

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of the Environment, Tourism, Science and Innovation
Name of the proposal	Nature Conservation and Other Legislation Amendment Bill 2025
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>Environmental Protection Act 1994</i> <i>Nature Conservation Act 1992</i>
Date of issue	February 2025

Clarification amendment to the *Environmental Protection Act 1994*

Proposal type	Details
Minor and machinery in nature	The purpose of this proposal is to clarify transitional provisions relevant to the enactment of the <i>Environmental Protection (Powers and Penalties) and Other Legislation Amendment Act 2024</i>. The amendment will make clear that offence provisions relating to existing environmental protection orders, clean-up notices and direction notices prior to the commencement continue to apply. This proposal is minor and machinery in nature and has zero/negligible regulatory costs and does not involve substantive change to regulatory policy or result in impacts to business, government, or the community.

Administrative amendments – *Nature Conservation Act 1992* and *Environmental Protection Act 1994*

What is the nature, size and scope of the problem? What are the objectives of government action?
<i>Nature Conservation Act 1992</i> Most native wildlife (plants and animals) is protected under <i>Nature Conservation Act 1992</i> (the NC Act), where it is an offence to take, keep or use protected wildlife unless authorised. The NC Act also provides for the declaration and management of protected areas. Authorisations, including licences and permits to allow a person to take, keep or use protected wildlife, and for activities related to protected areas are provided under the Act's subordinate legislation – the Nature Conservation (Animals) Regulation 2020 (Animals Regulation), Nature Conservation (Plants) Regulation 2020 (Plants Regulation) and the Nature Conservation (Protected Areas Management) Regulation 2024 (Protected Areas Management Regulation). Licences and permits can be granted for a broad range of activities, from native animal pet keeping and trading to permits to interact with animals in the wild for public health and safety and conservation purposes. Protected area authorities include permits for camping in protected areas and a range of other activities such as commercial activities, research and organised events. The Department of the Environment, Tourism, Science and Innovation (the department) has transitioned towards the use of electronic systems to streamline the application process for licences and permits under the NC Act to accommodate increasing public reliance on digital platforms to carry out business.



Since 2017, the department also been using an electronic system to automatically issue particular animal licences for low-risk activities relating to native animal pet keeping and trade. For animal authorities, low-risk is determined by the following:

- *class of the animal* (i.e. determined by level of danger posed by the animal, level of conservation risk (relating to illegal take), level of establishment in captive-bred markets, and specialised requirements for their captive keep);
- *suitability requirements of the applicant* (i.e. not requiring specific qualifications for assessment); and
- *type of activities to be carried out under authority* (i.e. low-risk considered to be the keep and use of captive-bred animals of a particular class, such as pet keeping or trading animals).

For these low-risk activities, a person can become a registered user of the electronic system, and if they meet the appropriate requirements, be issued a licence or permit without any assessment being undertaken by an authorised officer. With approximately 6,500 licences being automatically issued per year (approx. 25-30 per day), the rationale for this decision was to free up resources to spend on assessing higher-risk authorities and undertake additional compliance, whilst still enabling the objectives of the Act to be met. The following types of animal authorities are automatically issued using the electronic system:

- Standard Licence;
- Specialised Licence (other than class 2 – dangerous); and
- Advanced Licence (other than class 2 – dangerous).

In addition, there are also general requirements under regulations for amendments for all animal and plant authorities. Certain changes can be made automatically using the electronic system.

The objective of the regulatory framework is to maintain a record of lawful movements and interactions with native wildlife in Queensland, to limit risk to the conservation of native plants and animals through activities such as illegal wildlife trade. By ensuring licensing of native wildlife, illegal wildlife trade can be more effectively monitored, and the authorised keep of captive-bred wildlife can be supported by providing keeping guidelines. While low-risk activities can be authorised automatically through the electronic system, regard is given to suitability—for example, the applicant's ability to comply with a code of practice; their understanding of guidelines; and have not committed an offence under the Act.

A recent review of the operation of the electronic system has indicated that using digital platforms to issue animal authorities may not be entirely consistent with legislative requirements, particularly in relation to the chief executive's broader requirements to consider and decide an application for a new authority, or to renew or amend an existing authority.

