

Impact Analysis Statement

Summary IAS

Details

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| Lead department | Department of the Environment, Tourism, Science and Innovation (DETSI) |
| Name of the proposal | <i>Environmental and Other Legislation Amendment Regulation 2026</i> |
| Submission type | Summary IAS |
| Title of related legislative or regulatory instrument | <i>Environmental Protection Regulation 2019</i> <i>Nature Conservation (Animals) Regulation 2020</i> <i>Nature Conservation (Plants) Regulation 2020</i> <i>Waste Reduction and Recycling Regulation 2023</i> |
| Date of issue | May 2026 |

Administrative amendments to environmental and nature conservation subordinate legislation

| Proposal type | Details |
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| Minor and machinery in nature | <p>The purpose of this regulatory proposal is to make various changes to conservation and environmental legislation. The changes are minor and machinery in nature, have zero/negligible regulatory costs and do not involve substantive change to regulatory policy or result in impacts to business, government, or the community.</p> <p>The proposed regulatory amendments consist of:</p> <ul style="list-style-type: none"> • Routine amendment for the reclassification of protected wildlife listed under Schedule 1 of the <i>Nature Conservation (Animals) Regulation 2020</i> and Schedule 1 of the <i>Nature Conservation (Plants) Regulation 2020</i> under the <i>Nature Conservation Act 1992</i>, to ensure species classifications are kept up to date with current scientific knowledge, including population size, trends, and risk of extinction. • Minor amendments to sections 202 and 206 of the <i>Nature Conservation (Animals) Regulation 2020</i> under the <i>Nature Conservation Act 1992</i> to clarify intent regarding the movement of protected animals rescued under a rehabilitation permit from other states into Queensland to receive efficient and effective care or treatment. • Minor amendments to section 61, section 217, Schedule 1 and Schedule 7 of the <i>Nature Conservation (Animals) Regulation 2020</i> and Schedule 1 of the <i>Nature Conservation (Plants) Regulation 2020</i> under the <i>Nature Conservation Act 1992</i>, administrative in nature, to update reference to a superseded code of practice, update the taxonomy of a small number of bird species, and a drafting inconsistency and correct typographical errors. • Minor amendment to section 8 of the <i>Nature Conservation (Plants) Regulation 2020</i> under the <i>Nature Conservation Act 1992</i> to ensure the taxonomic statuses of plant species are up to date with the most recent revisions by the Queensland Herbarium which may occur prior to the |

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| | <p>annual publishing of the Queensland Flora and Fungi Census as listed in the <i>Nature Conservation (Plants) Regulation 2020</i>.</p> <ul style="list-style-type: none"> • Minor amendment to remove section 27 of the <i>Waste Reduction and Recycling Regulation 2023</i> under the <i>Waste Reduction and Recycling Act 2011</i>, as the residue waste discounting review will be completed as part of a 2026 waste levy review. |
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Minor amendments to the Environmental Protection Regulation 2019

| What is the nature, size and scope of the problem? What are the objectives of government action? |
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| <p>The purpose of this regulatory proposal is to bring into effect two newly reviewed Environmentally Relevant Activity (ERA) standards by amending Schedule 7, Part 2(2) and (3) of the <i>Environmental Protection Regulation 2019</i> (EP Regulation) to include:</p> <ul style="list-style-type: none"> • 'Eligibility criteria and standard conditions - Petroleum exploration activities – version 3'; and • 'Eligibility criteria and standard conditions – Petroleum pipeline activities – version 3'. <p>Pursuant to section 318 of the <i>Environmental Protection Act 1994</i> (EP Act), the chief executive may make a standard for the eligibility criteria and standard conditions for an ERA. If an ERA standard is approved by the chief executive, the ERA standard only takes effect when it is listed in the EP Regulation.</p> <p>Two ERA standards - one for petroleum pipelines and one for petroleum exploration activities (together referred to as the Petroleum ERA standards) - have recently been reviewed and updated to version 3. The chief executive has approved these updates.</p> <p>The Petroleum ERA standards are designed to provide a consistent, efficient framework for managing low-risk activities. However, without updating the ERA standards to reflect current requirements, their ability to operate effectively is reduced. The two Petroleum ERA standards have not been updated in over ten years. In the absence of updated Petroleum ERA standards, these matters must be resolved through individual amendments to environmental authority conditions through either a variation or site-specific application process. This undermines the purpose of the ERA standards by fragmenting their application, increasing administrative effort for both operators and the regulator, and introducing avoidable delays for activities that remain low risk. Updating the standards in this way ensures they continue to function as intended, providing clarity, consistency, and streamlined regulatory pathways, while avoiding unnecessary process burden and maintaining timely approvals.</p> <p>The amendments to the Petroleum ERA standards are minor and have been made to align with updates to related legislation, reflect changes in Australian Standards and aim to reduce regulatory burden for both industry and DETSI. Key changes that have occurred to the Petroleum ERA standards are outlined below:</p> <p><u><i>Updates to reflect the Australian Standard 2885</i></u></p> <p>The amendments update references to Australian Standard 2885 (AS 2885) to align with recent revisions, including to its broader application to the transporting alternative gases. The amendments to the Petroleum ERA standards also update references to reflect the consolidation of material from Parts 1 and 3 into the new Part 6 of the AS 2885.</p> <p>These amendments are technical and administrative in nature and do not introduce new regulatory requirements or change existing compliance obligations. As the updates align references with the current structure of AS 2885, an increase in compliance costs for regulated entities is not expected. Existing environmental authority holders are unaffected and are not required to adopt the updated references unless they choose to transition to the revised ERA standards.</p> |

