

# Information Sheet

*Environmental Protection Act 1994*

## Progressive rehabilitation and closure plan (PRC plan) documents on the public register portal

*This information sheet provides a summary of the PRC plan documents published on the Department's Public Register Portal, which are releasable under the public register pursuant to sections 540 of the Environmental Protection Act 1994.*

### 1 Public Register Portal

The Department of Environment and Science (DES) maintains a Public Register Portal (the Portal), which provides online access to a range of documents and records as listed in sections 540 and 540A of the *Environmental Protection Act 1994* (EP Act).

In accordance with sections 541 and 542 of the EP Act, DES must keep public registers and make those registers available for inspection.

Not everything required to be on the public registers is currently available through the Portal. DES will add further information to the Portal over time.

Access the Portal is available at: <https://apps.des.qld.gov.au/public-register/>

If you are seeking information not yet available on the Portal, please submit a public register request: <https://apps.des.qld.gov.au/public-register-request/>

### 2 What's a releasable document for PRC plan?

All releasable documents for PRC plans are available on the Portal.

The Portal includes records related to PRC plans, as required under section 540 of the EP Act.

The Portal includes all current and former versions of PRC plan documents. The documents are still releasable despite any amalgamation, de-amalgamation or transfer of the environmental authority or PRCP schedule.

This includes:

- All final PRC plans, including both components: the approved PRCP schedule and the Rehabilitation Planning Part
- All properly made PRC plan applications (transitional as required by a notice under section 754, new under Part 2, as required under section 143A and amendment under Part 7). This includes:
  - proposed PRC plans
  - proposed PRCP schedules (submitted as part of the PRC plan), which are yet to be approved as part of the application process
  - information requests and responses to information requests
  - notices about extensions



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- Response to a Not Properly Made Notice, conditional upon the following (note that a mixture of scenarios may apply):
  - If the applicant has responded to a Not Properly Made Application notice by submitting addendums or additional information to the original application documents the original document/s as well as the addendum are releasable
  - If the applicant has responded to a Not Properly Made Application notice by replacement documents to the original application documents only the new set of documents are releasable. In this scenario the original documents were not valid and therefore are not releasable.
- Audit reports of PRCP schedules (section 540(1)(a)(v))
- PRCP schedules that are no longer in effect (because the EA for carrying out activities on land to which the schedule relates has been cancelled or surrendered) (section 540(1)(a)(vi))
- Reports about public interest evaluations, other than any confidential information within the meaning of section 316PE of the EP Act (section 540(1)(a)(xiii))

Application documents may or may not be releasable depending on the scenarios in Section 3 below.

### 3 What's not a releasable document for PRC plan?

The following are not releasable documents:

- Decision notices refusing a PRCP schedule
- Notices about not properly made applications
- Proposed PRC plans, subject to the EP Act properly made provisions, if:
  - they have been determined to be not properly made and are replaced entirely; or
  - a determination about whether the application is 'properly made' has not yet occurred
- Any document that has been replaced in full in response to a 'Not Properly Made Application Notice'. Only the revised version would be considered properly made and would be a releasable document
- Information requests and responses in relation to a PRC audit report (section 287 of the EP Act)
- Notices given to a mining EA holder requiring a proposed PRC plan to be given to the administering authority (section 754 of the EP Act)
- Confidential information included in a Public Interest Evaluation (PIE) for a proposed PRCP schedule; for the meaning of 'confidential information', see section 316PE(4)
- Audit Reports.

### 4 Confidential information

All information contained in any of the releasable documents listed in Section 2 will be published on the Public Register Portal. Do not provide confidential information in these documents. Any information that should be redacted or removed must be redacted or removed prior to submitting the document.

The PRCP guideline states the above information, and it is particularly important to consider this advice in the context of:

- landholder agreements;
- community consultation information; and
- Public Interest Evaluations

as these are areas that commonly include private or commercially sensitive information.

