

Guideline

Environmental Protection Act 1994

Estimated rehabilitation cost under the *Environmental Protection Act 1994*

This guideline describes the arrangements for estimated rehabilitation cost under the Environmental Protection Act 1994. It has been prescribed under section 550 of the Environmental Protection Act 1994.

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Estimated rehabilitation cost under the *Environmental Protection Act 1994*

1 Introduction

1.1 Estimated rehabilitation cost

*Estimated rehabilitation cost*¹ (ERC) is the estimated cost of:

- rehabilitating the land on which a *resource activity* is carried out and
- preventing or minimising environmental harm, or rehabilitating or restoring the environment, in relation to the resource activity.

The Department of Environment and Science (the department), as the administering authority of the *Environmental Protection Act 1994* (EP Act), is responsible for deciding the ERC for an *environmental authority* (EA) for resource activities. The *scheme manager* under the *Mineral and Energy Resources (Financial Provisioning) Act 2018* (MERFP Act) will determine the amount of *scheme assurance* that is provided to the Queensland Government by the holder of an EA. The purpose of scheme assurance is to provide the Queensland Government with a source of funds for costs and expenses relating to preventing or minimising environmental harm, or rehabilitating or restoring the environment, or securing compliance with an EA or *small scale mining tenure*².

It is a condition of all EAs for resource activities, under section 297 of the EP Act that the holder must not carry out, or allow the carrying out of, an activity under the EA unless an *ERC decision* is in effect, the holder has paid scheme assurance and complied with the requirements under the MERFP Act. Transitional provisions for existing EA holders are outlined in section 4 of this guideline.

1.2 The purpose of this guideline

This guideline is made under section 550 of the EP Act. It outlines the relevant legislative provisions, the approved calculation methodology, application requirements, information request process, and decision-making criteria relating to an application for an ERC decision. This guideline is for:

- new operators applying for an ERC decision for the first time
- existing EA holders who are re-applying for an ERC decision
- existing EA holders who have provided *financial assurance* (FA) for an EA under the EP Act prior to the commencement of the ERC provisions—transitional provisions are outlined in section 4 below
- departmental staff administering the ERC provisions under the EP Act
- members of the public interested in learning more about the regulatory framework for ERC.

All references to the ERC in this guideline refer to the EP Act only, unless otherwise stated. Flowcharts appear throughout the document in order to provide more guidance on ERC processes. Unless specified, any reference to a timeframe in the flowcharts is a reference to a timeframe that is set by legislation. This guideline does not deal with *residual risk payments*.

1.3 Governing legislation and policy

1.3.1 Requirement for an ERC decision to be in effect

New EA holders for a resource activity must apply for an ERC decision, have an ERC decision in effect and have lodged scheme assurance (either a contribution paid to the scheme fund or surety given under the MERFP

¹ Throughout this document, italicised words appear in the Glossary at the end of this guideline. Only the first expression of the word will be italicised. Note: some words are italicised because they refer to titles of legislation.

² Holders of a *small scale mining tenure* are not required to apply for an ERC decision, however they are required to provide surety. For small scale mining activities, Schedule 16 of the EP Regulation prescribes the amount of surety required.

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Act) before commencing any activities under their EA. It is a condition of all EAs for a resource activity under section 297 of the EP Act that the holder must not carry out, or allow the carrying out of a resource activity, if these requirements have not been complied with.

Carrying out activities under an EA without first lodging scheme assurance may result in compliance and enforcement action against the EA holder and those acting under the EA. Please refer to sections 297 and 430 of the EP Act.

There are also circumstances throughout the life of the EA when the holder must re-apply for a new ERC decision e.g. before the *ERC period* expires, as directed by the department, or when there is a change in the likely maximum disturbance or a likely increase to the calculated ERC. These scenarios are outlined in section 3 below.

