

QRC Submission

Queensland Productivity Commission inquiry into the impact of the Australian Government's 2025 environment protection reforms on Queensland

13 July 2026

1. Introduction

The Queensland Resources Council welcomes the opportunity to provide this submission to the Queensland Productivity Commission inquiry into the impact of the Australian Government's 2025 environment protection reforms on Queensland.

QRC is the peak representative body for Queensland's minerals and energy sector. Queensland's resources industry supports regional jobs, export income, energy security, advanced manufacturing supply chains and the production of critical minerals, metals, gas and coal that are important to both the current economy and the energy transition.

QRC supports strong environmental protection and clear, science-based rules. However, environmental regulation must also be practical, proportionate and coordinated across jurisdictions. For Queensland's resources sector, the central question is whether the EPBC reforms will improve environmental outcomes in a way that reduces duplication and improves certainty, or whether they will add a further layer of complexity to projects that are already regulated through extensive State processes.

QRC supports strong environmental protection, science-based decision making and regulatory systems that maintain community confidence in environmental outcomes. Community trust is strengthened when decisions are transparent, evidence-based and made through robust assessment processes. However, environmental regulation must also be practical, proportionate and coordinated across jurisdictions. For Queensland's resources sector, the central question is whether the EPBC reforms will improve environmental outcomes while reducing duplication and improving certainty, or whether they will add a further layer of complexity to projects that are already subject to extensive State regulation. QRC supports reform that strengthens environmental outcomes and public confidence, provided it delivers genuine streamlining and avoids unnecessary duplication between State and Commonwealth systems.

2. Executive summary

QRC's central concern is that the 2025 EPBC reforms risk increasing regulatory process without delivering a corresponding improvement in environmental outcomes for Queensland's resources sector.

QRC supports the objective of improving environmental protection, transparency and public confidence through the EPBC reform package. However, reforms should be proportionate, practical and focused on improving outcomes rather than creating duplicative process. QRC's concern is not with stronger environmental standards or appropriate public participation, but with the potential for overlapping State and Commonwealth requirements that increase complexity, delay decision making and impose additional costs without corresponding environmental benefit.

The most significant productivity risk arises where new Commonwealth requirements operate alongside existing Queensland assessment, approval and compliance processes. The reforms introduce National Environmental Standards, revised assessment pathways, new decision thresholds, stronger compliance and enforcement settings and additional information, disclosure and consultation requirements. While these measures may strengthen environmental governance, they risk creating unnecessary burden where equivalent State processes already exist or where accreditation arrangements are not in place.

The legal and commercial consequences are significant. QRC members are likely to face higher legal, technical and advisory costs, greater internal resourcing demands, increased process risk, and more complex interactions between State and Commonwealth requirements. Those burdens are likely to be felt most acutely in large, capital-intensive projects and in regional Queensland, where delay and uncertainty affect investment decisions, infrastructure sequencing, supply chains and employment.

The Commonwealth also has a critical role in making accreditation possible. At present, accreditation is being made more difficult by incomplete standards, limited implementation detail, continuing policy development, retained Commonwealth approval powers and the exclusion of resource projects from the most streamlined pathways. If bilateral agreements are to deliver real efficiency, the Commonwealth must provide greater clarity, a more practical accreditation framework and genuine reliance on State processes.

For Queensland, the priority should be for both governments to secure genuine bilateral accreditation, eliminate unnecessary duplication in assessment and compliance processes and ensure the new standards are clear, stable and operationally workable. Without this, the reforms are likely to increase costs, delay investment and reduce productivity across Queensland's resources sector.

3. Regulatory burden and compliance impacts

Queensland resource projects are already subject to extensive environmental controls, including environmental authorities, land access requirements, water obligations, rehabilitation planning and, where relevant, EPBC referral and approval requirements. QRC's existing approvals work has consistently shown that these pathways are already complex, lengthy and sometimes overlapping with Commonwealth processes.

The 2025 EPBC reforms add to this burden in several ways. The reforms introduce legally binding National Environmental Standards, new concepts such as unacceptable impacts and net gain, stronger compliance and enforcement tools, and staged implementation through standards, guidance and supporting rules. As a result, proponents must plan projects in an environment where the framework is still evolving.

The key productivity impact arises not only from the creation of new requirements, but from duplication between Commonwealth and Queensland systems. If Commonwealth standards, offset requirements, consultation obligations or information requests do not align with Queensland assessment methods, proponents will be required to prepare overlapping technical work, reconcile competing assumptions, respond to multiple regulators and manage duplicated approval risk for the same underlying impacts.

