Queensland Government Submission

Productivity Commission Issues Paper Major Project Development Assessment Processes

The Department of State Development, Infrastructure and Planning leads a coordinated Queensland Government approach to planning, infrastructure and development across the state.

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Introduction

The Queensland Government welcomes the opportunity to make this submission on the Productivity Commission Issues Paper entitled *Major Project Development Assessment Processes*, released 11 February 2013.

The Productivity Commission Issues Paper makes a broad categorisation of major projects and indicates that the review will address projects across a wide range of sectors. While this viewpoint is supported, the Queensland Government also suggests that the Australian Government major project threshold of "an estimated investment in excess of $50 million and make a significant contribution to economic growth, employment and/or infrastructure" is a useful tool for identifying case studies and framing quantitative analysis.

The Productivity Commission review encompasses infrastructure, resource, tourism and commercial building projects as well as special projects such as health facilities, industrial complexes and research centres. This means that the review must address the development assessment processes and impacts on projects in a wide variety of locations including central business districts, other urban areas, coastal and marine environments and remote locations.

The purpose of development assessment and approval processes are to ensure that development delivers a net benefit to the community, that conflicts between land uses are identified, managed and reduced, and that negative project impacts (environmental, social, economic) are mitigated or avoided. This must be done in a fair, efficient and accountable manner.

The Queensland Government is committed to growing a four pillar economy: property and construction, agriculture, resources and tourism. Development assessment and approval processes for major projects have the potential to affect each of these sectors of the Queensland economy. Essential to this is a stable, clear legislative framework with increased support from Government through cutting red tape and improving application and approvals systems. The Queensland Government acknowledges that creation of employment opportunities and economic benefit from major projects is directly improved by streamlining approvals processes and providing transparency and accountability to industry to secure the necessary financial investment decisions without compromising environmental standards.

RESTORING CERTAINTY AND EFFICIENCY TO MAJOR PROJECT DEVELOPMENT ASSESSMENT PROCESSES

Queensland's major project development assessment processes and decision making systems are robust and reliable. The systems are regulated, transparent and capable of coordination of assessment of complex projects. Mechanisms exist and are used to assess on site and off site impacts of projects, to address cumulative impacts on a regional scale and to set and enforce conditions.

The Queensland Government is actively pursuing ways of reducing unnecessary costs to business during the environmental approvals process.

Queensland's Coordinator-General is implementing a 43 Point Fast Tracking Action Plan to achieve an ambitious target of reducing approval path times for environmental impact statements (EIS) for major projects by 50%. A range of measures are being pursued, including, amongst other things:

- Establishing a Proponent Service Delivery Charter to identify key deliverables, assessment methodologies, milestones and contact personnel
- Moving to performance based and outcomes focused requirements to reduce the need for prescriptive conditions
- Encouraging the use of generic Terms of Reference, with additional modules as required
- Establishing standard conditions for common issues and impacts
- Adhering to strict deadlines on timeframes on comments on EIS report, supplementary report

The bilateral agreement on project assessment (assessment bilateral) between the Queensland and Australian Governments works to reduce duplication between the Queensland and Australian Government EIS assessment processes. The assessment bilateral has also recently been amended to provide greater clarity around process and establish up front what information is needed to satisfy both processes. This should provide greater confidence for proponents and the public in the assessment bilateral. Also, an officer from the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) has been 'outposted' within the Queensland Office of the Coordinator-General to improve the information flow during assessments and approvals.

However, the exclusion of the Great Barrier Reef Marine Park from the assessment bilateral constrains Queensland's ability to streamline a larger number of development approvals. Additionally, until the bilateral agreement on project approvals (approvals bilateral) has been concluded, projects affecting matters of national environmental significance (MNES), under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), will continue to require separate decisions at state and national levels. This requirement for dual approvals increases uncertainty for project proponents and for states and territories.

The agreement between Queensland and the Commonwealth to undertake a strategic assessment for the Great Barrier Reef coastal zone may provide another opportunity to remove dual decision-making if the complexity and scale of that process can be constrained and agreement can be reached on a functional framework for integration and delegation.

Finally, Queensland is also working on a number of significant planning reforms which will streamline planning, including initially a single State Planning Policy that articulates the state's interests, as well as the establishment of a single State Assessment and Referral Agency.

Recommendation

The Queensland Government is committed to reducing red tape and regulation by 20 per cent and has introduced a number of measures to achieve this. It is recommended that the Productivity Commission give consideration to the benefits of the steps taken by Queensland and how they may provide an example for other states or the Commonwealth, particularly in terms of standard terms of reference and model conditions.

It is recommended that the Productivity Commission note that the Queensland Government has actively sought opportunities to streamline duplicative State and Commonwealth environmental approvals including by:

- refreshing the existing assessment bilateral to make it one of the most efficient in Australia.
- undertaking a strategic assessment of the Great Barrier Reef coastal zone – the largest strategic assessment in Australia's history.

However, Queensland Government recommends that there is a need for more fundamental changes in approval processes if there is to be any substantial benefits to business. The Queensland Government recommends that the concept of approvals bilaterals be strongly considered as a way of streamlining approvals. Queensland is willing to work with the Commonwealth to make the necessary changes to accredit Queensland's approval processes (or vice versa) which would deliver substantial benefits.

The Queensland Government recommends that if the greater use of strategic assessments is contemplated, serious consideration be given to improving the process, which is currently onerous and restrictive. Few of the strategic assessments undertaken to date have delivered significant classes of action and most have taken years and years and delivered little benefit. In many ways, strategic assessments simply duplicate the existing state and local planning processes.

The Queensland Government suggests that it would be more efficient for the Commonwealth to actively engage in local and state planning to ensure matters of national environmental significance are frontloaded into planning during their development, rather than states trying to repackage this information into a strategic assessment. The Queensland Government regularly does "state interest checks" against local plans to ensure its interests have been considered. The same process could apply to the Commonwealth, provided of course that it leads to streamlined approvals where a development is consistent with a plan that has been checked.

The Queensland Government looks forward to the recommendations from the Productivity Commission which hopefully will include practical solutions that will reduce some of the current inefficiencies and free all levels of government to invest more resources in actually recovering and better managing some of Australia's most threatened species and iconic places.

Reform measures underway and proposed

Legislative Reform

Significant reforms to the legislative and regulatory frameworks governing Queensland's major projects development assessment have been introduced over the past four years with the aim of streamlining resource development project assessment and approvals timeframes, while continuing to ensure adequate environmental assessment and protection. Work on these commitments is now progressing rapidly, in consultation with the key stakeholders.

Project Viability

The *State Development and Public Works Organisation Act 1971* (SDPWO Act) establishes the characteristics of a project that must be considered by the Coordinator-General before declaring a project to be a 'coordinated project'. Legislative amendments were introduced to the SDPWO Act on 21 December 2012, which modify the criteria against which a project can be declared a 'coordinated project' with the intent of reducing the potential for speculative projects to burden the assessment system. All new project applications seeking a 'coordinated project' declaration are now required to submit two additional documents (along with the initial advice statement (IAS) and the application fee). These documents are not made publicly available. The documents are:

- a statement regarding the proponent's financial and technical capability to complete an EIS for the project (s27AB(c) of the SDPWO Act).
- pre-feasibility assessment of the technical and commercial feasibility of the project (s27AB (d) of the SDPWO Act)

Single Assessment and Referral Agency (SARA)

The *Sustainable Planning Act 2009* (SP Act) and regulation establishes a mechanism for the coordinated referral of particular elements of a development application to responsible state agencies. Following industry forums during 2012, another significant reform was introduced to establish the SARA through amendments to the SP Act. This change will provide clarity to local governments and the development and construction industries by simplifying the referral process for applicants and enabling greater coordination of state agency responses.

Resource Sector

Greentape Reduction Reform

The State's Greentape regulatory reform initiative aims to improve legislation governing resource project assessment. The *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* commenced on 31 March 2013.

Greentape Impacts on Mining and Petroleum/Gas Project Environmental Authority (EA)

The *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012* also consolidates EIS legislation, simplifies applications for EA and seeks to reduce the cycle of repeated requests for information from proponents.

Under the Greentape reform, Chapters 4, 5 and 5A of the *Environmental Protection Act 1994* (EP Act) have been consolidated into a single Chapter 5 that will provide for a single application process for all environmentally relevant activities (ERAs), with some limited variations for resource activities.

Also, code and non code-compliant level 1 and level 2 Environmental Authority (EA) applications will no longer exist. Instead applications will need to be made for standard, varied and site-specific assessments respectively.

Site-specific EA applications will require an EIS under the triggers outlined in the 'Triggers Guideline'. If these triggers are not exceeded, the proponent will still need to supply sufficient information to allow the Department of Environment and Heritage Protection (EHP) to decide the application and to set appropriate environmental management conditions in an environmental authority (EA) issued under the EP Act.

The requirement for resource projects to develop an Environmental Management Plan (EM plan) prior to obtaining an EA has been deleted from the EP Act. However, the information in the proponent's EA application must include a more detailed description of the proposal's likely impacts on the environmental values, and the management practices proposed to be implemented to prevent or minimise adverse impacts, including proposed land rehabilitation after the resource extraction activity ceases.

In addition, low environmental risk resource activities that meet eligibility criteria can now automatically receive a standard approval containing standard environmental conditions. Applicants for resource activities that would be eligible for a standard approval, but which seek to vary some conditions can make a variation application. In such cases EPA may only assess matters relating to the variation and all other aspects of the activity will be subject to the standard conditions.

Greentape Impact on EIS for Mining and Petroleum/Gas Projects

Another key element of the Greentape reform for resource projects is that those projects that have been through an EIS assessment process, and for which for the nature and scale of the project proposal have not changed significantly since the EIS was completed, are not required to go through the 'information requirement' stage when applying for an EA Under the EP Act. This reform cuts out a layer of public consultation but places a greater requirement for the EIS stage to provide all the information needed to develop the conditions in the project EA. It follows from this, that the TOR for each EIS is the only opportunity for EHP to seek the information needed to assess the EA application for the project – i.e. the EIS will need to provide the information needed to set the EA conditions.

