

Impact Analysis Statement

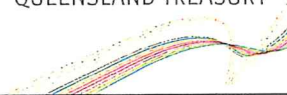
Summary IAS

Details

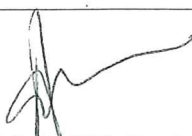
Lead department	Department of the Environment, Tourism, Science and Innovation
Name of the proposal	<i>Environmental Legislation Amendment Regulation 2025</i>
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Environmental Offsets Regulation 2014</i> <i>Environmental Protection Regulation 2019</i> <i>Fisheries (General) Regulation 2019</i> <i>Nature Conservation (Animals) Regulation 2020</i> <i>Nature Conservation (Koala) Conservation Plan 2017</i> <i>Nature Conservation (Plants) Regulation 2020</i> <i>Waste Reduction and Recycling Regulation 2023</i>
Date of issue	May 2025

Proposal type	Details
Minor and machinery in nature	This regulatory proposal seeks changes to the waste categorisation of per- and poly-fluoroalkyl substances (PFAS). This proposal is minor and machinery in nature and has zero/negligible regulatory costs and does not result in a substantive change to regulatory policy or new impacts on business, government, or the community. The proposal also seeks to update the conservation status of protected wildlife and provide other minor consequential and clarification amendments. The proposed regulatory amendments consist of: <u>Waste matters</u> - Minor amendments to update section references under Chapter 5, Part 1 of the <i>Environmental Protection Regulation 2019</i> to provide greater clarity and clear references to the relevant provisions. - Minor amendments to Schedule 9 of the <i>Environmental Protection Regulation 2019</i> to facilitate the management of waste containing low levels of PFAS as a non-regulated waste. This proposal is deregulatory in nature and is not expected to increase costs or regulatory burden on business or the community. Stakeholder consultation undertaken between 30 August and 27 September 2024 through an online survey and via direct written submissions indicates support for the proposal. - Minor amendments to Schedule 9 of the <i>Environmental Protection Regulation 2019</i> to clarify solar panels are not considered regulated waste and make administrative changes to aid navigation of the legislation.

