Comment – Association for Mining and Exploration Companies

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The Association of Mining and Exploration Companies (AMEC) appreciates the opportunity to provide feedback to the Queensland Productivity Commission as you undertake a review of the impacts arising from the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999(EPBC) reforms and the implications these changes will have for industry. AMEC represents more than 80 companies operating across Queensland, providing a united voice for junior and mid-tier explorers and miners who are key users of the environmental approvals, offsets and regulatory systems most affected by these reforms.

13 July 2026

To: Queensland Productivity Commission

Email: enquiry@qpc.qld.gov.au

RE: Impact of the Australian Government's 2025 Environment Protection Reforms on Queensland

Introductory Remarks

The Association of Mining and Exploration Companies (AMEC) appreciates the opportunity to provide feedback to the Queensland Productivity Commission as you undertake a review of the impacts arising from the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*(EPBC) reforms and the implications these changes will have for industry. AMEC represents more than 80 companies operating across Queensland, providing a united voice for junior and mid-tier explorers and miners who are key users of the environmental approvals, offsets and regulatory systems most affected by these reforms.

About AMEC

AMEC is a national peak industry body representing over 550 mineral exploration and mining companies across Australia, with 80 having operations based primarily in Queensland. Our members are mineral explorers, emerging miners, producers, and a wide range of businesses working in and for the industry.

Mineral exploration and mining make a critical contribution to Australia's economy, directly employing over 314,000 people. In 2025-26, the industry generated $383 billion in resource exports, invested $3.95 billion in exploration expenditure to discover future mines (2025), and collectively paid over $59.4 billion in royalties and taxes.

AMEC's members explore for, develop and produce minerals including antimony, bauxite, coal, cobalt, copper, gold, graphite, lead, lithium, manganese, mineral sands (such as silica), molybdenum, nickel, phosphate, potash, rare earths, silver, tungsten, uranium, vanadium and zinc, across Queensland.

Comment on the Terms of Reference

The topics within the scope of the Inquiry are relevant and important to AMEC Members. But most of our members will likely qualify for the National Interest Fast-Track Assessment Pathway as it is only Fossil Fuel Resource Projects that are excluded from this. The following sentence in the Context section of the Terms of Reference should be amended to specify Fossil Fuel Resource Projects - "*However, the reforms specifically exclude resource projects from the Commonwealth's National Interest Fast-Track Assessment Pathway, which removes duplicated* *approvals already carried out at a State level, bringing projects to production potentially years earlier.*"[1]

Response to the Queensland Productivity Commission: Cost Impacts of Legislative Misalignment and the Role of Commonwealth Powers

The current environmental reform impacting our industry is combining the Commonwealth's EPBC Act reforms, the new National Environmental Standards (NES), Queensland's review of the Environmental Offsets Act 2014, and the introduction of bioregional planning, which is creating significant cost pressures for industry due to the absence of operational alignment between State and Commonwealth systems. These pressures are amplified due to the way Commonwealth legislative powers interact with State environmental frameworks.

The EPBC reforms introduce new National Environmental Standards, a national "significance" test, and a shift toward net gain outcomes changes that fundamentally reshape how offsets, approvals and ecological assessments must operate. At the same time, Queensland is reviewing its Environmental Offsets Act and developing bioregional plans intended to guide regional environmental outcomes and cumulative impact management.

However, none of these processes currently explain how they will integrate with one another.

As a result, proponents are facing three overlapping reform streams with no operational alignment:

- offset ratios and calculators that differ between jurisdictions;
- Matters of National Environmental Significance(MNES) and Matters of state environmental significance(MSES) triggers that do not match; and
- bioregional plans that may not be recognised under Commonwealth standards.

Without clear harmonisation, these concurrent reforms risk creating duplicated assessments, conflicting offset obligations, increased compliance costs, and uncertainty for investment despite all three reforms aiming to streamline approvals and improve environmental outcomes.

Commonwealth Legislative Powers and Their Practical Effect on Costs

Under the Australian Constitution, the Commonwealth regulates environmental matters primarily through the external affairs power, the corporations' power, and the trade and commerce power. These powers enable the Commonwealth to legislate for MNES, impose national standards, and require compliance from proponents regardless of State settings.

