

Environmental Protection Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 24

made under the *Environmental Protection Act 1994*

General Outline

Short title

Environmental Protection Amendment Regulation (No. 1) 2016

Authorising law

The *Environmental Protection Amendment Regulation (No. 1) 2016* (the Amendment Regulation) is made under sections 318DA and 580 of the *Environmental Protection Act 1994*.

Policy objectives and the reasons for them

The policy objective of the Amendment Regulation is to amend the *Environmental Protection Regulation 2008* (the Regulation) to remove eligibility criteria from the Regulation and to give effect to the new mining Environmentally Relevant Activity (ERA) standards.

The policy objective is achieved through prescribing the following ERA standards:

- Eligibility criteria and standard conditions for mining lease activities;
- Eligibility criteria and standard conditions for mining claims; and
- Eligibility criteria and standard conditions for exploration and mineral development licences.

Achievement of policy objectives

The *Environmental Protection Act 1994* provides the ability for the administering authority to make minor amendments to existing ERA standards to change a title or department name; or to correct a spelling or grammatical error; or to change terminology that has no effect on the operation of the standard; or to make another change the chief executive is satisfied is not a change of substance.

The Amendment Regulation gives effect to the minor amendments to the current mining ERA standards by correcting legislative inaccuracies, removing redundant legislative requirements and updating departmental names to reflect current administrative arrangements.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the object of the *Environmental Protection Act 1994* which is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There is no alternative approach. These matters are established in legislation and the new ERA standards only take effect when approved by a regulation.

Benefits and costs of implementation

The Amendment Regulation contains amendments that do not increase or decrease the regulatory requirements for low risk mining activities, have no impact on Government and no adverse impacts on the community.

The amendments to the mining ERA standards are minor in nature and correct legislative inaccuracies, remove redundant legislative requirements and address changes in departmental names.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

A minor amendment to the mining ERA standards does not legislatively require consultation. The Department of Environment and Heritage Protection therefore did not undertake any consultation on the Amendment Regulation.

The decision not to undertake consultation was on the basis that the amendments are administrative in nature and will have no increase in requirements for the undertaking of mining activities under an ERA standard.

The Office of Best Practice Regulation has advised that the proposed amendments remain unlikely to benefit from further assessment under the Regulatory Impact Statement system guidelines, and for this reason is excluded.