18 December 2025

Ms Kellie Jones
Committee Secretary
Health, Environment and Innovation Committee
Queensland Parliament, George Street
BRISBANE QLD 4000
HEIC@parliament.qld.gov.au

Dear Committee Secretary,

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

Australian Energy Producers (AEP) welcomes the opportunity to comment on the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (the Bill).* We support the intention of the Bill to improve the efficiency of the *Environmental Protection Act 1994*, by streaming some of its more cumbersome provisions.

AEP is the national peak body representing the explorers, developers and producers of essential energy, including Queensland's natural gas sector. AEP supports well-designed regulatory reform that secures environmental outcomes while reducing unnecessary administrative burden. True streamlining enables regulators to focus on material risks and still provides industry with the procedural certainty required to sustain investment, jobs, local supply chains and exports.

Broadly, the Bill introduces a new framework under which lower-risk environmentally relevant activities (ERAs) can operate under standardised ERA codes instead of individual environmental authorities (EAs), allowing the regulator to focus resources on larger and more complex projects. Less standard or higher-risk activities will still require an EA, and non-compliance with an ERA code will be an offence. The Bill also modifies some water provisions, refines impact assessment processes, enforcement powers, progressive rehabilitation and closure plan requirements, and introduces a new concept of a "significant environmental values" (SEVs).

While we acknowledge the new provisions may provide benefit for small-scale activities, we remain concerned that the Bill risk retrospective application of SEVs, increasing regulatory complexity and uncertainty at a time when Queensland must maintain competitiveness of large-scale, long-life resource investments. AEP accepts the Minister's assurance that this Bill is the first step in a longer journey to deliver a more effective Environmental Protection Act for Queensland.

Queensland's natural gas industry is committed to strong environmental performance and transparent regulation. AEP recognises, appreciates and supports the Minister's ambition in seeking to modernise Queensland's environmental regulatory framework.

While we acknowledge the Bill provides significant benefit for small activities, we remain concerned that the Bill as drafted could risk retrospectivity, increasing complexity and uncertainty at a time when Queensland must maintain its competitiveness for large-scale, long-life resource investments. The breadth and complexity of the Bill have constrained the industry's ability to provide comprehensive feedback as it has been progressively drafted. Detailed insight into how these legislative changes will be interpreted and implemented is not yet available, as much of this work is still to be undertaken by the Department.

AEP stands ready to work constructively with the Queensland Government to develop a fit-for-purpose, risk-based and investment-friendly environmental framework that supports both strong environmental outcomes and Queensland's continued economic prosperity.

Yours sincerely,

Keld Knudsen

General Manager - States & Territories, and
Queensland Director

- ***Attachment one:*** *Summary of recommendations*
- ***Attachment two:*** *Detailed comments on Bill provisions*

Attachment 1. Summary of Recommendations

1. **Prospective application**. Include provisions to confirm the Bill operates prospectively and does not retrospectively impact existing SDPWO-approved projects or CG conditions.

2. **Significant Environmental Values (SEVs)**. Government should publish draft SEVs maps, criteria and thresholds before commencement, consult and phase the implementation of SEVs, and include provisions to clarify that SEVs do not apply to CG approved projects unless an EA holder opts in.

3. **Prescribed ERAs and ancillary integration (section 20A / clause 54)**. Retain the mechanism currently provided by section 19A, by amending clause 54 in this Bill. This would make ERA codes prospective and opt-in only and allow either code-based compliance or site-specific conditions (with overlays) for new ancillary ERAs.

4. **Water Act amendments, UWIR cycle**. Support a five-year UWIR cycle with annual reviews, provided mid-cycle amendment triggers and clear direction powers are included.

5. **Water Act amendments, section 419C**. Add objective criteria and written reasons for bore assessment decisions, tied to UWIR evidence and applied prospectively.

6. **Avoid expanded compliance burden on existing projects**. Avoid reopening settled approvals through amendment pathways that effectively re-assess existing projects.

7. **Missed streamlining opportunities.** Progress AEP's additional low-risk reforms (JV EA amalgamation, low-value ERC thresholds, standard production approvals, rehab access clarification, and targeted Water Act definition fixes).