Operational Reform

Efficiency of Assessment processes

Some delays evident in the EIS process for coordinated projects assessed by the Coordinator-General under the SDPWO Act in the recent past can be related to the complexity of the coordination processes within and between governments (including Commonwealth agencies). To address this issue, the Coordinator-General established a Fast Tracking Taskforce in April 2012, to drive the business improvements required to reduce assessment times of EIS by 50 per cent.

The Taskforce works under the direction of a Steering Committee comprised of the Coordinator-General, and Directors-General of the Department of Environment and Heritage Protection (EHP); Department of Natural Resources and Mines (DNRM); and Department of National Parks, Recreation, Sport and Racing (DNPRSR). The Taskforce has developed a 43 Point Fast Tracking Action Plan, in conjunction with industry, as well as federal, state and local governments.

Some of the action plan measures implemented to reduce assessment times by 50 per cent include:

- monthly project review meetings on all projects
- holding a pre-lodgement meeting with proponents and seeking a decision from the Australian Government on whether the project involves a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (before the proponent lodges an impact assessment statement (IAS))
- releasing the draft TOR for consultation purposes, immediately following project declaration (previously, the TOR was released approximately six weeks after declaration)
- mandating shorter processing times for a number of business activities and reducing the number of internal approvals required
- strengthening project management arrangements with the proponent and the Australian Government, to promote early agreement on key EIS deliverables,

project risks, study methodologies, the project schedule and key personnel. A key initiative is the introduction of tripartite Proponent Service Delivery Charters for projects under active assessment.

The result is that over the past twelve months assessment/approval times for the stages of the EIS process under the SDPWO Act have reduced by between 37 per cent and 96 per cent.

Single Assessment and Referral Agency

The legislative changes described above for SARA will be supported by new processes within DSDIP and referral agencies to ensure consistent, transparent and responsive consideration of development applications.

Resource Sector

Further to the reforms outlined above, since October 2011 work has been underway to seek improvements to the environmental assessment processes for major resource projects in Queensland. Operational reforms recently completed, include:

- revise the Guideline for deciding the level of impact assessment (under the EP Act) for the mining industry and options to streamline the EIS trigger criteria
- ensure that assessment processes under state and Commonwealth environmental legislation occur concurrently.

EP Act EIS trigger criteria

The Queensland Government has recently (December 2012) revised the Guideline for deciding the level of impact assessment for the mining industry by streamlining the trigger criteria for EIS under the EP Act. The document is titled, ‘Guideline on Triggers for EIS under the EP Act: for mining and petroleum/gas activities’ introduced simplified EIS triggers and reduced the likelihood of an EIS being required for proposal to expand existing extractive industry projects.

The previous guideline included a wide range of EIS triggers on such matters as the:

- capacity of the project’s supporting infrastructure; proximity to environmentally sensitive areas
- volume of water involved
- final voids area
- wastes produced
- proximity to urban development
- production of greenhouse gases.

While all these matters are worthy of impact assessment, it was considered that each matter in itself does not warrant triggering an EIS.

By contrast, the new guideline has been simplified to establish broad large-scale, over-arching triggers rather than issue-specific triggers. For instance, preparation of an EIS is now required where a new mining project would involve:

- the excavation of two million tonnes per year or more of run-of-mine (ROM) ore or coal; or
- the excavation of one million tonnes per year or more of ROM ore or coal on or under a floodplain or in a coastal hazard area; or
- the introduction of a novel or unproven resource extraction process, technology or activity.

(ROM ore or coal means the material excavated but prior to washing or chemical concentration. It does not include overburden)

For Brownfield (expansion) developments, the new EIS triggers guideline takes the approach that, where existing mines have undertaken an EIS process, where effective environmental management practices are in place, and where the community is generally familiar with the mine - the extent of mine expansion would have to be relatively significant to warrant the undertaking of an EIS. These new triggers will significantly reduce the number of mine expansions required to undergo the EIS process under the EP Act.

For coal seam gas (CSG) projects the preparation of an EIS is required where the proposed is likely to:

- have a total disturbance area of greater than 2000 hectares at any one time during the life of the proposed project. This includes areas occupied by well pads (single or multi-directional), access tracks and roads, water storages, and process plants; or
- involve the construction of a high pressure pipeline over a distance of 300 km or greater; or
- involve the construction of a liquefied natural gas plant.

Terms of reference for EIS

The EP Act gives the Administering Authority (EHP) extensive powers to decide on the level to which each resource development project should be assessed. These guidelines indicate broadly, which projects are certain to warrant the undertaking of an EIS – but some projects that fall below the trigger levels may still be asked by EHP to undertake an EIS.

In early 2013 the Queensland Premier announced the Government's six-month action plan and in the area of environment and resources and in regard to resource development project assessment he committed the Government to:

- streamline EIS TOR and conditions of an EA based on risk assessments
- develop and publish standardised outcome-focused model conditions for mining approvals
- publicly release performance information relating to environmental assessments and approvals across the state.

The Government is currently working with the resources sector to implement a risk-based assessment process for mining and petroleum projects, by:

- working simplify TOR for EIS under both the EP Act and SDPWO Act;
- develop model EA conditions that are focus on achievement of environmental outcomes.

The new TOR will be succinct, have a modular structure and be designed to ensure the EIS focuses on the most likely significant impacts. The TOR will also be supported by specific guidelines which aim to assist proponents and their consultants in providing information requirements of the TOR. Overall, for each element of the environment the revised TOR will require:

- a description of the relevant environmental values;
- an assessment of the project's likely impacts on these; and
- all proposed safeguards and mitigation measures.

Model EA Conditions for Mining and for Petroleum/Gas

In parallel with its Greentape work, EHP is also working with the mining sector to develop draft EA conditions that would be included in an environmental authority for a mining or petroleum/gas project. If this project is successful, as a minimum, the EIS would need to provide the information needed by the administering authority to set/apply that suite of EA conditions.

Queensland Development Assessment Processes

Key Queensland agencies in relation to the development assessment of major projects include:

- Department of State Development, Infrastructure and Planning (DSDIP) – Planning Group
- DSDIP - Coordinator-General
- EHP
- DNRM
- Department of Agriculture, Fisheries and Forestry (DAFF)
- Department of Transport and Main Roads (TMR)
- Department of Energy and Water Supply.

The Queensland Government has in place mechanisms for integrated and coordinated development assessment through the SP Act (and formerly the *Integrated Planning Act 1997*) and the SDPWO Act. However, the Queensland Government recognises that the current systems of development assessment can be improved and has set in train reforms that complement the four pillar economy. As outlined in the previous section of this response, initiatives are underway to reduce the regulatory burden across all agencies responsible for the assessment of major projects. Detailed below are the primary legislative instruments governing development assessment in Queensland and the of roles key Queensland Government agencies.

Sustainable Planning Act 2009

The SP Act is the core legislation governing development assessment in Queensland. It defines development, classifies what is and what is not development, establishes the Integrated Development Assessment system (IDAS) establishes roles and responsibilities and timeframes in development assessment and specifies a referral process, call-in powers and appeal mechanisms. It also establishes rules for EIS and a process for assessing and designating public purpose projects for CID.

The SP Act is administered by DSDIP. In most instances, local governments are assessment managers for the purposes of assessing development. This may include assessment of major projects, but does not include resources projects. Typically, the size, scale and complexity of major projects that are assessed under the SP Act will be classed as impact assessable development. The SP Act and subordinate regulation also specifies the criteria (planning schemes, referral agencies and other matters) against which such development can be assessed. EIS triggers and

requirements are set out in the SP Act as are the rules for applying conditions to approvals.

State Development and Public Works Organisation Act 1971

The SDPWO Act establishes the Coordinator-General and the powers and processes necessary for the assessment of major projects as 'coordinated projects'. This Act is complementary to the other legislation that regulate development by enabling the Coordinator-General to assess projects in a coordinated process leading to a Coordinator-Generals' report recommending a development decision and specifying the conditions of development.

Proponents of major resource development projects may apply for approval from the Coordinator-General for the project to be a 'coordinated project' requiring an EIS under the provisions of the SDPWO Act. Where this form of EIS process is to be undertaken it obviates the need for the EP Act EIS process, even where the scale and nature of the resource project would have "triggered" an EIS under the EP Act. Projects assessed by the Coordinator-General and issued with an EIS report will require consequential approvals (including an EA) under other Queensland laws.

Coordinator-General

The Coordinator-General's independent and comprehensive assessment of major projects under the SDPWO Act provides certainty for the community, business and investors. These complex projects range from the assessment of:

- the liquefied natural gas projects
- the massive mine and rail projects proposed for the Galilee Basin and Surat Basin
- major tourism projects
- vital urban infrastructure projects.

As at 2 April 2013, 31 'coordinated projects' under active assessment by the office of the Coordinator-General with the potential to attract investment in the region of $74.3 billion. These projects offer the possibility of delivering more than 38,000 direct construction jobs and more than 25,000 direct operational jobs. The declaration of a 'coordinated project' signals the requirement for the project to undergo a rigorous and comprehensive EIS process.

Some of these proposed projects are among the world's most complex industrial projects. Many projects raise potential land access and tenure issues in addition to matters that could potentially impact vegetation, wildlife, World Heritage areas and the community. All of these issues and more are addressed during the Coordinator-General's EIS process.

Activities underway to improve the assessment process of the Coordinator-General include streamlining project assessment timeframes and clearing delivery bottlenecks through a detailed plan for fast tracking assessments. An EIS process improvement plan is also currently underway.

Economic Development Act 2012

The *Economic Development Act 2012* (ED Act) commenced in February 2013 to facilitate economic development, and development for community purposes, in the State.

