by 2 or more applicants—

- (a) the principal applicant may give the notice mentioned in subsection (1) for all applicants for the application; and
- (b) the administering authority may comply with subsection (2)(b) by refunding the fee to the principal applicant.

### **318ZX Surrender of environmental authority if holder gives notice**

- (1) A person who holds an environmental authority that approves the code-managed ERA may give the administering authority a written notice stating that the person intends to carry out the code-managed ERA under the ERA code.
- (2) If the administering authority receives a written notice under subsection (1)—
  - (a) the environmental authority stops applying in relation to the code-managed ERA; and
  - (b) the person is taken to have surrendered—
    - (i) the environmental authority; or
    - (ii) if the environmental authority also applies to 1 or more other environmentally relevant activities—the part of the environmental authority applying to the code-managed ERA.

*Note—*

See section 435A for the requirement to comply with the relevant ERA code when carrying out a code-managed ERA other than under an environmental authority.

- (3) The administering authority must, as soon as practicable—

- (a) record the surrender of the environmental authority, or the part of the environmental authority, in the relevant register; and
- (b) give the person written notice of the surrender; and
- (c) refund to the person any amount required to be refunded for the environmental authority under section 318ZZ.

### **318ZY Surrender of environmental authority on holder's deemed decision**

- (1) This section applies if—
  - (a) a person holds an environmental authority that approves the code-managed ERA when the first ERA code for the code-managed ERA takes effect; and
  - (b) the person does not, within 12 months after the first ERA code takes effect, give the administering authority—
    - (i) a written notice stating that the person intends to carry out the code-managed ERA under the ERA code; or
    - (ii) a written notice stating that the person intends to continue carrying out the code-managed ERA under the environmental authority.
- (2) However, this section does not apply if—
  - (a) the person's environmental authority is for an ERA project; or
  - (b) a development permit for a material change of use of premises is necessary under the Planning Act for the code-managed ERA; or

- (c) the person's environmental authority was issued for a site-specific or variation application.
- (3) On the day that is 12 months after the first ERA code takes effect—
  - (a) the person is taken to have decided to carry out the code-managed ERA under the ERA code; and
  - (b) the environmental authority stops applying in relation to the code-managed ERA; and
  - (c) the person is taken to have surrendered—
    - (i) the environmental authority; or
    - (ii) if the environmental authority also applies to 1 or more other environmentally relevant activities—the part of the environmental authority applying to the code-managed ERA.

*Note—*

See section 435A for the requirement to comply with the relevant ERA code when carrying out a code-managed ERA other than under an environmental authority.

- (4) The administering authority must, as soon as practicable—
  - (a) record the surrender of the environmental authority, or the part of the environmental authority, in the relevant register; and
  - (b) give the person written notice of the surrender; and
  - (c) refund to the person any amount required to be refunded for the environmental authority under section 318ZZ.
- (5) For applying this Act, the person is taken to have given the administering authority a written notice,

on the day mentioned in subsection (3), stating the person intends to carry out the code-managed ERA under the ERA code.

## **Division 4      Other provision**

### **318ZZ Amount refundable on surrender**

- (1) This section applies if—
  - (a) an environmental authority that approves a code-managed ERA is taken to have been surrendered or partially surrendered under a provision of this part; and
  - (b) an annual fee was paid under this Act for the environmental authority for a 12-month period in which the surrender happens; and
  - (c) either—
    - (i) the environmental authority is wholly surrendered; or
    - (ii) the environmental authority is partially surrendered and the annual fee paid for the authority for the 12-month period is higher than the annual fee that would have been payable for the authority for the 12-month period if the authority had not approved the code-managed ERA.
- (2) The administering authority must refund the relevant annual fee amount to the person who is taken to have surrendered or partially surrendered the environmental authority.
- (3) The *relevant annual fee amount* is the proportion of the following amount that is attributable to the remaining part of the 12-month period in which the surrender happens—

- (a) for an environmental authority that is wholly surrendered—the annual fee paid for the authority for the 12-month period;
- (b) for an environmental authority that is partially surrendered—the difference between the annual fee paid for the authority for the 12-month period and the annual fee that would have been payable for the authority for the 12-month period if the authority had not approved the code-managed ERA.

**74 Amendment of s 319 (General environmental duty)**

Section 319(3)(b)(ii), ‘code of practice’—

*omit, insert—*

GED code

**75 Amendment of s 320A (Application of div 2)**

Section 320A(4)(g)—

*omit, insert—*

(g) an ERA code; or

**76 Amendment of s 330 (What is a transitional environmental program)**

Section 330(1)(c)(iii)—

*omit, insert—*

(iii) an ERA code; or

**77 Amendment of s 331 (Requirements for applications generally)**

- (1) Section 331(2)(e), from ‘, a development’ to ‘mining activity’—

*omit, insert—*

or a development condition

(2) Section 331(2)—

*insert—*

(ea) if the activity is to transition to comply with an ERA code, state—

(i) details of the ERA code; and

(ii) how the activity is to transition to comply with the ERA code before the program ends; and

(3) Section 331(2)(ea) to (h)—

*renumber* as section 331(2)(f) to (i).

**78 Amendment of s 332 (Administering authority may require particular entities to apply for issue of program)**

Section 332(2)(ca)—

*omit, insert—*

(ca) that an ERA code is, or has been, contravened by the person or public authority; or

**79 Amendment of s 346 (Effect of compliance with program)**

Section 346(2)(e) and (3)(e)—

*omit, insert—*

(e) an ERA code; or

**80 Amendment of s 359 (Meaning of *enforcement ground*)**

Section 359(e)(iv)—

*omit, insert—*

(iv) an ERA code; or

**81 Amendment of s 426 (Environmental authority required for particular environmentally relevant activities)**

Section 426(2)(a) and (b)—

*omit, insert—*

- (a) an agricultural ERA that is not also a general ERA; or

*Note—*

See section 82 for the requirement to comply with an agricultural ERA standard when carrying out an agricultural ERA.

- (b) a code-managed ERA if the person—

- (i) for a code-managed ERA that may be carried out under the relevant ERA code only by a person who is registered under chapter 6, part 1—is registered under chapter 6, part 1 in relation to the code-managed ERA; or
- (ii) for another code-managed ERA—has given the administering authority a written notice stating the person intends to carry out the code-managed ERA under the relevant ERA code; or

*Note—*

See section 435A for the requirement to comply with the relevant ERA code when carrying out a code-managed ERA other than under an environmental authority.

**82 Replacement of ch 8, pt 2A (Offences relating to conditions)**

Chapter 8, part 2A—

*omit, insert—*

**Part 2A                      Offences relating to  
code-managed ERAs**

### **435A Offence to contravene relevant ERA code**

- (1) This section applies to a person who carries out a code-managed ERA.
- (2) However, this section does not apply if the person holds, or is acting under, an environmental authority for the code-managed ERA.
- (3) The person must not wilfully contravene the relevant ERA code.

Maximum penalty—1,665 penalty units.

- (4) The person must not contravene the relevant ERA code.

Maximum penalty—600 penalty units.

- (5) In a proceeding for an offence against subsection (3), if the court is not satisfied the defendant is guilty of the offence charged but is satisfied the defendant is guilty of an offence against subsection (4), the court may find the defendant guilty of the offence against subsection (4).

## **83 Amendment of s 452 (Entry of place—general)**

Section 452(1)(g)—

*omit, insert—*

- (g) it is a place at which a code-managed ERA is carried out under the relevant ERA code and the entry is made when—
  - (i) the activity is being carried out; or
  - (ii) the place is open for conduct of business; or
  - (iii) the place is otherwise open for entry; or

**84 Amendment of s 458 (Order to enter land to conduct investigation or conduct work)**

- (1) Section 458(1)(a)(iii)(A), ‘agricultural ERA standard,’—  
*omit.*
- (2) Section 458(1)(a)(iii)(C)—  
*omit, insert—*
  - (C) an ERA code; or
  - (D) an agricultural ERA standard; or

**85 Amendment of s 493A (When environmental harm or related acts are unlawful)**

- (1) Section 493A(2)(f)—  
*omit, insert—*
  - (f) an ERA code; or
- (2) Section 493A(5)(a), ‘code of practice’—  
*omit, insert—*

GED code
- (3) Section 493A(5)(b), ‘code’—  
*omit, insert—*

GED code

**86 Amendment of s 540 (Registers to be kept by administering authority)**

- Section 540(1)—  
*insert—*
- (ac) persons registered under chapter 6, part 1 in relation to code-managed ERAs;

**87 Amendment of s 540A (Registers to be kept by chief executive)**

- (1) Section 540A(1)(b)(iii)—  
*omit.*
- (2) Section 540A(1)(b)(iv) to (vii)—  
*renumber* as section 540A(1)(b)(iii) to (vi).
- (3) Section 540A(1)—  
*insert*—
  - (ba) GED codes;
  - (bb) ERA codes;
- (4) Section 540A(1)(ba) to (f)—  
*renumber* as section 540A(1)(c) to (h).

**88 Insertion of new ch 12, pt 1A, div 1, hdg**

Chapter 12, part 1A, before section 551—

*insert*—

**Division 1                      Making codes of practice  
for general environmental  
duty**

**89 Amendment of s 551 (Codes of practice)**

- (1) Section 551, heading—  
*omit, insert*—

**551 Code of practice for general environmental  
duty**
- (2) Section 551(1), from ‘Minister’ to ‘practice’—  
*omit, insert*—

chief executive may make a code of practice (a  
**GED code**)

- (3) Section 551(2), from ‘code of’ to ‘Minister’—  
*omit, insert—*

GED code, the chief executive

- (4) Section 551(3) and (4)—  
*omit, insert—*

- (3) A GED code made under subsection (1) takes effect on the day it is approved by a regulation.

## 90 Insertion of new ch 12, pt 1A, divs 2 and 3

After section 551—

*insert—*

### **Division 2            Making codes of practice for code-managed ERAs**

#### **551A Chief executive may make code of practice for code-managed ERA**

- (1) The chief executive may make a code of practice for a code-managed ERA (an *ERA code*).
- (2) The purpose of an ERA code is to provide for the code-managed ERA to which it relates to be carried out without an environmental authority while ensuring the activity is carried out in a way that is consistent with the object of this Act.
- (3) An ERA code may include a condition about carrying out the code-managed ERA to which it relates, including, for example, a condition about—
  - (a) preventing or minimising the release of contaminants into the environment when the activity is carried out; or

- (b) rehabilitating or remediating environmental harm caused by the carrying out of the activity; or
- (c) notifying the administering authority of any environmental harm caused by the carrying out of the activity.

### **551B Notice of proposed ERA code**

- (1) Before the chief executive makes an ERA code, the chief executive must publish the following on the department's website—
  - (a) a copy of the proposed ERA code;
  - (b) a notice stating—
    - (i) that a person may make a submission to the chief executive about the proposed ERA code; and
    - (ii) the period, of at least 30 business days, (the *consultation period*) during which a submission may be made; and
    - (iii) how to make a submission; and
    - (iv) that, after the proposed ERA code takes effect, the code-managed ERA to which the code relates may or must, in particular circumstances, be carried out under the code instead of an environmental authority.
- (2) The chief executive must ensure the documents mentioned in subsection (1) are published on the department's website throughout the consultation period.
- (3) The chief executive must give written notice about the proposed ERA code to each holder of a relevant existing authority that is in effect immediately before the consultation period starts.

- (4) A notice under subsection (3) must state—
- (a) that the chief executive proposes to make an ERA code that will apply to activities approved by the holder’s relevant existing authority; and
  - (b) details of how chapter 6 will apply in relation to the holder after the proposed ERA code takes effect; and
  - (c) details of the department’s website address; and
  - (d) that the holder may make a submission to the chief executive about the proposed ERA code during the consultation period.

- (5) In this section—

*relevant existing authority*, in relation to a proposed ERA code, means an environmental authority that approves the code-managed ERA to which the proposed ERA code relates.

### **551C Consideration of submissions**

The chief executive must consider all submissions made during the consultation period mentioned in section 551B(1)(b)(ii) before deciding whether to make the ERA code.

### **551D Approval of ERA code by regulation**

An ERA code takes effect—

- (a) when it is approved by a regulation; or
- (b) if the regulation approving the ERA code states a later day—on the later day.

## **Division 3      Other provisions about codes of practice**

### **551E Minor amendments**

- (1) The chief executive may make a minor amendment of a GED code or ERA code by publishing a copy of the amended code on the department's website.

*Note—*

An amendment of a GED code or ERA code other than a minor amendment is made by the making of a new GED code or ERA code.

- (2) The amended GED code or ERA code takes effect when it is approved by a regulation.

- (3) In this section—

***minor amendment***, of a GED code or ERA code, means an amendment of the code—

- (a) to change a title or department name; or
- (b) to correct a spelling or grammatical error; or
- (c) to change terminology that has no effect on the operation of the code; or
- (d) to make another change the chief executive is satisfied is not a change of substance.

### **551F Publication**

The chief executive must publish a copy of each GED code or ERA code in effect under this part on the department's website.

## **91      Omission of s 707 (Deferment of application of s 426 to newly prescribed ERAs)**

Section 707—

*omit.*

**92 Amendment of s 710 (References to former terms)**

Section 710(1)—

*insert—*

*Note—*

See also section 859.

**93 Insertion of new ch 13, pt 35, div 3**

Chapter 13, part 35, as inserted by this Act—

*insert—*

**Division 3 Transitional provisions for  
amendments commencing  
by proclamation**

**Subdivision 1 Small scale mining  
activities**

**850 Definitions for subdivision**

In this subdivision—

*corresponding ERA code condition*, for a prescribed condition for a small scale mining activity, means the condition of an ERA code that corresponds, or substantially corresponds, to the prescribed condition.

*prescribed condition*, for a small scale mining activity, means a prescribed condition under former section 21A for the activity.

*surety*, for a small scale mining activity, means a surety given under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* by

the holder of a mining tenure for the activity, as required by former section 21A(2).

***transitional environmental program***, for a small scale mining activity, means a transitional environmental program detailing the transition of an activity to comply with a prescribed condition for the activity.