In practice, this means:

- Commonwealth reforms automatically apply to projects involving MNES, even where State systems differ.
- States cannot override or narrow Commonwealth requirements; they can only add additional layers.

[1] IMPACT OF THE AUSTRALIAN GOVERNMENT'S 2025 ENVIRONMENT PROTECTION REFORMS ON QUEENSLAND

- Where State and Commonwealth systems are misaligned, proponents must comply with both, resulting in duplicated assessments, duplicated offsets, and duplicated reporting.

This constitutional reality is the root cause of many of the cost impacts now emerging. A clear example is the difference in standards, definitions and calculation methodologies between Queensland's current 'no-net-loss' Offset Calculator and the Commonwealth's newly mandated 'net gain' calculation framework. Because proponents must comply with both systems, even when they conflict, the absence of alignment directly results in duplicated assessments, inconsistent offset ratios, and materially higher costs for industry.

Main impacts of Commonwealth Reforms on State Matters

1. Duplicated Assessment Effort

Because the Commonwealth's new "significance" test and Queensland's "significant residual impact" test are not aligned, proponents must undertake two separate ecological assessments for MNES and MSES. For large projects, this duplication adds hundreds of thousands of dollars in additional survey, modelling, and consultant costs, for at times the same matter, the same species, or the same ecological habitat.

2. Conflicting Offset Requirements

The Commonwealth's net gain requirement and Queensland's no net loss requirement produce different offset ratios, different land needs, and different management obligations. In the absence of equivalence guidance or accreditation pathways, proponents must secure two offset packages for the same impact. In North West Queensland, offset land costs $1,500–$3,000/ha, meaning duplicated obligations can add millions to project costs.

3. Dual Reporting and Monitoring

Commonwealth and State systems require separate monitoring schedules, separate data formats, and separate compliance submissions. This increases annual compliance costs by 20–40%, particularly for projects with long-term offset obligations (20–40 years).

4. Approval Delays Caused by Unclear Integration

Because Queensland has not yet articulated how EPBC reforms will be integrated into State processes, or whether it will seek accreditation under the NES, proponents face uncertainty that directly affects project scheduling. Each month of delay can cost $0.5m – $1m in holding costs, contractor costs, and financing exposure for mid-tier proponents.

5. Tenure and LandTitle Conflicts

Queensland secures offsets through land-title encumbrances, which do not align with the tenure system used for mining and exploration activities. This creates long-term constraints on landholders and complicates tenure transfers, adding legal and administrative costs that can exceed $100,000 per transaction.

6. Lost Efficiency from Unrecognised Rehabilitation

Queensland does not currently allow high-quality rehabilitation to be recognised as accredited offsets, even where it meets ecological criteria. This forces proponents to secure new offset land unnecessarily, increasing costs and reducing incentives for early rehabilitation. Recognising rehabilitation could reduce offset land requirements by 10–30%, representing substantial cost savings.

7. Bioregional Planning Uncertainty

Bioregional plans are intended to streamline approvals, but without clarity on how they will be recognised by both jurisdictions, proponents cannot rely on them for certainty. This undermines investment confidence and forces proponents to maintain contingency budgets for duplicated or revised offset requirements.

Conclusion

The interaction between Commonwealth legislative powers and Queensland's environmental frameworks means that misalignment is not merely inefficient in the current format, it is financially consequential. The costs are real, measurable, and already being incurred:

- duplicated assessments
- conflicting offset obligations
- extended approval timeframes
- increased compliance burden
- uncertainty in regulatory interpretation

For a sector operating on long-term capital investment cycles, these inefficiencies reduce competitiveness, delay project delivery, and increase the cost of achieving environmental outcomes.

A clear, operationally defined alignment between Queensland's systems and the Commonwealth's EPBC reforms, including equivalence guidance, accreditation pathways, and integrated offset mechanisms, would significantly reduce duplication, lower compliance costs, and improve environmental outcomes.

For further information contact:
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Encl. For more detailed information please also find a link to AMEC's submission on the '***A fresh start for Queensland's Environmental Offsets Framework – Discussion paper'.***

QLD Submission – A fresh start for Queensland's Environmental Offsets Framework – Discussion paper