1.3.2 Setting the amount of ERC

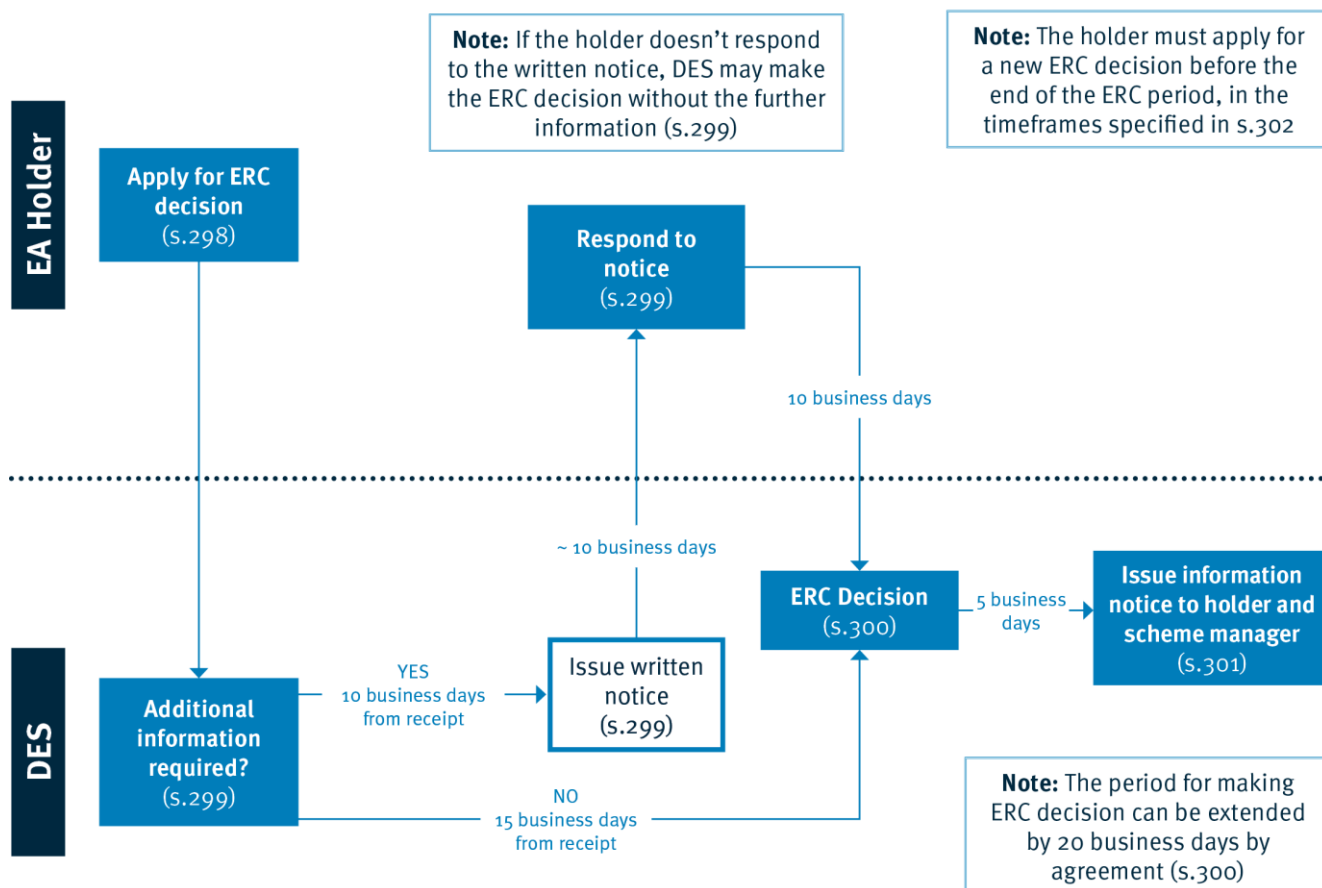
The EA holder will propose the amount of ERC when they apply for an ERC decision under section 298 of the EP Act. The department must decide the amount of ERC required under section 300 of the EP Act.

The amount of ERC must be based on the potential cost to government of having to undertake rehabilitation activities should the EA holder fail to do so and to prevent or minimise environmental harm, or rehabilitate and restore the environment. For full details of how the proposed ERC amount must be calculated refer to section 2.3.2 of this Guideline—Approved calculation methodology.

2 Deciding the amount of the ERC

Figure 1: Process for applying for an ERC decision

Applying for ERC decision under the *Environmental Protection Act 1994*



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2.1 Application stage

2.1.1 How to apply for an ERC decision

All holders of EAs for resource activities must apply for an ERC decision using the approved form: 'Application for a Decision on the Estimated Rehabilitation Cost' (ESR/2018/4426³). The application must meet the minimum information requirements set out below. The application can be made at any time after the EA has been granted and can be lodged online via Online Services⁴ or a hardcopy form sent to the relevant DES regional office for the EA.

For mining activities relating to a mining claim, exploration permit or mineral development licence, and which operate under standard conditions, the standard application for a new EA for a resource activity (ESR/2015/1755³) does not include an application for an ERC decision. A separate application must be made for an ERC decision (ESR/2018/4426³).

2.2 Information requirements

The following information requirements apply to an application for an ERC decision (as per section 298 of the EP Act).

2.2.1 General information requirements

The ERC application must:

- (a) State the ERC period to which the application relates. The start date for the ERC period is the day the ERC decision is made by the department.
- (b) State the amount the holder considers to be the estimate of the total cost for the ERC period for rehabilitating the land and preventing, or minimising environmental harm, or rehabilitating or restoring the environment in relation to the activity.
- (c) Include a compliance statement for the ERC⁵—if the EA holder is an individual, the individual must sign the compliance statement. If the EA holder is a corporation, it must be signed by an *Executive Officer* of the corporation. The Executive Officer must provide a letter of authorisation to delegate authority to sign the compliance statement on their behalf.
- (d) Include the following (refer to the approved form for detailed requirements for eligible and ineligible ERAs):
 - (i) a schedule of disturbance⁶ (see Appendix 1 of the approved form)
 - (ii) a list of any published standards, performance indicators or acceptance criteria that underpin the rehabilitation activities and any other assumptions used to calculate the ERC e.g. information in the Global Acid Rock Drainage Guide
 - (iii) supporting information to show how the proposed ERC has been calculated i.e. the electronic Microsoft Excel worksheets of the ERC calculator or relevant 'Schedule of rehabilitation costs'

³ This is the publication number. The publication number can be used as a search term to find the latest version of a publication at www.qld.gov.au.

⁴ For further information about Online Services or to register to use Online Services, go to: <https://business.qld.gov.au/running-business/environment/online-services>

⁵ The compliance statement states that the calculated ERC amount is worked out in compliance with the methodology outlined in this Guideline and, if a PRCP schedule or plan of operations applies for the resource activities—is consistent with the schedule or plan. See section 298(e) of the EP Act.

⁶ Applies to some eligible activities only.