The ED Act integrated the previous *Industrial Development Act 1963* and the *Urban Land Development Authority Act 2007*. This integration modernises the provisions of the repealed *Industrial Development Act 1963* and improves the engagement of the former *Urban Land Development Act 2007* with local governments. The goal is to expand the scope of the previous Acts beyond development of industrial land or residential projects to enable the Government to unlock and drive opportunities for economic development, together with opportunities to develop land, property and infrastructure for community purposes.

The ED Act offers greater flexibility than the previous Acts and provides scope to plan and develop within declared areas including for a broad range of purposes including economic development. This planning and development function includes consultation on proposed priority development areas, the power to establish local consultative committees and the opportunity for direct delegation of Minister of Economic Development Queensland functions to local government

Environmental Protection Act 1994

The object of the EP Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. The mechanisms through which this Act impacts development assessment of major projects are by integrating environmental values into land use planning and management of natural resources; ensuring all reasonable and practicable measures are taken to protect environmental values from all sources of environmental harm and monitoring the impact of the release of contaminants into the environment.

EHP has responsibility for the administration and regulation of ERAs under the EP Act, including mining activities and petroleum and gas activities. The Act specifies that ERAs must not be carried out by a person without holding, or operating under, an EA issued under the EP Act. Larger resource development projects can be required to undergo assessment by EIS (involving two rounds of public consultation and strict statutory timeframes) prior to applying for an EA. The administrative costs to proponents are $32,167 for submitting draft TOR to EHP and $96,503 for submitting an EIS.

The EIS process under the EP Act has tight statutory timeframes, for each stage of the EIS process administered by EHP. The EIS process under the SDPWO Act is not so constrained by such timeframes. Under the EP Act:

- EHP may not take longer than 10 weeks for its statutory processes in developing a TOR for an EIS;
- the minimum public consultation period on a TOR is 6 weeks;
- the minimum public consultation period on an EIS is 6 weeks;
- EHP may take no longer than 20 weeks for its statutory processes in assessing an EIS and preparing an EIS report.

EIS Triggers (Under The *Environmental Protection Act 1994*)

An EIS is the most rigorous level of assessment for mining and petroleum projects under the EP Act. When deciding on the need for an EIS for a proposed resource development project, or the amendment of an EA for an existing project, the EP Act requires that EHP must consider certain factors in particular the 'standard criteria' as spelt out in the EP Act.

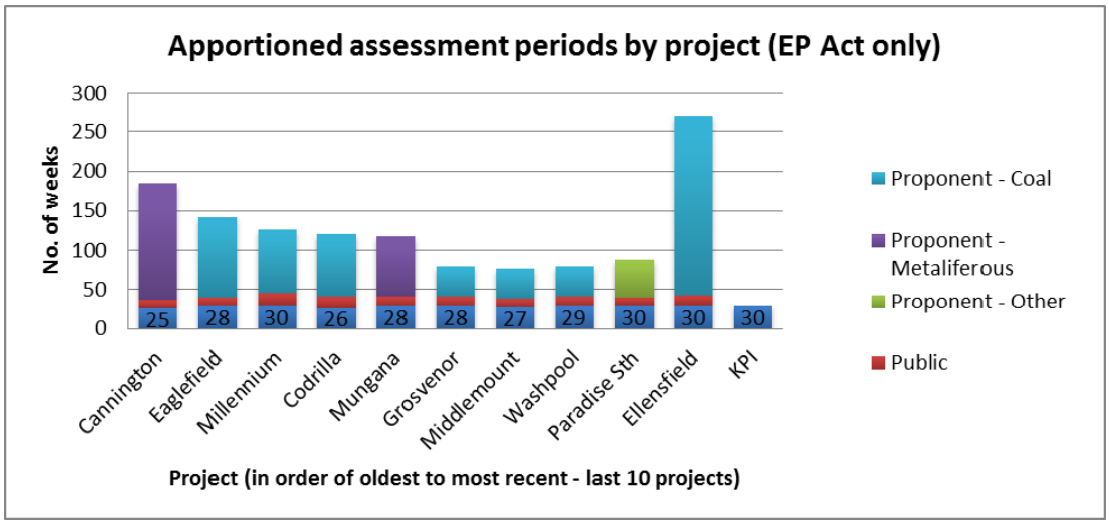
An EIS assessment will not be required for exploration or prospecting activities but could be triggered for large-scale, pre-production, resource development activities, such as the taking of a large bulk coal sample for testing. An EIS is more commonly required for resource development projects seeking approvals and tenures that would allow commercial resource production.

Environment and Heritage Protection

EHP is responsible for managing the health of the environment to protect Queensland's unique ecosystems, including its landscapes and waterways, as well as its native plants and animals and biodiversity. The department is a strong environmental regulator which supports sustainable long-term economic development of Queensland by administering a range of environmental regulations and laws, providing timely approval authorities and ensuring compliance with them.

Resource Projects Assessed Under The *Environment Protection Act 1994*.

Table 1 shows the most recent EIS reports issued under the EP Act (since December 2011). The table shows that EHP has met its statutory timeframes, totally 30 weeks (as described in Section 2.0 above), on all occasions. In each case, any perceived delays were due to project proponents changing project proposals, or seeking extensions of time to complete EIS investigation work or documentation.



EHP is currently administering 34 EIS processes under the EP Act for coal mines, metalliferous mines and petroleum/gas. If each of the projects goes ahead, they would involve Capital Expenditure of up to $18 billion and contribute some 15,500 new resource sector jobs in the construction and operational phases of project development. In the first half of 2013, EHP expects to issue seven EIS reports, giving the go-ahead to major resource development projects involving potential capital expenditure of up to $2.6 billion.

Resources Legislation

Legislation governing permits for major resource projects include:

- Mineral Resources Act 1989
- Petroleum and Gas (Production and Safety) Act 2004
- Petroleum Act 1923 (s142)
- Greenhouse Gas Storage Act 2009 (s427)
- Geothermal Energy Act 2010 (s383).

Department of Natural Resources and Mines

DNRM is supporting the Queensland Government reform agenda through key legislative, administrative, systems and operational reforms aimed at:

- improving the speed and predictability of approvals;
- promoting project specific regulation as opposed to an all in-compassing template; and
- increasing regulatory certainty.

An ongoing program of work designed to accelerate the rate of reform and reduce the regulatory burden is articulated within the Government's rolling program of six month action plans to address specific identified issues and at a more strategic industry wide level is being developed in consultation with industry.

DNRM is also working with DSDIP on the implementation of other key reforms including - the streamlining of state agency referral processes in the DA system through the establishment of a SARA and the development of the Coordinator-General's 43-point action plan.

Efficient and effective regulation can also be achieved through the use of co-regulatory arrangements. DNRM, and other state agencies, have used this approach to streamline processes and reduce the complexity of approvals required under the *Water Act 2000*, *Nature Conservation Act 1992* and the *Vegetation Management Act 1999*. Additional work is being done on adopting a risk management approach to the thresholds for assessment for a range of jurisdictional interests which will ultimately reduce the complexity of some applications. By better managing risk, additional resources can be shifted from low risk-low impact applications to more complex high risk-high impact applications such as those that typically are major development applications.

Transport Planning and Coordination Act 1994 and other Acts

The *Transport Planning and Coordination Act 1994* seeks to encourage increased integration between land use and transport and is the core legislation supporting the

role of DTMR in the major project development assessment process. Also significant is the *Transport Infrastructure Act 1994* that encourages effective integrated planning and efficient management of the transport infrastructure system.

Department of Transport and Main Roads

DTMR prepares policy to articulate the state government's position on planning and development related issues affecting the transport system. The primary objective of such policy is to ensure that existing transport infrastructure is able to operate safely and efficiently and to ensure that transport infrastructure can be provided to meet the future needs of the Queensland community.

Matters required to be assessed by DTMR are assessed through an environmental as part of the IDAS and include development impacts on public transport, rail, airports and state controlled roads.

DTMR is engaged in the development assessment and approval process. The approval process is facilitated by an assessment manager or by the Coordinator-General. As part of the process, where development impacts on state transport interests, applications must be forwarded (referred) to TMR for assessment.

Interaction with Commonwealth Major Project Development Assessment

The *Environment Protection and Biodiversity Conservation Act 1999*

The Queensland and Commonwealth governments have established an assessment bilateral which aims to minimise duplication of environmental assessment processes, strengthen intergovernmental cooperation and promote a partnership approach to environmental protection and biodiversity conservation. The agreement is made under section 45 of the EPBC Act.

The agreement provides for the accreditation of the Queensland environmental assessment processes to ensure an integrated and coordinated approach for actions requiring approval from both the Commonwealth Environment Minister, under the EPBC Act, and the State of Queensland. The agreement enables the Commonwealth to rely primarily on the Queensland EIS assessment processes to assess impacts on 'Matters of National Environmental Significance (MNES). After assessment through the Queensland EIS process the proposed action still requires approval by the Commonwealth Minister, under the EPBC Act.

In effect, the assessment bilateral allows the Commonwealth Minister to delegate to Queensland the responsibility for conducting environmental assessments under the EPBC Act and, in certain circumstances, the responsibility for granting environmental approvals under the EPBC Act. This avoids unnecessary duplication in assessment between Queensland and Commonwealth governments. The assessment bilateral also deals with other matters promoting efficiency, such as cooperation on monitoring and enforcement.

On 14 June 2012 the Queensland Minister for Environment and Heritage Protection together with the Queensland Deputy Premier and Minister for State Development, Infrastructure and Planning signed an updated approvals bilateral with the Commonwealth Minister for the Department of Sustainability, Environment, Water, Population and Communities, which clarified administrative processes for EIS conducted under the approvals bilateral. The parties also signed-off new streamlined Administrative Procedures underpinning the environmental EIS assessment bilateral.

The Independent Expert Scientific Committee

The Queensland Government is a signatory to the Council of Australian Governments to the National Partnership Agreement (NPA) on Coal Seam Gas and Large Coal Mining Development. The NPA requires that CSG or large coal mining development proposals undergoing environmental impact assessment that are likely to have a significant impact on water resources are to be referred to the Independent Expert Scientific Committee (IESC) for advice.