This issue is even more significant for the resources sector because resource projects are excluded from the Commonwealth's fast-track pathway. As a result, Queensland coal, oil and gas projects may bear the cost of the reforms without obtaining the intended streamlining benefit available under other pathways.

Most importantly, there are currently limited effective streamlined pathways for Queensland resources projects unless a bilateral agreement is in place. The reforms contemplate Commonwealth-State cooperation, but that cooperation will not reduce burden in practice unless Queensland's assessment systems are formally accredited and relied upon. Without this, duplication remains the default rather than the exception.

This effect is amplified in Queensland because many resource projects interact with matters of national environmental significance (MNES), particularly threatened species, ecological communities and water resources. Consequently, Commonwealth processes can have a significant influence on project timelines even where extensive State assessment has already occurred.

4. Legal ramifications and extra resource burden for QRC members

QRC supports appropriate transparency and community consultation as important elements of environmental decision making. However, where Commonwealth consultation and disclosure requirements duplicate existing State processes, proponents may face additional cost and risk without delivering improved environmental outcomes. The reforms therefore need to focus on removing duplication rather than simply increasing procedural requirements.

First, the reforms create greater legal uncertainty. New statutory standards, new decision thresholds and further subordinate instruments increase the need for legal advice during project design, referral strategy, approvals planning, condition negotiation and compliance management. This is particularly problematic while key standards and supporting guidance remain under development.

Second, the reforms increase the need for external specialist support. Proponents may require additional ecological assessment, offset modelling, legal review of standards consistency, public consultation support and expert advice on how Commonwealth requirements interact with existing State approval conditions. This increases project costs before a project is even assessed on its merits.

Third, the reforms create a larger internal resourcing burden. Queensland resources proponents will need to allocate additional internal time and personnel across legal, approvals, environmental, compliance and stakeholder engagement functions. Additional effort will be required to manage referral strategies, public portal processes, information production, submissions management, consistency checks between jurisdictions and ongoing compliance assurance.

Fourth, the reforms increase the risk of procedural challenge and delay. A framework with more statutory criteria, more public-facing documentation and additional consultation stages alongside existing State processes creates additional opportunities for legal challenge, including strategic or vexatious objections. Even where challenges are unsuccessful, project delays can increase capital costs, defer construction schedules and create significant management and legal expenses.

From a productivity perspective, these costs are not abstract. For capital-intensive projects, legal uncertainty can affect board approvals, financing, project sequencing, procurement, infrastructure interfaces and time to first production. For existing operations and extensions, legal complexity can also delay routine growth and adaptation activities that would otherwise be expected to proceed through established pathways.

5. Economic and productivity impacts

Queensland's resources sector relies on long-term investment decisions, large upfront capital commitments and coordinated approvals across multiple regulatory systems. Regulatory certainty, timeliness and alignment matter because delays and uncertainty can directly affect whether capital is committed to Queensland.

The reforms have the potential to reduce productivity by increasing the time and cost required to secure approvals, by reducing certainty about what information is required and when, and by creating new areas of legal and administrative risk. For resource projects of all sizes, including project life extensions, operational changes and brownfield developments, even moderate delays can have significant consequences for project economics, contracting, infrastructure interfaces and workforce planning.

These impacts are likely to be felt most strongly in regional Queensland, where resources projects support local businesses, employment, community infrastructure and export supply chains. Delays in individual projects do not affect only one proponent. They can affect contractors, logistics, processing infrastructure and broader regional investment confidence.

Smaller proponents are especially exposed. Explorers, smaller operators, contractors and regional service businesses are less able to manage prolonged approvals, repeat information requests or multiple consultation rounds.

6. Illustrative scenario: extension of an existing coal mine site

The following example is illustrative only, but it shows how the reforms can create added burden for a Queensland resources project.

Consider an existing coal mine operating under Queensland approvals and an existing EPBC approval that seeks to extend mining into a new area within the approved resource. While production volumes may remain unchanged, the extension could trigger reconsideration under the EPBC Act if it has the potential to significantly impact matters of national environmental significance, such as threatened species, ecological communities or water resources associated with a large coal mining development.

Once a referral is lodged, it must first be validated before the referral decision process begins. Once validated, the referral is published on the EPBC public portal, and the public is invited to comment for 10 business days. This means the extension activity enters a formal Commonwealth public consultation process at an early stage.