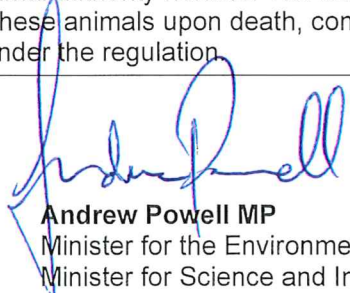
	• Minor amendments to Schedule 9 of the <i>Environmental Protection Regulation 2019</i> to clarify that contaminated soil managed in accordance with the contaminated land provisions in the EP Act is not considered regulated waste. Stakeholder consultation undertaken between 30 August and 27 September 2024 through an online survey and via direct written submissions indicates support for the proposal. • Minor amendments to Schedule 19 of the <i>Environmental Protection Regulation 2019</i> that separates PFAS from POP for the purposes of classifying regulated waste in the EP Regulation to ensure the correct non-regulated waste threshold values are applied when categorising waste containing PFAS or POP. Stakeholder consultation undertaken between 30 August and 27 September 2024 through an online survey and via direct written submissions indicates support for the proposal. • Minor amendments to section 6 of the <i>Waste Reduction and Recycling Regulation 2023</i> to correct drafting errors in relation to the definition of waste disposal site. • Minor amendment to section 25 of the <i>Waste Reduction and Recycling Regulation 2023</i> to correct a drafting error in relation to the application of weight measurement criteria to waste disposal sites where a weighbridge is not installed. • Minor amendment to Schedule 3 of the <i>Waste Reduction and Recycling Regulation 2023</i> to include recycling mixed construction and demolition waste recycling in the list of activities eligible for application for a 50% levy discount on residue waste. This amendment is deregulatory in nature and is not expected to increase costs or regulatory burden on business or the community. <u>Nature conservation matters</u> Species reclassifications and taxonomic changes • The reclassification of protected wildlife listed under the <i>Nature Conservation (Animals) Regulation 2020</i> and the <i>Nature Conservation (Plants) Regulation 2020</i>, which is a routine process to ensure species classifications are kept up to date with current scientific knowledge, including population size, trends, and risk of extinction. • Taxonomic updates to protected wildlife listed under the <i>Nature Conservation (Animals) Regulation 2020</i> and the <i>Nature Conservation (Plants) Regulation 2020</i>, to achieve consistency with scientific nomenclature. • Minor amendment to Schedule 3 of the <i>Nature Conservation (Animals) Regulation 2020</i> is amended to reflect the taxonomic absorption of the Stimson's python (<i>Antaresia stimsoni</i>) by the children's python (<i>Antaresia childreni</i>). • Minor amendment to Schedule 2 of the <i>Nature Conservation (Koala) Conservation Plan 2017</i>, to update the definition of koala habitat trees to reflect the current taxonomic nomenclature and specifically include the recently created genus <i>Blakella</i>. Species of this genera were previously within koala habitat trees of the genus <i>Corymbia</i>, and as such the amendments will not result in any functional change or additional regulatory burden. • Consequential amendments to make a new version of the Queensland Environmental Offsets Policy (the Policy) which reflects the amended definition of a koala habitat tree in the Koala Conservation Plan to reflect the current taxonomic nomenclature. Consequently, the <i>Environmental Offsets Regulation 2014</i> requires amending to refer to the new version of the Policy.
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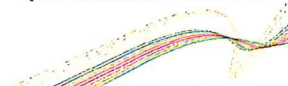
	Management protected fish species • Minor amendment to section 66A of the <i>Nature Conservation (Animals) Regulation 2020</i>, to ensure appropriate management of a newly listed, threatened fish species. • Consequential and minor amendments to the <i>Fisheries (General) Regulation 2019</i>, to ensure appropriate management of a newly listed, threatened species of fish, and to clarify the relationship between section 4A and section 66A of the <i>Nature Conservation (Animals) Regulation 2020</i>. Miscellaneous amendments • Minor amendments to section 55, section 188, Chapter 6, Chapter 7, Schedule 3 and Schedule 7 of the <i>Nature Conservation (Animals) Regulation 2020</i> to clarify existing provisions relating to requirements for dealing with sick, injured, and orphaned animals, animals taken and kept under rehabilitation permits, dealing with deceased native exhibited animals and boats creating wake in marine mammal zones and areas. The proposed amendments are technical corrections for clarification, consistent with legislative intent. ○ Section 55 is amended to exclude persons or organisations that publicly advertise animal rescue or rehabilitation services if they are not a holder of a relevant animal authority. Those providing rescue or rehabilitation services should act under a rehabilitation permit, subject to conditions, reporting requirements and codes of practice, as is the framework's intent. ○ Section 188 is amended to remove the example provided for why an animal would not survive in the wild, and to remove reference to class 1 or class 2 animals in relation to their exception from having to contribute to rehabilitation. Requiring class 1 and class 2 animals to contribute to rehabilitation clarifies the intent of the provision; to minimise incidences of animals taken for rehabilitation being used to supplement or establish captive populations unless it serves a significant conservation purpose. ○ Chapter 6 and Schedule 7 is amended to Omit references to "wake" in the Regulation, following advice that some degree of wake is often unavoidable for marine vessels irrespective of speed. ○ Chapter 7 is amended to specify the dealing and movement of dead animals from an exhibited animal authority. Once an animal dies under one of these authorities, they become "protected animals" under the <i>Nature Conservation Act 1992</i>, for which an authorisation is required to keep or use them. The regulation is currently silent on these matters which leads to confusion for exhibited animal authority holders. The amendments will clarify the dealings of these animals upon death, consistent with other provisions under the regulation.
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Patricia O'Callaghan
 Director-General
 Department of the Environment, Tourism,
 Science and Innovation

Date: 21.5.2025.


Andrew Powell MP
 Minister for the Environment and Tourism
 Minister for Science and Innovation

Date: 25.05.25



Impact Analysis Statement

Summary IAS

Details

Lead department	Department of the Environment, Tourism, Science and Innovation
Name of the proposal	<i>Environmental Legislation Amendment Regulation 2025</i>
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Nature Conservation (Macropod) Conservation Plan 2017</i>
Date of issue	May 2025

Managing macropod harvesting industry

What is the nature, size and scope of the problem? What are the objectives of government action?