### **851 Unamended Act continues to apply for particular period**

- (1) This section applies in relation to a small scale mining activity that, immediately before the commencement, was being carried out other than under an environmental authority.
- (2) The unamended Act continues to apply in relation to the person carrying out the small scale mining activity, as if the amendment Act had not been enacted, until the first of the following events happens—
  - (a) the activity is a code-managed ERA and the person—
    - (i) for a code-managed ERA that may be carried out under the relevant ERA code only by a person who is registered under new chapter 6, part 1—is registered under new chapter 6, part 1 in relation to the code-managed ERA; or
    - (ii) for another code-managed ERA—gives the administering authority a written notice stating the person intends to carry out the code-managed ERA under the relevant ERA code;
  - (b) the small scale mining activity is approved by an environmental authority;

- (c) the period of 12 months after the commencement ends.
- (3) For applying the unamended Act under subsection (2)—
  - (a) each prescribed condition that applied to the small scale mining activity immediately before the commencement continues to be a prescribed condition applying to the activity; and
  - (b) the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, as in force immediately before the commencement, continues to apply in relation to a surety for the small scale mining activity as if the amendment Act had not been enacted.
- (4) This section is not limited by any other provision of this subdivision.

*Note—*

See also the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, section 110.

### **852 Offences against former s 435A**

- (1) This section applies in relation to an offence—
  - (a) committed by a person, before the commencement, against former section 435A; or
  - (b) committed by a person, after the commencement, against former section 435A as continued under section 851.
- (2) A proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act had not been enacted.
- (3) A reference in subsection (2) to a proceeding for

the offence includes a reference to action by way of an infringement notice under the *State Penalties Enforcement Act 1999* and, for that purpose, the *State Penalties Enforcement Regulation 2014* as in force before the commencement continues to apply.

- (4) Subsections (2) and (3)—
  - (a) do not limit the *Acts Interpretation Act 1954*, section 20; and
  - (b) apply despite the Criminal Code, section 11.

### **853 Exception, exemption or defence if acting under a prescribed condition**

- (1) This section applies in relation to a person who—
  - (a) before the commencement, carried out a small scale mining activity in compliance with a prescribed condition for the activity; or
  - (b) after the commencement, carries out a small scale mining activity in compliance with a prescribed condition for the activity as provided under section 851.
- (2) An exception, exemption or defence under the unamended Act that may have been claimed by a person carrying out the small scale mining activity in compliance with the prescribed condition continues to apply to the person carrying out the activity in compliance with the condition.

### **854 Environmental enforcement order for compliance with a prescribed condition**

- (1) This section applies in relation to—
  - (a) an environmental enforcement order—

- (i) issued under this Act before the commencement in relation to securing compliance with a prescribed condition for carrying out a small scale mining activity; and
    - (ii) in effect immediately before the commencement; or
  - (b) an environmental enforcement order issued under this Act after the commencement in relation to securing compliance with a prescribed condition for carrying out a small scale mining activity as continued under section 851.
- (2) The environmental enforcement order continues in effect despite the repeal of former sections 21A and 435A and the amendment of former chapter 7, part 5 by the amendment Act.

### **855 Existing application for transitional environmental program**

- (1) This section applies to an application for the issue of a transitional environmental program for a small scale mining activity made but not decided before the commencement.
- (2) The administering authority must decide the application under the unamended Act.
- (3) For subsection (2), the unamended Act continues to apply in relation to the application as if it had not been amended by the amendment Act.
- (4) If the administering authority approves the application and, at the time of the approval, the person is carrying out the small scale mining activity under the unamended Act as provided under section 851—

- (a) the unamended Act continues to apply in relation to the transitional environmental program while the person carries out the small scale mining activity under the unamended Act as provided under section 851; and
  - (b) if the person starts to carry out the small scale mining activity under the relevant ERA code—the administering authority must amend the transitional environmental program to apply to the corresponding ERA code condition for the prescribed condition to which the program relates.
- (5) If the administering authority approves the application and, at the time of the approval, the person is carrying out the small scale mining activity under the relevant ERA code, the administering authority must amend the transitional environmental program to apply to the corresponding ERA code condition for the prescribed condition to which the program relates.
- (6) If neither subsection (4) nor (5) applies in relation to the person carrying out the small scale mining activity, the administering authority must review the terms of the transitional environmental program and make any amendments the administering authority considers appropriate to allow the program to continue under this Act.

### **856 Existing transitional environmental program**

- (1) A transitional environmental program for a small scale mining activity that was in effect immediately before the commencement continues in effect despite the amendment of section 330 by the amendment Act.
- (2) If, on the commencement, the person is carrying out the small scale mining activity under the

unamended Act as provided under section 851—

- (a) the unamended Act continues to apply in relation to the transitional environmental program while the person carries out the small scale mining activity under the unamended Act as provided under section 851; and
  - (b) if the person starts to carry out the small scale mining activity under the relevant ERA code—the administering authority must amend the transitional environmental program to apply to the corresponding ERA code condition for the prescribed condition to which the program relates.
- (3) If, on the commencement, the person is carrying out the small scale mining activity under the relevant ERA code, the administering authority must amend the transitional environmental program to apply to the corresponding ERA code condition for the prescribed condition to which the program relates.
- (4) If neither subsection (2) nor (3) applies in relation to the person carrying out the small scale mining activity, the administering authority must review the terms of the transitional environmental program and make any amendments the administering authority considers appropriate to allow the program to continue under this Act.

### **857 Recovery of costs and expenses for compliance action**

- (1) This section applies if, in taking action to secure compliance with a prescribed condition for a small scale mining activity for which a surety has been given, the administering authority, or the State—

- (a) incurred costs and expenses before the commencement; or
  - (b) incurs costs and expenses after the commencement because of the operation of section 851.
- (2) Former chapter 5, part 14, division 3 continues to apply in relation to the costs and expenses as if the amendment Act had not been enacted.

*Note—*

See also the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, section 110.

## **Subdivision 2 Other matters**

### **858 Existing codes of practice**

- (1) This section applies to a code of practice made by the Minister under former section 551 that was in effect immediately before the commencement.
- (2) The code of practice continues in effect under this Act as if it were a GED code made by the chief executive, and approved by a regulation, under new section 551.

### **859 References to environmentally relevant activities or ERA projects**

- (1) From the commencement, a reference in an instrument to a term mentioned in column 1 of the following table may, if the context requires or permits, be taken to be a reference to the term mentioned in column 2—

<b>Column 1</b>	<b>Column 2</b>
prescribed ERA	general ERA

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<b>Column 1</b>	<b>Column 2</b>
prescribed ERA project	general ERA project
resource activity	resource ERA
resource project	resource ERA project
relevant resource activity	relevant resource ERA

(2) Also, from the commencement, section 710 applies as follows—

- (a) subsection (1) applies to a reference in column 2 of the table in section 710;
- (b) the reference to prescribed conditions for a small scale mining activity in column 2 of item 13 of the table in section 710 may, if the context requires or permits, be taken to be a reference to—
  - (i) prescribed conditions for a small scale mining activity as continued under section 851; or
  - (ii) the conditions of an ERA code for a small scale mining activity that correspond, or substantially correspond, to the prescribed conditions.

### **860 Effect of change in particular terms**

- (1) A change from a term mentioned in column 1 of the table in section 859(1) to a term mentioned in column 2 of the table does not affect—
  - (a) an environmental authority that is in effect on the commencement; or
  - (b) the application of chapter 11, part 3 to a decision made before the commencement.
- (2) Subsection (1)(b) applies despite the amendment

of schedule 2 by the amendment Act.

**94 Amendment of sch 2 (Original decisions)**

Schedule 2, part 1, division 4, entry for section 318YN(1)(b)—

*omit, insert—*

318YN(1)(b) imposition of 1 or more non-standard recognition conditions on recognition of an accreditation program for an agricultural ERA

**95 Amendment of sch 4 (Dictionary)**

(1) Schedule 4, definitions *code of practice, geothermal activity, GHG storage activity, mining activity, petroleum activity, prescribed condition, prescribed ERA, prescribed ERA project, relevant resource activity, resource activity, resource project and small scale mining tenure—*

*omit.*

(2) Schedule 4—

*insert—*

***code-managed ERA*** means an environmentally relevant activity declared to be a code-managed ERA under section 20.

***ERA code*** see section 551A(1).

***GED code*** see section 551(1).

***general ERA*** means an activity prescribed as an environmentally relevant activity (general) under section 19.

***general ERA project*** see section 112.

***geothermal activity*** means an activity that is an authorised activity for a geothermal tenure under the Geothermal Act.

***GHG storage activity*** means an activity that is an authorised activity for a GHG authority under the GHG storage Act.

***mining activity*** means—

- (a) an activity that is an authorised activity for a mining tenement under the Mineral Resources Act; or
- (b) another activity that is authorised under an approval under the Mineral Resources Act that grants rights over land.

***petroleum activity*** means—

- (a) an activity that is an authorised activity for a 1923 Act petroleum tenure under the *Petroleum Act 1923*; or
- (b) an activity that is an authorised activity for a petroleum authority under the P&G Act; or
- (c) exploring for, exploiting or conveying petroleum resources under a licence, permit, pipeline licence, primary licence, secondary licence or special prospecting authority granted under the *Petroleum (Submerged Lands) Act 1982*.

***relevant ERA code***, for a code-managed ERA, means the ERA code in effect for the code-managed ERA.

***relevant resource ERA*** means—

- (a) for an environmental authority for a resource ERA—a resource ERA the subject of the authority; or
- (b) for an application for an environmental authority for a resource ERA—a resource ERA the subject of the application; or



## 22 Approved forms

The chief executive may approve forms for use under this Act, other than for use under part 6E.

*Note—*

See section 61RU(2)(a) allowing the registrar of titles to approve forms for use under part 6E.

## 98 Amendment of s 35 (Granting of permit for land within State forest or timber reserve)

(1) Section 35(1)(a) to (d)—

*omit, insert—*

- (a) a permit to occupy (an ***occupation permit***) for a term fixed by the chief executive; or
- (b) a permit to camp (a ***camping permit***) for a term fixed by the chief executive that is not longer than 30 days; or
- (c) a permit to graze stock (a ***stock grazing permit***) for a term fixed by the chief executive that is not longer than 10 years; or
- (d) a permit for an apiary site (an ***apiary permit***) for a term fixed by the chief executive; or
- (e) a permit to conduct a commercial activity other than getting forest products (a ***commercial activity permit***) for a term fixed by the chief executive that is not longer than—
  - (i) if the permit is to be granted as part of a single integrated permission with a permission under the *Marine Parks Act 2004* (a ***marine permission***)—the term of the marine permission; or
  - (ii) otherwise—5 years; or
- (f) a permit to conduct an organised event (an ***organised event permit***) for a term fixed by

the chief executive that is not longer than 1 year.

*Note—*

See section 38 in relation to single integrated permissions.

(2) Section 35—

*insert—*

- (1A) Subsection (1) does not limit the power of the chief executive to grant another permit, licence or authority, or enter into a lease, agreement or contract, under another provision of this Act that permits an activity mentioned in subsection (1).

*Note—*

See, for example, section 56.

(3) Section 35(2), from ‘, other than’ to ‘forest reserve,’—

*omit.*

(4) Section 35(3) and (7)—

*omit.*

(5) Section 35(4), ‘(1) to (3)’—

*omit, insert—*

(1) to (2A)

## 99 Insertion of new s 38

After section 37—

*insert—*

### 38 Single integrated permission

(1) This section applies if—

- (a) a person is applying for a commercial activity permit or an organised event permit; and

- (b) the chief executive is aware the person has applied for, or has been granted, 1 or more related permissions for the permit.
- (2) The chief executive may—
  - (a) consider any matter about the related permissions that the chief executive considers relevant for granting the commercial activity permit or organised event permit; and
  - (b) subject to section 35(1), grant the permit for the same term as any 1 of the related permissions; and
  - (c) combine the permit into 1 document with the related permissions (together a *single integrated permission*).
- (3) Subsection (2) does not limit the chief executive exercising any other power or performing any other function under this Act, including considering any matter the chief executive must or may have regard to.

## **100 Amendment of s 40B (Amending conditions of permit)**

- (1) Section 40B(2)(a)—  
*omit, insert—*
  - (a) to provide for the health or safety of a person or protect a person’s property; or
  - (aa) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
- (2) Section 40B(2)—  
*insert—*

- (e) because the chief executive is aware a related permission for the permit has been, or is about to be—
    - (i) amended to an extent that the permission is no longer consistent with the permit; or
    - (ii) replaced with another permission that is not consistent with the permit; or
    - (iii) suspended or cancelled.
- (3) Section 40B(2)(aa) to (e)—  
*renumber* as section 40B(2)(b) to (f).

**101 Omission of s 40D (Combined commercial activity permits)**

Section 40D—

*omit.*

**102 Insertion of new pt 4, div 3**

Part 4—

*insert—*

**Division 3 Commercial activity agreements**

**41 Chief executive may enter into commercial activity agreement for State forest or timber reserve**

- (1) The chief executive may, for the State, enter into an agreement (a *commercial activity agreement*) with a person authorising the conduct of a commercial activity, other than getting forest products, in a State forest or timber reserve.
- (2) The chief executive may enter into the

commercial activity agreement by using any process the chief executive considers suitable for the type of activity proposed to be conducted under the agreement.

- (3) The commercial activity agreement may be combined with a commercial activity agreement entered into with the person under any of the following Acts—
  - (a) the *Marine Parks Act 2004*;
  - (b) the *Nature Conservation Act 1992*;
  - (c) the *Recreation Areas Management Act 2006*.
- (4) This section does not limit the power of the chief executive to enter into an agreement under another provision of this Act.

*Note—*

See part 6, division 3 for additional provisions about agreements.

## **42 Content of agreement**

- (1) A commercial activity agreement must be in writing and include each of the following details—
  - (a) the name of the State forest or timber reserve to which the agreement applies;
  - (b) the day the agreement is entered into;
  - (c) the term of the agreement;
  - (d) the name of the person with whom the agreement is entered into;
  - (e) if the person is a corporation—the ABN or ACN of the corporation;
  - (f) the person’s place of business;

- (g) the activities authorised under the agreement;
  - (h) any conditions of the agreement;
  - (i) the amount payable to the State under the agreement or a way of working out the amount.
- (2) Subsection (1) does not limit the matters that may be included in the commercial activity agreement.
  - (3) The parties to the commercial activity agreement may, by agreement, amend the agreement at any time.

