

18 December 2025

Our ref: KB:P&E

Committee Secretary
Health, Environment and Innovation Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: [REDACTED]

Dear Committee Secretary

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

Thank you for the opportunity to provide a submission to the inquiry into the Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025 (**Bill**).

The Queensland Law Society (**QLS**) has appreciated the Department of Environment, Tourism, Science and Innovation's (**DETSI**) consultation with stakeholders on these reforms.

This submission focuses on particular aspects of the reforms which we consider will create unintended consequences.

Extension of time to commence a summary proceeding

The Bill amends section 497 of the *Environmental Protection Act 1994* (**EP Act**) and section 267 of the *Waste Reduction and Recycling Act 2011* (**WRR Act**) to increase the time limit to bring summary proceedings for offences from one to two years after the commission of the offence.

We consider this additional time period will cause issues in practice. In our members' experience, it is often quite difficult to prepare a defence even after one year. This is contrary to the suggestion in the explanatory notes:

“Any impact this will have on the rights and liberties of the accused will, however, be mitigated by the accused's knowledge of the matter from the investigation and any non-litigious enforcement actions already undertaken.”

People involved in the matter inevitably leave, forget or do not cooperate. This can be particularly problematic where a defence concerns historical design, maintenance and management decisions which may have eventually contributed to a malfunction, release or incident triggering the offence.

In addition to the difficulties in preparing a defence, parties will face uncertainty for a longer period about if and when a prosecution will be commenced. While the parties may have knowledge about an active investigation, there is still likely to be uncertainty in relation to:

- what steps may be required to gather and preserve important evidence and witness contacts; and
- how to treat or respond to intervening environmental enforcement orders and investigation notices, which often precede a prosecution.

Where these matters are drawn out, there are flow-on impacts on the individuals involved, particularly for matters involving potential personal prosecutions. This includes impact on their health and wellbeing, as well as employability and livelihood.

We recommend the extension of time be reconsidered based on the practical issues it will cause.

In addition, we recommend guidelines be published to establish a clear communication process about a decision not to commence a prosecution, so the burden on affected parties can be lessened.

Establishing environmentally relevant activities (ERA) codes as an alternative to environmental authorities (EA)

The provisions establishing environmentally relevant activities (ERA) codes does not appear to require an operator proposing to undertake activities under the codes to register so they can be properly regulated by DETSI. There is a lack of clarity for the public as to how the operator is regulated in these circumstances.

The existing standard environmental authority (EA) application process is already subject to very limited oversight and assessment by DETSI.

This new process appears to weaken the regulation of activities caught under the EP Act, leading to concerns about accountability and transparency.

At the very least, there should be a requirement for proponents to register they are acting under the code, as occurs, for example, for vegetation clearing under accepted development codes.

Change to consultation requirements for an EIS

The Bill removes the requirement to notify terms of reference for an Environmental Impact Statement (EIS), in effect removing the rights of the public to provide submissions on the issues which must be considered in an impact assessment of a relevant project.

QLS anticipates there may be some public concern with this proposal.

The change would mean an EIS conducted under the EP Act is subject to different consultation requirements to an EIS under other legislation, including the *State Development and Public Works Organisation Act 1971* (Qld).

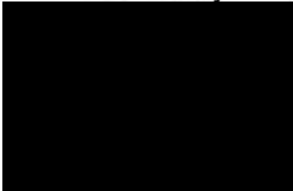
Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Bill 2025

This may lead to further inconsistencies and confusion about the opportunities for public participation in assessment processes.

In these circumstances, QLS calls for this change to be reconsidered.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED]

Yours faithfully

A large black rectangular redaction box covering the signature of Genevieve Dee.

Genevieve Dee
President