Proposed ERA Standards and Codes for Mining Activities

Information sheet

This information sheet helps operators understand the draft revised environmentally relevant activity standards (ERA standards) and codes (ERA codes), what they cover, how they may be used, and what they could mean in practice.

Background

The *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026* (EP(ES)OLA Act) became law on 16 June 2026. It made changes to Queensland's environmental legislation to improve efficiency and keep regulatory frameworks up to date and effective.

Some changes to the *Environmental Protection Act 1994* (EP Act) will start on a later date by proclamation. This includes establishing ERA codes for regulating lower-risk activities and introducing significant environmental values (SEVs) to support the administration of the EP Act.

The Department of the Environment, Tourism, Science and Innovation (the department) is undertaking consultation on draft ERA codes to ensure they are practical, transparent, effective and will achieve their intended environmental and regulatory outcomes. Changes to relevant ERA standards are also being considered and consulted on to complement the introduction of proposed ERA codes.

This information sheet includes the following:

- Appendix A: Snapshot of proposed ERA Standards
- Appendix B: Snapshot of proposed ERA codes for exploration permits (minerals), prescribed and hand mining claims
- Appendix C: Summary of proposed transition for small mining activities
- Appendix D: Frequently Asked Questions

Environmentally Relevant Activity Standards

The department commenced a review of the ERA standards for mining activities to modernise the existing framework by streamlining conditions and focusing regulatory controls on the environmental risks most relevant to the activities. Conditions have been reviewed and updated to ensure they are proportionate to the nature and scale of the activity. The result is simpler, contemporary, risk-based ERA standards that reduce unnecessary regulatory burden while maintaining key environmental protections and rehabilitation outcomes.

ERA standards provide a streamlined, risk-based approval pathway for lower-risk activities through pre-approved eligibility criteria and standard conditions, while ensuring environmental risks remain appropriately managed.

The ERA standards for Mining Activities have been streamlined and contemporised for:

- mining activities on exploration permits and/or mineral development licences;
- mining activities on prescribed mining claims; and
- mining activities on a mining lease.

The existing ERA standard for mining claim activities that was previously developed for hand mining is proposed to be replaced by an ERA code. In 2013 the *Mineral Resources Act 1989* introduced prescribed mining

Not government policy drafted for consultation

claims as an alternative to a mining lease for mining corundum, gemstones and other precious stones. At the time the small scale mining activity framework was introduced to support this tenure, however no standardised environmental authority (EA) application pathway was developed for activities that did not meet the small scale mining activity framework. Through this amendment, an ERA standard for mining activities on a prescribed mining claim has been proposed to provide a standardised EA application pathway for these mining activities.

Comparison of current and proposed ERA standards

Mining Leases

Theme	Existing Standard	Proposed Draft Standard	Key Change
Scope & Eligibility	Mining lease activities; ≤10 ha disturbance; eligible mining types specified	Same scope and disturbance limits; adds production and location limits	More restrictive eligibility
Environmental Values & Biodiversity	Protected through environmentally sensitive area (ESA) categories (A, B, C)	Protected through SEVs, wetlands, watercourses and habitat protections	New environmental values framework
Land Disturbance & Soil Management	Manage disturbance, topsoil, erosion and sediment	Similar requirements retained	Minor updates only
Water Quality & Waterway Protection	Prevent water contamination; rehabilitate waterways	Stronger protection of flow paths, wetlands and fish passage	Enhanced aquatic protections
Waste, Chemicals & Contaminants	Detailed waste, fuel and chemical management requirements	Simpler contaminant and containment requirements	Less prescriptive
Noise, Air Quality & Amenity	Specific noise and dust conditions	No specific conditions; relies on general duties	Shift to outcomes-based regulation
Rehabilitation & Closure	Progressive and final rehabilitation required	More detailed rehabilitation outcomes and landform objectives	Stronger rehabilitation focus
Environmental Management & Compliance	Financial assurance, monitoring and reporting requirements	Greater reliance on environmental duties; administrative requirements removed	Reduced administrative burden
Infrastructure & Ancillary Activities	Specific requirements for roads, tracks, camps and exploration activities	Requirements largely removed	Framework simplified