#### **42A Term and review of agreements**

- (1) A commercial activity agreement must not be for a term longer than 15 years from the day the agreement takes effect.
- (2) The commercial activity agreement may allow for the term of the agreement to be extended at any time but the term of the agreement must not at any time be longer than 15 years.
- (3) The commercial activity agreement may also provide for—
  - (a) a review of the agreement to be conducted at stated intervals; and
  - (b) the matters to be considered on the review.

#### **42B Authorisation under agreement**

- (1) A commercial activity agreement authorises a party to the agreement, other than the chief executive, to conduct the commercial activity in the State forest or timber reserve as stated in the agreement, subject to the stated conditions.
- (2) The authorisation of a party under the commercial

activity agreement may be transferred to another person, if permitted under the terms of the agreement.

### **103 Amendment of s 56 (Permits etc.)**

- (1) Section 56(1), ‘to extend’—  
*omit, insert*—  
to amend or extend
- (2) Section 56(1), ‘or made or extended’—  
*omit, insert*—  
or made, amended or extended
- (3) Section 56(2), ‘granted or made if’—  
*omit, insert*—  
granted, made, amended or extended if
- (4) Section 56(5), ‘extension’—  
*omit, insert*—  
amendment or extension

### **104 Amendment of s 73B (Commercial activities)**

- (1) Section 73B(1)—  
*omit, insert*—
  - (1) A person must not conduct a commercial activity in relation to a State forest or timber reserve.  
Maximum penalty—165 penalty units.
- (2) Section 73B(2)(c)—  
*omit, insert*—
  - (c) filming or photography that involves no more than 10 people and does not involve

the construction or use of prescribed equipment; or

(3) Section 73B—

*insert—*

- (5) This section does not apply in relation to getting forest products.

*Note—*

See section 39 about interfering with forest products on State forests or timber reserves.

- (6) In this section—

***drone*** means a device capable of flight—

- (a) that is able to be remotely piloted or programmed to autonomously fly a particular route; and
- (b) that is not capable of transporting a person.

***prescribed equipment***—

- (a) means a structure or equipment for facilitating filming or photography; and
- (b) includes a building, drone, generator, platform, shelter, tower or vehicle for facilitating filming or photography; and
- (c) does not include—
- (i) a camera or camera accessories; or
- (ii) a tripod; or
- (iii) a portable hide large enough to shelter only 1 person; or
- (iv) a power source consisting of only dry cells or a single wet cell battery; or
- (v) a vehicle used only for transport or camping as authorised under this Act or the *Recreation Areas Management Act 2006*.

**105 Amendment of s 73C (Organised events)**

(1) Section 73C(1)(a), example, ‘an activity’—

*omit, insert—*

*another activity*

(2) Section 73C(1), examples—

*omit, insert—*

*Examples of activities that may be organised events—*

a showcase of historical vehicles, a trail run, training exercises conducted by the Australian Defence Force

(3) Section 73C(2)(c), ‘an authority’—

*omit, insert—*

an organised event permit or another authority

(4) Section 73C(3), definition *non-commercial activity*, ‘under section 73B(1)’—

*omit.*

**106 Amendment of s 96B (Delegation by chief executive—State plantation forests)**

Section 96B(1), ‘35(1)(a), (c) or (d) and (2)’—

*omit, insert—*

35(1) and (2) (other than 35(1)(b)), 41(1),

**107 Insertion of new pt 10, div 7**

Part 10—

*insert—*

**Division 7**

**Transitional provision for  
Environmental Protection  
(Efficiency and  
Streamlining) and Other**

## Legislation Amendment Act 2026

### 151 Existing permits

- (1) This section applies to the following permits and agreements in effect immediately before the commencement—
  - (a) a permit under the former Act to conduct a commercial activity, other than getting forest products, in a State forest or timber reserve;
  - (b) an agreement under the former Act to conduct a commercial activity, other than getting forest products, in a State forest or timber reserve;
  - (c) a permit under the former Act to conduct an activity that was an organised event mentioned in former section 73C(1).
- (2) From the commencement—
  - (a) a permit mentioned in subsection (1)(a) is taken to be a commercial activity permit under the new Act; and
  - (b) an agreement mentioned in subsection (1)(b) is taken to be a commercial activity agreement under the new Act; and
  - (c) a permit mentioned in subsection (1)(c) is taken to be an organised event permit under the new Act.
- (3) Each permit or agreement—
  - (a) is subject to any conditions or terms that applied to the permit or agreement immediately before the commencement; and

- (b) may be amended, extended, transferred, suspended, cancelled or surrendered under the new Act.
- (4) If, immediately before the commencement, the permit or agreement was suspended under the former Act, the permit or agreement continues to be suspended under the new Act.
- (5) In this section—
- former*, in relation to a provision of the Act, means the provision as in force from time to time before the commencement.
- new Act* means the Act as in force from the commencement.

## 108 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *apiary permits*, *approved form*, *camping permit*, *commercial activity permit*, *occupation permits* and *stock grazing permits*—

*omit*.

- (2) Schedule 3—

*insert*—

*apiary permit* see section 35(1)(d).

*approved form*—

- (a) for part 6E—means a form approved under section 61RU(2)(a); or
- (b) otherwise—means a form approved under section 22.

*camping permit* see section 35(1)(b).

*commercial activity*, in relation to a State forest or timber reserve, means—

- (a) an activity that is conducted for gain in, over or adjacent to the forest or reserve; or

- (b) an activity that is advertising or promoting the use of the forest or reserve for gain.

*Examples—*

- 1 a guided tour, scenic flight or cruise in, over or adjacent to a State forest or timber reserve
- 2 filming or advertising a State forest or timber reserve to sell a product or promote a tour, scenic flight, tourist facility or resort

***commercial activity agreement*** see section 41(1).

***commercial activity permit*** see section 35(1)(e).

***occupation permit*** see section 35(1)(a).

***organised event*** see section 73C(1).

***organised event permit*** see section 35(1)(f).

***related permission***, for a commercial activity permit or an organised event permit, means—

- (a) a permission under the *Marine Parks Act 2004* for an activity or purpose similar to the permit; or
- (b) a commercial activity permit or an organised event permit under the *Nature Conservation Act 1992*; or
- (c) a commercial activity permit or an organised event permit under the *Recreation Areas Management Act 2006*.

***single integrated permission*** see section 38(2)(c).

***stock grazing permit*** see section 35(1)(c).

## Part 4 **Amendment of Geothermal Energy Act 2010**

### 109 Act amended

This part amends the *Geothermal Energy Act 2010*.

*Note—*

See also the amendments in schedule 1, part 2.

## 110 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *relevant environmental authority* and *relevant environmental condition—*

*omit.*

- (2) Schedule 2—

*insert—*

***environmental authority*** means an environmental authority under the Environmental Protection Act.

***ERA code*** means an ERA code under the Environmental Protection Act.

***relevant environmental authority***, for a geothermal tenure or proposed geothermal tenure, means an environmental authority issued for activities that are—

- (a) authorised or to be authorised under the geothermal tenure or proposed geothermal tenure; and
- (b) activities for which an environmental authority is required under the Environmental Protection Act.

***relevant environmental condition***, for a provision about a geothermal tenure or proposed geothermal tenure, means—

- (a) a condition of any relevant environmental authority for the geothermal tenure or proposed geothermal tenure; or
- (b) if any of the activities authorised or to be authorised under the geothermal tenure or proposed geothermal tenure are carried out



- (b) activities for which an environmental authority is required under the Environmental Protection Act.

*relevant environmental condition*, for a provision about a GHG authority or proposed GHG authority, means—

- (a) a condition of any relevant environmental authority for the GHG authority or proposed GHG authority; or
- (b) if any of the activities authorised or to be authorised under the GHG authority or proposed GHG authority are carried out under an ERA code—a condition of the ERA code that applies to the carrying out of the activities.

## Part 6 **Amendment of Mineral and Energy Resources (Financial Provisioning) Act 2018**

### 113 Act amended

This part amends the *Mineral and Energy Resources (Financial Provisioning) Act 2018*.

*Note—*

See also the amendments in schedule 1, part 2.

### 114 Amendment of s 3 (Main purposes)

- (1) Section 3(b), from ‘or small’ to ‘or tenure’—

*omit, insert—*

does not comply with the holder’s obligations under the authority

- (2) Section 3(c), ‘or small scale mining tenure’—

*omit.*

**115 Amendment of s 5 (Relationship with Environmental Protection Act 1994)**

Section 5(2), ‘or small scale mining tenure’—

*omit.*

**116 Amendment of s 6 (Act does not affect other rights or remedies)**

Section 6(4), ‘or small scale mining tenure’—

*omit.*

**117 Amendment of s 25 (Cash surety account)**

Section 25(1) and (3), ‘or small scale mining tenure’—

*omit.*

**118 Amendment of s 53 (Application of subdivision)**

Section 53(i)—

*omit.*

**119 Amendment of s 55 (Holder must give surety)**

(1) Section 55(1)—

*omit, insert—*

- (1) The holder of the authority must give a surety for the authority in a form approved by the scheme manager under section 56.

*Note—*

The holder of the authority must not carry out, or allow the carrying out of, a resource ERA under the authority unless the holder has given the surety—see the

*Environmental Protection Act 1994*, sections 297 and 430.

- (2) Section 55(2)(d)—  
*omit.*

**120 Amendment of s 55A (When surety must be given)**

- (1) Section 55A(10)—  
*omit.*
- (2) Section 55A(11)—  
*renumber* as section 55A(10).

**121 Amendment of s 58 (Release of surety)**

Section 58(3), ‘, or small scale mining tenure,’—  
*omit.*

**122 Amendment of s 59 (Notification of administering authority)**

Section 59, ‘or small scale mining tenure’—  
*omit.*

**123 Amendment of s 61 (Administration fee for particular sureties)**

- (1) Section 61(1)(b)—  
*omit.*
- (2) Section 61(1)(c), ‘or small scale mining tenure’—  
*omit.*
- (3) Section 61(1)(c)—  
*renumber* as section 61(1)(b).
- (4) Section 61(3)(a), ‘or (b)’—

*omit.*

(5) Section 61(3)(b), ‘(1)(c)’—

*omit, insert—*

(1)(b)

**124 Amendment of s 67 (Requesting entity may ask for realisation of surety)**

Section 67(2)(c), ‘or small scale mining tenure’—

*omit.*

**125 Amendment of s 69 (Replenishment of surety)**

Section 69(1)(b), (2) and (3), ‘or small scale mining tenure’—

*omit.*

**126 Insertion of new pt 7, div 3**

Part 7—

*insert—*

**Division 3**

**Transitional provision for Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026**

**110 Release of surety provided for small scale mining tenure**

(1) This section applies in relation to—

(a) a surety given by the holder of a small scale mining tenure under part 3, division 2 as in

force from time to time before the commencement; and

- (b) a surety given by the holder of a small scale mining tenure under part 3, division 2, including a replenishment under section 69, after the commencement because of the operation of the *Environmental Protection Act 1994*, section 851.
- (2) The scheme manager must release the surety to the holder as soon as practicable after—
- (a) the commencement; or
  - (b) if, on the commencement, the holder is carrying out the small scale mining activity as provided under the *Environmental Protection Act 1994*, section 851—the event mentioned in section 851(2)(a), (b) or (c) of that Act happens.
- (3) However, the scheme manager may release the surety to the holder only if—
- (a) there is no existing claim for the surety; and
  - (b) the scheme manager is satisfied there is no potential claim for the surety.
- (4) Without limiting subsection (3)(b), the scheme manager may be satisfied there is no potential claim for the surety if the chief executive (environment) gives the scheme manager a notice stating the chief executive (environment) will not be making a claim for the surety.
- (5) In this section—

***claim***, for a surety, means a request under the *Environmental Protection Act 1994*, section 316D(2)(b) for the payment of costs and expenses by the scheme manager making a claim on or realising the surety.

***existing claim***, for a surety, means a claim for the

surety that has been made but not finally dealt with.

***potential claim***, for a surety, means a claim for the surety that has not been made but may be made under the *Environmental Protection Act 1994*, section 857.

***small scale mining activity*** see the *Environmental Protection Act 1994*, schedule 4.

***small scale mining tenure*** means a mining tenure, within the meaning of the *Environmental Protection Act 1994*, for a small scale mining activity.

## 127 Amendment of sch 1 (Dictionary)

Schedule 1, definition *small scale mining tenure*—  
*omit.*

# Part 7 Amendment of Mineral Resources Act 1989

## 128 Act amended

This part amends the *Mineral Resources Act 1989*.

*Note*—

See also the amendments in schedule 1, part 1.

## 129 Amendment of s 25 (Conditions of prospecting permit)

Section 25(5), from ‘prescribed condition’—

*omit, insert*—

relevant environmental condition for the prospecting permit.

**130 Amendment of s 74 (Grant of mining claim to which no objection is lodged)**

Section 74(2)(c)—

*omit, insert—*

- (c) if the proposed mining claim is to authorise relevant resource ERAs—an environmental authority for the relevant resource ERAs has been issued.

**131 Amendment of s 334ZV (Deciding application for water monitoring authority)**

Section 334ZV(2)—

*omit, insert—*

- (2) However, if the water monitoring authority is to authorise relevant resource ERAs, the water monitoring authority must not be granted unless an environmental authority for the relevant resource ERAs has been issued.

*Note—*

If the application relates to acquired land, see also section 10AAC.

**132 Amendment of s 344 (Definitions for part)**

- (1) Section 344—

*insert—*

***code-managed ERA*** see the Environmental Protection Act, schedule 4.

***former mining claim or lease*** means a mining claim or mining lease that was but is no longer in force.

- (2) Section 344, definition *abandoned mine site*, paragraph (c)—

*omit, insert—*

- (c) for which no environmental authority is in force for activities mentioned in paragraph (a) that were carried out under a former mining claim or lease; and
  - (d) that is not a place at which a code-managed ERA is being carried out, under an ERA code, for activities mentioned in paragraph (a) that were carried out under a former mining claim or lease.
- (3) Section 344, definition *final rehabilitation site*, ‘mining claim or mining lease that is no longer in force’—  
*omit, insert—*  
former mining claim or lease
- (4) Section 344, definition *final rehabilitation site*, paragraph (a)—  
*omit, insert—*
  - (a) either of the following applies—
    - (i) an environmental authority or PRCP schedule is in force for the mining activities that were carried out under the former mining claim or lease;
    - (ii) a code-managed ERA is being carried out, under an ERA code, for the mining activities that were carried out under the former mining claim or lease; and

### 133 Amendment of s 344B (Meaning of *rehabilitation activity*)

- (1) Section 344B—

*insert—*

- (1A) Also, a ***rehabilitation activity*** for a final rehabilitation site is an activity that the person carrying out a code-managed ERA, under an ERA code, for the mining activities that were carried

out on the site would be required to carry out to comply with rehabilitation conditions for the code-managed ERA.