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- (iv) if proposed, detailed third party quotes (including business name and contact details) for alternative rates and for works that are not captured within the ERC calculator. The quote must contain all the information requirements outlined in Appendix A of this guideline to be valid. All third party quotes must be completed using the form 'Third party quotes for estimated rehabilitation cost' (ESR/2021/5691³) and must be attached to the approved form.
- (v) map(s) (required for all eligible activities) illustrating the disturbance for the year of maximum liability over the life of the resource project
- (vi) shapefiles (required for all ineligible activities) in the format detailed in the guideline 'Spatial Information Submission' (ESR/2018/4337³). Shapefiles must illustrate the following site details:
 - i. existing disturbance area
 - ii. existing rehabilitation area
 - iii. proposed disturbance area for the year of maximum liability
 - iv. proposed rehabilitation area for the year of maximum liability.

2.2.2 Other information

In addition to the above information requirements, ineligible ERAs must provide the following information:

- (a) justification for the nominated year of maximum liability
- (b) a rehabilitation plan (see Appendix 2 of the approved form)
- (c) for mine waste structures (such as waste rock dumps/overburden dumps, tailings dams, heap leach pads) and run of mine areas - information about the characterisation of materials, volume and location of material, stability of any structure/s, proposed capping method(s) and rehabilitation strategy, details of any site trials that have been undertaken and how any structure(s) were constructed
- (d) details of water management including but not limited to *site water balance*, dam capacity, dam construction, water quality, treatment of water (particularly acidic and saline)
- (e) *material balance* including quantities of available material on site, location of proposed source of material and haul distances; information about whether the material has been tested to ensure that it is suitable for the proposed purpose.

The department encourages EA holders to arrange pre-lodgement meetings with the relevant business centre so they can fully understand the information that they must provide.

If any of the other information listed in this section is not applicable to the site, the EA holder must state why it is not applicable e.g. the site does not have a mine waste structure. The EA holder also has the option to use information that has been previously submitted to the department if it is still current, relevant and meets the information requirements in this guideline.

If the EA holder does not comply with the approved form requirements, the department may not accept the application. If the application is not accepted it will be returned without assessment and the EA holder will be required to resubmit a new application for an ERC decision.

2.3 Calculating the ERC

2.3.1 Eligible mining activities

Certain resource activities (mining claims, exploration permits, mineral development licences and mining leases) are authorised with standard conditions if they satisfy the eligibility criteria for the relevant ERA standard (i.e. EAs approved through a standard or variation application). The relevant ERA standards, listed below, are

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prescribed under the Environmental Protection Regulation 2019 (EP Regulation). For these activities EA holders must use the 'Schedule of rehabilitation costs' found in the appendix of the relevant standard for determining the amount of ERC. For eligible mining lease activities, EA holders have the option of using the 'Schedule of rehabilitation costs' or the ERC calculator to determine the amount of ERC.

The relevant mining standards are:

- Eligibility criteria and standard conditions for exploration and mineral development projects (ESR/2016/1985³)
- Eligibility criteria and standard conditions for mining claims (ESR/2016/2242³)
- Eligibility criteria and standard conditions for mining lease activities (ESR/2016/2241³).

2.3.2 Approved calculation methodology

This is the methodology decided by the Chief Executive under section 298(2)(c) of the EP Act. The ERC must be calculated in compliance with this methodology.

All EA holders⁷ must use the most recent version of the department's ERC calculator to calculate their ERC, unless the method or rate to estimate ERC is prescribed in an ERA standard (refer to section 2.3.1 of this guideline).

The calculators can be downloaded from the Business Queensland website at www.business.qld.gov.au/running-business/environment/licences-permits/rehabilitation/resource-activities. EA holders must ensure that they use the latest version of the relevant ERC calculator each time they recalculate their ERC.

If third party quotes or contracted rates are used to support an ERC calculation they must be included and justified in the appropriate cells designated within the department's ERC calculator. As above, the required supporting evidence for the rate must be provided as part of your ERC application⁸.

Criteria for calculating ERC—Calculate 100% rehabilitation liability

The total rehabilitation liability reflects the total potential costs to rehabilitate *significantly disturbed land*, to achieve compliance with environmental conditions of the EA and the EP Act. The total rehabilitation liability must:

- be calculated on a project basis as it relates to the EA (i.e. may cover several activities on one or more resource authorities)
- be calculated for all land that has been significantly disturbed, and land that is proposed to be significantly disturbed during the ERC period
- be based on the rehabilitation costs for the year in which the maximum liability⁹ is incurred within the nominated ERC period

⁷ E.g. All ineligible (i.e. EAs approved through a site-specific application) mining activities and all petroleum activities.

⁸ If there is significant variance between a third party quoted rate and the equivalent DES calculator rate, further information and justification may be required.

⁹ If the ERC period is longer than one year, the EA holder must identify the year in that period which will have the maximum liability. The year of maximum liability is the year where at any time if operations were to cease and rehabilitation of all disturbance were to commence, the estimated cost of rehabilitation would be greatest. The calculation of rehabilitation liability must be based on the existing site disturbance, the proposed new

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- account for the full extent of work necessary to meet all EA conditions
- include the following activities and costs:
 - (a) *decommission* and remove all *infrastructure* and terminate all services¹⁰
 - (b) constituent tasks or activities required for rehabilitation
 - (c) project management¹¹ costs (10% of the total rehabilitation liability is recommended)¹²
 - (d) maintenance and monitoring¹³. It is recommended that 5% of the total rehabilitation liability be added to account for maintenance and monitoring costs. In some circumstances it may be appropriate to determine actual maintenance and monitoring costs rather than applying 5%. An example is where maintenance and monitoring costs are likely to account for more than 5% of the total rehabilitation liability for the site, for instance where rehabilitation on a site has been substantially completed, but not progressively certified
 - (e) if the project produces hazardous contaminants or includes notifiable activities (in relation to contaminated land), the cost of completing a site investigation report to verify that the conditions of the EA have been met
 - (f) estimates determined using the 'high risk rate' in the department's ERC calculator for mine waste structures (such as waste rock/overburden dumps, tailings dams, heap leach pads) that:
 - contain Potentially Acid Forming material or
 - have observed contaminated seepage that is capable of causing environmental harm¹⁴
 - (g) an amount of 10% of the total rehabilitation liability for contingency.