Attachment 2. Detailed commentary on Bill provisions

Regulatory context for petroleum and gas

The petroleum and gas (P&G) industry develops gas fields progressively across large tenures, often under project-wide approvals that anticipate staged roll-out over time. Many major gas projects were declared "coordinated projects" under the *State Development and Public Works Organisation Act 1971* (SDPWO Act), requiring an Environmental Impact Statement (EIS) and culminating in a Coordinator-General (CG) evaluation report with a series of detailed conditions to manage project impacts.

The CG's evaluation report can state conditions to be attached to *future* approvals, including an environmental authority (EA) under the *Environmental Protection Act 1994* (EP Act). Those CG conditions are legally enforceable and are applied by the administering authority; in practice they take precedence over inconsistent conditions that might otherwise be imposed under related approvals. Typical CG reports have assessed impacts to values applicable at the time and have granted approval and include conditions including the ability to impact those values with approved offset arrangements.

As final infrastructure locations were not always known at the point of approvals, EA conditions are constraints based and framed to accommodate progressive, site-specific design and staging, with subsequent amendments made as certainty about infrastructure locations improves (using the EP Act's site-specific/variation application pathways).

More than $59 billion has already been invested, with a further $3.5 billion spent each year in ongoing annual expenditure[1], on the basis of these EIS-led and EA-based regulatory frameworks, which permit ongoing development constrained by known environmental values and tailored conditions.

The current Bill proposes to reframe how ERAs are identified and regulated and to establish ERA codes for lower-risk activities. It also proposes a new subset of "significant environmental values" (SEVs) to guide administration. Introducing these changes without published SEVs maps/thresholds creates investment uncertainty for an established industry, because EA decisions would need to have regard to values whose locations and criteria are not yet defined.

Any future EA amendments and related administrative decisions will necessarily be assessed against whatever SEVs are ultimately prescribed. Absent a clarifying transitional clause confirming strictly prospective application, the introduction of SEV's will be retrospective with respect to, projects whose overarching approvals were established under the SDPWO Act with CSG evaluation reports and conditions, because later amendment and conditioning decisions would be tied to SEVs that are inconsistent, with the applicable law and CG decisions.

Separately, the EP Act currently contains section 19A, which provides an ancillary-integration pathway for prescribed ERAs carried out as part of a resource EA, allowing those activities to sit

[1] A decade of natural gas delivers $127 billion boost to Qld economy | Australian Energy Producers

within a single instrument while still being treated as prescribed ERAs for conditioning and fee. The new Bill reframes ERAs and establishes ERA codes. We ask the Committee to confirm that Clause 54 inserts a new section 20A carrying forward the existing section 19A ancillary-integration effect, and to confine ERA codes prospectively (holder opt-in) with capacity for site-specific overlays where warranted. This preserves single-instrument integrity and protects modelling-based tailoring inside the integrated resource EA.

In parallel with the EP Act changes, the Bill also makes material amendments to the *Water Act 2000* that directly affect gas operations and the interface with landholders. The legislation embeds an Office of Groundwater Impacts Assessment (OGIA)-centred baseline assessment strategy within the Cumulative Management Area (CMA) Underground Water Impact Report (UWIR) (including planning for on, and off-tenure bores) and introduces a new bore-owner request pathway under which the Chief Executive may issue a direction/assessment for a water bore and require make-good. This occurs alongside regular reporting obligations backed by offences and data-access safeguards.

The Bill also inserts new section 419C, empowering the Chief Executive to decide whether to issue a bore assessment notice (without explicit assessment criteria) which creates a broad discretion inconsistent with Queensland's Fundamental Legislative Principles (FLPs) that require administrative powers to be sufficiently defined and decisions to be clear and precise. To maintain certainty and keep decisions anchored in science, AEP supports amending section 419C to require objective triggers (e.g., UWIR-identified immediately/long-term affected areas or impaired-capacity indicators such as water-level decline or free gas per Boar Assessments - ESR/2016/2005), written reasons, and prospective application through transitional provisions.

Risk of retrospective application and expanded compliance burden

Many of Queensland's major projects, including gas developments, were approved under SDPWO Act to provide the regulatory certainty needed to support final investment decisions. Those approvals established environmental constraints that defined areas viable for development. The integrity of CG approvals is reinforced by safeguards such as section 205 of the *EP Act*, which prevents EA conditions being imposed that are inconsistent with CG conditions.