Consultation

Exploration and Mineral Development Licence Activities

Theme	Existing Standard	Proposed Draft Standard	Key Change
Scope & Eligibility	Broad eligibility criteria focused on disturbance limits, ESAs, campsite size and riverine extraction limits.	Retains 10ha disturbance limit but introduces specific activity classes, 5ha limits for higher-impact activities, and restrictions on integrated operations.	More defined and risk-based eligibility framework.
Protection of Environmental Values and Sensitive Areas	Relies primarily on Category A, B and C Environmentally Sensitive Areas and associated buffers and exclusions.	Replaces ESA framework with mapped constrained land, Significant Environmental Values (SEVs), endangered ecosystems, wetlands, waterways, offsets, fish habitat and habitat protections.	Major shift from location-based exclusions to environmental value protection.
Land, Water and Pollution Management	Prescriptive controls for dust, noise, wastewater, contaminants, erosion, stormwater, fuel storage and waste disposal.	Retains key protections but simplifies requirements into outcome-based conditions, including direct prohibition of contaminant releases, strengthened waterway setbacks and stricter waste disposal provisions.	Simpler, outcomes-focused environmental management.
Biodiversity and Ecosystem Protection	General protections through ESA exclusions and limited activity restrictions.	New controls for threatened species habitat, koala habitat, essential habitat, marine plants, fish passage, endangered regional ecosystems and high-value regrowth vegetation.	Significantly stronger biodiversity protections.
Operational and Rehabilitation Requirements	Detailed requirements for roads, tracks, camps, drilling, waste handling, rehabilitation, drill-hole closure and infrastructure removal.	Retains key drilling, rehabilitation, topsoil and acid-forming waste requirements, while removing many prescriptive operational controls and focusing on end outcomes.	Reduced prescription, rehabilitation outcomes maintained.
Administration, Compliance and Legislative Alignment	Includes financial assurance provisions, monitoring forms, emergency response templates, reporting requirements and older legislative references.	Removes financial assurance schedules and administrative forms, incorporates contemporary EP Act duties (general environmental duty, duty to notify and duty to restore) and updates legislative alignment.	Modernised and streamlined regulatory framework.

No

Environmentally Relevant Activity Codes

ERA codes are established by the *Environmental Protection (Efficiency and Streamlining) and Other Legislation Amendment Act 2026* (EP(ES)OLA Act), which received royal assent on 16 June 2026. The amendments relating to ERA codes will commence on a date to be fixed by proclamation.

ERA codes are intended to provide a simpler way to regulate those activities where environmental risks are well understood and can be managed through a standardised set of conditions. The draft ERA codes include clear activity descriptions and standard conditions that must be complied with. This reduces the need for individual environmental authorities, improves consistency, and give operators more certainty. It also makes sure requirements match the level of environmental risk while maintaining environmental protections. The changes will also remove the need for small mining operators to pay a financial surety, reducing costs for both industry and government.

ment policy draft for consultation

Comparison of current and proposed definitions for small mining activities

Small-scale mining activity

Topic	Current framework	Proposed framework	Effect
Workforce Limits	Same thresholds	Same thresholds	No change
Disturbance Limits	Same thresholds	Same thresholds	No change
Camp Disturbance Limits	Same thresholds	Same thresholds	No change
Watercourse/Riverine Areas	Excluded	Excluded	No change
Strategic Environmental Areas	Excluded	Excluded	No change
Designated Environmental Areas	Excluded	Excluded	No change
Environmentally Sensitive Area (ESA) Protection	Category A and B ESAs and buffers	Replaced by Significant Environmental Values (SEVs)	Material change
Threatened Species	Indirectly protected through ESA mapping	Direct SEV protection	Expanded protection
Habitat Protection	Limited	Direct SEV protection	Expanded protection

Native Vegetation	Limited, endangered regional ecosystem (ERE) Category B ESA	Extensive SEV protection including "of concern" vegetation	Expanded protection
State Forests	Captured as part of designated environmental area	Remains captured as part of designated environmental area	No change

Hand mining

Topic	Current framework	Proposed framework	Effect
Workforce limits	Not specified	Maximum 20 persons	New restriction
Disturbance limit	Same thresholds	Same thresholds	Less restrictive
Camp Disturbance Limits	Same thresholds	Same thresholds	No change
Chemical processing	Permitted under some mining claim types	Explicitly prohibited	More restrictive
Environmentally sensitive areas	Cannot operate in Category A or B ESA	Cannot operate in SEVs or designated environmental areas	New framework
Endangered regional ecosystems	Category B ESA only	Endangered REs are SEVs	Similar protection
Protected areas	Category A/B ESA	SEV	Similar protection
Strategic Environmental Areas	Conditional allowance	Prohibited in designated environmental areas	Different approach
Fish habitat areas	Category B ESA	SEV	Similar protection
Fish passage waterways	Not an eligibility trigger	SEV	Stronger protection
Wetlands	Not a direct eligibility trigger	SEV	Stronger protection
Threatened species habitat	Not an eligibility trigger	SEV	Stronger protection
Offset areas	Not an eligibility trigger	SEV	New protection