- (2) Section 344B(2)—

*insert—*

***rehabilitation condition***, for a code-managed ERA carried out under an ERA code, means a condition of the ERA code about rehabilitating or remediating environmental harm caused by the carrying out of the code-managed ERA under the ERA code.

- (3) Section 344B(1A) and (2)—

*renumber* as section 344B(2) and (3).

### **134 Amendment of s 344D (Authorisation to carry out rehabilitation activities on final rehabilitation site)**

- (1) Section 344D(1), from ‘the holder’ to ‘PRCP schedule’—

*omit, insert—*

a relevant person

- (2) Section 344D(3) and (4), ‘holder’—

*omit, insert—*

relevant person

- (3) Section 344D—

*insert—*

- (5) In this section—

***relevant person***, for mining activities that were carried out on a final rehabilitation site, means—

- (a) if an environmental authority or PRCP schedule is in force for the mining activities—the holder of the authority or schedule; or

- (b) if a code-managed ERA is being carried out under an ERA code for the mining activities—the person carrying out the code-managed ERA.

**135 Amendment of s 345 (Compensation)**

- (1) Section 345(1), ‘The holder of an environmental authority’—  
*omit, insert—*

A relevant person

- (2) Section 345(1)(a), ‘holder’—  
*omit, insert—*

relevant person

**136 Amendment of s 348 (Liability for payment of compensation to native title holders)**

- Section 348(2), ‘holder of the environmental authority’—  
*omit, insert—*

relevant person

**137 Amendment of s 391A (Restriction on decisions or recommendations about mining tenements)**

- (1) Section 391A(1)(a), ‘, other than a mining tenement for small scale mining activities’—

*omit, insert—*

that authorises or is to authorise a relevant resource ERA

- (2) Section 391A(1)(b), ‘, other than a mining tenement for small scale mining activities,’—

*omit, insert—*

that authorises or is to authorise a relevant resource ERA

- (3) Section 391A(6)—  
*omit.*

### 138 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *relevant environmental condition*—  
*omit.*

- (2) Schedule 2—  
*insert—*

*code-managed ERA*, for chapter 13, part 4, see section 344.

*ERA code* means an ERA code under the Environmental Protection Act.

*former mining claim or lease*, for chapter 13, part 4, see section 344.

*relevant environmental authority*, for a mining tenement, means an environmental authority issued for activities that are—

- (a) authorised or to be authorised under the mining tenement; and
- (b) relevant resource ERAs.

*relevant environmental condition*, for a mining tenement, means—

- (a) a condition of any relevant environmental authority for the mining tenement; or
- (b) if any of the activities authorised or to be authorised under the mining tenement are carried out under an ERA code—a condition of the ERA code that applies to the carrying out of the activities.

*relevant resource ERA* means a resource ERA under the Environmental Protection Act for which an environmental authority is required under that

Act.

- (3) Schedule 2, definition *mining project*, after ‘resource’—  
*insert—*

ERA

## **Part 8**                      **Amendment of Nature Conservation Act 1992**

### **139 Act amended**

This part amends the *Nature Conservation Act 1992*.

### **140 Amendment of s 127A (Functions of conservation officers)**

Section 127A(1)(a), after ‘this Act’—  
*insert—*

and a relevant planning provision

### **141 Amendment of s 144 (Power to stop and search vehicles etc.)**

Section 144(1), (8) and (9), after ‘this Act’—  
*insert—*

or a relevant planning provision

### **142 Amendment of s 145 (Entry and search—monitoring compliance)**

Section 145(1), after ‘this Act’—  
*insert—*

or a relevant planning provision

**143 Amendment of s 146 (Entry and search—evidence of offences)**

(1) Section 146(1), after ‘this Act’—

*insert—*

or a relevant planning provision

(2) Section 146(2)(b), after ‘this Act’—

*insert—*

or another Act

**144 Amendment of s 148 (Monitoring warrants)**

Section 148(2), after ‘this Act’—

*insert—*

or a relevant planning provision

**145 Amendment of s 149 (Offence related warrants)**

Section 149(2), after ‘this Act’—

*insert—*

or a relevant planning provision

**146 Amendment of s 151 (Conservation officer may require name and address)**

Section 151(1) and (6)(a), after ‘this Act’—

*insert—*

or a relevant planning provision

**147 Amendment of s 152 (Power to require information from certain persons)**

Section 152(1)(a), after ‘this Act’—

*insert—*

or a relevant planning provision

**148 Amendment of s 159B (Court may order compensation)**

Section 159B(2)(b), after ‘this Act’—

*insert—*

or a relevant planning provision

**149 Amendment of schedule (Dictionary)**

(1) Schedule, definition *protected area*—

*omit.*

(2) Schedule—

*insert—*

*protected area*—

(a) for part 4, division 2—see section 28; or

(b) otherwise—means a protected area of a class mentioned in section 14.

*relevant planning provision* means a provision of the *Planning Act 2016* to the extent an offence against the provision relates to protected wildlife or its habitat.

## **Part 9 Amendment of Petroleum Act 1923**

**150 Act amended**

This part amends the *Petroleum Act 1923*.

*Note—*

See also the amendments in schedule 1, part 1.

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**151 Amendment of s 2 (Definitions)**

(1) Section 2, definition *relevant environmental authority*—  
*omit.*

(2) Section 2—  
*insert—*

*environmental authority* means an environmental authority under the Environmental Protection Act.

*relevant environmental authority*, for a 1923 Act petroleum tenure, means an environmental authority issued for activities that are—

- (a) authorised under the tenure; and
- (b) activities for which an environmental authority is required under the Environmental Protection Act.

**152 Amendment of s 75WC (Deciding application for water monitoring authority)**

Section 75WC(2)—  
*omit, insert—*

- (2) However, if the water monitoring authority is to authorise activities for which an environmental authority is required under the Environmental Protection Act, the water monitoring authority must not be granted unless an environmental authority for the activities has been issued.

**153 Amendment of s 157 (Environmental conditions prevail)**

(1) Section 157(4), definition *relevant environmental conditions*—

*omit.*

(2) Section 157(4)—

*insert—*

***relevant environmental condition***, for a 1923 Act petroleum tenure, means—

- (a) a condition of any relevant environmental authority for the tenure; or
- (b) if any of the activities authorised under the tenure are carried out under an ERA code under the Environmental Protection Act—a condition of the ERA code that applies to the carrying out of the activities.

## **Part 10                      Amendment of Petroleum and Gas (Production and Safety) Act 2004**

### **154    Act amended**

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

*Note—*

See also the amendments in schedule 1.

### **155    Amendment of s 799C (Meaning of *abandoned operating plant*)**

- (1) Section 799C(1)(a)—

*insert—*

- (iv) that is not being used to carry out an activity under an ERA code; or

- (2) Section 799C(1)(b)—

*insert—*

(iv) that is not a place, or part of a place, at which an activity is being carried out under an ERA code; or

(3) Section 799C(1)(c)—

*insert—*

(iv) that is not being carried out under an ERA code; or

## 156 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *relevant environmental authority* and *relevant environmental condition*—

*omit.*

(2) Schedule 2—

*insert—*

***environmental authority*** means an environmental authority under the Environmental Protection Act.

***ERA code*** means an ERA code under the Environmental Protection Act.

***relevant environmental authority***, for a petroleum authority, means an environmental authority issued for activities that are—

- (a) authorised or to be authorised under the petroleum authority; and
- (b) activities for which an environmental authority is required under the Environmental Protection Act.

***relevant environmental condition***, for a petroleum authority, means—

- (a) a condition of any relevant environmental authority for the petroleum authority; or

- (b) if any of the activities authorised or to be authorised under the petroleum authority are carried out under an ERA code—a condition of the ERA code that applies to the carrying out of the activities.

## Part 11 **Amendment of Recreation Areas Management Act 2006**

### 157 **Act amended**

This part amends the *Recreation Areas Management Act 2006*.

*Note—*

See also the amendments in schedule 1, part 2.

### 158 **Amendment of s 35 (Terms of permits)**

- (1) Section 35(2)(d)—

*omit, insert—*

- (d) for a commercial activity permit—
  - (i) if the permit is to be granted as part of a single integrated permission with a permission under the *Marine Parks Act 2004* (a **marine permission**)—the term of the marine permission; or
  - (ii) if the permit is to form part of a GBR region permit—the term of the permission under the *Great Barrier Reef Marine Park Act 1975* (Cwlth) forming part of the permit; or
  - (iii) otherwise—5 years.

- (2) Section 35(2)—

*insert—*

*Note—*

See section 55A in relation to GBR region permits and section 55L in relation to single integrated permissions.

**159 Replacement of s 55A (Form of commercial activity permit)**

Section 55A—

*omit, insert—*

**55A Combining permit with Great Barrier Reef Marine Park region permission**

- (1) With the agreement of the Commonwealth, the chief executive may combine a commercial activity permit into 1 document with—
  - (a) a permission under the *Great Barrier Reef Marine Park Act 1975* (Cwlth); or
  - (b) both a permission under the *Marine Parks Act 2004* and a permission under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).
- (2) A commercial activity permit and permission combined under subsection (1) are together a ***GBR region permit***.

**160 Omission of pt 4, div 5A (Transfer of particular commercial activity permits)**

Part 4, division 5A—

*omit.*

**161 Insertion of new pt 4, div 5, sdiv 3**

Part 4, division 5—

*insert—*

**Subdivision 3 Transferring commercial activity permits**

### **55F Commercial activity permit transferable**

A commercial activity permit is transferable, including a commercial activity permit that is part of a single integrated permission or GBR region permit.

### **55G Application to transfer permit**

- (1) The holder of a commercial activity permit and a proposed transferee may apply to the chief executive to transfer the permit to the transferee.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) given to the chief executive at least 20 business days before the day on which the transfer is intended to take effect; and
  - (c) accompanied by the fee prescribed by regulation for the transfer.
- (3) An application may not be made to transfer a commercial activity permit that has been suspended.

### **55H Considering transfer application**

- (1) In considering an application to transfer a commercial activity permit, the chief executive must have regard to the following matters—
  - (a) whether the proposed transferee is a suitable person to hold the permit;
  - (b) whether there is adequate insurance cover for the activities proposed to be conducted under the permit;
  - (c) whether the holder of the permit, or the proposed transferee, owes any fee or other amount payable under—

- (i) this Act; or
- (ii) if the permit is part of a single integrated permission or GBR region permit—a related Act;
- (d) all matters relevant to ensuring the orderly and proper management of the recreation area to which the permit applies.
- (2) However, subsection (1)(b) does not apply if the chief executive considers insurance cover is not required having regard to the nature of the proposed activities.
- (3) For considering whether the proposed transferee is a suitable person under subsection (1)(a), the chief executive may—
  - (a) inquire about, and have regard to, the matters mentioned in section 50(3) in relation to the transferee; and
  - (b) have regard to whether any of the grounds mentioned in section 53(3) apply in relation to the transferee.
- (4) For subsection (3), sections 50(3) and (4) and 53(3) apply as if a reference in those sections to the applicant were a reference to the transferee.

### **55l Chief executive's power to require further information**

- (1) Before deciding an application to transfer a commercial activity permit, the chief executive may, by notice, ask the holder of the permit or the proposed transferee to give the chief executive any further information the chief executive reasonably requires to decide the application.
- (2) The holder and proposed transferee are taken to have withdrawn the application if the request is not complied with within a reasonable period, of

at least 20 business days, stated in the notice.

- (3) The chief executive may extend the period within which the information must be given.

### **55J Deciding transfer application**

- (1) The chief executive must decide an application to transfer a commercial activity permit within 20 business days after the chief executive—
  - (a) receives the application; or
  - (b) if the chief executive has asked for further information under section 55I—receives the information.
- (2) The chief executive may approve the transfer of the commercial activity permit only if the chief executive is satisfied—
  - (a) the proposed transferee is a suitable person to hold the permit; and
  - (b) the holder of the permit, or the proposed transferee, does not owe any fee or other amount payable under—
    - (i) this Act; or
    - (ii) if the permit is part of a single integrated permission or GBR region permit—a related Act.
- (3) If the chief executive refuses to approve the transfer, the chief executive must give the holder of the commercial activity permit and the proposed transferee an information notice about the decision.

### **55K Steps after approval of transfer**

- (1) This section applies if the chief executive decides to approve the transfer of a commercial activity

permit under section 55J.

- (2) The chief executive must cancel the existing commercial activity permit and give the proposed transferee a new commercial activity permit—
  - (a) authorising the same activities as the cancelled permit immediately before the permit was cancelled under this section; and
  - (b) with a term—
    - (i) starting on the later of the following days (the *transfer day*)—
      - (A) the day the application is decided;
      - (B) the day stated in the application for the approval of the transfer as the day on which the transfer is to take effect; and
    - (ii) ending on the day the cancelled permit would have ended if the permit were not cancelled under this section; and
  - (c) subject to the same conditions as the cancelled permit immediately before the permit was cancelled under this section.
- (3) Despite subsection (2)(c), the chief executive may impose a new or different condition on the new commercial activity permit if—
  - (a) the proposed transferee consents to the new or different condition; or
  - (b) it is a condition that provides for an indemnity for the State against any liability for loss or damage that is suffered by any person and is caused, whether directly or indirectly, by the activities conducted under the permit; or
  - (c) it is a condition that provides for the compensation or reimbursement of any loss

or expense incurred by the State in relation to activities conducted under the permit.

- (4) For a single integrated permission or GBR region permit, subsections (2) and (3) apply only to the part of the permit that is a commercial activity permit under this Act.