If the proposal is determined to be a controlled action, the proponent may then be required to move through a further Commonwealth assessment process. That may involve requests for extra information, revised documentation, responses to public comments and further technical justification. Because fossil fuel projects are excluded from the fast-track pathway, a coal mine extension cannot assume that the reforms will deliver a quicker or simpler Commonwealth process.

At the same time, the project may also require separate public notification under Queensland laws. Depending on the type of environmental authority amendment and whether it is considered a major amendment, public notification under State law may be required. For some projects, an EIS process may also be triggered or revisited, creating further public consultation and document preparation obligations.

The practical result is that a mine project may face multiple consultation and publication steps across two jurisdictions. Depending on project timing and structure, the proponent may need to manage a Commonwealth referral comment period, one or more Commonwealth assessment-stage consultation processes, Queensland environmental authority notification and potentially State EIS notification. Even where the environmental issues are substantively similar, the proponent may still need to prepare separate documents, meet different information

requirements and manage comments on different timelines. This increases cost, legal risk, reputational risk and management burden.

This example demonstrates why bilateral agreements matter. If the Commonwealth genuinely relied on Queensland's assessment systems, there would be a practical opportunity to reduce duplicate assessments, duplicate public notification and repetitive information requests. Without that reliance, the reforms risk adding extra Commonwealth process layers to projects that are already subject to substantial State scrutiny.

7. Intergovernmental and administrative arrangements

QRC's position is that bilateral agreements and accreditation are not optional extras. They are the central mechanism required to avoid duplication and create real efficiency for Queensland projects.

Queensland already has mature environmental assessment and approval processes for mining, petroleum and associated infrastructure. These systems include environmental authority processes, EIS pathways and public notification mechanisms. QRC's advocacy has consistently been that governments should build from those systems, not replicate them. However, current implementation arrangements risk delaying accreditation outcomes and reducing the practical benefits that bilateral agreements are intended to deliver. One of the major problems is lack of detail and continuing policy movement. Accreditation depends on Queensland systems being assessed against National Environmental Standards, but key standards and supporting guidance are still being finalised or are still subject to change. That means Queensland is effectively being asked to align to a moving target. It is difficult to negotiate, map and implement accreditation when the Commonwealth has not yet settled all the criteria against which State systems will be judged.

There is also insufficient clarity about what accreditation will mean in practice. It remains unclear whether accreditation will deliver genuine reliance on State processes or only partial cooperation while the Commonwealth continues to retain duplicate decision-making steps. If accreditation does not remove substantive duplication, its practical value to proponents will be limited.

Another issue is that the Commonwealth continues to retain separate approval powers even where bilateral arrangements are used for assessment. That means duplication may be reduced at the assessment stage but still remain at the approval stage. For proponents, that is not a genuinely streamlined system.

The exclusion of resources projects from the Commonwealth's fast-track pathway also limits the practical benefit of the reform package. Queensland's most economically significant projects are effectively being asked to absorb increased reform complexity while being excluded from one of the most visible streamlining mechanisms.

There is also a sequencing problem. The reforms are rolling out in stages, while accreditation arrangements are still to be negotiated and many standards are still under development. In practice, this means proponents face the burden of the new framework now, while the promised efficiency benefits of bilateral arrangements may arrive later, if at all.

Finally, there is a risk that the reforms shift workload and fiscal pressure to Queensland. If the Commonwealth increasingly depends on State information, State consultation outputs or State process alignment without formal accreditation and adequate resourcing, Queensland

agencies may bear more administrative burden while proponents still remain subject to parallel federal processes.

8. What the Commonwealth can do to make accreditation easier

If the Commonwealth wants bilateral agreements and accreditation to work in practice, there are several concrete steps the Commonwealth can take;

- Finalise the core National Environmental Standards and supporting guidance before expecting jurisdictions to align to them. Accreditation is much easier when the assessment criteria are stable, detailed and transparent.
- Clearly define what accreditation means in practice. This should include clarity about whether accreditation applies to assessment only, approvals, compliance functions or some combination of these, and what duplication will actually be removed once accreditation is granted.
- Commit to genuine reliance on accredited State systems. If a state process has been assessed as meeting the required standard, proponents should not be required to duplicate equivalent steps for Commonwealth purposes.
- the Commonwealth should prioritise bilateral negotiations and resource them appropriately. Accreditation will not happen quickly without dedicated technical work, intergovernmental coordination and agreed timeframes.
- Fifth, the Commonwealth should align data, consultation and information requirements wherever possible so that proponents are not required to produce separate materials for State and Commonwealth purposes when a single set of materials could meet both needs.
- Sixth, the Commonwealth should provide a practical pathway for project extensions, modifications and operational changes, particularly for existing projects. The system should recognise that changes to established operations should not necessarily be treated as if they were entirely new greenfield projects.
- the Commonwealth should ensure that any accreditation framework is durable and administratively workable. Accreditation should not be undermined by constant changes to standards, unclear guidance or reliance on evolving policy interpretation.