The total rehabilitation liability does not:

- need to be calculated for disturbance authorised under an EA if scheme assurance has already been given under the same or another EA and where there is collocation of infrastructure resulting in no change to the rehabilitation activities or disturbance
- need to include rehabilitated area certified under section 318Z of the EP Act

disturbance and the rehabilitation planned during the nominated ERC period and accounted for in its entirety, i.e. the total estimated cost of rehabilitating all disturbance to a standard that meets the relevant rehabilitation requirements.

¹⁰ Note: Some costs may not need to be included for certain suitable infrastructure if the EA holder can provide a written agreement (between the EA holder and the land owner) or a statement (if the EA holder is the underlying landowner) that the infrastructure can remain onsite and can demonstrate that the retention of the infrastructure is consistent with achieving the general rehabilitation goals of a site that is safe to humans and wildlife, non-polluting, and stable. Examples of suitable infrastructure include bores, clean water dams and access roads. This does not negate the need to obtain any other authorisations as required under the EP Act or other legislation.

¹¹ This reflects the costs to government to project manage, schedule or oversee the required works.

¹² The EA holder may nominate an alternative amount for these components (or variable amounts across each itemised activity). If the non-recommended value is used, quotes must then be attached with the application/information supplied to the department.

¹³ This reflects the cost to government to do ongoing monitoring and maintenance required of rehabilitation works.

¹⁴ If you are unsure whether this is applicable to your site seek advice during a pre-lodgement meeting.

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- include the costs of responding to an incident (e.g. a spill or accidental release to waters that has downstream impacts).

The total rehabilitation liability must not:

- assume that the liability can be reduced or offset by deducting the value of on-site infrastructure or other assets (including scrap metal). This does not satisfy the Queensland Government's requirements for an acceptable form of surety (which must be unconditional; immediately payable on demand and payable without reference to another person and available until all obligations have been performed). The department does not accept this method due to risks and uncertainty associated with the department's ability to inherit and on-sell these assets and commercial factors (i.e. depreciation and saleability) which could affect the value of the item.

2.4 Information stage

The department may request further information necessary to make the ERC decision within 10 business days after receipt of the application by way of written notice to the EA holder. If the required information has been provided but it is not sufficiently detailed, or clear, then an information request may be used. The notice must provide for at least 10 business days for the EA holder to respond. The department may state a response period longer than 10 days depending on the nature of the information being requested and the likely work involved to prepare the information.

There are no provisions for extension of the information response period. The department may make the decision without the further information if the holder fails to provide the information requested within the required time (see section 299 of the EP Act).

The information stage should not be used for applications that have not satisfied the requirements of the approved form. These applications may not be accepted (refer to section 2.2.2 of this Guideline).

2.5 Decision stage

2.5.1 Criteria for deciding the amount of estimated rehabilitation cost

In making the ERC decision, the department must have regard to whether the EA holder's estimate of the total rehabilitation cost has been calculated out for the ERC period in accordance with section 298(2)(c) of the EP Act, and this guideline (made under section 550 of the EP Act). Refer to section 300 of the EP Act.

The following criteria must be considered in making the ERC decision:

- the ERC has been calculated on a project basis
- the ERC has been calculated for all land to which the EA relates, and land that has been, and is proposed to be, significantly disturbed in the ERC period
- the ERC has been calculated on the basis of the rehabilitation costs for the year of maximum liability in the ERC period
- the ERC represents the total potential cost to government of rehabilitation for the year of maximum liability within the ERC period
- any rehabilitation plans for the EA
- any relevant report, evaluation, assessment or statement of compliance for the EA
- relevant standards or rehabilitation requirements such as conditions of the EA
- relevant progressive certification applications and/or decisions for the EA
- relevant enforcement action or notices about rehabilitation or past environmental performance
- supporting information and assumptions used to calculate the ERC

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- the submitted compliance statement for the ERC (made under section 298(2)(e) and outlined in 2.2.1(c))
- if applicable, other valid third party quotes or cost estimates for the work
- if applicable, any compliance statement or declaration given about the EA e.g. a compliance statement given for a plan of operations.

2.5.2 Decision timeframe

If no further information is requested the department must make the ERC decision within 15 business days of receiving the ERC application. If an information stage is applied the department must make an ERC decision 10 business days after the further information is received or 10 business days after the holder fails to comply with the information notice. In either case, the decision period can be extended to a longer period of not more than an additional 20 business days with the agreement of the EA holder.

However, for an ERC decision that relates to a de-amalgamation application, the ERC decisions for each of the proposed de-amalgamated EAs must all be made at the same time (see section 300 (4)).

2.6 Post decision stage—notification

The department must notify the EA holder and the scheme manager, via an information notice, about the ERC amount and the period for which the ERC decision is in force within 5 business days of making the decision. Refer to section 301 of the EP Act. The notice will also include details on the review and appeal options available to the EA holder (refer to Schedule 2 Original decisions under the EP Act).