Queensland has committed to amending the TOR for EIS to require that all relevant EIS contain a section that packages surface and groundwater information in a format suitable for direct referral to the IESC. The definition of 'significant impact' is contained in the assessment bilateral and is also copied into the guidelines supporting the TOR. It will be important that this information request is met as comprehensively as possible in order that the advice of the IESC can be accessed within strict statutory EIS assessment timeframes under the EP Act.

Strategic Assessment

The Hawke Review recommended that the Commonwealth work with the States and Territories as appropriate to improve the efficiency of the Environmental Impact Assessment (EIA) regime under the EPBC Act, including, through:

- greater use of strategic assessments;
- accreditation of State and Territory processes where they meet appropriate standards.

Part 10 of the EPBC Act provides the process for strategic assessments to endorse State plans, policies or programs. Then further the Minister may approve actions or classes of action under the endorsed program. Decisions made under the endorsed system would apply in place of a decision that would otherwise be made under the Act. The aim of strategic assessments is to reduce duplication of systems and provide more certainty for proponents without reducing protection for matters of national environmental significance.

The Queensland and Australian Governments are working together to undertake a comprehensive strategic assessment for the Great Barrier Reef World Heritage Area

(GBRWHA). The strategic assessment has been accelerated in response to the concerns raised by the UNESCO World Heritage Committee.

The Queensland Government is leading the strategic assessment of the Great Barrier Reef Coastal Zone (GBRCZ). The Great Barrier Reef Marine Park Authority is leading strategic assessment of the Great Barrier Reef Marine zone. The GBRCZ strategic assessment will help identify, plan for and manage existing and emerging risks so that the unique environmental values of the Great Barrier Reef are protected and managed.

To be endorsed, the Queensland Government must demonstrate that the Queensland Program adequately addresses the impacts as described in the strategic assessment - coastal zone terms of reference. The Australian Minister in determining whether to endorse the Program will have regard to the extent to which the Program meets the objects of the EPBC Act.

Queensland's focus is on both ensuring future planning and development decisions meet EPBC requirements, and acknowledging Queensland's commitment to addressing the long-term factors impacting on the reef. This approach is consistent with the ToR and the definition of 'Program' included in the Strategic Assessment Agreement. The strategic assessment has the potential to streamline decision-making for development within and adjacent to the Great Barrier Reef World Heritage Area by removing the need for Commonwealth approvals of individual projects.

Queensland would receive the most benefit from the streamlining of approval processes for major projects that provide large scale economic benefit to the State and approval processes for planning activities (including associated land use plans) for the declaration of, and the approval of development within urban footprints or planned areas (eg State development areas).

In undertaking the assessment, the Queensland Government has been challenged by the practicalities and complexity of undertaking an assessment at the planning and development framework at a scale as broad as the GBR (i.e. development processes along 2300km of the Queensland coast).

It is questioned if the strategic assessment process under the EPBC Act is able to address endorsement for

- a Program at the systems level ie complex regulatory and non-regulatory planning and development frameworks
- a large geographic areas.

The strategic assessment process is onerous and at the discretion of the Australian Minister, who has no limit on the matters that may be considered in making a decision to endorse a Program. Endorsement by itself does not provide any regulatory benefit. Regulatory streamlining benefits are only achieved if actions or

class of actions are approved. There are no guidelines around this approval process.

Additionally any Program endorsement is restrictive. Changes to the Program are an inevitable requirement of good governance and adaptive management processes over the life of the program (i.e. 25 years). However, any changes will result in the Program ceasing to be endorsed or requiring further approval to remain endorsed. This is confusing given that the ToR and the draft Queensland Strategic Assessment Reports must address adaptive management processes for the life of the proposed program. There are no guidelines for post endorsement amendments.

The Benchmarking Process

Any benchmarking must be based on comparing similar systems and policy drivers as those in Queensland. If not, it could be difficult to derive sensible conclusions with regards to Queensland's interests. It should be ensured that any quantitative benchmarking (other than financial and economic analysis) will not further complicate and delay the process. Quantitative methods always need voluminous data collection and analysis. Data for analysis (other than financial and economic analysis) is not readily available in most cases.

The criteria listed in the Issues Paper address an ideal regulatory process rather than one which is time efficient and does not impose excessive costs on project proponents. A number of the criteria seem to overlap, for instance "clear and predictable process", "open and transparent process" , "opportunities for public participation and review", "clarity in roles and responsibilities".

The inclusion of '*cost effectiveness'* and *'appropriate skills and resourced institutions'* is questionable as evaluation criteria as both subjective and open to interpretation. To improve the relevance of the review to the task of benchmarking DAA processes the criteria could include:

- early identification and resolution of issues or impediments to project progression
- designation of a lead agency to facilitate all aspects of the project to fruition
- certainty of assessment time-frames.

The criteria need to be equally weighted to provide a consistent across the board assessment process that is not biased by individual stakeholder positions (e.g. economic vs environmental benefits). Further, the individuality of each project would influence the perception of the effectiveness of the assessment and would not lead itself to a generic measure.

Given the diverse nature of major infrastructure projects, suggest that a 'one-size' fits all approach to weighting of criteria may not provide a useful basis for comparison. If a weighting type approach is to be used, it may be of more benefit to do this for separate industry groups rather than a one-size fits all approach. For example, consistency of legislation is of limited importance for assessment of road projects, but is likely of much greater significance to a mining project due to the potential conflicts between land acquisition, sustainable planning acts, environmental acts, and acts in relation to mineral development rights. A variation in weighting of criteria between sectors becomes more relevant.

It is suggested that benchmarking against countries with similar economies, legal/regulatory framework and similar industries will provide the most relevant benchmarks. It may be useful to desegregate countries with similar economies and legal frameworks from those with similar industries. For example, in assessing major

project impacts to agriculture, the use of peer countries as benchmarks should be predicated on those countries having similar interests, agricultural systems and policy and planning drivers as those specific to Queensland. Matters influencing the choice of 'peer' countries should include:

- DAA process used;
- legislation applied;
- political regime;
- type of economic activity;
- environment (e.g. land ownership, topography);
- infrastructure ownership (e.g. level of public and private ownership);
- whether state and/or territory boundaries exist;
- the extent to which the government provides public goods and services; and
- social licence, environmental compliance, governance and probity concerns.

It is also considered appropriate in determining best practice that the choice of peer countries will vary across economic activities. It is also important to consider the difference between assessment processes for stand alone major projects (e.g. a mine) and the processes for fully integrated projects (e.g. a mine plus workers accommodation, railroad, airport, power transmission to mine site, etc).

The use of case studies in benchmarking is supported and the Queensland Government would be pleased to assist in developing case studies. The following major resources projects (both large and small) are suggested as possible case studies for the review. Analysis of the projects may provide valuable insights in the resource projects development assessment processes:

- Alpha Coal project ($6.4 billion)
- Coral Creek expansion at the QCoal Sonoma Mine
- Northern Energy Colton Coal project
- QCoal's Jax Mineral Development Licence bulk sample and Mining Lease approval.

For non-mining sectors, recent major projects in Queensland for consideration as case studies include:

- Great Keppel Island Tourism Resort ($592 million)
- Ella bay Integrated Resort ($1.4 billion)
- Northern Busway - Windsor to Kedron ($444 million)

- Bruce Highway Upgrade (Cooroy to Curra) ($513 million)
- Hinze Dam (Stage 3) ($395 million)
- Northern Pipeline Interconnector (Stage 2) ($450 million)
- Gold Coast University Hospital ($1.76 billion)
- Gateway Upgrade Project ($21.2 billion)
- Awoonga Dam ($106 billion).

Key Responses to Questions

The Commission's proposed approach to benchmarking

Question: Is a mainly qualitative approach to benchmarking appropriate for this study?

It is considered important that the qualitative measures are balanced with quantitative measures which accurately highlight when a process is working and when it is not working. Also, particularly given that available quantitative data will be included where appropriate. Qualitative approaches needs to be complemented with quantitative approaches wherever data is readily available and as long as the process involves simplified models.

Any benchmarking must be based on comparing similar systems and policy drivers as those in Queensland. If not, it could be difficult to derive sensible conclusions with regards to Queensland's interests.

Question: Are there specific aspects of DAA processes that can be benchmarked in a quantitative way? If so, what data should be used?

Are there specific aspects of DAA processes that can be benchmarked in a quantitative way?
It should be ensured that any quantitative benchmarking (other than financial and economic analysis) will not further complicate and delay the process. Quantitative methods always need voluminous data collection and analysis. Data for analysis (other than financial and economic analysis) is not readily available in most cases.

Proposed criteria for evaluation

Question: Are these appropriate assessment criteria for benchmarking major project DAA processes in Australia and international jurisdictions? Are additional criteria relevant?

Are these appropriate assessment criteria for benchmarking major project DAA processes in Australia and international jurisdictions?
The criteria on timeliness and cost effectiveness need to focus on the task of benchmarking DAA processes. The criteria listed in the issues paper are too general and appear to be more about an ideal regulatory process rather than one which is time efficient and does not impose excessive costs on project proponents. A number of the criteria seem to overlap, for instance "clear and predictable process", "open and transparent process" , "opportunities for public participation and review", "clarity in roles and responsibilities". The inclusion of '*cost effectiveness'* and *'appropriate skills and resourced institutions'* is questionable as evaluation criteria as both subjective and open to interpretation. The criteria should include aspects such as:

- early identification and resolution of issues or impediments to project progression
- designation of a lead agency to facilitate all aspects of the project to fruition
- certainty of assessment time-frames.

Question: Should these assessment criteria be weighted in evaluating the efficiency and effectiveness of assessment and approvals processes in different jurisdictions? If so, how should trade-offs between assessment criteria be managed?

Should these assessment criteria be weighted in evaluating the efficiency and effectiveness of assessment and approvals processes in different jurisdictions?
No.