9. Recommendations

QRC recommends that the Queensland Government prioritise the following in its response to the reforms and in ongoing engagement with the Commonwealth.

- Continue progressing bilateral accreditation discussions with the Commonwealth and undertake preparatory work to maximise opportunities for accreditation as National Environmental Standards and associated guidance are finalised.
- Advocate for final, detailed and stable National Environmental Standards and supporting guidance to support effective accreditation outcomes.
- Seek clear Commonwealth commitments on what accreditation will achieve in practice, including which assessment, approval, compliance and consultation processes will be recognised.

- Oppose unnecessary duplication of assessment, offsetting, reporting and public notification requirements where equivalent Queensland processes already achieve the same outcomes.
- Advocate for National Environmental Standards that are clear, proportionate, risk-based and operationally workable.
- Support practical approval pathways for project life extensions, modifications and operational changes to existing projects.
- Seek better alignment of consultation and information requirements between State and Commonwealth systems, including recognition of Queensland EIS and public notification processes where appropriate.
- Monitor and report on approval timeframes, duplicated information requests, compliance burdens and investment impacts arising from implementation of the reforms.

10. Conclusion

QRC supports effective environmental regulation, but regulation must improve outcomes rather than simply add process.

The EPBC reforms introduce substantial new Commonwealth architecture at a time when Queensland resources projects are already operating in a highly regulated environment. Without functioning bilateral agreements, clearer standards, defined accreditation pathways and genuine reliance on Queensland systems, the likely result will be more duplication, more legal and advisory cost, longer timeframes and weaker investment confidence.

The Commonwealth and Queensland Governments should work together to establish practical and efficient approval pathways that maintain strong environmental protections while avoiding unnecessary duplication. Bilateral accreditation remains the most effective mechanism to achieve this outcome. However, accreditation arrangements must be supported by stable standards, clear implementation arrangements and genuine reliance on accredited State processes. If implemented effectively, the reforms can strengthen environmental outcomes and community confidence while minimising unnecessary costs and delays for Queensland projects.

Relevant submissions – for reference

- Queensland Productivity Commission, Impact of the Australian Government's 2025 environment protection reforms on Queensland, inquiry page and call for submissions
- Queensland Productivity Commission, Terms of Reference, Impact of the Australian Government's 2025 Environment Protection Reforms on Queensland
- Department of Climate Change, Energy, the Environment and Water, Environment protection reforms
- Department of Climate Change, Energy, the Environment and Water, Next steps and consultations on environment reforms
- Department of Climate Change, Energy, the Environment and Water, Stronger environmental protection and restoration
- Department of Climate Change, Energy, the Environment and Water, More efficient and robust project assessments
- Department of Climate Change, Energy, the Environment and Water, Greater accountability and transparency in decision-making

- Department of Climate Change, Energy, the Environment and Water, Referrals and environmental assessments under the EPBC Act
- Department of Climate Change, Energy, the Environment and Water, Public comments and decisions on actions referred under the EPBC Act
- Department of Climate Change, Energy, the Environment and Water, Consulting the community in EPBC Act referrals and assessments
- Department of Climate Change, Energy, the Environment and Water, Shared environmental assessments with states and territories
- Department of Climate Change, Energy, the Environment and Water, EPBC Act overview and protected matters
- Queensland Resources Council, Approvals Process and Flowcharts
- Queensland Resources Council, QRC Streamlining Report
- Queensland Resources Council, EPBC Bill process puts pressure on energy roadmap
- Queensland Resources Council, Queensland resources sector welcomes coordinated approvals process
- Business Queensland, Public notification requirements for environmental authority applications
- Business Queensland, Environmental authorities for mining projects
- Business Queensland, Applying for an environmental impact statement under the Environmental Protection Act 1994
- Business Queensland, Receiving an environmental impact statement decision
- Department of State Development, Infrastructure and Planning, Have your say on a draft Environmental Impact Statement
- Department of State Development, Infrastructure and Planning, Impact assessment process
- Minter Ellison, EPBC Act reforms: revised assessment and approval pathways
- Ashurst, EPBC Act reforms: most significant change to Australia's environmental law in decades