## 162 Insertion of new s 55L

Before section 56—

*insert—*

### **55L Single integrated permission**

- (1) This section applies if—
- (a) a person is applying for a commercial activity permit or an organised event permit; and
  - (b) the chief executive is aware the person has applied for, or has been granted, 1 or more related permissions for the permit.
- (2) The chief executive may—
- (a) consider any matter about the related permissions that the chief executive considers relevant for granting the commercial activity permit or organised event permit; and
  - (b) subject to section 35(2), grant the permit for the same term as any 1 of the related permissions; and
  - (c) combine the permit into 1 document with the related permissions (together a ***single integrated permission***).
- (3) Subsection (2) does not limit the chief executive exercising any other power or performing any other function under this Act, including considering any matter the chief executive must

or may have regard to.

**163 Amendment of s 63 (Other amendments (other than immediately))**

(1) Section 63(1)(a) to (d)—

*omit, insert—*

- (a) if an activity to which the permit applies is declared, after the grant of the permit, to be a prescribed commercial activity; or
- (b) if the chief executive reasonably believes—
  - (i) for a permit that is part of a single integrated permission—a related permission for the permit has been, or is about to be—
    - (A) amended to an extent that is no longer consistent with the permit; or
    - (B) replaced with another permit or permission that is not consistent with the permit; or
    - (C) suspended or cancelled; or
  - (ii) for a permit that is part of a GBR region permit—a permission under a GBR region Act forming part of the permit has been, or is about to be—
    - (A) amended to an extent that is no longer consistent with the permit; or
    - (B) replaced with another permission that is not consistent with the permit; or
    - (C) suspended or cancelled; or

- (iii) the amendment is necessary to ensure fair and equitable access to the recreation area to which the permit applies; or
  - (iv) the amendment is otherwise necessary, having regard to—
    - (A) the purpose of, or a requirement under, this Act; or
    - (B) if the permit is part of a single integrated permission or GBR region permit—a requirement under a related Act; or
  - (c) to ensure the health or safety of a person or protect a person’s property; or
- (2) Section 63(1)(e) and (f)—  
*renumber* as section 63(1)(d) and (e).

**164 Amendment of s 64 (Immediate amendment or suspension of permits for safety or conservation)**

- (1) Section 64(1)(a) to (c)—  
*omit, insert*—
- (a) to ensure the health or safety of a person or protect a person’s property; or
  - (b) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
  - (c) to conserve or protect the cultural or natural resources of the recreation area to which the permit applies; or
  - (d) because the permit relates to an area that has been declared as a restricted access area or an area closed to the public.
- (2) Section 64(2), ‘verbally or by signs’—

*omit, insert—*

in any way practicable in the circumstances

(3) Section 64(2)—

*insert—*

*Examples of ways to advise the permit holder—*

verbally, by using a sign or by sending a text message to a phone

**165 Amendment of s 65 (Cancelling a permit or suspending a permit (other than immediately))**

(1) Section 65(1)(b)(iv)—

*omit, insert—*

(iv) for a permit that is part of a single integrated permission—a related permission for the permit has been, or is about to be—

(A) amended to an extent that is no longer consistent with the permit; or

(B) replaced with another permit or permission that is not consistent with the permit; or

(C) suspended or cancelled; or

(v) for a permit that is part of a GBR region permit—a permission under a GBR region Act forming part of the permit has been, or is about to be—

(A) amended to an extent that is no longer consistent with the permit; or

(B) replaced with another permission that is not consistent with the permit; or

(C) suspended or cancelled; or

(2) Section 65(1)(c)(i) and (ii), after ‘for the permit,’—

*insert—*

or a related Act in relation to the permit,

**166 Amendment of s 69 (Chief executive may enter into commercial activity agreement)**

Section 69(3)—

*omit, insert—*

- (3) The agreement may be combined with a commercial activity agreement entered into with the person under any of the following Acts—
  - (a) the *Forestry Act 1959*;
  - (b) the *Marine Parks Act 2004*;
  - (c) the *Nature Conservation Act 1992*.

**167 Amendment of s 90 (Immediate amendment or suspension of commercial activity agreements for safety or conservation)**

(1) Section 90(1)(a) to (c)—

*omit, insert—*

- (a) to ensure the health or safety of a person or protect a person's property; or
- (b) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
- (c) to conserve or protect the cultural or natural resources of the recreation area to which the agreement applies; or
- (d) because the agreement relates to an area that has been declared as a restricted access area or an area closed to the public.

(2) Section 90(2), 'verbally or by signs'—

*omit, insert—*

in any way practicable in the circumstances

(3) Section 90(2)—

*insert—*

*Examples of ways to advise the other party—*

verbally, by using a sign or by sending a text message to  
a phone

**168 Amendment of s 91 (Amending commercial activity agreements (other than immediately))**

Section 91(1)(a) to (c)—

*omit, insert—*

- (a) if an activity to which the agreement applies is declared, after entering into the agreement, to be a prescribed commercial activity; or
- (b) if the chief executive reasonably believes—
  - (i) the amendment is necessary to ensure fair and equitable access to the recreation area to which the agreement applies; or
  - (ii) the amendment is otherwise necessary, having regard to—
    - (A) the purpose of, or a requirement under, this Act; or
    - (B) if the agreement is combined with another agreement—a requirement under a related Act; or
- (c) to ensure the health or safety of a person or protect a person's property; or

**169 Amendment of s 208 (Internal review decision)**

(1) Section 208(1)—

*insert—*

- (c) give the applicant a notice complying with the QCAT Act, section 157(2) for the internal review decision.

- (2) Section 208(1A)(a), ‘joint permission permit’—

*omit, insert—*

GBR region permit

- (3) Section 208(1A)(b)—

*omit, insert—*

- (b) a decision about a permission under a GBR region Act forming part of the permit is being reviewed under that Act; and

- (4) Section 208(1A)(c), ‘related’—

*omit.*

- (5) Section 208(2)—

*omit, insert—*

- (2) Also, the chief executive and the applicant may, before the period stated in subsection (1) ends, agree to a longer period for the chief executive to comply with the subsection.

- (6) Section 208(3), ‘or (2)’—

*omit.*

## **170 Amendment of s 211 (Extending time for application)**

- (1) Section 211(a), ‘joint permission permit’—

*omit, insert—*

GBR region permit

- (2) Section 211(b), ‘related permission for the permit’—

*omit, insert—*

permission under a GBR region Act forming part

of the permit

- (3) Section 211, ‘marine park Act’—  
*omit, insert*—  
GBR region Act

## 171 Insertion of new pt 11, div 3

Part 11—

*insert*—

### **Division 3                      Transitional provision for Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026**

#### **250 Proposed amendments to permits and commercial activity agreements**

- (1) This section applies if—
- (a) before the commencement, the chief executive had given a notice—
    - (i) under former section 63, to the holder of a permit proposing an amendment to the permit; or
    - (ii) under former section 91, to the other party to a commercial activity agreement proposing an amendment to the agreement; and
  - (b) immediately before the commencement, the chief executive had not decided whether to still make the amendment.
- (2) The chief executive may decide to make the

amendment under the former section as if the amendment Act had not been enacted.

(3) In this section—

***amendment Act*** means the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026*.

***former***, for a provision of this Act, means the provision as in force from time to time before the commencement.

## 172 Amendment of schedule (Dictionary)

(1) Schedule, definitions *commercial activity*, *exempt media activity*, *joint permission*, *joint permission permit*, *marine park Act*, *marine park permission* and *prescribed structure*—  
*omit.*

(2) Schedule—  
*insert—*

***commercial activity***, in relation to a recreation area—

(a) means—

- (i) an activity that is conducted for gain in, over or adjacent to the area; or
- (ii) an activity that is advertising or promoting the use of the area for gain; but

(b) does not include—

- (i) an exempt activity; or
- (ii) an exempt media activity.

*Examples for paragraph (a)—*

- 1 a guided tour, scenic flight or cruise in, over or adjacent to a recreation area

- 2 filming or advertising a recreation area to sell a product or promote a tour, scenic flight, tourist facility or resort

***drone*** means a device capable of flight—

- (a) that is able to be remotely piloted or programmed to autonomously fly a particular route; and
- (b) that is not capable of transporting a person.

***exempt media activity*** means—

- (a) filming or photography that—
  - (i) involves no more than 10 people; and
  - (ii) does not involve the construction or use of prescribed equipment; or
- (b) filming or photography in relation to an event—
  - (i) that is conducted when, or as soon as practicable after, the event happens; and
  - (ii) that is conducted for publishing a report of the event—
    - (A) on television or in a newspaper, magazine or similar publication; and
    - (B) to inform the public about the event; and
  - (iii) that is a type of filming or photography the chief executive has stated is an exempt media activity on the department's website.

***GBR region Act*** means—

- (a) the *Great Barrier Reef Marine Park Act 1975* (Cwlth); or
- (b) the *Marine Parks Act 2004*.

***GBR region permit*** see section 55A(2).

***non-commercial activity*** means an activity other than a commercial activity.

***prescribed equipment***—

- (a) means a structure or equipment for facilitating filming or photography; and
- (b) includes a building, drone, generator, platform, shelter, tower or vehicle for facilitating filming or photography; and
- (c) does not include—
  - (i) a camera or camera accessories; or
  - (ii) a tripod; or
  - (iii) a portable hide large enough to shelter only 1 person; or
  - (iv) a power source consisting of only dry cells or a single wet cell battery; or
  - (v) a vehicle used only for transport or camping as authorised under this Act, the *Forestry Act 1959* or the *Nature Conservation Act 1992*.

***related Act***—

- (a) in relation to a single integrated permission—means another Act under which a permit or permission, that is part of the single integrated permission, has been granted; or
- (b) in relation to a GBR region permit—means a GBR region Act under which a permission, that is part of the GBR region permit, has been granted; or
- (c) in relation to a commercial activity agreement—means an Act mentioned in section 69(3) under which another

agreement, that is combined with the commercial activity agreement, has been entered into.

**related permission**, for a commercial activity permit or an organised event permit, means—

- (a) a permission under the *Marine Parks Act 2004* for an activity or purpose similar to the permit; or
- (b) a commercial activity permit or an organised event permit under the *Nature Conservation Act 1992*; or
- (c) a commercial activity permit or an organised event permit under the *Forestry Act 1959*.

**single integrated permission** see section 55L(2)(c).

- (3) Schedule, definition *organised event*, paragraph 1, examples—

*omit, insert—*

*Examples of activities that may be organised events—*

a showcase of historical vehicles, a trail run, training exercises conducted by the Australian Defence Force

## Part 12                      Amendment of Regional    Planning Interests Act 2014

### 173    Act amended

This part amends the *Regional Planning Interests Act 2014*.

### 174    Amendment of s 24 (Exemption—pre-existing resource activity)

Section 24—



285(6)

- (2) Schedule 1, entry for *Environmental Protection Act 1994*—  
*insert—*

s 463A(1)	5	25
s 463A(2)	5	25

## Part 14                      Amendment of Waste Reduction and Recycling Act 2011

### 177    Act amended

This part amends the *Waste Reduction and Recycling Act 2011*.

*Note—*

See also the amendments in schedule 1, part 2.

### 178    Amendment of s 224 (Return of seized thing)

- (1) Section 224(2) and (3)—

*omit, insert—*

- (2) As soon as the chief executive stops being satisfied there are reasonable grounds for retaining the thing, the chief executive must return the thing to its owner.
- (3) If the thing is not returned to its owner within 3 months after it was seized, the owner may apply to the chief executive for its return.
- (3A) Within 30 days after receiving the application, the chief executive must—
- (a) if the chief executive is satisfied there are reasonable grounds for retaining the thing

and decides to retain the thing—give the owner an information notice for the decision, including the grounds for retaining the thing; or

(b) otherwise—return the thing to the owner.

(3B) For this section, there are reasonable grounds for retaining a seized thing if—

(a) the thing is being, or is likely to be, examined; or

(b) the thing is needed, or may be needed, for the purposes of—

(i) a proceeding for an offence against this Act that is likely to be started or that has been started but not completed; or

(ii) an appeal from a decision in a proceeding for an offence against this Act; or

(c) it is not lawful for the owner to possess the thing; or

(d) the chief executive believes it is necessary to continue to keep the thing to prevent its use in committing an offence.

(3C) Subsection (5) does not limit the grounds that may be reasonable grounds for retaining the seized thing.

(2) Section 224(3A) to (4)—

*renumber* as section 224(4) to (7).

(3) Section 224—

*insert*—

(8) In this section—

***examine*** includes analyse, test, account for, measure, weigh, grade, gauge and identify.

**179 Amendment of s 267 (Summary proceedings for offences)**

Section 267(2)—

*omit, insert—*

- (2) A proceeding for an offence against this Act, other than an offence against section 54, must start within 2 years after the commission of the offence.
- (3) A proceeding for an offence against section 54 must start within 6 years after the commission of the offence.

**180 Insertion of new ch 16, pt 6**

Chapter 16—

*insert—*

**Part 6**

**Transitional provisions  
for Environmental  
Protection (Efficiency  
and Streamlining) and  
Other Legislation  
Amendment Act 2026**

**335 Definitions for part**

In this part—

*amendment Act* means the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026*.

*former*, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

### **336 Continuation of former s 224 in relation to things seized before commencement**

- (1) This section applies in relation to a thing seized by an authorised person under former chapter 10, part 4, division 3 before the commencement.
- (2) Former section 224 continues to apply in relation to the thing as if the amendment Act had not been enacted.

### **337 Limitation period for starting proceedings**

- (1) This section applies in relation to a proceeding for an offence against this Act that was committed before the commencement.
- (2) Former section 267(2) continues to apply in relation to starting the proceeding as if the amendment Act had not been enacted.

## **Part 15 Amendment of Water Act 2000**

### **181 Act amended**

This part amends the *Water Act 2000*.

*Note—*

See also the amendments in schedule 1.

### **182 Amendment of s 97 (Environmental authorities)**

Section 97—

*insert—*

- (4) Subsection (5) applies if—
  - (a) a person is authorised to take or interfere with water under subsection (1) or (2) in relation to an environmental authority that

- approved an environmentally relevant activity; and
- (b) an ERA code applying to the environmentally relevant activity takes effect under the *Environmental Protection Act 1994*; and
- (c) the person starts to carry out the environmentally relevant activity under the ERA code.
- (5) The authorisation to take or interfere with water under subsection (1) or (2) in relation to the environmental authority to the extent it approved the environmentally relevant activity continues to apply in relation to the person carrying out the activity under the ERA code.