The criteria need to be equally weighted to provide a consistent across the board assessment process that is not biased by individual stakeholder positions (e.g. economic vs environmental benefits). Further, the individuality of each project would influence the perception of the effectiveness of the assessment and would not lead itself to a generic measure.

Given the diverse nature of major infrastructure projects, suggest that a 'one-size' fits all approach (i.e. weighting of criteria) it may not provide a useful basis for comparison. If a weighting type approach is to be used, it may be of more benefit to do this for separate industry groups rather than a one-size fits all approach i.e. whereas consistency of legislation is somewhat important for a road project, it is likely to be of much greater significance to a mining project (due to the potential conflicts between land acquisition, sustainable planning acts, environmental acts, acts in relation to mineral development rights, etc.) and should likely be given more relevant weighting (than would be given to a road project).

Which international jurisdictions should be considered?

Question: How should the choice of 'peer' countries for benchmarking be determined? How important is it to focus on countries with similar community preferences, levels of economic development and legal and government systems? Are other criteria, such as those countries that compete with Australia, relevant?

How should the choice of 'peer' countries for benchmarking be determined?
It is suggested that benchmarking against countries with similar economies, legal/regulatory framework and similar industries will provide the most relevant benchmarks. It may be useful to desegregate countries with similar economies and legal frameworks from those with similar industries. For example, in assessing major project impacts to agriculture, the use of peer countries as benchmarks should be predicated on those countries having similar interests, agricultural systems and policy and planning drivers as those specific to Queensland.

The choice of 'peer' countries should include:

- DAA process used;
- legislation applied;
- political regime;
- type of economic activity;
- environment (e.g. land ownership, topography);
- infrastructure ownership (e.g. level of public and private ownership);
- whether state and/or territory boundaries exist; and
- the extent to which the government provides public goods and services
- social licence, environmental compliance, governance and probity concerns.

How important is it to focus on countries with similar community preferences, levels of economic development and legal and government systems?
In addition to the above criteria, peer selection needs to take into account the presence of trade block/Free Trade Area membership and how that impacts on that country's regulation and assessment processes with other member countries. In addition, the period since the introduction of similar regulation/policy changes has been in place in the peer country (e.g. has there been sufficient time to determine if the changes have been effective and are the type of outcomes we are seeking to replicate) needs to be assessed as to whether that country is an appropriate peer.

Project proponents are sometimes prone to offering up specific examples of accelerated approval processes in developing countries as project approval benchmarks (e.g. Mongolia or

Mozambique are recent examples for coal projects), but do not present the full picture in terms of risk profile for that project (as Rio Tinto has recently revealed by taking a massive write down on its Mozambique coal projects). While the analysis should recognise that Australia competes with a range of countries for project development investment, single factors (such as the project approval processes) must be considered in context.

Question: Should the choice of 'peer' countries vary across economic activities? For example, are the most relevant jurisdictions for benchmarking DAA processes for major mining projects different to those for major infrastructure projects?

Should the choice of 'peer' countries vary across economic activities?
Yes, to ensure an appropriate comparison of assessment processes occur it will be essential to vary peer countries to match like-for-like project assessment. In benchmarking the DAA for jurisdictions which compete with Australia in the field of mining and petroleum projects, it is also relevant to benchmark against the fully integrated project, including the associated infrastructure projects, such as pipelines, which allow these projects to happen.

For example, are the most relevant jurisdictions for benchmarking DAA processes for major mining projects different to those for major infrastructure projects?
Yes, it may also be beneficial to benchmark major infrastructure projects associated with for example rail lines associated with mining projects against similar rail projects which are not mining related. This will assess whether greater efficiencies can be achieved for the integrated or separate processes for the infrastructure.

Question: Which countries (or sub-national jurisdictions) do you see as particularly successful at designing and administering efficient DAA processes for major projects? What aspects of their arrangements are especially attractive? Do you have direct experience with, or can you provide evidence on, DAA processes in other countries that work well?

Which countries (or sub-national jurisdictions) do you see as particularly successful at designing and administering efficient DAA processes for major projects?
Countries that have efficient DAA process include:

- Germany;
- United States of America; and
- France.

What aspects of their arrangements are especially attractive?
The efficiency and transparency of their arrangements is attractive to project proponents. In addition, these authorities also closely monitor the development conditions during the project construction, operation, maintenance and decommissioning phases.

Do you have direct experience with, or can you provide evidence on, DAA processes in other countries that work well?
Anecdotal information suggests that countries such as United States, Canada, China, and Indonesia have been successful in designing and administering efficient DAA processes and responding to market changes.

Information sources

Question: Is there other information or data that the Commission could draw on in undertaking this study?

Recent Queensland assessment and regulatory initiatives pertaining to project assessment should be considered. Information at jurisdiction level at a general and specific project level is largely available that could provide information on how major projects, both Greenfield and brownfield have proceeded, and the issues that have unnecessarily delayed project approvals.

Question: Which case studies examined as part of the other reviews provide useful insights? What sorts of new case studies should the Commission undertake?

Which case studies examined as part of the other reviews provide useful insights?
Examine submissions provided to the Productivity Commission issues paper on non-financial barriers to mining exploration approvals, the national harmonisation framework for CSG regulation and the benchmarking study into planning, zoning and development assessments.

What sorts of new case studies should the Commission undertake?
The major resources projects (both large and small) are suggested as possible case studies for the review. Analysis of the projects may provide valuable insights in the resource projects development assessment processes:

- BMA's Caval Ridge Mine in the Bowen Basin
- GVK Hancock's Alpha project
- Xstrata's Wandoan project
- Coral Creek expansion at the QCoal Sonoma Mine
- Northern Energy Colton Coal project
- QCoal's Jax Mineral Development Licence bulk sample and Mining Lease approval

For non-mining, recent major projects in Queensland for consideration as case studies include:

- Great Keppel Island Tourism Resort ($600 million)
- Airport Link ($4.8 billion)
- Northern Busway - Windsor to Kedron ($444 million)
- Bruce Highway Upgrade (Cooroy to Curra) ($513 million)
- Hinze Dam (Stage 3) ($395 million)
- Northern Pipeline Interconnector (Stage 2) ($450 million)
- Gold Coast University Hospital ($1.76 billion)
- Gateway Upgrade Project ($21.2 billion)
- Awoonga Dam ($106 billion)

Key features of major project DAA processes

Question: How do 'call in' powers for government Ministers operate in practice? In what circumstances to these powers apply? How does this differ across jurisdictions?

How do 'call in' powers for government Ministers operate in practice?

Under the SP Act in Queensland the Minister can call in an application only if the development involves a State interest. State interest means (a) an interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development or (b) an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.

There are no ministerial "call in" powers to the State as such for mining and petroleum projects as these are effectively approved by the Minister responsible for the relevant Acts.

When the Coordinator-General declares a major project to be a coordinated project, the Coordinator-General must consider the EIS prepared for the project and prepare a report. The Coordinator-General's report is not an approval and submitted by the Coordinator-General to the assessment manager for consideration. The assessment managers ultimately decide whether development approvals are granted for the proposed project. These assessment managers:

- must attach the Coordinator-General's conditions to any development approval that is granted
- are not limited in their ability to refuse a project even if the Coordinator-General's report on the EIS has recommended that the project be approved
- can impose additional conditions on the development approval, provided they are not inconsistent with the conditions stated in the Coordinator-General's report on the EIS.

How does this differ across jurisdictions?

The Commonwealth Minister has the power to assess and approve a project's anticipated impacts on MNES and has the power to override a State approval.

Question: How do preliminary assessment (or 'sifting") mechanisms operate in practice? How is responsibility for these assessments assigned? Does this vary between jurisdictions and between levels of government?

How do preliminary assessment (or 'sifting") mechanisms operate in practice?

The SDPWO Act establishes the characteristics of a project that must be considered by the Coordinator-General before declaring a project to be a coordinated project. Also legislative amendments were introduced to the SDPWO Act on 21 December 2012, which modify the criteria against which a project can be declared a 'coordinated project' with the intent of reducing the potential for speculative projects to burden the assessment system. All new project applications seeking a 'coordinated project' declaration are now required to submit two additional documents (along with the IAS and the application fee). These documents are not made publicly available. The documents are:

1. A statement regarding the proponent's financial and technical capability to complete the EIS process.
2. Pre-feasibility assessment assessing the technical and commercial feasibility of the project (s27AB (d) of the SDPWO Act).

The SP Act identifies which development the Act applies to and the responsible entity for assessing the development (assessment manager and referral agencies). In relation to DAA processes for electricity infrastructure the DAA process under the SP Act can either be via IDAS or the Ministerial CID process. However to be eligible for CID consideration, the applicant's project must qualify as community infrastructure.

In Queensland, mining and petroleum projects are assessed as either coordinated projects to be assessed through the SDPWO Act or as projects requiring an EIS under the EP Act or not requiring an EIS. In general, larger or complex projects that need more coordination are generally declared "Co-ordinated projects" and those that are generally smaller and less complex are assessed under the EP Act.

What are the impacts of the current arrangements?

Delays

Question: How has the timeframe involved in major project DAA processes in Australian jurisdictions changed over time? How does it compare with the international experience? Has it led to better regulatory outcomes?

How has the timeframe involved in major project DAA processes in Australian jurisdictions changed over time?

Integration and coordination in significant project and development assessment in Queensland initially lead to greater complexity and longer timeframes in part because of the (poor) quality of the documentation submitted for assessment, and the proponents' lack of commitment or understanding in providing relevant, accurate and timely information during the process.

The Coordinator-General has implemented initiatives to fast-track and streamline environmental assessment processes, including the development of a 43 Point Fast Tracking Action Plan. In the first six months of office, the Coordinator-General has made significant efficiency gains in reduction to project approval processes and reducing red tape and regulation, as part of its commitment to grow a four pillar economy, nearly halving the time taken for assessment decisions.

The Queensland Government has recently implemented several legislative and regulatory changes aimed at streamlining its assessment processes including - Red and Green Tape Reduction bills, Mines Streamlining Bill, new CSG water policy and standardised EIS assessment milestone dates and deliverable obligations. All of these initiatives have seen or will result in reduced assessment timeframes.

