



Queensland

Environmental Protection (Financial Provisioning) and Other Legislation Amendment Regulation 2019

Subordinate Legislation 2019 No. 19

made under the

Environmental Protection Act 1994

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Environmental Protection (Financial Provisioning) and Other Legislation Amendment Regulation 2019*.

2 Commencement

This regulation commences on 1 April 2019.

Part 2 Amendment of Environmental Protection Regulation 2008

3 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

4 Omission of ch 3, pt 1, div 2A (Amount and form of financial assurance for environmental authorities)

Chapter 3, part 1, division 2A—
omit.

5 Amendment of s 24AA (Prescribed documents for application for environmental authority for a CSG activity—Act, s 125)

Section 24AA(1), ‘section 125(1)(n)’—
omit, insert—
section 125(1)(o)

6 Amendment of s 138 (Fee for anniversary changeover application)

(1) Section 138(1), ‘section 310(2)’—

omit, insert—

section 316L(2)

(2) Section 138(2), definition *anniversary changeover application*, ‘section 310’—

omit, insert—

section 316L

7 Insertion of new s 144CA

Before section 144D—

insert—

144CA When particular annual return must be given—Act, s 316IA

(1) This section applies in relation to the holder of an environmental authority for—

(a) a prescribed ERA devolved to a prescribed local government under section 101; or

(b) an activity mentioned only in schedule 2, part 1, section 2, 3 or 4.

(2) For section 316IA(2)(b)(i) of the Act, the day prescribed is the anniversary day for the holder’s environmental authority.

8 Amendment of sch 2C (Prescribed conditions for small scale mining activities)

(1) Schedule 2C, part 2, item 8, from ‘administering’ to ‘calculated’—

omit, insert—

scheme manager a surety of an amount prescribed

(2) Schedule 2C, part 2—

insert—

8A The surety must be paid—

- (a) before the day the relevant activity is carried out under the mining tenure; and
- (b) as security for—
 - (i) compliance with other prescribed conditions for carrying out the small scale mining activity; and
 - (ii) costs or expenses, or likely costs or expenses, mentioned in section 316C of the Act.

(3) Schedule 2C, part 2, item 10, note—

omit, insert—

Notes—

- 1 Under the Act, section 712(2), the amount of financial assurance for an environmental authority held by the administering authority is taken to be the financial assurance required under this condition.
- 2 Under the *Mineral and Energy Resources (Financial Provisioning) Act 2018*, section 90, the financial assurance required under this condition is taken to be a surety given under part 3 of that Act for the small scale mining tenure.

(4) Schedule 2C, part 2, item 11—

omit.

9 Amendment of sch 2D (Rates of financial assurance)

Schedule 2D, heading, ‘Rates of financial assurance’—

omit, insert—

Amount of surety

10 Amendment of sch 10 (Fees)

(1) Schedule 10, part 2, items 7 and 7A—

omit, insert—

- 7 amendment application (Act, s 226(1)(c))—
- (a) for an amendment of an environmental authority 327.60
 - (b) for an amendment of a PRCP schedule 327.60
 - (c) for an amendment of an environmental authority and the PRCP schedule to which the authority relates 327.60
- 7A assessment fee for amendment application (Act, s 228(4))—
- (a) for amendment of an environmental authority 30% of the annual fee for the authority the subject of the application
 - (b) for an amendment of an environmental authority and the PRCP schedule to which the authority relates 30% of the annual fee for the authority the subject of the application
 - (c) for an amendment of only the PRCP schedule to which an environmental authority relates 30% of the annual fee for the authority to which the PRCP schedule the subject of the application relates
- (2) Schedule 10, part 2, item 9, ‘s 246(d)’—

omit, insert—

s 246(e)

Part 3 Amendment of State Penalties Enforcement Regulation 2014

11 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

12 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

- (1) Schedule 1, entry for *Environmental Protection Act 1994*, column 1 and 2 entries for sections 287, 290, 291(3), 293(2), 314(7), 320B(2), 371(1), 371(2), 376(7), 386, 391(7), 405(6), 420(2), 421(2), 423(4), 423(5) and 427—

omit.

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

s 285(2)	5	25
s 291	5	25
s 294	5	25
s 295(3)	5	25
s 302(2)	5	25
s 303(4)	5	25
s 304(2)	5	25
s 316H(2)	5	25
s 316IA(2)	5	25

Environmental Protection (Financial Provisioning) and Other Legislation Amendment
Regulation 2019

Part 3 Amendment of State Penalties Enforcement Regulation 2014

[s 12]

s 316P(7)	20	100
s 320B(3)	5	-
s 320DA(1)	5	10
s 320DA(3)	3	10
s 394(5)	5	10
s 407(2)	3	10
s 407(3)	3	10
s 408(2)	3	10
s 431A	20	100
s 431B(3)	20	100
s 431C(2)	20	100

ENDNOTES

- 1 Made by the Governor in Council on 28 February 2019.
- 2 Notified on the Queensland legislation website on 1 March 2019.
- 3 The administering agency is the Department of Environment and Science.

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