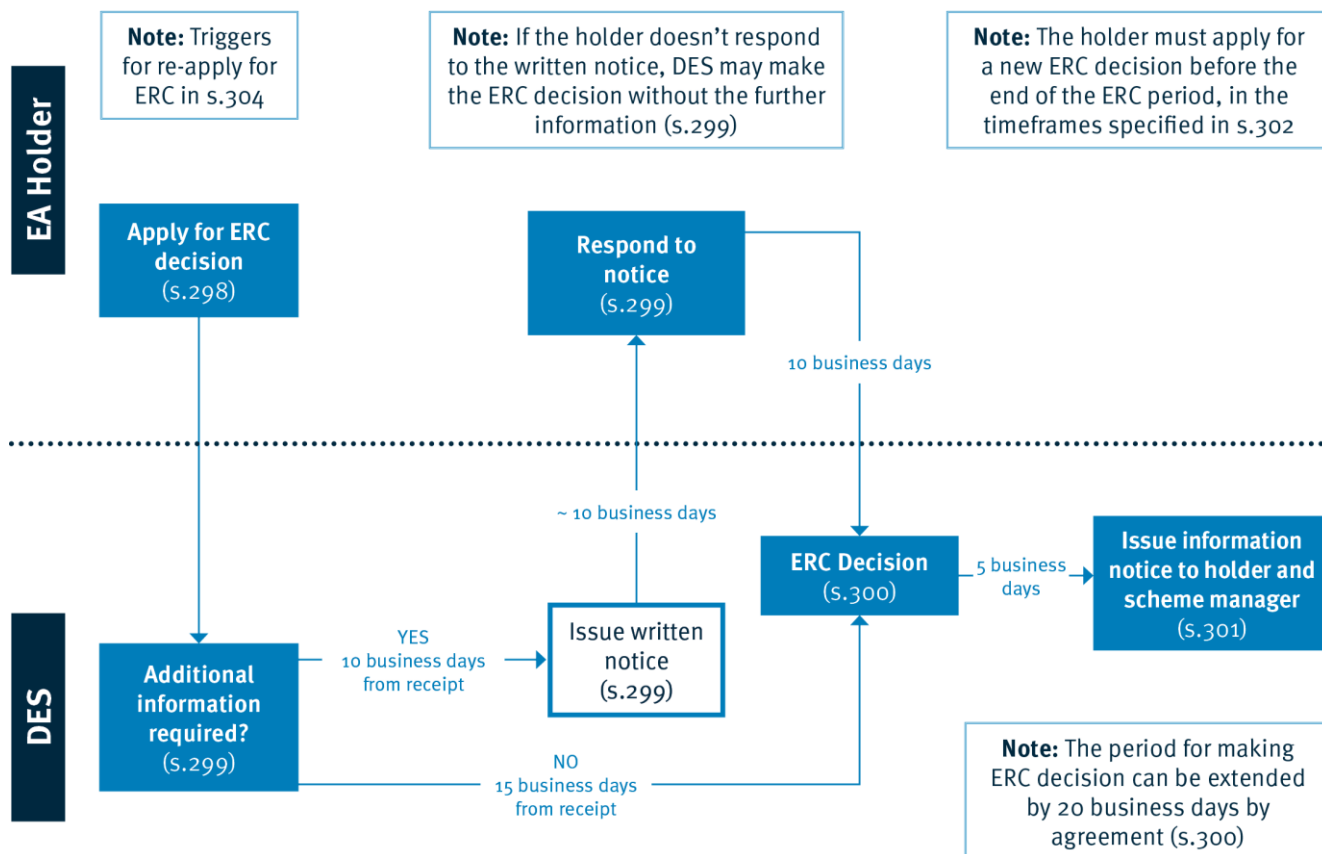
3 Requirement to re-apply for a new ERC decision

In certain circumstances there may be a requirement for the EA holder to re-apply for an ERC decision. Provided that scheme assurance is already held by the scheme manager, the operator will not need to 'stop' operations while the new application for an ERC decision is considered. However, no additional disturbance can be undertaken, beyond the maximum liability associated with the scheme assurance currently held, until the new ERC application is decided and any outstanding additional scheme assurance is given. Where the application is made in compliance with the EP Act, the current ERC decision continues to have effect until the new ERC decision is made (refer to section 305 of the EP Act). The requirements for re-applying are outlined below.

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Figure 2: Process for changing ERC

Re-applying for ERC decision under the *Environmental Protection Act 1994*



3.1 Expiry of ERC decision

All EA holders, must apply for a new ERC decision before expiry of the ERC period prescribed in the current decision (refer to section 302).

For an EA for a petroleum activity to which a plan of operations applies, an application for a new ERC decision must be made:

- when the new plan of operations is submitted for the EA, if the plan of operations is submitted at least 20 business days before the current plan ends, or
- at least 20 business days before the current ERC decision ends, if the plan of operations will be submitted less than 20 business days before the current plan ends.

For all other EAs, the holder must re-apply for an ERC decision at least three months before the ERC period ends.

Failure to comply with this requirement may result in enforcement action where penalties may apply.

A new ERC decision can be applied for under section 302 at any time, as long as the application complies with the timeframes mentioned above.

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3.2 Administering authority may direct EA holder to re-apply for ERC decision

In some circumstances the department may direct an EA holder via a notice to re-apply for an ERC decision. This may occur when the department:

- becomes aware of a change relating to the carrying out of a resource activity by a holder of an EA that may result in an increase in the ERC for the activity, or
- approves an application to amalgamate an EA with another EA under section 247 of the EP Act, or
- becomes aware that an ERC decision was made on the basis of materially incorrect or misleading information.