**183 Amendment of s 102 (Authorisations under water plans or regulation)**

- (1) Section 102(1)(b), after ‘take’—  
*insert—*  
or interfere with
- (2) Section 102(2)(b), ‘up to a volume stated in the plan’—  
*omit, insert—*  
as mentioned in subsection (1)
- (3) Section 102(3), after paragraph (a)—  
*insert—*  
(aa) take or interfere with water if doing so is necessary to carry out an activity prescribed by regulation;
- (4) Section 102(3)(aa) and (b)—  
*renumber* as section 102(3)(b) and (c).

**184 Amendment of s 370 (Obligation to give underground water impact report)**

Section 370(2)(c)—

*omit, insert—*

(c) be given on or before—

- (i) the fifth anniversary of the day the chief executive approved the most recent underground water impact report for the cumulative management area or resource tenure; or
- (ii) if the chief executive agrees to a later day—the later day; and

**185 Amendment of s 370B (When obligation to give further underground water impact report does not apply)**

Section 370B(5)—

*omit, insert—*

- (5) Section 370 applies to the responsible entity as if section 370(2)(c)(i) referred to the fifth anniversary of the day the chief executive approved the underground water impact report as amended.

**186 Amendment of s 376 (Content of underground water impact report)**

- (1) Section 376(1)(a)(ii), ‘3-year’—

*omit, insert—*

5-year

- (2) Section 376(1)(b)(iv), ‘3 years’—

*omit, insert—*

5 years

- (3) Section 376(1)—

*insert—*

- (ga) if the report relates to a cumulative management area—a baseline assessment strategy;

**187 Amendment of s 378 (Content of water monitoring strategy)**

Section 378(3), from ‘report,’ to ‘holders’—

*omit, insert—*

report other than for a cumulative management area, the strategy must also include a program for the responsible tenure holder

**188 Insertion of new ss 379A and 379B**

After section 379—

*insert—*

**379A Content of baseline assessment strategy**

- (1) A baseline assessment strategy must, for each area of a CMA tenure in which there is a water bore—
  - (a) state whether a baseline assessment has been undertaken for any bores in the area before the day the strategy is given to the chief executive and, if so, identify the bores; and
  - (b) identify each area of the tenure in which a water bore, other than a bore mentioned in paragraph (a), is or may be located (each a *priority area*); and
  - (c) include a timetable (a *baseline assessment timetable*) for responsible tenure holders under the report to undertake a baseline assessment of each water bore mentioned in

- paragraph (b) for which an assessment has not already been completed; and
- (d) state the rationale for each date stated in the baseline assessment timetable.
- (2) For subsection (1)(c), the baseline assessment timetable must include a stated date by which all baseline assessments in each priority area will be undertaken in accordance with section 379B.
- (3) Also, the baseline assessment strategy must—
- (a) state whether a baseline assessment has been undertaken for any long-term affected area bores in the cumulative management area before the day the strategy is given to the chief executive and, if so, identify the bores; and
- (b) include a program for the responsible tenure holders under the report to undertake a baseline assessment for each long-term affected area bore in the cumulative management area, other than a bore mentioned in paragraph (a), including a stated date by which each baseline assessment will be undertaken.
- (4) Despite subsections (1)(b) and (3)(a), the baseline assessment strategy may exclude an area if the office is satisfied that any relevant aquifer in the area is not affected, or likely to be affected, by the exercise of the CMA tenure holders' underground water rights.
- (5) In this section—
- long-term affected area bore*** means a water bore that is—
- (a) outside the area of a resource tenure; but
- (b) within the area shown on the map prepared under section 376(1)(b)(v).

### **379B Requirements for baseline assessment timetable for baseline assessment strategy**

- (1) If a CMA tenure is a petroleum tenure, the baseline assessment timetable must provide for a baseline assessment to be undertaken for each water bore located in a priority area for the tenure by the following time—
  - (a) before production testing starts, if—
    - (i) the bore in the priority area is located within 2km of the production testing; and
    - (ii) during the production testing, water will be taken from the aquifer supplying the water bore;
  - (b) if paragraph (a) does not apply and production testing in the priority area has been undertaken for a period of 30 days, whether continuous or not—the day after the 30-day period ends;
  - (c) otherwise—before production of petroleum starts in the priority area.
- (2) However, subsection (1)(a) does not apply if the petroleum tenure holder—
  - (a) obtains the written agreement of the owner of the water bore to a baseline assessment being undertaken on a later day; and
  - (b) gives the office a copy of the written agreement.
- (3) If the CMA tenure is a mining tenure, the baseline assessment timetable must provide for a baseline assessment to be undertaken for each water bore in a priority area before the exercise of underground water rights in the priority area.

**189 Amendment of s 386 (Publishing approval and making report available)**

Section 386(1)(a)(ii), ‘the area’—

*omit, insert—*

an immediately affected area or a long-term affected area

**190 Insertion of new s 390A**

After section 390—

*insert—*

**390A Notifying office of particular matters related to approved report for cumulative management area**

- (1) Subsection (2) applies to the holder of a CMA tenure if—
  - (a) the holder becomes aware of a material change to—
    - (i) for the holder of a CMA tenure that is a mining tenure—the holder’s program for carrying out activities for the tenure; or
    - (ii) for the holder of a CMA tenure that is a petroleum tenure—the holder’s program for production testing or production of petroleum under the tenure; and
  - (b) the material change may result in the baseline assessment timetable included in the baseline assessment strategy for the cumulative management area for the tenure not being implemented in accordance with section 379B.
- (2) The holder must, within 20 business days after becoming aware of the material change, give the

office notice of the material change.

Maximum penalty—50 penalty units.

- (3) Subsection (4) applies to the holder of a CMA tenure if—
- (a) an area is excluded from the baseline assessment strategy for the cumulative management area for the tenure under section 379A(4); and
  - (b) the holder becomes aware a relevant aquifer in the excluded area is being, or is likely to be, affected by the exercise of the holder's underground water rights by more than the bore trigger threshold for the aquifer.
- (4) The holder must, within 20 business days after becoming aware of the matter mentioned in subsection (3), give the office notice of the matter.

Maximum penalty—50 penalty units.

- (5) In this section—
- baseline assessment strategy***, for a cumulative management area, means the baseline assessment strategy contained in an approved underground water impact report for the area.

## 191 Amendment of s 391 (Minor or agreed amendments of approved report)

- (1) Section 391(1)(a)—

*omit, insert—*

- (a) the amendment—
  - (i) is only to—
    - (A) correct a minor error; or
    - (B) update a resource tenure holder's details; or

- (C) make another change that is not a change of substance; and
  - (ii) will not adversely affect a resource tenure holder or a bore owner of a water bore within an immediately affected area or a long-term affected area; or
- (2) Section 391(3)—  
*omit, insert—*
  - (3) The chief executive must give notice of the amendment to the responsible entity for the report.
- (3) Section 391—  
*insert—*
  - (6) Also, if the report relates to a cumulative management area, the office must give a notice of the amendment to each holder of a CMA tenure within the area affected by the amendment, other than the holder of a closing CMA tenure.

## **192 Amendment of s 392 (Direction to propose amendment and consult on proposal)**

Section 392(1)—

*omit, insert—*

- (1) This section applies if—
  - (a) the chief executive reasonably believes—
    - (i) there has been a material change in the information or a prediction contained in an approved underground water impact report or final report; or
    - (ii) the information or a prediction contained in an approved underground

water impact report or final report is incorrect in a material particular; and

- (b) section 392A does not apply for the amendment.

### 193 Insertion of new s 392A

After section 392—

*insert—*

#### **392A Regular amendments to baseline assessment strategy in approved report for cumulative management area**

- (1) This section applies in relation to a cumulative management area for which an approved underground water impact report is in effect.
- (2) The office must, before each annual review day for the cumulative management area, do each of the following in relation to the approved underground water impact report—
  - (a) consider whether an amendment of the report to update the baseline assessment strategy is necessary, having regard to—
    - (i) any section 390A matter in relation to the area that the office has become aware of since the last strategy update for the area; and
    - (ii) another change relating to a CMA tenure that has happened since the last strategy update for the area;

*Examples of changes relating to a CMA tenure for subparagraph (ii)—*

- the creation of a CMA tenure since the last strategy update for the cumulative management area

- a change to the holder of a CMA tenure since the last strategy update for the cumulative management area
  - (b) if the office considers an amendment of the report to update the baseline assessment strategy is necessary—
    - (i) propose an amendment of the report to update the baseline assessment strategy to address the matter mentioned in paragraph (a); and
    - (ii) consult on the proposed amendment in accordance with subsection (4).
- (3) The office must give the proposed amendment to the chief executive for approval under subsection (5) when the office gives the chief executive an annual review summary for the cumulative management area.
- (4) In consulting on the proposed amendment, division 4, subdivision 2 applies to the proposed amendment as if—
  - (a) a reference in that subdivision to an underground water impact report or final report were a reference to the proposed amendment; and
  - (b) section 382(1) only required the office to give a notice about the proposed amendment to each owner of a water bore within the area to which the report relates if the owner would be affected by the proposed amendment; and
  - (c) section 382(2) required the office to give a copy of the notice to a holder of a CMA tenure within the area, other than the holder of a closing CMA tenure, only if the holder would be affected by the proposed amendment; and

- (d) a reference in section 382(3)(e) to the day the notice is published were a reference to the day the notice mentioned in paragraph (b) is given.
- (5) In deciding whether to approve the proposed amendment, division 5 applies to the chief executive's decision as if a reference in that division to an underground water impact report or final report were a reference to the proposed amendment.
- (6) The approved underground water impact report, as amended, takes effect on the day the amendment takes effect under section 385(6), as applied under subsection (5).
- (7) In this section—

***annual review day***, for a cumulative management area, means the day on which the office is required to give the chief executive, as mentioned in section 376(1)(e)(ii), an annual review summary for the area.

***annual review summary***, for a cumulative management area, means a summary of the outcome of an annual review, as mentioned in section 376(1)(e)(i), in relation to the area.

***last strategy update***, for a cumulative management area, means the most recent approval or amendment of the baseline assessment strategy for the area.

***section 390A matter***, in relation to a cumulative management area, means a material change or other matter of which the holder of a CMA tenure is required under section 390A to give the office notice.

**194 Amendment of s 393 (Other amendments)**

Section 393(1)(c), ‘section 391 or 392’—

*omit, insert—*

section 391, 392 or 392A

**195 Insertion of new s 396A**

Before section 397—

*insert—*

**396A Application of division**

This division does not apply in relation to a resource tenure if—

- (a) the tenure is a CMA tenure; or
- (b) there are no water bores in the area of the tenure.

**196 Amendment of s 397 (Obligation to prepare baseline assessment plan)**

(1) Section 397(1)—

*omit.*

(2) Section 397(5), ‘subsection (4)(b)’—

*omit, insert—*

subsection (3)(b)

(3) Section 397(2) to (5)—

*renumber* as section 397(1) to (4).

**197 Amendment of s 402 (Direction by chief executive to undertake baseline assessment)**

(1) Section 402(5), penalty, ‘for subsection (5)’—

*omit.*

(2) Section 402—

*insert—*

(6) The chief executive must give the office a copy of a notice given to the holder under subsection (2).

**198 Amendment of s 403 (Notice of intention to undertake baseline assessment)**

Section 403, after ‘give’—

*insert—*

the office and

**199 Amendment of s 404 (Bore owner must give information)**

Section 404(1), ‘under this part’—

*omit, insert—*

relating to baseline assessments

**200 Amendment of s 415 (Notice of intention to undertake bore assessment)**

Section 415, after ‘give’—

*insert—*

the office and

**201 Amendment of s 418 (Direction by chief executive to undertake bore assessment)**

(1) Section 418—

*insert—*

(6A) Subsection (8) applies if—

(a) the bore owner of a water bore applies for a bore assessment notice under section 419B(2); and

- (b) the chief executive gives a resource tenure holder a notice under subsection (2) because of the bore owner's application; and
  - (c) the holder makes a submission to the chief executive; and
  - (d) after considering the submission, the chief executive decides not to give the holder a notice under subsection (5).
- (6B) The chief executive must give the bore owner and the holder an information notice for the decision.
- (6C) The chief executive must give the office a copy of a notice given to the holder under subsection (2) or (5).
- (2) Section 418(6A) to (8)—  
*renumber* as section 418(7) to (11).

## 202 Insertion of new ch 3, pt 5, div 2, sdiv 4

Chapter 3, part 5, division 2—

*insert*—

### **Subdivision 4 Application for bore assessment notice**

#### **419A Definition for subdivision**

In this subdivision—

***bore assessment notice***, for a water bore, means a notice given to a resource tenure holder under section 418(2) in relation to the water bore.

#### **419B Application for bore assessment notice**

- (1) This section applies in relation to a water bore if a make good agreement for the water bore has not been entered into.

- (2) The bore owner of the water bore may apply to the chief executive for a bore assessment notice to be given for the water bore.
- (3) An application for a bore assessment notice for a water bore must—
  - (a) be in writing; and
  - (b) include a copy of evidence to support the application, including any evidence about the capacity of the bore.

#### **419C Decision on application**

- (1) The chief executive must, within the decision period for an application for a bore assessment notice for a water bore—
  - (a) consider the application; and
  - (b) decide whether to give the bore assessment notice applied for.
- (2) If the chief executive decides to give the bore assessment notice for the water bore, the chief executive must—
  - (a) give the bore assessment notice, in accordance with section 418, to the resource tenure holder to whom the chief executive decides to give the notice; and
  - (b) give notice of the decision to the applicant.
- (3) If the chief executive decides not to give the bore assessment notice for the water bore, the chief executive must give the applicant an information notice for the decision.
- (4) In this section—

*decision period*, for an application for a bore assessment notice for a water bore, means—

- (a) the period of 60 business days after the chief executive receives the application; or
- (b) if the applicant agrees to a longer period—the longer period.

**203 Amendment of s 420 (What is a *make good agreement* for a water bore)**

- (1) Section 420—

*insert—*

- (1A) However, an agreement is a *make good agreement* only to the extent it provides for the matters mentioned in subsection (1)(b).

- (2) Section 420(1A) and (2)—

*renumber* as section 420(2) and (3).

**204 Amendment of s 423 (Requirement to enter into make good agreement and reimburse bore owner)**

- (1) Section 423, heading—

*omit, insert—*

**423 Requirements about entering into make good agreement**

- (2) Section 423(3)—

*omit, insert—*

- (3) The holder must reimburse the bore owner for any accounting, hydrogeology, legal or valuation costs the bore owner necessarily and reasonably incurs in negotiating or preparing a make good agreement.

