



14 July 2025

Kahil Lloyd

a/Deputy Director-General

Environment and Heritage Policy & Programs

Department of the Environment, Tourism, Science and Innovation (Queensland)

*By email: [EPAct.Policy@detsi.qld.gov.au](mailto:EPAct.Policy@detsi.qld.gov.au)*

Dear Kahill and colleagues

**Re: Review of the *Environmental Protection Act 1994* (Qld)**

I write to introduce the Australasian Institute of Mining and Metallurgy (AusIMM) and provide an initial response to the Department's consultation aiming to realise efficiencies and streamline the operation of the *Environmental Protection Act 1994* (Qld) ('the Act' and 'the Consultation').

Our submission focusses on:

- The role of AusIMM's Code of Ethics, Professional Standards and broader governance framework as the basis for professional regulation and performance in the resources sector.
- The imperative to ensure environmental subject matter experts provide feedback on regulatory and other subordinate legislative material developed under the Act.
- The value in engaging this same expertise to provide balanced and credible advice on all regulatory policy and practice under the Act.
- The need for phased, detailed consultation as part of the current review.

AusIMM is the peak body for professionals working in the resources sector, representing 15,000 professionals in 110 countries. Our professional community is active across all facets of the sector, working in industry, government and academia, and in disciplines ranging from engineering and geoscience to environmental management, social performance and finance.

As the Trusted Voice in resources, we convene stakeholders and undertake research

to shape policy that advances professionals interests and contributes to sound, evidence-based dialogue regarding the sector and its role in the community. Established in 1893 and operating under Royal Charter, our mission is to ensure mining delivers enduring benefits for our society.

AusIMM has developed this initial submission with technical experts from our Social & Environment Society. Further to the responses we provide overleaf, our strongest message to the Department is that further phases of consultation will be required to consider the merit of specific technical material and other regulatory guidance to be produced under the Act. While, for example, we recognise the potential value of the Mandatory Codes envisaged in the Consultation Paper, we caution that their efficacy will depend on their content; they must strike an appropriate balance between efficiency, clarity, environmental and other key outcomes for all project stakeholders.

AusIMM would also like to invite the Department to participate in the Post-Mining Land Use (PMLU) Policy Forum we are convening with our colleagues at the Co-operative Research Centre for Transition in Mining Economies on Thursday 31 July 2025. We note the salience of proposed PMLU provisions within the Act, including as part of the PRCP transition, alongside the Government's recent consideration of post-mining land commercialisation and a series of current and ongoing reviews across the Federation.

The PMLU Forum will convene industry, government and academic experts to help shape a coherent approach to PMLU policy-making and industry practice in this complex regulatory environment, and we will reach out directly to provide a formal invitation for the Department.

In the interim, I encourage you to reach out to Harry Turner, Senior Manager, Government Relations, at [hturner@ausimm.com](mailto:hturner@ausimm.com) with any questions regarding this submission and to arrange further consultation with our professional community. Our sincere thanks again for the opportunity to contribute.

Regards



**Stephen Durkin** FAusIMM | CEO, AusIMM

## **Key Messages: AusIMM Initial Response to the Realising Efficiencies and Streamline EP Act Operations Consultation**

### **1. Professional Codes and Standards underwrite environmental performance**

#### ***Regarding Proposal 1.1 – Mandatory Codes***

AusIMM tentatively supports Proposal 1.1 to introduce mandatory codes but recommends that all such codes be developed in consultation with technical experts, and with due regard to the broader regulatory and governance framework that already apply in the resources sector. Whether we are ultimately able to support mandatory codes depends on their content.

Specifically, we recommend that mandatory codes developed under the Act take account of the regulatory framework AusIMM and other professional associations maintain for their respective memberships and industries. In practice, the efficacy of all subordinate legislative instruments introduced under the Act will depend on their content and the degree to which they clarify, support or (alternatively) duplicate requirements found in other rules and regulations.

Industry codes and standards form a core part of the overarching governance framework for the resources sector's social and environmental performance. They are the 'backbone' for our industry's credibility as a custodian of significant heritage and environmental values across the diverse communities in which we operate.

As the peak association for professionals in the Australia-Pacific region, AusIMM is custodian of key elements of this framework. This includes our Royal Charter, By-Laws, Code of Ethics, Professional Conduct Regulations, Social Responsibility Statement, JORC and VALMIN codes and a Chartered Professional Program. All have implications for the assessment, management and reporting of environmental impacts and need to be considered as part of any non-legislative framework introduced by the Government.

To focus on one key example, consider that AusIMM and our kindred bodies at the Minerals Council of Australia and Australian Institute of Geoscientists are currently leading a review of the JORC Code. Consultation as part of this review will reach across the minerals sector, financial market operators, investor communities and the broader public. This involves, for example, consideration of more than 8,200 public comments received in 2025, including on the incorporation of various ESG factors into the Code framework.