ment policy draft for consultation

Topic	Current framework	Proposed framework	Effect
Residual impact to prescribed environmental matters	Not addressed	Must not occur	New protection
GBR catchment waters	Not addressed	No residual impact allowed	New protection
Riverine extraction limit	≤20 m^3/km/year	Not included	Removed

Not government policy draft for consultation

Appendix A: Snapshot of proposed ERA Standards

KEY CHANGES

- The ERA Standards have been streamlined and contemporised to focus on the environmental risks most relevant to each activity type.
- Conditions have been reviewed and tailored to the nature and scale of the activity, with a stronger focus on environmental outcomes and risk management.
- Environmental values, including Significant Environmental Values (SEVs), continue to be protected through updated eligibility criteria and contemporary policy settings.
- Prescriptive operational requirements, duplicated guidance material and administrative provisions have been substantially reduced and duplication with other legislation has been removed.
- Rehabilitation requirements have been simplified and made more outcome-focused, while maintaining expectations for appropriate rehabilitation outcomes.
- The revised standards provide a more consistent, proportionate and risk-based regulatory framework across exploration, mineral development, mining lease and prescribed mining claim activities.

How will this be implemented?

- The ERA Standards will take effect on a future date yet to be prescribed.
- Existing EA holders operating under a previous ERA standard can continue to operate under their existing requirements.
- Existing EA holders may elect to move to the new standard provided they meet the eligibility criteria. If one or more of the standard conditions cannot be met, a variation application can be made.
- The ERA Standards will be available on the department's website.
- The conditions of the ERA Standard, as well as other general obligations under the *Environmental Protection Act 1994* (e.g. general environmental duty) will need to be complied with.

BENEFITS

- ✓ **Contemporised regulatory framework for industry and government**
- ✓ **Environmental standards maintained**

Appendix B: Snapshot of proposed ERA codes for exploration permits (minerals), prescribed and hand mining claims

KEY CHANGES

- Prescribed conditions, under the Environmental Protection Regulation 2019, for small scale mining activities are proposed to automatically transition to ERA codes. ERA Codes are being developed for small-scale mining on an exploration permit (minerals), small-scale mining on a prescribed mining claim; and hand mining on a mining claim.
- The codes may 'look different' but should not impact your daily operations. You should continue to conduct your business as usual.
- You will no longer need to provide financial assurance i.e. surety, and refunds will be given.
- Prospecting permits will be managed by general environmental duty, rather than ERA Codes.

How will this be implemented?

- The ERA codes will take effect on a future date yet to be prescribed.
- Existing operators will be invited to transition to the ERA code.
- The codes will be available on the department's website.
- You will need to comply with the conditions of the ERA codes and general environmental duty under the *Environmental Protection Act 1994.*
- New operators must continue to obtain the relevant tenure under the *Mineral Resources Act 1989.*