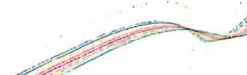
Macropods are protected animals under the *Nature Conservation Act 1992* (NC Act). It is an offence to take, keep or use a protected animal, unless authorised under the NC Act. Penalties vary depending on the severity of the offence, ranging from 100 – 1000 penalty units (PU) maximum penalty or up to one year imprisonment.

However, there is a well-established national macropod meat and skin industry for three 'least concern' kangaroo species found in Queensland – eastern grey kangaroo, red kangaroo and common wallaroo. Where macropod products are to be exported, requirements of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) apply. This convention is applied by the Commonwealth Government through requirements under the *Environment Protection and Biodiversity Conservation Act 1999*. To meet these requirements, an approved Wildlife Trade Management Plan (WTMP) is required for Queensland's macropod industry.

The *Nature Conservation (Animals) Regulation 2020* (Animals Regulation) and *Nature Conservation (Macropod) Conservation Plan 2017* (Macropod Conservation Plan) establishes the framework for the ecologically sustainable and humane harvest of macropods to meet Commonwealth and CITES requirements.

Macropod harvesters require a harvesting licence and valid tags. Under the Animals Regulation, it is an offence for a person, other than a tag-authorised person, to possess an approved tag or attach an approved tag to an animal without approval (165 PU maximum penalty, 5 PU infringement notice fine). However, no offence exists for the supply of tags to unauthorised persons, such as from a licensed harvester to an unlicensed person, or another licensed harvester who hasn't been issued with those tags. Such an act promotes the unauthorised take of macropods, compromising the framework and potentially resulting in animal welfare concerns. The Department of the Environment, Tourism, Science and Innovation (the department) is aware of at least five incidences involving unlawful use of tags, based on reports. In one case, an unlicensed person, who had previously had their licence revoked, was using tags acquired and supplied to them by their licensed spouse, in order to continue harvesting. The unlicensed person was successfully prosecuted for unauthorised possession and use of approved tags, however, the licensed partner was not committing any offence and therefore did not receive any form of penalty. A new offence in the Macropod Conservation Plan is proposed to address this regulatory gap. The offence will discourage misuse/mishandling of tags to ensure macropods are only taken by licensed harvesters, and that the harvest data that the department provides to the commonwealth is as accurate and meaningful as possible.

The objectives of government action are to ensure macropods are harvested in an ecologically sustainable and humane way, to maintain the integrity of the macropod harvesting industry and to enhance enforcement capabilities.



What options were considered?

Option 1 – Status quo

This option maintains existing regulatory requirements for harvesting macropods under licence. The option would not seek to improve compliance to ensure lawful, sustainable and humane take of animals by qualified harvesters.

Option 2 – Apply a condition to macropod harvesting licences

This option would condition macropod harvesting licences to restrict the misuse/mishandling of macropod tags, and the supply of macropod tags to an unauthorised person or another licence holder. Conditions can be imposed operationally, by the chief executive (or a delegate), or they can be stated in subordinate legislation. It is an offence to breach permit conditions (80 PU maximum penalty, 3 PU infringement notice fine); however, the penalty is not as high as that for the unauthorised possession or use of approved tags (165 PU maximum penalty, 5 PU infringement notice fine). No PINs were issued in 2024 to macropod harvesting licence holders for failure to comply with an authority condition, however, 14 warnings were issued.

The approach of conditioning macropod harvesting licences would lead to an inconsistency between the penalty for unauthorised possession/use of tags, and the penalty for supplying tags to persons who are then unlawfully possessing/using. Operationally applied conditions must also be stated on each licence and can change based on delegate discretion. That is not ideal as the restriction on supply of tags to unauthorised persons is intended to be applied indiscriminately and indefinitely to all macropod harvesting licences.

Option 3 (Preferred) – Introduce a new offence under the Macropod Conservation Plan

The option would create an offence under the Macropod Conservation Plan to ensure tags are not misused or mishandled or supplied to an unauthorised person or another licence holder. Specifying the offence under the Macropod Conservation Plan would apply the restrictions only to the relevant authorities in a consistent manner and would allow the maximum penalty for unauthorised possession or use of tags to be matched. This would ensure the behaviour that enables unauthorised possession or use of tags is equally penalised and therefore discouraged.

What are the impacts?