The outcomes of this review will have implications for the way in which the industry

evaluates PMLU opportunities and moderating factors and, in turn, plans projects within the Queensland EPA's ambit.

The Department must consider the proportionality of environmental requirements, recognising that strong professional self-regulation already contributes significantly to environmental outcomes. We also recommend the Department obtain independent legal advice to ensure proposed changes align with extant legislation and legal principles, including:

- The Mineral Resources Act 1989 (Qld), Aboriginal Cultural Heritage Act 2003 (Qld), Torres Strait Islander Cultural Heritage Act 2003 (Qld), Coal Mining Safety and Health Act 1999 (Qld), and Mining and Quarrying Safety and Health Act 1989 (Qld);
- The Environmental Protection and Biodiversity Conservation Act 1999 (Cth) and Native Title Act (1993) (Cth); and
- Equivalent legislation in other state jurisdictions, particularly where case law has a bearing on the interpretation of Queensland provisions.

We look forward to providing specific comment on the mandatory codes if and as they are developed.

## **2. Recognised technical experts can deliver evidence-based, balanced insights throughout the environmental and heritage policymaking lifecycle.**

### ***Regarding Proposals 1.2 – 1.5***

At this stage, AusIMM do not recommend proceeding with Proposals 1.2, 1.3 and 1.5 on the basis that they may reduce the overall transparency and accountability at the legislative, administrative and project-specific levels, without delivering clearly improving the efficiency or clarity of outcomes for stakeholders.

AusIMM recommend the Department first develop the Mandatory Codes and Best Practice Environmental Management material foreshadowed in Proposals 1.1 and 1.4. The Department should develop this material in consultation with expert professionals and interested members of the public, in advance of introducing any changes to the underlying regulatory framework or replacing the existing Environmental Protection Policies (EPPs) and Matter of State Environmental Significance (MSES) framework.

Existing EPP and MSES provisions are sufficiently well understood by industry, professionals and the public, to allow a phased approach from Government.

We also repeat our core message that 'best practice' is, inherently, site specific and must account a breadth of social, environmental, commercial, and other factors. This

underscores the need to engage expertise across the rulemaking process.

The AusIMM Social and Environment Society comprises leaders and technical experts in fields including environmental management, mine closure, and post-mining land use. Industry and government policymakers routinely seek our members' insights on development of legislation, industry standards, and professional codes, and many sit on statutory authorities both in Queensland and across the Federation. We look forward to continuing to contribute to the development of industry guidance and other material as part of this initiative.

**3. Engaging the sector through its professional community will support regulatory outcomes beyond the legislative process, including where regulatory actions enliven individual liability provisions.**

***Regarding Proposals 2.3 and 2.4***

AusIMM do not recommend proceeding with Proposal 2.3 at this stage. We support the flexible approach to audit scheduled outlined in Proposal 2.4

While we recognise that significant public resources are involved in negotiating site-specific conditions, it is a matter of fundamental prudence that regulators and project proponents deal directly site-specific nature activities covered by the EPA.

A 'one size fits all' approach at the primary legislative level is not necessary to realise efficiencies or streamline the application of the Act, and guarantees neither a swifter outcome for project proponents nor an improvement in environmental and other outcomes for community. The environment is best served by flexible and adaptive frameworks that allow for negotiation and tailored solutions.

A prudent and discerning application of Mandatory Codes and Best Practice Environmental Management material, as envisaged, should be pursued before progressing changes to the underlying legislative regime.

***Regarding Post Mining Land Use***

AusIMM notes proposals in the Consultation Paper regarding Managed Post Mining Land Use for PRCP schedules. AusIMM has previously called for the establishment of an appropriate tenure framework for productive and beneficial post-mining land use and supports this proposal as a move towards this goal.

We see significant value in regularly scheduled third-party audits of post-mining land use and progressive rehabilitation, whether at a three-, four- or five-year interval. Where progressed independently of the Department and project proponent, this would provide enhanced clarity and credibility for all project stakeholders without adding to



administrative burden or drawing on further public resources.

There is a substantial body of reform is taking place at the state and federal levels across Australian government, including efforts led by the Department's colleagues at Natural Resources and Mines, Manufacturing and Rural and Regional Development.

AusIMM recommends the Department ensure any new approach under the Act accounts for these broader shifts in the regulatory landscape. In partnership with the CRC TiME, AusIMM will convene a Post Mining Land Use Policy Forum in Brisbane on Thursday, July 31, 2025, to connect industry, government, and research leaders and define an optimal approach across jurisdictions and at all levels of government.

This will include opportunities to streamline national regulations, improve investment attractiveness for commercial post-mining land use, and identify appropriate operational models to balance environmental, social, and economic factors.

We strongly encourage and will look forward to the Department's participation in this engagement.