It is in the public interest to maintain authority holder rights and entitlements under the NC Act. Consequently, the objective of the amendments are to—

1. put beyond doubt that all authorities previously automatically issued under the NC Act are valid; and
2. ensure that the legislative framework for administering authorities is contemporary and appropriate to enable issuing of particular, low-risk authorities through an automated process using the department's electronic system.

The proposal seeks to allow the continued issue of licences for low-risk native wildlife keeping through an electronic system that considers the applicant's suitability. This will ensure business as usual, minimising impact to licence holders and resourcing demands for permitting teams, while maintaining the ability to maintain a record of native animal movements in Queensland to meet conservation objectives under the Act. The current proposal does not seek to alter the objectives of the legislation, or the rights and obligations it establishes in relation to the (low-risk) keep and use of lawfully obtained animals in Queensland.



While there is no concern regarding the validity of camping permits for protected areas automatically issued under the Protected Areas Management Regulation, the amendments to the NC Act will capture these permits for consistency.

Other minor and consequential amendments are required to the NC Act and have no regulatory impact.

Environmental Protection Act 1994

Although the *Environmental Protection Act 1994* (EP Act) was set up to enable automated decision-making for standard applications for an environmental authority, the review of the NC Act has raised further considerations regarding the use of digital platforms to grant authorities under the EP Act. As such, it is proposed to ensure the EP Act's established automated decision-making process is valid. The proposed amendment to the EP Act will –

1. allow environmental authorities to continue to be approved using an automated system; and
2. provide retrospective validation to put beyond doubt the validity of all previously issued authorities.

What options were considered?

Option 1 – Status quo

This option is to continue current processes and make no changes to the legislation. However, there are potentially significant risks of not moving to a legislative framework that is contemporary and able to meet stakeholder and government expectations regarding the use of technology to support administrative processes.

Option 2 – Non-regulatory – Change administrative processes

This option would require the current business practice of automatically issuing low-risk animal authorities to cease. The altered administrative processes would require significant reallocation of resources and increased costs towards officers to support the substantial increase in applications requiring processing. This would also likely result in longer processing times for both government and applicants, likely impacting business and community, and ultimately negatively impacting on conservation outcomes. The validity of previous automatically issued authorities could be in doubt.

Option 3 (Preferred) – Preserve authority validation and maintain current business practices

This option is considered to be the only feasible option. This option seeks to make the necessary legislative amendments to the NC Act to establish a contemporary and appropriate approach to continue using digital systems to process authorities consistent with current business practice. Similarly, the EP Act will be amended to clarify the use of digital systems to grant automated environmental authorities. Existing protections for native wildlife will remain unaffected, and the existing rights of persons to handle, keep and trade native wildlife will also be unaffected as a result of the regulatory changes.

Option 3 is preferred because it maintains current business practices and achieves the objectives of the Acts, addresses any potential risks and has no impact on business or community. The amendments are considered minor and machinery in nature.

What are the impacts?

Under the preferred option (option 3), there is no impact to government, business or community. The legislative improvements seek to maintain existing business practices and do not change existing policy intent.

There could be significant impacts to business and community if the status quo (option 1) is maintained, and the department continues undertaking business based on the ambiguity of the existing legislative environment. Subject to review proceedings, the rights and entitlements of existing authority holders could be revoked. There could also be significant impacts to business and community if the department were to cease automatic issuing of low-risk animal authorities.



Who was consulted?

External consultation of this proposal has not occurred as the amendments seek to confirm existing departmental practice.

Internal consultation occurred with the Department of the Premier and Cabinet, Queensland Treasury and the Department of Justice.

What is the recommended option and why?

The purpose of this proposal is to clarify and modernise administrative functions under the above-mentioned Acts and does not seek to change policy or impose further regulation. Therefore, this proposal does not have any impact on business or community. Option 3 is the recommended option as it ensures the validity of authorities automatically dealt with under the NC Act and EP Act, whilst maintaining business continuity with industry and community clients using digital platforms to undertake regulated activities.

Impact assessment

All proposals

	First full year	First 10 years**
Direct costs – <i>Compliance costs*</i>	Zero	Zero
Direct costs – <i>Government costs</i>	Zero	Zero

* The *direct costs calculator tool* (available at www.treasury.qld.gov.au/betterregulation) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. **Agency to note where a longer or different timeframe may be more appropriate.

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Department of the Environment, Tourism
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Date: 24/02/2025

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

Date: 25/02/2025