Option 1 – Status quo

There will be no impact. Regulation of macropod harvesters will continue as is. Status quo will also not improve the macropod compliance and enforcement framework.

Option 2 – Apply a condition to macropod harvesting licences

The introduction of an authority condition is unlikely to incur additional costs to any group other than those charged with an offence. It is already an offence for unauthorised persons to possess approved tags. Those supplying tags to those persons will now be targeted for breaches of authority conditions, providing greater deterrence and potentially reducing the number of those possessing/using macropod tags unlawfully. Based on reported incidences, infringement notice fines for the proposed breach of condition will cost the community or business approximately \$2420 per year. The likely overall impact to the community or business resulting from these changes is considered insignificant. In addition, if a person believes they have been wrongfully charged with an offence (breach of condition) they may contest the matter through a court process.

There are unlikely to be impacts to government as no new authorisations or reporting requirements are being introduced. Compliance and enforcement actions will be absorbed by the department's current program.

Overall, the new authority condition seeks to benefit the macropod harvesting industry by ensuring the framework that has been established functions as intended, while also deterring actions that result in further unlawful activity and potential animal welfare concerns.

Options 3 (Preferred) – Introduce a new offence under the Macropod Conservation Plan

The introduction of a new offence is unlikely to incur additional costs to any group other than those charged with an offence. It is already an offence for unauthorised persons to possess approved tags. Those

supplying tags to those persons will now be targeted, providing greater deterrence and potentially reducing the number of those possessing/using macropod tags unlawfully. Based on reported incidences, infringement notice fines for the proposed new offence will cost the community or business approximately \$4030 per year. The likely overall impact to the community or business resulting from these changes is considered insignificant. In addition, if a person believes they have been wrongfully charged with an offence they may contest the matter through a court process.

There are unlikely to be impacts to government as no new authorisations or reporting requirements are being introduced. Compliance and enforcement actions will be absorbed by the department's current program.

Overall, the new offence seeks to benefit the macropod harvesting industry by ensuring the framework that has been established functions as intended, while also deterring actions that result in further unlawful activity and potential animal welfare concerns.

Who was consulted?

The Australian Wild Game Industry Council (AWGIC), formerly the Kangaroo Industry Association of Australia) was consulted on the preferred option to introduce an offence requiring proper handling or storage of tags to discourage a tag authorised person providing tags to another person. The AWGIC supports the change.

What is the recommended option and why?

Option 3 – Introduce a new offence under the Macropod Conservation Plan

The recommended option is to introduce a new offence under the Macropod Conservation Plan. The offence would require approved tags supplied to macropod harvesting licence holders, to be kept in a secure way in the holder's possession, or otherwise in a secure way at the licensed premises. New expenses will not be incurred on licence holders in relation to the new tag storage requirement, as the firearms harvesters use to take macropods already require storage facilities that would be suitable for tags.

Such an offence removes the necessity to prove an intent to supply macropod tags to unauthorised persons. Instead, it is an offence for a macropod harvesting licence holder's tags to be anywhere other than on their person or at their licensed facility. Discretion may be used by relevant officers when issuing penalties in scenarios such as clearly loose or misplaced tags.

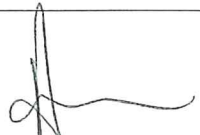
The Macropod Conservation Plan is the most suitable location for this offence as it could be applied consistently across all macropod harvesting licences, would not need to be stated as a condition on every authority and could match the maximum penalty unit value of the offence for unauthorised use of tags.

The offence would assist in maintaining the integrity of the macropod harvesting industry. It will discourage misuse/mishandling of tags, as well as allowing for enforcement action to be taken. It will aid in ensuring that macropods are only taken by licensed harvesters and that the harvest data that we provide to the Commonwealth is as accurate and meaningful as possible.

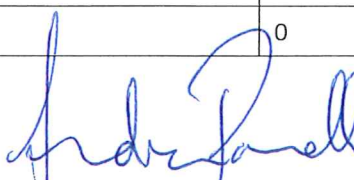
Impact assessment

All proposals – complete:

	First full year	First 10 years
Direct costs – Compliance costs	0	0
Direct costs – Government costs	0	0


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 Director-General
 Department of the Environment, Tourism,
 Science and Innovation

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 Minister for the Environment and Tourism
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