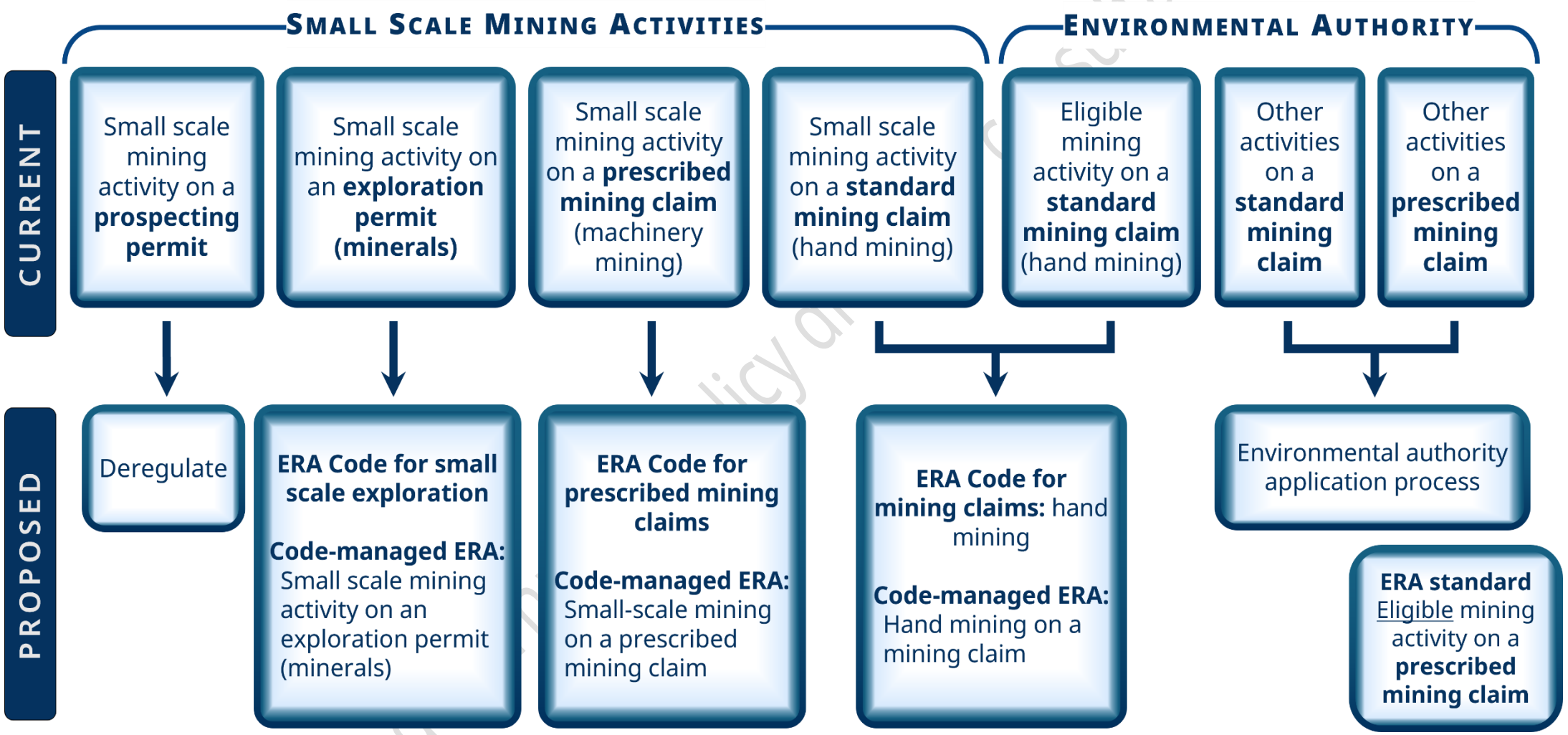
Refunds of Financial Assurance

- Conditions requiring payment of financial assurance (or surety) will be removed.
- The Scheme Manager will refund any existing financial assurance for small mining activities.
- The refund process will occur in stages, over several years.
- The Financial Provisioning Scheme will contact tenure holders to action the refund.
- Tenure holders should make sure their details in MyMinesOnline are up to date.

BENEFITS

- ✓ **Cost savings for small scale miners**
- ✓ **Reduced regulatory burden for industry and government**
- ✓ **Environmental standards maintained**

Appendix C: Summary of proposed transition for small mining activities



Appendix D: Frequently Asked Questions

The responses to questions and answers in this information sheet reflect the current proposed position at the time of consultation. It should be noted that these may change as a result of the consideration of feedback during the consultation processes.

1. What is the difference between an ERA code and an ERA standard?

ERA standards apply to activities that require an EA and set out the eligibility criteria, standard conditions and environmental requirements that must be met by the operator. An applicant who meets the requirements of the relevant ERA standard may apply for an EA that is conditioned using that standard. The standards have been developed to manage the environmental risks associated with an activity and provide a streamlined approval pathway where those risks are well understood and can be effectively managed through standardised conditions.

ERA codes, by contrast, provide a streamlined authorisation framework for eligible low-risk activities where environmental risks are well understood and can be effectively managed through prescribed operating requirements. Operators that comply with the relevant ERA code may undertake the activity without the need to obtain an EA.

ERA standards

2. Will the revised ERA standards impact current projects operating under a standard?

Existing Environmental Authority (EA) holders operating under the current ERA standards can continue their activities as usual and will not be required to transition to the revised standards. The revised ERA standards will apply to new applications, including where a new tenure is added to an existing EA, and new authorities issued after the commencement date. Any existing EAs will remain subject to the conditions and standards that applied at the time they were granted, unless otherwise specified through a separate regulatory process.