Question: Are major project DAA processes subject to unnecessary delays? If so, what factors or regulatory processes are contributing to the unnecessary delays? What costs do unnecessary delays impose?

Are major project DAA processes subject to unnecessary delays?

In the past, some unnecessary delays related to complexity of assessments and coordination processes within government (including Commonwealth agencies) were evident in the EIS process. To address this issue, the Queensland Coordinator-General established a Fast Tracking Taskforce in April 2012, to drive the business improvements required to reduce assessment times of EIS by 50 per cent.

The taskforce works under the direction of a steering committee comprised of the Coordinator-General, and Directors-General of the Departments of EHP; NRM; and National Parks, Recreation,

Sport and Racing. The Taskforce has developed a 43 Point Fast Tracking Action Plan, in conjunction with industry, as well as federal, state and local governments.

Some of the Taskforce measures implemented to reduce assessment times by 50 per cent include:

- Monthly project review meetings on all projects
- Holding a pre-lodgement meeting with proponents and seeking a decision from the Australian Government on whether the project involves a 'controlled action' under the EPBC Act (before the proponent lodges an IAS)
- Releasing the draft TOR for consultation purposes, immediately following project declaration (previously, the TOR was released approximately six weeks after declaration)
- Mandating shorter processing times for a number of business activities and reducing the number of internal approvals required
- Strengthening project management arrangements with the proponent and the Australian Government, to promote early agreement on key EIS deliverables, project risks, study methodologies, the project schedule and key personnel. A key initiative is the introduction of tripartite Proponent Service Delivery Charters for projects under active assessment.

The result is that over the last twelve months assessment/approval times for the stages of the EIS process have reduced by between 37 per cent and 96 per cent.

If so, what factors or regulatory processes are contributing to the unnecessary delays?
Projects are subject to unnecessary delays principally as a result of agencies deeming proponent's application to be insufficiently completed or lacking significant aspects necessary to enable an assessment of the project impacts to be conducted.

It is apparent that the skill of the proponent in navigating the assessment process and the way the process is handled by the relevant assessment agencies can have a dramatic impact on the timeframe, cost and outcomes. This results in a degree of randomness (and therefore risk) especially for foreign based investors with less experience of the 'system'.

What costs do unnecessary delays impose?
The cost impact of delays in the process can be that the proponent experiences increased holding costs, development costs or even project termination. The impact of delayed regulatory approval processes can have a very real negative impact on future proponents' willingness to put funds at risk by investment in the next potential project application.

The significance of costs due to regulation must be considered relative to total project costs and returns, costs of finance and the mitigation of costs to the community that may arise from a major project.

Question: Does the timeliness of DAA processes for public and private sector initiated projects differ?

No, it is unlikely there is strong correlation between DAA timeliness and the sector of initiation. Differences in the timeliness of DA processes may possibly be attributed to a specific proponent (either private or public) having a good understanding of the relevant EIS process and willingness/ability to provide adequate information in the EIS and related material as part of the DA process.

Question: Is the time that it takes to complete a DAA process predictable? If not, what are the impacts of, and factors contributing to, a lack of predictability? Are there ways to shorten the duration and improve the predictability of DAA processes while still meeting regulatory objectives?

Is the time that it takes to complete a DAA process predictable?
The Coordinator-General driven assessment process has agreed milestones and obligations on both parties. Subject to properly-made applications and information requests, the assessment processes are reasonably predictable.

Referral agencies are given set timeframes under specific legislation to undertake assessments and provide comments and/or conditioning approvals.

If not, what are the impacts of, and factors contributing to, a lack of predictability?

The biggest variable is how long proponents or developers take to prepare and submit their EIS/applications, responses to information requests and the like. Queensland legislation specifies maximum time periods for applicant controlled parts of the process, but they are generally extendable on request.

The time for considering a DAA is highly dependent upon the quality of the information provided in the application. In general, DAA applications that do not have sufficient detail and supporting information take longer to complete as this information needs to be provided by the project proponent. It is highly advisable that the applicant engages with all stakeholders prior to lodging their application and includes sufficient detail in their application.

Even with the best of intentions and skilled and experienced professionals on both sides of this process, externalities from the community or political spectrum (the former tends to lead to the latter) can impose significant delays and costs. Often this is the result of special interest groups applying media and political pressure on a particular part/impact of a project (which may even be presented out of context) and this leads to the need for agencies or elected representatives 'to be seen to be doing something'.

Compliance Costs

Question: Do major project DAA processes impose unnecessary compliance costs? How significant are these costs? Can you provide evidence of this? Have compliance costs been increasing or decreasing in recent years? How do compliance costs associated with DAA processes compare with the international experience and across jurisdictions in Australia?

Compliance costs may have risen in line with increasing complexity of projects as well as increasing community understanding of the potential impacts of these projects – for example through monitoring of base line systems.

The challenge is to distinguish between compliance costs that direct (or cumulative) negative impacts of major projects and compliance costs that are sought to replace government expenditures or intended to deliver benefits unrelated to the project impacts or activities.

The Queensland Government has sought to address the reasonable expectations of communities in resource regions for flow on benefits of major projects through the establishment of the Royalties for the Regions program that enables communities to apply directly for infrastructure funding from resource sector royalties. The goal of this program is to improve the

liveability of resource communities over and above work or investment undertake to mitigate project impacts.

Question: Are particular processes or areas of regulation especially costly? For example, compliance costs associated with offset provisions, or post-approval conditions? How can unnecessary costs be eliminated or reduced while still meeting regulatory objectives?

Are particular processes or areas of regulation especially costly?
Costs associated with offset provisions are perceived as additional costs. However, in relation to offsets (for example vegetation management) the requirements are clearly set out in legislation and are intended to compensate the community for the loss of the resource due to the development of the project. Additionally, there is a move towards outcome focussed conditions for major projects that enable proponents to use the most efficient approaches to deliver the specified impact management outcomes.

Possible causes of unnecessary costs

Unclear and inconsistent regulatory objectives

Question: Are the regulatory objectives of major project DAA processes at all levels of government clearly defined? Are there specific examples of inconsistent or contradictory regulatory objectives within or across jurisdictions? How have regulators sought to balance competing policy objectives?

Are the regulatory objectives of major project DAA processes at all levels of government clearly defined?
Yes

How have regulators sought to balance competing policy objectives?
The Queensland Coordinator-General's 43 Point Fast Tracking Action Plan clearly states the two overriding principles that govern the entire process are:

a. Highest quality infrastructure – all infrastructure should be best practice but also fitness for purpose facilities throughout the project life-cycle that both meet the project's need and minimise impacts.
b. Highest quality environmental standards – all project impacts must be avoided, mitigated, managed or offset. Best practice methods must be adopted for managing impacts and implementing ecologically sustainable development.

Any inconsistency in regulation is being assessed for resolution as part of the regulatory review processes underway in Queensland.

Unclear governance and institutional arrangements

Question: Are the roles and responsibilities of agencies involved in assessing and approving major projects clear? Is there overlap in the functions agencies perform?

Are the roles and responsibilities of agencies involved in assessing and approving major projects clear?
Under the SDPWO Act and EP Act lead assessment process, each agency's and concurrence agency's responsibilities are well understood. Roles and responsibilities are also clearly defined and specified within Chapter 5 of the SP Act.

The continued development of integrated, streamlined legislation will allow for the multiple roles and responsibilities of State government (including as development manager, environmental

manager and landholder) to be recognised and addressed more clearly when assessing major projects. For example, the NRM proposed development of a single integrated Queensland Resources Act to replace current legislation (including the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *Mineral Resources Act 1989* etc) will provides an opportunity to improve consistency within resource legislation.

Is there overlap in the functions agencies perform?
There is a significant overlap — in terms of legislation and responsibilities — between Queensland agencies (the Coordinator-General and the Department of EHP) and the Australian Department of Sustainability, Environment, Water, Population and Communities (SEWPaC). Responsibilities and roles are not clear where the assessment and approval functions the jurisdictions perform are now overlapping. The number of overlaps is growing with the Commonwealth now establishing an Independent Expert Scientific Committee on coal seam gas and large coal mines re-looking at water issues after the State has spent years assessing water issues.

Question: What is the appropriate role for Local Government in major project DAA processes?

Under the SP Act, local governments are generally the assessment managers for development through the IDAS. As outlined above, for projects assessed by the Coordinator-General that are not resource or public projects, a local government will make the final development decision taking into account the Coordinator-General's report.

Local government has a critical role in major project assessment under Queensland's systems, either through the local plan against which development is assessed or as the assessment manager for development/operational works approvals. Local government planning schemes establish the level of assessment process projects (other than resource projects) must follow. Local government schemes can identify areas of major or specialised development (e.g. central business districts, resort precincts, industrial areas) in which specified uses, scale and planning codes can reduce the level of assessment for complying projects.

Question: How do DAA processes at different levels of government interact? Are DAA processes administered by separate agencies well-coordinated? If not, what are the key problems? What costs does this impose?

How do DAA processes at different levels of government interact?
Under the assessment bilateral, the Australian Government has accredited the Queensland Government's EIS processes to minimise unnecessary duplication. The agreement is subject to a set of administrative procedures. A new assessment bilateral was signed by the relevant Government Ministers on 14 June 2012.

For a controlled action to be assessed under the assessment bilateral, the public notification of the draft TOR for the EIS cannot occur before the Commonwealth Environment Minister's 'controlled action' decision. There are a large number of projects where the assessment bilateral does not apply. At present, approximately 50 per cent of coordinated projects are not covered by the assessment bilateral.

Are DAA processes administered by separate agencies well-coordinated?
Queensland systems are generally integrated so that one DAA process can be used to deal with all relevant State and local assessment requirements. Where there is potential for overlap, legislation or guidelines specify which process prevails. Queensland legislation also allows similar processes under one Act to meet the requirements of another. For example, the EIS process for a significant project replaces the information request and referral stage for IDAS if

aspects of the proposal require development approval under a local government planning scheme.