Including groundwater monitoring in the definition of essential petroleum activities

This amendment removes the need for applicants to seek a variation to an environmental authority or submit a major amendment application to carry out required groundwater monitoring within an Environmentally Sensitive Area (ESA) or its buffer zone. By granting this authorisation more broadly, it eliminates the need for environmental authority holders to apply on a case-by-case basis for these activities.

Updates to reflect current legislative references

The amendments update references to align with current legislation, including amendments made to the petroleum legislation and *Waste Reduction and Recycling Act 2011* since the Petroleum ERA standards were originally made. These references include:

- *Environmental Protection Regulation 2008 to Environmental Protection Regulation 2019*
- *Vegetation Management Act 2000 to Vegetation Management Act 1999*
- *Sustainable Planning Act 2009 to Planning Act 2016*.

Updates to financial assurance references

The amendments update references to the financial assurance framework for resource activities. On 1 April 2019, the financial assurance framework was replaced with the estimated rehabilitation cost (ERC) framework in the EP Act. As ERC is a deemed condition for resource activities in the EP Act, a specific condition in the Petroleum ERA standards is no longer necessary.

Updates to guideline and manual references

The amendments update references from the guideline '*Activities in a watercourse lake or spring associated with a resource activity*' to the '*Riverine protection permit exemption requirements (WSS/2013/726)*'. DETSI was advised by the Department of Local Government, Water and Volunteers that the Riverine protection permit exemption requirements (WSS/2013/726) have replaced the previous guideline.

The amendments also update references from the 'Manual for hazard categories and hydraulic performance of dams' to the 'Manual for assessing consequence categories and hydraulic performance of structures (ESR/2016/1933)'.

The amendments also update references from the 'Instructions for the treatment and management of acid sulfate soils (Queensland Environmental Protection Agency, 2001)' to the 'Queensland Acid Sulfate Soil Technical Manual: Soil Management Guidelines'. The updated manual reference is a well-established and widely accepted standard for managing acid sulfate soil in Queensland.

Updates to 'declared pests' references

Amendments to update references from 'declared pest species' to 'invasive plant species' and include a new definition linking to the *Biosecurity Act 2014*. The declared pest definitions were superseded with the introduction of the *Biosecurity Act 2014* and the introduction of restricted and prohibited matters.

Updates to definition of 'significantly disturbed'

The amendments address an oversight caused by the removal of the definition of 'significantly disturbed' from the EP Regulation. The definition for 'significantly disturbed or significant disturbance to land or areas' has been reinstated, using the exact wording from the now-superseded Environmental Protection Regulation 2008. The absence of this definition in the current EP Regulation created ambiguity in interpreting and applying related conditions. Reinstating the previously agreed definition ensures clarity and certainty for environmental authority holders regarding compliance expectations, while preserving the original policy intent and regulatory outcomes.

Updates to definition of 'Category C Environmentally Sensitive Area' (ESA)

The amendments update the definitions of Category C ESAs and to remove references to the '*near-threatened*' species category to align with the definitions used in the model conditions.

This improves consistency across regulatory instruments and reduces ambiguity in applying environmental authority conditions.

Streamlining certain standard conditions

The amendments remove incident notification requirements already covered under the EP Act. The Contingency and Emergency Response section has been replaced with a requirement to investigate and report instances where an environmental authority condition has not been met and section 320A of the EP Act does not apply (i.e. where no environmental harm has occurred). This change reflects a shift toward an outcome-focused approach to conditioning.

Minor updates to headings and explanatory notes

Minor amendments have been made to update conditions to reflect contemporary drafting practices, remove redundant conditions and improve consistency across regulatory documents for the petroleum and gas industry. Minor updates have also been made to the additional guidance text and headings. All of these changes do not change the policy intent or requirements of the conditions.

The updated Petroleum ERA standards will apply to all new standard environmental authority applications from the date they take effect. From that point onwards, operators using the standard application pathway must comply with the new version 3 eligibility criteria and standard conditions, as version 2 will be replaced in the EP Regulation.

New Version 3 of the Petroleum ERA standards will not apply retrospectively. Existing environmental authority holders may continue operating under the eligibility criteria and standard conditions of version 2.