3. Are there any changes to the application pathway for an ERA standard?

The proposed revisions to the ERA standards do not change the existing application pathway. Applicants will continue to follow the same approval and assessment processes currently in place. The changes relate to the content of the ERA standards themselves and do not introduce any new application requirements, assessment steps, or approval pathways. Where applicable, new applications will be assessed against the revised ERA standards once they take effect. Where a holder cannot meet a standard condition, there remains the ability to seek a variation of one or more standard conditions.

4. Are there any changes to fees for an ERA standard?

No, the proposed revisions to the ERA standards do not change the fees associated with applying for an EA. Existing fee structures and charging arrangements will continue to apply.

Not government policy draft for consultation

5. Will activities currently operating under an ERA standard be required to transition to the relevant revised ERA Standard?

Current EA holders will not be required to transition to the revised ERA standards framework and can continue operating under the conditions and standards that apply to their existing EA. Existing EA holders may be able to transition to the new ERA standard through an amendment to their environmental authority under the EP Act. Where a holder can meet the applicable eligibility criteria and standard conditions for the ERA standard this may be processed as a condition conversion.

6. What does 'revised ERA standard' mean?

For the purposes of this consultation, the term "revised ERA standards" is being used to refer to the review and remaking of the current ERA standards. While section 318DA of the EP Act provides that an amendment of an ERA standard, other than a minor amendment, is made by the making of a new ERA standard, the standards being proposed are largely intended to update and replace existing standards rather than introduce an entirely new framework.

7. Will financial assurance still be required?

The previous ERA standards included references to Financial Assurance (FA), as that was the framework at that time. Since then the Estimated Rehabilitation Cost (ERC) framework has been introduced for resource activities. As a result, the revised ERA standards have been updated to replace condition references to FA with references to the current ERC framework.

Accordingly, where relevant, holders will be required to obtain and maintain an ERC in accordance with applicable legislative requirements. The revised ERA standards do not introduce new rehabilitation cost obligations but have been updated to reflect the current legislative and financial provisioning framework.

The revised ERA standards no longer include a Schedule of Rates in the standards themselves. It is intended that the Statutory Guideline: Estimated rehabilitation cost under the EP Act (ERC Guideline) will be updated to include these Schedule of Rates. This will result in all ERC calculation requirements being contained in the ERC Guideline.

8. How are ERA standards made?

Under section 318 of the *Environmental Protection Act 1994*, the chief executive may make an ERA standard that sets out the eligibility criteria and standard conditions for an ERA. Pursuant to section 318A of the EP Act, a statutory public consultation process must be undertaken when an ERA standard is developed, or an existing standard is substantially changed.

The statutory consultation process must be at least 30 business days and will require:

- the proposed standard to be published on the department's website;
- a notice that invites public submissions and provides instructions on how to make such a submission to be published on the department's website; and
- written notice about the proposed code and consultation process to be given to each holder of a relevant existing EA that is in effect immediately before the consultation period starts.

All submissions must be considered when deciding whether to make an ERA standard.

The new or revised ERA standards will come into effect when approved by regulation, or a later date if specified in the regulation. All ERA standards will be published on the department's website.

Not government policy draft for consultation

9. How are the Significant Environmental Values considered for an ERA standard?

EP(ES)OLA introduced the ability for Significant Environmental Values (SEVs) to be prescribed through a regulation. Under section 9 of the *Environmental Protection Act 1994*, environmental values are defined as the important qualities or physical characteristics of the environment.

In making an ERA Standard, the administering authority considers the object of the EP Act, which is to protect Queensland's environment while allowing for ecologically sustainable development, when determining the eligibility criteria and standard conditions for an ERA. This includes considering the environmental values as set out under the EP Act. SEVs are proposed to be prescribed within the Environmental Protection Regulation 2019 concurrently with the making of the ERA Standards, the SEVs have been considered as part of this process.

Where an ERA would adversely after SEV, the area is constrained through the eligibility criteria. For example, National Parks are ineligible because a resource ERA cannot occur within a National Park without impacting the environmental values. This is further supported by a standard condition requiring that activities do not cause environmental harm to specified SEVs, including where an ERA is located adjacent to a National Park.

Where it has been identified that a resource ERA can occur within an area containing significant environmental values, depending on the environmental values, conditions may be applied to the type, scale or location of the activity to manage those impacts.