A SARA is part of a range of planning reforms being introduced by the Queensland Government through amendments to the SP Act to provide clarity to local governments and the development and construction industries. The SARA model will improve the coordination and responsiveness of the state government in dealing with development applications.

Regulatory complexity

Question: Are existing processes cost-effective? If not, what are the primary reasons for this? For example, are existing resources redundant? Too onerous? Too prescriptive? Excessively complex? Unclear? How large are these costs?

Too onerous?
The current generic TOR have been determined to be too prescriptive and are currently under review to reduce the size and to ensure consistency across key government agencies. Working groups have been set up between key government agencies, to align processes and ensure external information is consistent.

Question: Do the current regulatory arrangements adequately account for the commercial realities of project development? If not, how could they be improved?

Do the current regulatory arrangements adequately account for the commercial realities of project development?
To a certain extent, a Coordinator-General's evaluation report is able to respond to the commercial situation of a proponent. For example, where a proposal is not fully detailed, a preliminary approval can be recommended which specifies the detail needed for subsequent statutory approvals.

The extent of work required to achieve approvals is potentially having an impact on the number of projects that are progressed, with only the best options and most well resourced proponents taking forward projects. This is due to both the cost of completing the process and the risks of the process making project financing unviable. The level of risk at the early stage of project development means feasibility costs (including project approvals) need to be equity funded (e.g. venture capital). The scarcity of this form of funding reduces the propensity for projects (or proponents) that may be closer to the margin from being advanced. Therefore, to the extent that viable projects are held in abeyance due to lack of funding support, there is net reduction in potential economic activity.

If not, how could they be improved?
Reducing the risk factors (including cost, time and variability of outcome) will help to increase the availability of funding for feasibility activities, increasing the level of project investment and potentially, the quantum of successfully developed projects.

Use of strategic planning

Question: To what extent are jurisdictions undertaking strategic planning? What are its benefits and costs? Does it assist in reducing the time and cost associated with major project DAA processes? Does it deliver better regulatory outcomes? Can this be demonstrated with examples? Are there good international examples of strategic planning that the Commission should consider?

To what extent are jurisdictions undertaking strategic planning?
The Coordinator-General undertakes strategic planning through the creation and planning of State Development Areas (SDAs). SDAs are specific areas created under the SDPWO Act to facilitate industrial development, infrastructure corridors and major public infrastructure. SDA infrastructure corridors have also been created to facilitate the transportation of coal seam gas, railways and water pipelines to service the states infrastructure and economic growth.

Queensland has regional plans covering much of the state, including a number of statutory regional plans managing land uses on a regional scale. DSDIP is now undertaking development of new regional plans to provide an economic development framework for Queensland's regions. The plans are based on cumulative analysis of the regions, community engagement and strategic infrastructure planning. These regional plans will provided a whole of region assessment that will be transferable to each new development in that area, reducing the time and costs associated with assessments by eliminating the need to undertake duplicated assessments for each project and mitigating potential land use conflicts.

TMR undertakes extensive strategic transport planning and this often forms an input to other strategic planning processes. Planning to a level of detail that removes the need for or reduces the scope of detailed project assessment generally isn't undertaken for either significant projects or development assessment. It seems some level of assessment will always be required to deal with site and project specific impacts even if the proposed development is consistent with State and local government planning.

What are its benefits and costs?
The benefits of SDAs include:

- proximity to railways, ports and major road networks
- greater planning and development certainty for project proponents
- efficient processing of development applications
- best practice land-use planning and management — ensuring land and infrastructure assets in SDAs are, and remain, attractive to existing occupants and potential investors
- more efficient use of land, most notably through the creation of multi-user infrastructure corridors
- process for compulsorily acquiring land within an SDA if necessary, including on behalf of proponents
- concentration of industrial development in selected areas, thereby minimising or avoiding:
- environmental impacts
- loss of amenity
- infrastructure duplications
- Transport conflicts.

Can this be demonstrated with examples?
SDAs have been created in strategic locations adjacent to the ports of Townsville, Abbot Point and Gladstone to facilitate large scale industrial development of state and regional significance that require access to ports, roads and rail infrastructure.

Queensland's new regional plans under development include:

- Cape York Regional Plan
- Central Queensland Regional Plan
- Darling Downs Regional Plan.

DAFF is also developing a number of products, for example the Agricultural Land Audit, that will inform planning and decision making process used the assessment of major project.

Question: Where strategic planning is in place, do major project DAA processes take into account the strategic planning objectives? Could existing processes more appropriately incorporate strategic planning? If so, how?

Where strategic planning is in place, do major project DAA processes take into account the strategic planning objectives?

Proponents under the Queensland processes are already required as part of their EIS to respond to and incorporate strategic planning objections. Where strategic planning objectives are in place then DAA processes certainly take these into account. The EA must take into a range of matters including strategic planning and town planning through the "standard criteria" as defined in the EP Act.

Question: How well are the cumulative impacts of major projects accounted for under the current arrangements?

Proponents are required to investigate the cumulative impacts of projects in the area, as part of the project's TOR. Queensland has regional scale assessment frameworks for a number of matters including native vegetation, water resources and water quality. In some cases, regional airshed models have been developed e.g. Gladstone. These effectively handle cumulative impacts. However, an EIS for any particular project must address the impacts of that particular project only and mitigation measures derived to address the impacts of that project only. Each project has to be assessed on its own merits.

Issues such as ground water resources are particularly problematic and difficult to monitor. The development of the Galilee Basin has provided an opportunity for cumulative impacts to be addressed on a region wide basis.

In small, remote communities, the cumulative impacts of these projects can be significant and a strategic planning process could identify these upfront. The current Social Impact Assessment (SIA) process used in Queensland could be used more strategically to address cumulative impacts of projects in a region (e.g. Bowen Basin). The current SIA process is also under review.

Effectiveness of current processes

Question: Do the current arrangements provide appropriate opportunities for public participation in major project DAA processes? What are the benefits and costs of public involvement in these processes? How can the benefits be enlarged and the costs reduced?

Do the current arrangements provide appropriate opportunities for public participation in major project DAA processes?

Members of the public are able to provide comments on the draft TOR for a project, which is usually available for review for a period of up to four weeks. Members of the public are also invited to make a submission on the EIS, during the six-week submission period, in writing, by email or by fax. For some projects, submitters are simply debating the merits of the project, rather than commenting on the EIS. Processing these submissions can be very resource-intensive for staff.

Measures to improve timeliness

Question: Is it practical to identify statutory time limits for particular assessment and approval processes? What are the benefits and risks of this approach? What has been the experience for regulators and project proponents in those jurisdictions where statutory timeliness have been introduced?

Is it practical to identify statutory time limits for particular assessment and approval processes?
Timeframes are essential.

What are the benefits and risks of this approach?
The SDPWO Act prescribes minimum statutory timeframes for public consultation on the EIS for a project, and these timeframes are closely followed this helps ensure procedural fairness and equity in assessment process.

The benefit is benchmarking against other jurisdictions.

Recent changes have streamlined these periods somewhat and they are probably now close to the minimum consistently achievable periods for large agencies to undertake internal consultation with multiple business units.

What has been the experience for regulators and project proponents in those jurisdictions where statutory timeliness have been introduced?
As part of ongoing business improvement initiatives, several non-statutory timeframes have been identified in consultation with advisory agencies.

Question: Are there other ways to shorten timeframes while still achieving relevant regulatory objectives? How would such measures improve and efficiency and effectiveness of DAA processes? Can you provide evidence and examples of this?

Are there other ways to shorten timeframes while still achieving relevant regulatory objectives?
In the experience of the Coordinator-General, the key factor that affects efficiency of DAA processes is the quality of the EIS investigations. Targeted, but thorough and consistent EIS work would significantly improve outcomes. To a certain extent, this can be improved by higher quality TOR documents; however, much improvement could be made in the skill and resourcing of EIS consultants.

The close management of assessment processes through a project management/case management approach where the lead agency has an assigned experienced project manager to monitor all aspects of the integrated project and resolve issues expeditiously when they arise. This approach has been used effectively in Queensland for some years. Even more effective is if the case manager is able to assess the project and proactively predict the impediments in advance and take steps to resolve them some early in the process.

Question: How should trade-offs between timeliness and other characteristics of good regulatory process (such as opportunities for public participation) be managed?

The aim should be to have effective public participation through the company engaging closely with the community rather than long protracted submission periods which are ineffective at identifying community concerns. It must be recognised that some objectors will not be accepting a project no matter how log the community consultation process lasts, and ultimately decisions must be made for the benefit of the whole community.

Risk-based regulation

Question: To what extent are risk-based approaches to regulation being used for major project developments? What are the impacts of this?

To what extent are risk-based approaches to regulation being used for major project developments?
The principles of risk based assessment are being applied in developing new thresholds for assessment of resource project expansions and in determining thresholds for application of EAs.

What are the impacts of this?
It is expected that this will simplify the application process for certain activities and significantly reduce the compliance burden.

Question: How can 'scaling' mechanisms enhance the efficiency and effectiveness of DAA processes? Can you provide evidence and examples of this?

How can 'scaling' mechanisms enhance the efficiency and effectiveness of DAA processes?
Queensland does not support 'scaling' as the extent of the project's impacts is not directly correlated to the project's size.

Question: What are the risks and drawbacks of adopting a more risk-based approach to regulation? In what ways can these issues be managed?

What are the risks and drawbacks of adopting a more risk-based approach to regulation?
A single bad development outcome can discredit the entire risk-based approach if the risk framework hadn't anticipated that situation or was not flexible enough to deal with it. This is especially the case if public, media or political attention is focussed on the bad decision – there tends to be an over-reaction and movement back to a very risk averse approach.

Reducing duplication between levels of government

Question: How have bilateral environmental assessment agreements improved the efficiency and effectiveness of major project DAA processes? Is there a case for extending or expanding these agreements?