The Bill contains measures that could affect existing petroleum activities with approved EAs, creating avoidable uncertainty and litigation risk because:

- current EA conditions, management plans and reporting programs were established through multi-year, site-specific approval processes including many years developing CG reports;
- reopening settled approvals, or effectively reassessing them through major amendments without a clear justification, can enliven appeal rights and undermine investment certainty; and

- applying newly introduced standards to amendments for established projects can impose a regulatory and compliance workload comparable to assessing a new project, diverting resources and increasing delay and cost.

AEP therefore urges the Committee to recommend amendments that expressly confirm the Bill operates prospectively, and does not apply to existing activities already assessed and approved through SDPWO Act processes (including decisions and conditions set by the Coordinator-General).

We note that there is precedent for this approach, where the *Environmental Offsets Act 2014* provides a suite of provisions that deal with Relationships with other Acts including the SDPWO Act.

Uncertainty about the scope and application of Significant Environmental Values (SEVs)

The new SEVs framework will "*be a key mechanism used to guide administration of the Act*" including consideration in establishing environmentally relevant activities that underpin ERA administration and risk settings. SEVs will become a consolidated list of environmental values *"to guide the identification of ERAs and the administration of the EP Act*.[2]" This together with the SEVs having their own regulation, confirms that SEVs will carry significant regulatory weight, influencing ERA classification and assessment processes.

However, the SEVs themselves are to be declared at a later date (through either Environmental Protection Policy or regulation). Until then, industry is unable to quantify the impacts, but EA decisions will still apply the standard criteria, which incorporate matters prescribed by EPP and regulation[3].

The tabled Departmental briefing[4], which the Committee published on 11 December includes a working draft regulation that industry has not seen before. It includes on page 52 of the briefing (page 10 of the draft regulations), the first consolidated list of SEVs definitions that industry has seen. There are 17 different SEVs defined in the draft. These definitions are complex, nested, cross-referenced and multi-part, so the list of 17 SEVs stretches for four pages. These SEV definitions are drawn from six different Acts, reflects two different statutory maps, one existing environmental policy, complex definitions of habitat and vegetation as well as buffers around some of those mapped and policy areas. And these are just the 17 most *significant* values.

Recommendations:

- That the Government commit to exposure drafts of the SEVs maps/thresholds before commencement and include phased sequencing; minimum consultation windows; and transitional arrangements.

[2] Consultation Report Page 9
[3] Explanatory Notes; DETSI policy/EPPs
[4] DETSI Written Briefing - EP(E&S)OLA Bill 2025.pdf

- Government should include provisions in legislation to ensure that SEVs apply only prospectively to EA applications lodged *after* commencement and must not be used to assess amendment applications or to vary or reassess conditions for projects approved under the SDPWO Act (i.e., those with a Coordinator-General evaluation report and stated conditions), unless the EA holder initiates the change and consents in writing to SEVs being considered.

Rationale:

These changes avoid de facto retrospectivity (contrary to FLPs) and preserves the established legal hierarchy where CG stated conditions attach to later approvals and prevail over inconsistencies.

Prescribed ERAs and ancillary integration

Clause 54 inserts a new section 20A, which re-enacts the section 19A ancillary-integration effect, so any prescribed ERA carried out as part of a resource activity continues to be treated within the single resource EA for application and instrument purposes, while still treated as a prescribed ERA for conditioning and fees.

This remains the legal mechanism that keeps ancillary prescribed ERAs (e.g., fuel-burning plant, sewage treatment) inside one EA with tailored, site-specific conditions. The Bill reframes ERAs and introduces ERA codes for lower-risk activities; the residual risk is not the loss of integration but the way ERA codes may interact with section 20A creating a risk of uniform conditions ignoring site specific differences if codes are applied to existing EAs by default or without explicit overlay or variation pathways.