The department may issue a notice directing the EA holder(s) to re-apply for an ERC decision. The notice will state a period in which the holder(s) must comply with the direction. A maximum penalty of 100 penalty units may apply for non-compliance with these requirements.

3.3 EA holder must re-apply for ERC decision

Under section 304 of the EP Act, an EA holder for a resource authority must re-apply for an ERC decision under the following circumstances and within the timeframes specified below:

Table 1: Circumstances requiring the EA holder to re-apply for an ERC decision

Circumstances requiring the EA holder to re-apply for an ERC decision	Timeframe
There is an increase in the likely maximum amount of disturbance to the environment as a result of the holder carrying out the resource activity	Within 10 business days of the holder becoming aware of the increase
There is a change relating to the carrying out of the resource activity that may result in an increase in the ERC for the activity	Within 10 business days of the holder becoming aware of the change
The holder's annual return states there has been a change to the carrying out of the activity that may affect the ERC	Within 10 business days of the holder giving the annual return to the department
The department approves an application to amalgamate the EA under section 247 of the EP Act	Within 10 business days after the department amalgamates the EAs

Failure to comply with this requirement can attract a maximum penalty of 100 penalty units.

3.4 Amalgamation of environmental authorities

Where an EA has been **amalgamated**, the existing ERC decision (the previous ERC decision) is no longer in force on the day the amalgamation application is approved. The department is taken to have made a new ERC decision under section 300 of the EP Act for the amalgamated EA (deemed ERC decision), which is taken to be the combined total of the estimated rehabilitation costs for the amalgamated EA's under the previous ERC decisions.

This arrangement is necessary to ensure that where an EA is amalgamated the holder(s) is not in contravention of the condition in section 297 of the EP Act which prohibits EA holders from carrying out an activity unless an ERC decision is in effect, and the holder has paid a contribution or given a surety under the MERFP Act 2018.

After an amalgamation, the new EA holder(s) must apply for a new ERC decision within 10 business days otherwise penalties may apply.

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3.5 De-amalgamation of environmental authorities

If an ERC decision is, or has been, in effect for an EA, an application for the de-amalgamation of that EA must be accompanied by an ERC application under section 298 for each proposed de-amalgamated authority (s. 250B). This ensures that the ERC accurately reflects the rehabilitation liability immediately following the de-amalgamation.

For a de-amalgamation relating to a tenure transfer, the de-amalgamation will not take effect until the proposed holder of each de-amalgamated EA has paid a contribution to the scheme fund or provided a surety to the Scheme Manager for the EA and the tenure has been transferred.

4 Transitional provisions for existing EA holders

Following commencement of the new financial provisioning scheme, all existing EA holders will be deemed to have an ERC decision.

4.1 Transitional scenarios

The operation of the transitional provisions will depend on whether an EA has pre-existing FA conditions and whether an FA decision has been made prior to commencement.

4.1.1 EA with FA condition and an FA decision is in force on commencement (no FA application process under way)

On commencement all EA holders who have an FA decision in force and no FA application process under way will be deemed to have an ERC decision. The amount of FA decided for the EA is deemed to be the ERC amount. ERC periods are as follows:

- For an EA for a resource activity relating to a mining lease the ERC period will start on commencement and continue until such time as the current plan of operations for the EA expires¹⁵.
- If the resource activity relates to a petroleum activity for an ineligible ERA or a 1923 Act petroleum tenure granted under the *Petroleum Act 1923*, the ERC period will expire on the earlier of the day the holder's plan of operations ends or the day that is 3 years after commencement.
- For all other EAs the day all resource activities carried out under the EA have ended.

4.1.2 EA with FA condition, and a relevant FA related process is under way on commencement

The FA process in the pre-amended EP Act will continue to apply, if on commencement, an EA includes an FA condition and the following processes under the EP Act are in progress:

- a decision about the amount and form of FA
- claiming on or realising FA
- amending or discharging FA.

Note: EA holders with an FA condition in their EA who on commencement have not applied for FA will be subject to the amended Act and are required to apply for an ERC decision prior to carrying out activities under the EA.

¹⁵ However if a notice given under section 301 states that the ERC period for the ERC decision ends on a day later than the expiration of the Plan of Operations, the ERC period ends on the day stated in the notice.

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4.1.3 EA with no FA condition

If an EA for a resource activity does not contain a condition requiring the provision of FA prior to commencement, the ERC is either taken to be the existing amount of FA held for that EA, or where no FA has been paid, the ERC will be deemed to be nil.

The ERC period for this ERC decision is taken to be three years from commencement.