How have bilateral environmental assessment agreements improved the efficiency and effectiveness of major project DAA processes?
The assessment bilateral between the State of Queensland and the Commonwealth only reduces some aspects of the process. In general terms, the state agency workload is increased to reduce the workload of the Commonwealth, but proponents still need to deal with both levels of government.

Is there a case for extending or expanding these agreements?
Yes, Queensland believes there is greater scope for SEWPaC to delegate the MNES approval decisions to the State thus simplifying the process for proponents. Despite the Coordinator-General recommending a project may proceed, the Commonwealth has the power to veto projects and has ignored assessment bilateral outcomes sometimes in the past.

Question: Would bilateral approval agreements improve the efficiency and effectiveness of major DAA processes? How material are these benefits?

Would bilateral approval agreements improve the efficiency and effectiveness of major DAA processes?
Yes.

There would be significant improvements in efficiency by removing the need for duplicate assessment and compliance processes by the Australian Government (which often only provides marginal benefit). Proponents would only need to deal with one level of government rather than two. It would also provide for a much stronger outcomes and risk-based approach to decision making, based on strong standards set by the Australian Government. Reducing the emphasis on assessments and approvals would free the Australian Government to deliver much more tangible environmental outcomes by focusing on recovery of threatened and migratory species and threatened ecological communities, and restoration of national and world heritage sites. Many of these species and sites are affected by impacts that are not development related and are not being adequately addressed at present. For example, the greatest threats to many matters of national environmental significance are actually pests, weeds and poor water quality. Many of the actions set out in Commonwealth recovery plans and threat abatement plans designed to address these issues are currently not adequately resources or well prioritised.

In addition to these benefits, the political dimension of the Australian Government EPBC decisions would also be removed thereby providing more logical and consistent decision making. One of the common concerns raised by proponents is the unpredictability of EPBC decisions.

COAG agreed in April 2012 to fast track negotiations on approvals bilateral, whilst continuing to progress the other reforms. The Australian Government released a statement of standards that would need to be met for accreditation to occur. Queensland worked hard with the Australian Government to negotiate required changes to Queensland's approval processes to achieve accreditation and had significantly narrowed the remaining issues to be resolved, when the Australian Government disappointingly decided in December 2012 to walk away from the commitment to approvals bilateral.

Legislation, Regulations and Guidelines

The following legislation, regulations and guidelines control the development assessment of major projects in Queensland.

Economic Development Act 2012
- Economic Development Regulation 2013
- Economic Development (Vegetation Management) By-law 2013

Environmental Protection Act 1994
- Environmental Protection (Air) Policy 2008
- Environmental Protection (Noise) Policy 2008
- Environmental Protection Regulation 2008
- Environmental Protection (Waste Management) Regulation 2000
- Environmental Protection (Water) Policy 2009

Mineral Resources Act 1989
- Mineral Resources Regulation 2003

State Development and Public Works Organisation Act 1971
- State Development and Public Works Organisation Regulation 2010
- State Development and Public Works Organisation (State Development Areas) Regulation 2009

Sustainable Planning Act 2009
- Sustainable Planning Regulation 2009

Transport and Planning Coordination Act 1994
- Transport Planning and Coordination Regulation 2005

The following legislation, regulations and guidelines contain matters that may require consideration as part of the assessment of major projects in Queensland.

Transport Infrastructure Act 1994
- Transport Infrastructure (Busway) Regulation 2002
- Transport Infrastructure (Dangerous Goods by Rail) Regulation 2008
- Transport Infrastructure (Ports) Regulation 2005
- Transport Infrastructure (Public Marine Facilities) Regulation 2011
- Transport Infrastructure (Rail) Regulation 2006
- Transport Infrastructure (State-controlled Roads) Regulation 2006
- Transport Infrastructure (Waterways Management) Regulation 2012

Transport Operations (Marine Pollution) Act 1995
- Transport Operations (Marine Pollution) Regulation 2008

Transport Operations (Marine Safety) Act 1994
- Transport Operations (Marine Safety - Accreditation as Ship Designer, Ship Builder or Marine Surveyor)
- Transport Operations (Marine Safety - Bareboat Ships) Standard 2007
- Transport Operations (Marine Safety - Commercial Ships and Fishing Ships Miscellaneous Equipment) Standard 2006

- Transport Operations (Marine Safety - Designing and Building Commercial Ships and Fishing Ships) Standard 2006
- Transport Operations (Marine Safety - Examining and Training Program approvals (Commercial Ships and Fishing Ships)) Standard 2007
- Transport Operations (Marine Safety - Examining and Training Program Approvals (Recreational Ships and Personal Watercraft)) Standard 2005
- Transport Operations (Marine Safety - Hire and Drive Ships) Standard 2007
- Transport Operations (Marine Safety - Parasailing) Standard 2007
- Transport Operations (Marine Safety - Recreational Ships Miscellaneous Equipment) Standard 2006
- Transport Operations (Marine Safety) Regulation 2004

Transport Operations (Passenger Transport) Act 1994
- Transport Operations (Passenger Transport) Regulation 2005
- Transport Operations (Passenger Transport) Standard 2010

Transport Operations (Road Use Management) Act 1995
- Traffic Regulation 1962
- Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2005
- Transport Operations (Road Use Management - Dangerous Goods) Regulation 2008
- Transport Operations (Road Use Management - Driver Licensing) Regulation 2010
- Transport Operations (Road Use Management - Fatigue Management) Regulation 2008
- Transport Operations (Road Use Management - Mass, Dimensions and Loading) Regulation 2008
- Transport Operations (Road Use Management - Road Rules) Regulation 2009
- Transport Operations (Road Use Management - Vehicle Registration) Regulation 2010
- Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2010

Fisheries Act 1994
- Fisheries (Asian Bag Mussel) Disease Declaration 2007
- Fisheries (Coral Reef Fin fish) Management Plan 2003
- Fisheries (East Coast trawl) Management Plan 2010
- Fisheries Regulation 2008

Strategic Cropping Land Act 2011
- Strategic Cropping Land Regulation 2011

Vegetation Management Act 1999
- Vegetation Management Regulation 2012

Coastal Protection and Management Act 1995
- Coastal Protection and Management Regulation 2003

Wild Rivers Act 2005
- Wild Rivers Regulation 2007

Land Act 1994
- Land Regulation 2009

Land Title Act 1994
- Land Title Regulation 2005

Land Protection (Pest and Stock Route Management) Act 2002
- Land Protection (Pest and Stock Route Management) Regulation 2003

Land Valuation Act 2010
- Valuation of Land Regulation 2003

Water Act 2000
- Water (Bulk Water supply Code) Notice 2012
- Water Regulation 2002
- Water Resource (Baffle Creek Basin) Plan 2010
- Water Resource (Barron) Plan 2002
- Water Resource (Border Rivers) Plan 2003
- Water Resource (Boyne River Basin) Plan 2000
- Water Resource (Burdekin Basin) Plan 2007
- Water Resource (Burnett Basin) Plan 2000
- Water Resource (Calliope River Basin) Plan 2006
- Water Resource (Condamine and Balonne) Plan 2004
- Water Resource (Cooper Creek) Plan 2011
- Water Resource (Fitzroy Basin) Plan 2011
- Water Resource (Georgina and Diamantina) Plan 2004
- Water Resource (Gold Coast) Plan 2006
- Water Resource (Great Artesian Basin) Plan 2006
- Water Resource (Gulf) Plan 2007
- Water Resource (Logan Basin) Plan 20007
- Water Resource (Mary Basin) Plan 2006
- Water Resource (Mitchell) Plan 2007
- Water Resource (Moonie) Plan 2003
- Water Resource (Moreton) Plan 2007
- Water Resource (Pioneer Valley) Plan 2002
- Water Resource (Whitsunday) Plan 2010
- Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003
- Water (Transitional) Regulation 2012

Water Supply (Safety and Reliability) Act 2011
- Water Supply (Safety and Reliability) Regulation 2011

Petroleum Act 1923
- Petroleum Regulation 2004
- Petroleum and Gas (Production and Safety) Act 2004
- Petroleum and Gas (Production and Safety) Regulation 2004

Electricity Act 1994
- Electricity Regulation 2006

Electricity Safety Act 2002
- Electrical Safety Regulation 2002
- Electrical Safety (Codes of Practice) Notice 2002

Nature Conservation Act 1992
- Nature Conservation (Administration) Regulation 2006
- Nature Conservation (Dugong) Conservation Plan 1999
- Nature Conservation (Estuarine Crocodile) Conservation Plan 2007
- Nature Conservation (Forest Reserves) Regulation 2000

- Nature Conservation (Koala) Conservation Plan 2006
- Nature Conservation (Macropod) Conservation Plan 2005
- Nature Conservation (Macropod Harvest Period 2013) Notice 2012
- Nature Conservation (Protected Areas Management) Regulation 2006
- Nature Conservation (Protected Areas) Regulation 1994
- Nature Conservation (Protected Plants) Conservation Plan 2000
- Nature Conservation (Protected Plants Harvest Period) Notice 2012
- Nature Conservation (Whales and Dolphins) Conservation Plan 1997
- Nature Conservation (Wildlife Management) Regulation 2006

Forestry Act 1959
- Forestry Regulation 1998
- Forestry (State Forests) Regulation 1987

Offshore Minerals Act 1989

Geothermal Energy Act 2010
- Geothermal Energy Regulation 2012

Greenhouse Gas Storage Act 2009
- Greenhouse Gas Storage Regulation 2010

Wet Tropics World Heritage Protection and Management Act 1993
- Wet Tropics Management Plan 1998

New South Wales-Queensland Border Rivers Act 1946

Agriculture Chemicals Distribution Control Act 1966
- Agriculture Chemicals Distribution Control Regulation 1998

Agriculture Standards Act 1994
- Agriculture Standards Regulation 1997

Mining and Quarrying Safety and Health Act 1999
- Mining and Quarrying Safety and Health Regulation 2001

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