Examples of confidential information that should not be included are:

- Employee or community member personal information
- commercially sensitive data
- landholder agreements where compensation information or landholder's personal information are included

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- Indigenous land use agreements that have confidential information included.

If the administering authority requests information that is confidential, the applicant should advise the administering authority that such information cannot be provided as part of the PRC plan or other related document. In this situation, an applicant and the administering authority may come to an agreement during pre-lodgement discussions, or during the assessment process, on alternative information to be included, if necessary, to support the PRC plan or other related document.

An example of where confidentiality issues arise is in relation to landholder compensation agreements that provide evidence about retained infrastructure.

**Situation:** The administering authority requires evidence in the form of a written agreement where infrastructure is to be retained as part of the post-mining land use. However it is not uncommon for other information that is commercially sensitive or private to be included in these agreements.

**Solution:** Applicants may wish to consider the form and content of such agreements to ensure they can provide the required evidence without inadvertently disclosing other confidential information. Where existing agreements are in place that are likely to have these issues, early engagement with the administering authority is advised.

### 5 Document requirements

A PRC plan application should be collated as a single PDF file as opposed to multiple smaller PDF files (e.g. appendices). This will avoid issues with version control or misuse of individual files out of context. While this approach is strongly encouraged, it is not mandated by the administering authority.

Note that it is mandatory to include a copy of the proposed PRCP schedule in a Microsoft Excel spreadsheet format (approved form for PRCP schedule).

### 6 Versioning of releasable documents

The Portal provides functionality for more than one version of a PRC plan document to be loaded, and each version of the PRC plan document must be added to the Portal.

A standard naming convention is used for PRC plan documents on the Portal to make it easier to identify the version, the type of document, and whether it is attachment. Where there are multiple documents for a type (e.g. multiple attachments) these are numbered to differentiate between them but they will use the same document type to show they are grouped.

For example: [PRCP reference]\_[version]\_applicationdocuments\_Attachment\_01

### 7 Timing

Once a releasable document is submitted to the department it becomes a document available under the public register provisions and DES makes it available on the Portal as soon as possible.

Where an information request has issued but a response has not yet been received, the information request notice (including response due date) will be uploaded to the Portal. The upload of the information requested is not delayed until the response is received.

Information will be included on the Portal to advise people that records are released as soon as available and that further records may be added progressively to the portal in relation to the same application (for example once a response to an information request is submitted).

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### 8 System updates

Please notify the department if errors are identified in the Portal records. Notifications should be made via the public register mailbox: [public.register@des.qld.gov.au](mailto:public.register@des.qld.gov.au).

The email should include:

- Individual or company name
- Contact details (email and/or postal address)
- Specific details of the error

### 9 Further information

Other relevant information:

- PRCP Guideline (ESR/2019/4964)<sup>1</sup>

The information provided within this guideline is relevant to the public register provisions currently in force. However, it does not cover the full extent of the current public register requirements and the legislation should be referred to for documents which are not specifically mentioned here.

The legislative requirements about information and documents required to be kept on the public register may change over time. However, it does not matter that a document was created before the requirement to keep it on the register came into force.

Where documents are specifically identified here as not releasable to the public register, these may still be sought through a right to information request under the Right to Information Act 2009 (Qld) (RTI Act). Under the RTI Act any person or entity may apply for access to government information. The Information Privacy Act 2009 (Qld) (IP Act) allows individuals to apply to access and amend government documents containing their own personal information. Applicants do not need to provide a reason for requesting information.

#### Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

#### Approved

23 February 2023

#### Enquiries:

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<sup>1</sup> This document is available on the Business Queensland website at [www.business.qld.gov.au](http://www.business.qld.gov.au), using the publication number ESR/2019/4964 as a search term.

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**Version history**

Version	Date	Description of changes
1.00	23 February 2023	New information sheet to assist with understanding PRC plan public register requirements.