5 Glossary

Appropriately qualified person	Means a person who has professional qualifications, training, skills and/or experience relevant to the provision of a contracted rate or third party rate.
Contracted rates	Contracted rates provided by the EA holder must be from a service provider who is a separate legal entity to the EA holder, and who is appropriately qualified person to safely and competently do the works. They must be from a formal written contract awarded and executed in the previous 12 month period from the date of the ERC application and must be for the site the ERC application relates to. Contracted rates must contain the information mentioned in Appendix A for third party quotes to be valid.
Decommission	To close down (a facility, as a power station, sewerage plant, etc.).
Estimated rehabilitation cost (ERC)	Defined under section 300 of the <i>Environmental Protection Act 1994</i> .
ERC decision	Defined in section 296 of the <i>Environmental Protection Act 1994</i> .
ERC period	Defined in section 296 of the <i>Environmental Protection Act 1994</i> .
Eligible ERA	An environmentally relevant activity that complies with the eligibility criteria in effect for the activity.
Environmentally relevant activity (ERA)	Defined in section 18 of the <i>Environmental Protection Act 1994</i> .
Executive officer	Defined in Schedule 4 of the <i>Environmental Protection Act 1994</i> .
Financial assurance (FA)	Financial assurance given for an environmental authority for a resource activity under chapter 5, part 12, division 2 of the <i>Environmental Protection Act 1994</i> , prior to the commencement of the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> .
Ineligible ERA	An environmentally relevant activity that is not an eligible ERA.
Infrastructure	Includes built facilities and services associated with the operations of the authorised activities (e.g. processing plants, sewage treatment plants, power plants, camps, offices, power poles, sheds, workshops and other built structures, pipes, field pumps, water and power infrastructure).
Material balance	Refers to an inventory of the volume (in cubic metres) of all material to be mined and/or used in rehabilitation activities on site (regardless of whether it has or has not yet been extracted). The material balance must take into consideration the physical, mineralogical and chemical characteristics of the material and, for material that is to be used in rehabilitation, the suitability for the intended use.

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Online Services	The department's digital platform for online services and transactions, which can be accessed at: https://business.qld.gov.au/running-business/environment/online-services
Plan of operations	Refer to chapter 5, part 12, division 1 of the <i>Environmental Protection Act 1994</i> .
Progressive certification	Progressive certification occurs when the department certifies that a particular area has been rehabilitated under all relevant requirements of the <i>Environmental Protection Act 1994</i> and the environmental authority.
Progressive rehabilitation and closure plan (PRC plan)	PRC plan, for land the subject of a mining lease, means a progressive rehabilitation and closure plan for the land that consists of— (a) the rehabilitation planning part of the plan, and (b) the PRCP schedule for the plan, including any conditions imposed on the schedule.
PRCP schedule	A schedule of the PRC plan that- (a) complies with section 126D of the EP Act; and (b) is approved under chapter 5, part 5, division 2 of the EP Act, with or without conditions.
Residual risk payment	A requirement made under the <i>Environmental Protection Act 1994</i> for the payment of funds to cover the residual risk of environmental harm occurring after an environmental authority for a resource activity has been surrendered or when a site management plan for contaminated land has been recorded on the contaminated land register.
Resource activities	Defined in Section 107 of the <i>Environmental Protection Act 1994</i> .
Scheme assurance	Means a contribution paid to the scheme fund or a surety given under the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> .
Scheme Manager	Defined in schedule 1 of the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> .
Significantly disturbed land	Land that is contaminated or has been disturbed and human intervention is needed to rehabilitate it. For the purposes of this guideline, this includes activities that may result in for example: <ul style="list-style-type: none"> • clearing vegetation • negative effects on the viability of root quality • stability of mature vegetation • negative effects on soil structure and soil quality • removal or disturbance of habitat features such as ground cover and fallen or hollow vegetation to an extent that the viability of the habitat is reduced • introduction or spread of invasive plant or animal species • bank instability • erosion and sedimentation to land.
Site water balance	Refers to an accounting of the inflow to, outflow from, and storage changes of water on site over the ERC period.
Small scale mining tenure	Defined in section 21A(2) of the <i>Environmental Protection Act 1994</i> .

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Standard, variation or site-specific applications	A standard application for an environmental authority is one that can comply with the eligibility criteria that are prescribed under the Environmental Protection Regulation 2008 and the standard conditions as notified in the gazette (eligible ERA). A variation application is one which can comply with the eligibility criteria but not all standard conditions. If the eligibility criteria can't be complied with, an application must be site-specific (ineligible ERA). Refer to sections 121-124 of the <i>Environmental Protection Act 1994</i> .
Third party quote	A third party quote must be prepared by a service provider who is a separate legal entity to the EA holder and who is an <i>appropriately qualified person</i> to safely and competently do the works or estimate the cost of the works.

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6 Further information

Contact your project manager for further advice or for general enquiries, please contact Permits and Licencing Management. Information is also available on the Queensland Government's Business Queensland website at www.business.qld.gov.au/running-business/environment/licences-permits/rehabilitation/resource-activities.

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

Jamie Merrick
Director-General
Department of Environment and Science
04 August 2021

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Version history

Version	Date	Description of changes
1.00	1 April 2019	First version of this guideline following amendments to the <i>Environmental Protection Act 1994</i> , after the passing of the <i>Mineral and Energy Resources (Financial Provisioning) Act 2018</i> .
1.01	21 June 2019	Approval date added. Headers and footers amended to align with departmental templates.
2.00	1 November 2019	Updates to support the remake of the <i>Environmental Protection Regulation 2019</i> .
3.00	17 March 2021	Updates to reflect amendments to the de-amalgamation and ERC provisions, after the passing of the <i>Environmental Protection and Other Legislation Amendment Act 2020</i> .
4.00	4 August 2021	Minor updates to refer to the new form for third party quotes that can be attached to an application for ERC decision.

Appendix A—Third party quotes checklist and proforma¹⁶

Third party quotes

This document sets out the information requirements that must be met when obtaining third party quotes in relation to estimated rehabilitation cost calculations. *It may be provided to any potential service providers to assist in the preparation of a valid quote.*

Third party quotes that do not meet these information requirements may be subject to an information request see section 2.2.

Note: Quotes that do not meet these requirements may be replaced with the appropriate DES calculator rate.