- (3) Section 423—

*insert—*

- (4A) Also, if the holder enters into a make good agreement for the bore, the holder must, within 20

business days after entering into the agreement, give the chief executive and the office notice that the agreement was entered into.

Maximum penalty—50 penalty units.

- (4) Section 423(4A) and (5)—  
*renumber* as section 423(5) and (6).

## 205 Insertion of new ch 3, pt 5, div 5

Chapter 3, part 5—

*insert*—

### **Division 5            Regular reporting about make good obligations**

#### **437B Regular reporting to office**

- (1) A responsible tenure holder for make good obligations for a water bore must, by 31 October each year, give the office notice about the matters mentioned in subsection (2) for the most recently ended reporting period.

Maximum penalty—500 penalty units.

- (2) The matters are the following—
- (a) if the responsible tenure holder has not entered into a make good agreement with the bore owner of the water bore as required under division 3—an update on the steps taken to enter into the agreement;
  - (b) if the responsible tenure holder has entered into a make good agreement with the bore owner of the water bore—
    - (i) whether the bore has or is likely to have an impaired capacity; and

- (ii) if the bore has or is likely to have an impaired capacity—
  - (A) the make good measures for the bore to be taken by the holder; and
  - (B) an update on the make good measures for the bore taken by the holder.
- (3) In giving the office a notice under this section, the responsible tenure holder must not include information about any monetary amounts given or to be given to the bore owner of the water bore.
- (4) In this section—

*reporting period* means the period from 1 October until the next 30 September.

## 206 Insertion of new ch 3, pt 9

Chapter 3—

*insert—*

### **Part 9 Information requests by manager**

#### **454A Obtaining information from resource tenure holders about compliance with make good obligations**

- (1) The manager may give a resource tenure holder a notice requesting information about compliance by the holder with the holder's make good obligations for a water bore.
- (2) The notice must state how, and a reasonable period of at least 20 business days by which, the information must be given.
- (3) The resource tenure holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—200 penalty units.

- (4) If the resource tenure holder is an individual, it is a reasonable excuse not to comply with the notice if complying with the notice might tend to incriminate the holder.
- (5) If a person (the *first person*) who is a resource tenure holder has nominated or specified another person (the *nominated person*) for service under a relevant provision, the notice is taken to have been given to the first person if it is given to the nominated person.
- (6) In this section—  
*relevant provision* means—
  - (a) for a resource tenure holder who is the holder of a mineral development licence—the Mineral Resources Act, section 183(1)(c); or
  - (b) for a resource tenure holder who is the holder of a mining lease—the Mineral Resources Act, section 245(1)(c); or
  - (c) for a resource tenure holder who is the holder of a 1923 Act petroleum tenure under the *Petroleum Act 1923*—the *Petroleum Act 1923*, section 129; or
  - (d) for a resource tenure holder who is the holder of a petroleum tenure under the Petroleum and Gas Act—the Petroleum and Gas Act, section 852.

## **207 Amendment of s 479 (Annual levy for underground water management)**

- (1) Section 479, heading, ‘for underground water management’—  
*omit.*
- (2) Section 479(4)(a), ‘under chapter 3’—

*omit.*

**208 Insertion of new s 482A**

Before section 483—

*insert—*

**482A Definition for part**

In this part—

*personal information* see the *Information Privacy Act 2009*, section 12.

**209 Amendment of s 483 (Public access to database)**

(1) Section 483(2), after ‘sensitive’—

*insert—*

or personal information about an individual

(2) Section 483(3)(a), ‘and’—

*omit, insert—*

or

(3) Section 483(3)(b), after ‘details’—

*insert—*

contained in the publicly available part of the database

**210 Amendment of s 484 (Resource tenure holder access to information)**

Section 484(1), ‘this chapter’—

*omit, insert—*

chapter 3

**211 Amendment of s 485 (Chief executive’s access to information)**

Section 485, after ‘sensitive’—

*insert—*

or personal information about an individual

**212 Insertion of new ch 9, pt 15**

Chapter 9—

*insert—*

**Part 15 Transitional provisions  
for Environmental  
Protection (Efficiency  
and Streamlining) and  
Other Legislation  
Amendment Act 2026**

**1311 Definitions for part**

In this part—

*amendment Act* means the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026*.

*former*, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

*new*, in relation to a provision of this Act, means the provision as in force from the commencement.

**1312 Application of former ss 370 and 376 for particular underground water impact reports**

(1) This section applies in relation to—

- (a) a cumulative management area declared before the commencement; or
  - (b) a resource tenure other than a CMA tenure if the start day for the tenure, or the day the tenure was last renewed, was before the commencement.
- (2) Subsections (3) and (4) apply if, before the commencement, an underground water impact report (the *pre-commencement report*) relating to the cumulative management area or resource tenure was given to the chief executive under former section 370 but had not been approved under section 385.
- (3) Former section 370 applies, as if the amendment Act had not been enacted, in relation to—
  - (a) the pre-commencement report; and
  - (b) the first underground water impact report in relation to the cumulative management area or resource tenure given after the commencement.
- (4) Also, former section 376 applies, as if the amendment Act had not been enacted, in relation to the pre-commencement report.
- (5) If the circumstances mentioned in subsection (2) do not apply, former section 370 applies, as if the amendment Act had not been enacted, in relation to the first underground water impact report in relation to the cumulative management area or resource tenure given after the commencement.

### **1313 Application of new s 370B(5) in relation to report amended after commencement**

- (1) This section applies if—
  - (a) before the commencement, the chief executive—

- (i) required a responsible entity to amend an existing report, within the meaning of former section 370B, under former section 392; and
  - (ii) had not approved the amendment to the report; and
- (b) after the commencement, the report, as amended, indicates a decline in the water level of an aquifer affected, or likely to be affected, because of the exercise of the underground water rights.
- (2) New section 370B(5) applies to the responsible entity.

#### **1314 Application of new s 390A in relation to existing underground water impact report**

New section 390A does not apply in relation to an underground water impact report to which section 1315 applies until an amendment of the report takes effect under section 1315.

#### **1315 Amendment of existing underground water impact report to include baseline assessment strategy**

- (1) This section applies in relation to an underground water impact report relating to a cumulative management area that—
- (a) was in effect immediately before the commencement; or
  - (b) was given to the chief executive under former section 370 and approved under section 385 but had not taken effect before the commencement; or
  - (c) was given to the chief executive under former section 370 but had not been

approved under section 385 before the commencement.

- (2) The office must, before the first annual review day for the cumulative management area, do both of the following in relation to the report—
  - (a) propose an amendment of the report to include a baseline assessment strategy;
  - (b) consult on the proposed amendment in the way required under subsection (4).
- (3) The office must give the proposed amendment to the chief executive for approval under subsection (5) when the office gives the chief executive the first annual review summary for the cumulative management area.
- (4) In consulting on the proposed amendment, chapter 3, part 2, division 4, subdivision 2 applies to the proposed amendment as if a reference in that subdivision to an underground water impact report or final report were a reference to the proposed amendment.
- (5) In deciding whether to approve the proposed amendment, new chapter 3, part 2, division 5 applies to the chief executive's decision as if a reference in that division to an underground water impact report or final report were a reference to the proposed amendment.
- (6) The approved underground water impact report, as amended, takes effect on the day the amendment takes effect under section 385(6), as applied under subsection (5).
- (7) In this section—

*first annual review day*, for a cumulative management area, means the first day, not earlier than 1 year after the day of the commencement, on which the office is required to give the chief executive, as mentioned in section 376(1)(e)(ii), a

summary of the outcome of an annual review, as mentioned in section 376(1)(e)(i), in relation to the area.

*first annual review summary*, for a cumulative management area, means the summary of the outcome of the annual review mentioned in the definition *first annual review day*.

### **1316 Application of new s 392A in relation to existing underground water impact report**

New section 392A does not apply in relation to an underground water impact report to which section 1315 applies until an amendment of the report takes effect under section 1315.

### **1317 Baseline assessment plans for CMA tenures approved before commencement**

- (1) This section applies in relation to a baseline assessment plan for a CMA tenure that had been approved by the chief executive before the commencement.
- (2) The holder must give the office a copy of the baseline assessment plan within 60 business days after the day of the commencement.
- (3) Also, the baseline assessment plan continues in effect for the purposes of new chapter 3, part 3 as if new section 396A(a) did not apply in relation to the CMA tenure.
- (4) Subsection (3) stops applying on the day an amendment of the underground water impact report for the cumulative management area takes effect under section 1315.

*Note—*

See section 390 in relation to compliance by a resource tenure holder with an approved underground water impact report.

### **1318 Baseline assessment plans for CMA tenures given, but not approved, before commencement**

- (1) This section applies if, before the commencement—
  - (a) the holder of a CMA tenure had given the chief executive a baseline assessment plan for the area of the tenure; and
  - (b) the chief executive had not approved the plan.
- (2) New chapter 3, part 3 applies in relation to the baseline assessment plan as if new section 396A(a) did not apply in relation to the CMA tenure.
- (3) Subsection (2) stops applying on the day an amendment of the underground water impact report for the cumulative management area takes effect under section 1315.

*Note—*

See section 390 in relation to compliance by a resource tenure holder with an approved underground water impact report.

- (4) Also, if the chief executive approves the baseline assessment plan after the commencement, the holder of the CMA tenure must give the office a copy of the plan within 10 business days after being given notice of the chief executive's decision to approve the plan.

### **1319 Make good agreements for water bores entered into before commencement**

- (1) This section applies in relation to an agreement entered into before the commencement that—
  - (a) was a make good agreement for a water bore; and

- (b) included a matter (the *other matter*) other than a matter mentioned in section 420(1)(b).

*Example for paragraph (b)—*

an agreement including a right of entry to the land of the bore owner of a water bore for a matter other than a matter mentioned in section 420(1)(b)

- (2) To remove any doubt, it is declared that the amendment of section 420 by the amendment Act does not affect the inclusion of the other matter in the agreement.

### **1320 Continuation of requirement to advise chief executive of make good agreement entered into before commencement**

- (1) This section applies if, before the commencement—
- (a) a responsible tenure holder entered into a make good agreement for a water bore with a bore owner; and
  - (b) the holder had not advised the chief executive about the entering into of the agreement under former section 423(3)(b).
- (2) Former section 423(3)(b) continues to apply to the holder as if the amendment Act had not been enacted.

### **1321 Reporting period for first regular report after commencement**

- (1) This section applies in relation to a notice required to be given to the office under new section 437B within 1 year after the day of the commencement.
- (2) New section 437B applies as if the reporting period for the notice were the period starting on

the day of the commencement and ending on the next 30 September.

### **1322 Application of annual levy**

- (1) This section applies in relation to the annual levy payable by resource tenure holders for—
  - (a) the financial year during which this section commences; or
  - (b) the financial year immediately after the financial year mentioned in paragraph (a).
- (2) Former section 479 continues to apply for working out the annual levy if—
  - (a) for the financial year mentioned in subsection (1)(a)—before the commencement, the annual levy for the year had been worked out under former section 479; or
  - (b) for the financial year mentioned in subsection (1)(b)—
    - (i) before the commencement, the annual levy for the year had been worked out under former section 479; or
    - (ii) the financial year starts within 6 months after the day of the commencement.
- (3) If subsection (2) does not apply in relation to the financial year, new section 479 applies for working out the annual levy.

### **213 Amendment of sch 4 (Dictionary)**

Schedule 4—

*insert—*

***baseline assessment strategy*** means a baseline

assessment strategy that complies with section 379A.

*bore assessment notice*, for a water bore, for chapter 3, part 5, division 2, subdivision 4, see section 419A.

*personal information*, for chapter 3A, part 3, see section 482A.

## **Part 16**                      **Other amendments**

### **214**      **Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Schedule 1      Other amendments**

section 214

### **Part 1                      Amendments commencing on assent**

#### **Environmental Protection Act 1994**

**1            Section 52(1), note, ‘(Public access to draft terms of reference or submitted EIS)’—**

*omit, insert—*

(Public access to submitted EIS)

**2            Chapter 3, part 1, division 4, subdivision 2, heading, from ‘and’—**

*omit.*

**3            Section 56AA(2) and (5), ‘or report’—**

*omit.*

**4            Section 141(2)(a), ‘section 46(1)’—**

*omit, insert—*

section 46(2)

**5            Section 165(2), ‘sections 166, 167 and 167A’—**

*omit, insert—*

sections 166 and 167

**6 Section 232(1), ‘Section 136A and parts’—**

*omit, insert—*

Parts

**7 Section 369A(4), definition *prescribed ground*, paragraph (b), ‘section 359(e)(ii), (iii), (iv), (v), (vi), (xii) or (xiii) or (f)(i)’—**

*omit, insert—*

section 359(e)(ii), (iii), (iv), (v), (vi), (xiii) or (xiv)  
or (f)(i)

**8 Section 579D(2), ‘section 316PE or’—**

*omit, insert—*

section

## **Environmental Protection Regulation 2019**

**1 Section 7, heading, from ‘TOR notice’—**

*omit, insert—*

EIS notice—Act, s 52

**2 Section 7(1), ‘sections 42(2)(f) and 52(1)(g)’—**

*omit, insert—*

section 52(1)(g)

**3 Chapter 2, part 3, heading, ‘periods’—**

*omit, insert—*

period

**4 Chapter 2, part 3, heading—**

*insert—*

*Note—*

See section 837 of the Act in relation to the operation of this part for an EIS mentioned in section 837(1) of the Act.

**5 Section 11—**

*omit.*

**6 Section 12, ‘section 46(1)’—**

*omit, insert—*

section 46(2)

**7 Section 12(a)—**

*omit, insert—*

(a) 60 business days after the chief executive gives the proponent written notice under section 41A(5) of the Act;

**8 Section 12(b), ‘20 business days’—**

*omit, insert—*

60 business days

**9 Section 144(3), ‘section 520(1)(x)’—**

*omit, insert—*

section 520(1)(zb)

**10 Chapter 10, part 1 and part 2, heading—**

*omit.*

**11 Schedule 8A, section 2(3)—**

*omit.*

**12 Schedule 8A, section 2(4)—**

*renumber* as schedule 8A, section 2(3).