ERA codes

10. What is a code-managed ERA?

EP(ES)OLA introduced code-managed ERAs within the EP Act. A regulation may declare an ERA to be a code-managed ERA, only if the Minister is satisfied –

- the risk of environmental harm that may be caused by the carrying out of the activity is known; and
- the environmental harm can be effectively prevented, minimised, rehabilitated or remediated, by requiring compliance with an ERA code.

The declaration of code-managed ERAs are considered suitable for lower-risk activities. Code-managed ERAs will be defined within Schedule 3A of the Environmental Protection Regulation 2019. Where an operator meets the definition of a code-managed ERA, the operator is also required to comply with the conditions associated with the ERA Code for that activity.

11. What is an ERA code?

Where an activity is declared a code-managed ERA, the administering authority may make an ERA Code. The ERA Code authorises the code-managed ERA to be carried out without an EA while ensuring the activity is carried out in a way that is consistent with the object of the EP Act. The ERA Codes are approved by a regulation, and will be identified in Schedule 15A of the Environmental Protection Regulation 2019.

12. What are the benefits for transitioning to an ERA code?

ERA codes are designed for low-risk activities, with conditions developed to manage known and manageable risks.

Transitioning to an ERA code makes it easier for operators to understand their requirements. A key benefit is consistency across activities. The ERA code sets clear conditions for specific activities, ensuring similar activities are regulated in the same way and reducing confusion.

Not government policy draft for consultation

There will be no requirement to pay financial surety under an ERA code and any payments already held will be refunded.

13. How will the introduction of ERA codes affect new and existing operators?

Once the new ERA codes are made for small mining activities, all new operators will be required to operate under the code or obtain an environmental authority (EA).

For pre-existing operators (including those operating under prescribed conditions stated in the Environmental Protection Regulation 2019), a 12-month transition period will begin. During this period, operators must notify the Department of their intention to operate under the ERA code or obtain an EA. If you are already operating under an EA you may also choose to continue operating as normal through that approved EA.

If an existing small mining operator does not notify the department of their intention, they may be automatically transitioned to the ERA code framework by default, 12 months after the ERA code takes effect.

14. Do I need to do anything to have my financial assurance (surety) refunded?

No. The Scheme Manager will contact you to refund any existing surety after the operator gives notice of intention to carry out activity under ERA code, or is otherwise transitioned to a code (12 months after approval of the ERA code). Because of high volumes, refunds will be processed in stages after the ERA code begins and may take several years. Refunds will not happen for all operators at the same time.

The department will provide further detailed instructions about this process following progression of the amendments to the Environmental Protection Regulation 2019.

15. How are ERA codes made?

A statutory public consultation process must be undertaken, in accordance with new section 551B under EP(SO)OLA, when a new ERA code is developed, or an existing code is substantially changed.

The consultation process must be at least 30 business days and will require:

- the proposed code to be published on the department's website;
- a notice that invites public submissions and provides instructions on how to make such a submission to be published on the department's website; and
- written notice about the proposed code and consultation process to be given to each holder of a relevant existing environmental authority that is in effect immediately before the consultation period starts.

All submissions must be considered when deciding whether to make an ERA code.

The new or revised ERA code will come into effect when it is approved by regulation, or a later date if specified in the regulation. All ERA codes will be published on the department's website.

16. Will there be any fees associated with ERA codes?

No, operators will not be required to pay any application or annual fees to operate under an ERA code for small scale mining activities or hand mining.

Not government policy draft for consultation

17. How are the Significant Environmental Values considered in declaring a code-managed ERA?

A code-managed ERA may declare where the impact to values is known and the impacts may not be able to be effectively prevented, minimised, rehabilitated or remediated by requiring compliance with an ERA Code. SEVs are considered in declaring a code-managed ERA by:

- where the impact to the SEV unknown, the definition of the code-managed ERA will ensure those impacts do not occur, such as through restricting the activity within areas where the SEVs are located;
- where the impact to the SEV is known, however is unable to be effectively prevented, minimised, rehabilitated or remediated by requiring compliance with an ERA Code, the definition of the code-managed ERA will ensure those impacts do not occur;
- where the impacts to the values can be effectively prevented, minimised, rehabilitated or remediated, by requiring compliance with an ERA code, the impacts will be regulated through the conditions of the code.

18. How are the Significant Environmental Values considered in making an ERA Code?

When making an ERA Code, SEVs are considered to ensure the activity is undertaken in a way that is consistent with the object of the EP Act. Where an impact to a SEV is known and can be managed through conditions of an ERA Code, conditions will be applied.

Not government policy draft for consultation