Queensland's prescribed ERAs (listed in Schedule 2 of the Environmental Protection Regulation 2019) include activities such as ERA 15 (fuel burning) and ERA 63 (sewage treatment) and many more. These are risk-stratified by thresholds (aggregate environmental scores (AES)) and commonly conditioned through EA decisions that rely on site-specific modelling (e.g., dispersion and receptor context for ERA 15, receiving-water objectives and tailored monitoring for ERA 63). This practice sits within the EP Act's site-specific framework and DETSI's risk-based conditioning approach.

The Bill's intent is that codes regulate lower-risk activities; they are uniform by design. If codes are imposed on ancillary prescribed ERAs without an easy, predictable overlay and variation mechanism, they ignore site-specific differences and would displace tailored limits justified by modelling—contrary to the EP Act's standard criteria and DETSI's risk-based conditioning practice.

Recommendation:

We recommend that the Government confirm and retain new section 20A (Clause 54) and confine codes prospectively. The ancillary-integration effect should be preserved so prescribed ERAs undertaken as part of a resource activity remain within the single resource EA application and

instrument, while still being treated as prescribed ERAs for conditioning and fee setting. Additionally, the Bill should also expressly provide that ERA codes do not apply to existing EAs that include ancillary prescribed ERAs unless the EA holder opt in in writing.

For future amendments that introduce new ancillary prescribed ERAs (e.g., adding ERA 15 fuel-burning equipment to an existing project), the EA holder should be able to elect either:

a) to operate under the relevant ERA code; or
b) to seek site-specific conditioning for the ancillary prescribed ERA within the integrated resource EA (via section 20A).

Where a code is elected, the code requirements should be taken to be conditions of the resource EA, with scope to apply site-specific overlays where justified against the standard criteria, so modelling-based tailoring is preserved.

Rationale:

This approach confirms the single-instrument integrity by retaining the new section 20A ancillary-integration effect; confines ERA codes prospectively with holder opt-in to avoid de facto retrospectivity; and preserves modelling-based, site-specific conditioning by deeming code rules as EA conditions with capacity for standard-criteria overlays.

Water Act (Chapter 3) changes: OGIA baseline strategy, off-tenure obligations, and new s419C decision without criteria

The Bill extends the interval for Underground Water Impact Reports (UWIRs) to five years from the previous approval date, replacing three-year cadence (with annual reviews in between).

Recommendation:

After 12 years' experience producing Underground Water Impact Reports (UWIRs) for the Surat Cumulative Management Area (CMA), Australian Energy Producers supports the Bill's proposal to move from a three-year UWIR cycle to a prospective five-year cycle (with annual reviews continuing between reports).

We support the approach of a prospective five-year cycle, with mandatory mid-cycle triggers and transparency:

- Retain the five-year interval only where the Act includes express mid-cycle triggers requiring UWIR amendment when a material change occurs (for example: changes in planned development, monitoring indicating impaired capacity beyond mapped areas, or significant new scientific information).
- Confirm the chief executive's power to direct timely amendments where those triggers are met, including through the Bill's Water Act amendment suite (noting the s392 amendment pathway).

- AEP does not support extending limitation periods without clear justification. Such changes undermine procedural fairness, increase uncertainty, and may shift enforcement focus away from serious offences.

Rationale:

A five-year UWIR cycle can improve administrative certainty and drafting quality, but only if UWIRs remain responsive to material changes. Explicit triggers and clear direction powers ensure that new development scenarios and observed impacts can be translated into updated management actions without delay, reducing lag in affected-area mapping and make-good decisions.

Clear statutory triggers also limit unnecessary discretion and support Fundamental Legislative Principles (including clarity and avoiding de facto retrospectivity through undefined mid-cycle practices), consistent with the Legislative Standards Act 1992 (s 4) and the Bill's stated objectives.

Further opportunities for streamlining

AEP has provided government with a set of practical, low-risk streamlining proposals that would materially improve regulatory efficiency while maintaining environmental standards. These include:

- Amalgamation of EAs across joint ventures.
- Low-value ERC thresholds.
- Standard production approvals mirroring existing standard exploration approvals.
- Clarifying land access requirements for rehabilitation.
- Revised Water Act definitions for aquifers, replacement bores and impaired capacity.

These proposals remain unaddressed despite their strong potential to deliver net benefits across industry and government. These reforms would allow regulators to focus their scarce expertise on material issues.