## **Mineral Resources Act 1989**

**1 Schedule 2, definition *underground water obligations*,  
paragraph (b), examples, after second dot point—**

*insert—*

- complying with an approved underground water impact report under section 390 of that Act

## **Petroleum Act 1923**

**1 Section 2, definition *underground water obligations*,  
paragraph (b), examples, after second dot point—**

*insert—*

- complying with an approved underground water impact report under section 390 of that Act

## **Petroleum and Gas (Production and Safety) Act 2004**

**1 Schedule 2, definition *underground water obligations*, paragraph (b), examples, after second dot point—**

*insert—*

- complying with an approved underground water impact report under section 390 of that Act

## **Water Act 2000**

**1 Section 362, definition *report obligation*, note, after ‘management strategy’—**

*insert—*

, 379A (Content of baseline assessment strategy)

**2 Section 362, definition *water level*, paragraph (a), ‘was tapped’—**

*omit, insert—*

were tapped

**3 Section 382(3)(d)(ii), second occurring—**

*renumber* as section 382(3)(d)(iii).

**4 Section 398, heading, after ‘timetable’—**

*insert—*

**for baseline assessment plan**

- 5 Section 401(2A)(a), ‘section 397(5)(a)’—**  
*omit, insert—*  
section 397(4)(a)
- 6 Section 401(2A)(b), ‘section 397(5)(b)’—**  
*omit, insert—*  
section 397(4)(b)
- 7 Section 422, note, ‘(References to resource tenure holder in ch 3)’—**  
*omit.*
- 8 Section 425(b), ‘section 423(3)(a)’—**  
*omit, insert—*  
section 423(3)
- 9 Section 433A(1)(b), ‘section 427(2) or (4)’—**  
*omit, insert—*  
section 427(1), (2) or (4)
- 10 Section 435(1)(b), ‘section 423(3)(a)’—**  
*omit, insert—*  
section 423(3)
- 11 Section 437, note, ‘is’—**  
*omit, insert—*  
are

**12 Schedule 4, definition *baseline assessment plan*, ‘section 397(4)’—**

*omit, insert—*

section 397(3)

**13 Schedule 4, definition *residential complex*—**

*omit.*

## **Part 2 Amendments commencing by proclamation**

### **Anti-Discrimination Act 1991**

**1 Section 131B, definition *resource project*—**

*omit.*

**2 Schedule 1, definition *resource project*—**

*omit.*

### **Coal Mining Safety and Health Act 1999**

**1 Section 70(6)—**

*insert—*

*ERA code* see the *Environmental Protection Act 1994*, schedule 4.

**2 Section 70(6), definition *holder*, from ‘includes’—**

*omit, insert—*

includes—

- (a) the holder of an environmental authority to carry out on-site activities for land on which the coal mine is located; and
- (b) a person who carries out on-site activities for land on which the coal mine is located under an ERA code.

## **Coastal Protection and Management Act 1995**

**1 Section 85(b)(iii)(B), after ‘activity’—**

*insert—*

for which an environmental authority is required under the *Environmental Protection Act 1994*

## **Environmental Protection Act 1994**

**1 Particular references to prescribed ERA—**

Each of the following provisions is amended by omitting ‘prescribed ERA’ or ‘prescribed ERAs’ and inserting ‘general ERA’ or ‘general ERAs’—

- section 87(5), definition *relevant activity*
- section 120(1), (2)(a) and (3)
- section 125(1)(m), (5) and (7)(a)
- section 200(1)(a)
- section 203(1)(b)

- section 225(1)
- section 226A(4)
- chapter 5, part 9, heading
- section 251
- section 278(2)(h)
- chapter 5, part 14, division 2, heading
- section 307
- section 310(4)
- section 318W(1) and (2), definition *regulated waste transport*
- section 538(1)(a)
- section 580(4)
- schedule 2, part 2
- schedule 4, definition *anniversary day*, paragraph 1(b)
- schedule 4, definition *financial assurance*
- schedule 4, definition *holder*, paragraph 2
- schedule 4, definition *mobile and temporary environmentally relevant activity*
- schedule 4, definition *small scale mining activity*, paragraphs (a)(vii) and (b)(vi).

## 2 Particular references to resource activity—

Each of the following provisions is amended by omitting ‘resource activity’ or ‘resource activities’ and inserting ‘resource ERA’ or ‘resource ERAs’—

- section 37(1)(b)
- section 38(2)(d)
- section 87(5), definition *relevant activity*
- section 117
- section 126A

- section 143(1)
- section 152(2)(b)(i)
- section 153(1)(a)
- section 155
- section 200(1), note and (2)(a)
- section 206, heading and subsection (1)
- section 212A(1)
- section 215(2)(p) and (r)
- section 224, examples, first dot point
- section 227AA(1)(a)(ii)
- section 230(1)(a)
- section 262(1)(d)(ii)
- section 264(c) and (d)
- section 264A(1)(b)(i)
- section 266(2)(c) and (d)
- section 267(2)
- section 271(1)
- section 272(b)(iii)
- section 274(1)
- section 278(2)(i)
- section 283(2)
- section 291, note
- chapter 5, part 14, division 1, heading
- section 296, definitions *ERC decision*, *ERC period* and *estimated rehabilitation cost*
- section 297
- section 298
- section 299A

- section 300
- section 301(2)(a)
- section 302(1)
- section 303(1)(a) and (2)(a)
- section 304
- section 305(1)(a) and (4), definition *current decision*
- section 306(1)
- section 316IA(3)
- section 318O(1)(b)
- chapter 5A, part 6, heading
- section 326(1)(a)
- section 520(2)(b)
- schedule 2, part 1, division 3
- schedule 2, part 1, division 5, entries for sections 322(1), 324(1)(d), 326(1), 357E (both entries), 357J
- schedule 2, part 1, division 6
- schedule 4, definition *anniversary day*, paragraph 1(a)
- schedule 4, definition *estimated rehabilitation cost*
- schedule 4, definition *holder*, paragraph 3
- schedule 4, definition *minor ERC change*
- schedule 4, definition *relevant tenure*
- schedule 4, definition *residual risks*.

### **3 Particular references to resource project—**

Each of the following provisions is amended by omitting ‘resource project’ or ‘resource projects’ and inserting ‘resource ERA project’ or ‘resource ERA projects’—

- section 126A, heading and subsection (1)(a)
- section 126E(a) and (c)(ii)

- section 224, examples, first dot point
- section 227AA(1)(a)(i)
- section 250A(1)
- section 250B(b)
- section 250D(b)
- section 318Z(1)
- section 318ZC
- section 318ZI(2)(b)
- schedule 4, definition *certified area*.

**4 Schedule 4, definition *contaminated land register*,  
'540A(1)(d)(ii)'—**

*omit, insert—*

540A(1)(f)(ii)

**5 Schedule 4, definition *environmental management register*, '540A(1)(c)(i)'—**

*omit, insert—*

540A(1)(e)(i)

## **Forestry Act 1959**

**1 Section 34(3), after 'permit'—**

*insert—*

, commercial activity agreement

**2 Part 4, division 2, after heading—**

*insert—*

*Note—*

See part 6, division 3 for additional provisions about permits etc.

**3 Section 40A(1), after ‘commercial activity permit’—**

*insert—*

, including a permit that is part of a single integrated permission,

**4 Part 6, division 3, heading, after ‘permits’—**

*insert—*

**etc.**

## **Geothermal Energy Act 2010**

**1 Sections 39(2)(b)(iii), 57(2)(d)(ii), 62(2)(d)(ii), 81(e), 97(2)(d)(ii), 102(d)(ii), 294(2)(b)(iv), ‘the relevant’—**

*omit, insert—*

any relevant

**2 Sections 187(2) and 303(1)(b) and (c), after ‘authority’—**

*insert—*

(if any)

---

## Greenhouse Gas Storage Act 2009

- 1 Sections 40(2)(b)(iii), 96(2)(b)(iv), 118(1)(e), 130(2)(b)(iv) and 235(2), ‘a relevant’—**

*omit, insert—*

any relevant

- 2 Section 179(1)(c), after ‘authority’—**

*insert—*

(if any)

## Mineral and Energy Resources (Common Provisions) Act 2014

- 1 Section 19B(6)(b), ‘other than a small scale mining tenure’—**

*omit, insert—*

for a resource ERA

- 2 Section 21(1)(a), from ‘that is either’—**

*omit, insert—*

that is a changed holder event under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* for a resource authority that authorises the carrying out of a resource ERA for an environmental authority; and

- 3 Section 21(1)(b), ‘or small scale mining tenure’—**

*omit.*

**4 Section 21(2), ‘, or small scale mining tenure,’—**

*omit.*

**5 Section 59—**

*insert—*

- (5A) If the resource authority holder is carrying out an authorised activity for the resource authority under an ERA code under the *Environmental Protection Act 1994*, the reference in subsection (5) to a condition applying to the resource authority includes a reference to a condition of the ERA code applying to the carrying out of the activity.

**6 Section 68(1)(a)(ii)(B), ‘prescribed ERA’—**

*omit, insert—*

general ERA

## **Mineral and Energy Resources (Financial Provisioning) Act 2018**

**1 Sections 8, 27(2)(a)(i), 31A(2), 43(1), 47(1)(c), note and schedule 1, definitions *environmental authority* and *residual risk payment amount*, ‘resource activity’—**

*omit, insert—*

resource ERA

**2 Sections 27(3)(b)(i), 32(6)(b)(i) and 38(6)(b)(i), ‘resource project’—**

*omit, insert—*

resource ERA project

**3 Schedule 1, definition *administering authority*, ‘or small scale mining tenure’—**

*omit.*

**4 Schedule 1, definition *holder*, from ‘or small’ to ‘or tenure’—**

*omit, insert—*

, means the holder of the authority

**5 Schedule 1, definition *resource activity*, ‘section 107’—**

*omit, insert—*

schedule 4

**6 Schedule 1—**

*insert—*

*resource ERA* see the *Environmental Protection Act 1994*, schedule 4.

*resource ERA project* see the *Environmental Protection Act 1994*, section 112.

## **Mining and Quarrying Safety and Health Act 1999**

**1 Section 61(6)—**

*insert—*

*ERA code* see the *Environmental Protection Act 1994*, schedule 4.

**2 Section 61(6), definition *holder*, from ‘includes’—**

*omit, insert—*

includes—

- (a) the holder of an environmental authority to carry out operations for land on which the mine is located; and
- (b) a person who carries out operations for land on which the mine is located under an ERA code.

## **Petroleum and Gas (Production and Safety) Act 2004**

- 1 Sections 41(2)(b)(iii), 84(2)(b)(iv), 121(1)(f), 132(2)(b)(iv), 164(2)(b)(iii), 170D(2)(b)(iii), 178(2), 192(2), 396(2)(b), 410(1)(a)(ii), 422A, 446(1)(a)(ii), 482(2)(b), ‘a relevant’—**

*omit, insert—*

any relevant

- 2 Section 394(2)(e), ‘the relevant’—**

*omit, insert—*

any relevant

- 3 Section 578(1)(c) and (d), after ‘authority’—**

*insert—*

(if any)

## **Planning Act 2016**

- 1 Section 267(1)(b)(ii), ‘any authority’—**

*omit, insert—*

any authorisation

**2 Section 267(1)(b)(ii)—**

*insert—*

*Examples of an authorisation for subparagraph (ii)—*

- an environmental authority issued under the Environmental Protection Act
- an ERA code in effect under the Environmental Protection Act

## **Recreation Areas Management Act 2006**

**1 Section 40, ‘Marine Parks Act 1982’—**

*omit, insert—*

*Marine Parks Act 2004*

**2 Before section 49—**

*insert—*

### **Subdivision 1 Granting commercial activity permits**

**3 Section 52(5), ‘joint permission’—**

*omit, insert—*

GBR region permit

**4 Section 53(3)(d)(iv), ‘the Marine Parks Act 1982 or’—**

*omit.*

**5 Section 54(2)(d), from ‘if’ to ‘joint permission permit’—**  
*omit.*

**6 Before section 55B—**  
*insert—*

**Subdivision 2 Renewing and amending  
commercial activity  
permits**

**7 Section 55B(1), after ‘commercial activity permit’—**  
*insert—*

, including a permit that is part of a single  
integrated permission,

**8 Section 56(4A), ‘joint permission’—**  
*omit, insert—*

GBR region permit

**9 Section 59(3), from ‘for an’—**  
*omit, insert—*

in relation to an application for a commercial  
activity permit or the transfer of a commercial  
activity permit.

**10 Section 60, heading, ‘Permits’—**  
*omit, insert—*

**Matters to be stated in permits**

**11 Section 66(1), ‘returning it and’—**  
*omit.*

**12 Section 68, ‘joint permission permit’—**

*omit, insert—*

commercial activity permit

**13 Section 111(1), ‘in a’—**

*omit, insert—*

in relation to a

**14 Section 111(2), ‘in the’—**

*omit, insert—*

in relation to the

**15 Section 132, ‘*Marine Parks Act 1982*’—**

*omit, insert—*

*Marine Parks Act 2004*

**16 Section 210, ‘section 208(2)’—**

*omit, insert—*

section 208(1)(c)

## **Strong and Sustainable Resource Communities Act 2017**

**1 Schedule 1, definition *large resource project*, ‘a resource  
project’—**

*omit, insert—*

a resource ERA project

**2 Schedule 1, definition *resource project*—**

*omit, insert—*

*resource ERA project* see the *Environmental Protection Act 1994*, section 112.

## Waste Reduction and Recycling Act 2011

**1 Sections 72G(2)(b) and 72H(2)(b), after ‘for which the operator’—**

*insert—*

is required to but

**2 Schedule 1, definition *waste facility*, paragraph 2(b), ‘resource activities’—**

*omit, insert—*

resource ERAs

**3 Schedule 1, definition *waste facility*, paragraph 2(c) and (d)(iii)(B), ‘resource activity’—**

*omit, insert—*

resource ERA

## Water Act 2000

**1 Section 98(2), definition *resource activity*, ‘section 107’—**

*omit, insert—*

schedule 4

**2 Section 738K, ‘prescribed ERA’—**

*omit, insert—*

general ERA

## **Water Supply (Safety and Reliability) Act 2008**

**1 Schedule 3, definition *wastewater*, paragraph (b), ‘section 107’—**

*omit, insert—*

schedule 4

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