What options were considered?

Option 1 – Status quo

This option would maintain current practice by making no changes to the Petroleum ERA standards and not amending the EP Regulation.

Under this option, the Petroleum ERA standards would progressively become less effective in achieving their intended purpose. Without updates, there would be increasing risks to regulatory efficiency, industry certainty, and consistency in the application of environmental requirements.

In practice, this approach would place the onus on operators to individually apply to vary the standard conditions of their environmental authorities to ensure their environmental authority is effective and contemporary. This would require separate applications for each operator, resulting in a process that is more costly, resource-intensive, and time-consuming for both operators and the regulator. It also has the potential to unnecessarily delay approvals for activities that are assessed as low risk, thereby reducing the effectiveness of the standards as a streamlined, risk-based regulatory mechanism.

As a result, this option does not support the ongoing effectiveness of the Petroleum ERA standards in providing clear, consistent, and efficient regulation aligned with contemporary practice.

Option 2 (Preferred) – Remaking the Petroleum ERA standards and amending the EP Regulation

Remake the Petroleum ERA standards and amend the EP Regulation so they take effect to improve clarity to address:

- historical references to outdated legislative provisions, definitions and other documents
- a small number of conditions causing delay or unnecessary regulatory burden for environmental authority holders
- alignment of the conditions with contemporary environmental management practices
- other minor operational issues

This option will not materially impact stakeholders but will enhance clarity and ensure accurate requirements for industry in specific circumstances. Remaking the ERA standards and amending the standard conditions will provide better certainty, coherence, and efficiency whilst ensuring consistency

with current drafting standards. Amendments would maintain the original policy intent and align with the Office of the Queensland Parliamentary Counsel requirements.

What are the impacts?

Making no changes to the Petroleum ERA standards, and therefore not amending the EP Regulations, would preserve the existing framework and status quo. However, this would not address outdated drafting, inconsistent references and redundant standards. While the Petroleum ERA standards have functioned well to date, revisions would contemporise the standard conditions, which would reduce regulatory burden and streamline processes, as proponents and operators would be less likely to apply to the DETSI to amend the individual conditions to address relevant matters.

The proposed amendments to the EP Regulation have zero/negligible regulatory costs and do not result in a substantive change to regulatory policy or new impacts on business, government, or the community. The amendments to the Petroleum ERA standards are clarifying amendments and will provide greater clarity and consistency in the requirements for the benefit of industry and administering authority. The amendments do not apply to existing environmental authority holders. Current holders will retain their existing requirements and may make an amendment application to update their environmental authority to align with the revised ERA standards, voluntarily.

Who was consulted?

The proposed amendments to the EP Regulation to prescribe updated Petroleum ERA standards reflect feedback received from the resources industry.

A first draft of the revised Petroleum ERA standards was prepared based on this feedback. Public consultation on the draft Petroleum ERA standards is a statutory requirement under section 318A of the EP Act. Consistent with this requirement, public consultation on the draft standards was undertaken for the required 30 business day timeframe from 7 October to 17 November 2025. Short extensions were granted on request to some submitters to allow for competing consultation requirements.

Additional targeted stakeholder engagement was undertaken through discussions with Australian Energy Producers and Queensland Resources Council and their member organisations to inform the development of the updated Petroleum ERA standards. The proposed amendments have not raised significant concerns and have not been contentious for industry stakeholders. The majority of recommendations in the submissions were adopted in the drafting of the final Petroleum ERA standards. Some points identified in the submissions related to broader legislative framework matters and were not able to be directly addressed through updating the standards.

What is the recommended option and why?

Option 2 is preferred. The proposed updates to the Petroleum ERA standards are intended to clarify, modernise, and align the standards with contemporary industry practice. The proposed amendments are not expected to impose additional regulatory burden on industry. Instead, the impact on operators is expected to be minimal, as the changes largely reflect existing practice and requirements. Updating the Petroleum ERA standards would streamline assessment processes, improve consistency, and reduce the need for individual variation applications.

Impact assessment

All proposals

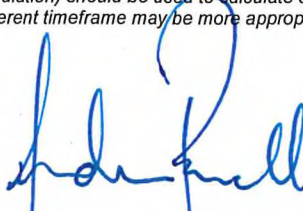
| | Full first year | First 10 years** |
|----------------------------------|-----------------|------------------|
| Direct costs – Compliance costs* | Zero | Zero |
| Direct costs – Government costs | Zero | Zero |

* The direct costs calculator tool (available at qpc.qld.gov.au/best-practice-regulation) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. **Agency to note where a longer or different timeframe may be more appropriate.



Patricia O'Callaghan
Director-General
Department of the Environment, Tourism,
Science and Innovation

Date: 1.5.2026



Andrew Powell MP
Minister for the Environment and Tourism
Minister for Science and Innovation

Date: 6.5.2026