Minimum information to be specified within the quote					
<p>Refer to item 8 below to see how the quote expiry will be further considered in representing a true cost to government.</p> <p>ERC held by the State must exclude GST.</p> <p>Provide a brief statement outlining how the service</p>	<p>1 Business details of supplier</p> <p>Name of supplier</p> <div style="border: 1px solid black; padding: 2px;">FULL NAME OF INDIVIDUAL OR ORGANISATION NAME</div> <p>ABN/ACN</p> <div style="border: 1px solid black; padding: 2px;">ABN/ACN</div> <p>Contact person</p> <div style="border: 1px solid black; padding: 2px;">FULL NAME</div> <div style="border: 1px solid black; padding: 2px;">POSITION TITLE</div> <p>Address and contact details</p> <div style="border: 1px solid black; padding: 2px;">POSTAL ADDRESS</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">PHONE</td> <td style="width: 50%; padding: 2px;">FAX</td> </tr> <tr> <td style="padding: 2px;">MOBILE</td> <td style="padding: 2px;">EMAIL</td> </tr> </table>	PHONE	FAX	MOBILE	EMAIL
	PHONE	FAX			
	MOBILE	EMAIL			
	<p>2 A quote expiry date</p> <div style="border: 1px solid black; padding: 2px;">EXPIRY</div>				
	<p>3 Price to be shown excluding GST</p> <div style="border: 1px solid black; padding: 2px;">QUOTE TOTAL EXCLUDING GST</div>				
	<p>The supplier must meet the following requirements</p>				
	<p>4 Be a separate legal entity to the EA holder</p>				

¹⁶ A word version of this form that can be filled in by suppliers is available at www.qld.gov.au using the publication number ESR/2021/5691 as a search term.

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<p>provider meets these requirements.</p>	<div style="border: 1px solid black; padding: 2px; text-align: center;">DETAILS SHOWING SUPPLIER IS A SEPARATE LEGAL ENTITY TO EA HOLDER</div>
<p>A quote is valid until its expiry date.</p> <p>An activity is something that can be completed in a matter of days e.g. 7 days. Activities may include: simple earthmoving works, demolition and removal of small buildings and/or demountable structures.</p>	<p>5 Be an appropriately qualified person</p> <p>Provide details of relevant qualifications, training, skills, or experience such as licenses granted in accordance with relevant legislation, statements of attainment of a nationally recognised unit of competency i.e. a demolition work license. General construction induction card competency or Statement of attainment OHSCER216A Operate a scraper or OHSCER217A Operate a grader; or current relevant experience that could be verified by logbooks, or previous employment or references.</p> <div style="border: 1px solid black; padding: 2px; text-align: center;">DETAILS SHOWING SUPPLIER IS A SEPARATE LEGAL ENTITY TO EA HOLDER</div>
	<p>The quote must reflect the true cost to government to commission the works</p>
	<p>6 Assume that personnel, facilities, plant or equipment unique to the EA holder will not be available to the service provider</p> <p><input type="checkbox"/> The quote is based on none of the EA holder’s personnel, facilities, plant or equipment being available for use.</p>
	<p>7 Be exclusive of discounts, rebates and/or subsidies</p> <p><input type="checkbox"/> No discounts, rebates or subsidies have been applied in developing this quote.</p>
	<p>8 Quotes must be valid for the relevant ERC period.</p> <p><input type="checkbox"/> This quote is valid until the end of the relevant ERC period, which I have been advised is Insert date.</p>
<p>The quote must include a detailed breakdown of the works involved</p>	
<p>For an activity</p> <p>9 A breakdown of the works, including but not limited to:</p> <ul style="list-style-type: none"> - a description of the proposed works; - the time (in hours) expected to complete each activity; - a list of machinery to be used/hired to complete each activity; - a schedule of rates that clearly itemises the costs (where relevant to the activity/ies to be undertaken) of: <ul style="list-style-type: none"> • machinery to be used/hired, including specification of whether cost is based on wet or dry hire; • mobilisation and demobilisation; • labour; • fuel; • source, cart and placement of materials (including haulage distance); • consumables; • accommodation; • transport; • disposal fees; - a description of any assumptions relied upon; - a description of any costs that have been excluded. <div style="border: 1px solid black; padding: 2px; text-align: center;">BREAKDOWN OF WORKS FOR PROJECT</div>	
<p>A project is something that requires significant effort</p>	<p>For a project</p>

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in terms of planning and implementation (weeks to months), and typically requires the involvement of many people. Some examples of projects include capping of a Waste Rock Dump or Tailings Storage Facility; demolition and removal of all site infrastructure; on-site treatment of contaminated water.

10 A breakdown of the works, including but not limited to:

- the technical specifications relevant to the project to be undertaken, including for example:
 - design report(s);
 - geotechnical report(s);
 - material description and material balance;
- for construction, an itemised inventory of what is to be removed;
- a scope of work, including:
 - project overview;
 - project deliverables;
 - project schedule including timeframes for quoted components;
- contractor's statement of capability to undertake the proposed project;
- a schedule of rates that clearly itemises the costs (where relevant to the activity/ies to be undertaken) of:
 - machinery to be used/hired, including specification of whether cost is based on wet or dry hire;
 - mobilisation and demobilisation;
 - labour;
 - fuel;
 - preparation of materials;
 - source, cart and placement of materials;
 - engineering QA/QC costs;
 - consumables;
 - accommodation;
 - transport;
 - disposal fees;
 - certification that works have been undertaken in accordance with technical specifications;
- a description of any assumptions relied upon;
- a description of any costs that have been excluded.

BREAKDOWN OF WORKS FOR PROJECT

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Declaration

- I do solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge.
- I understand that all information supplied on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

FULL NAME OF PERSON GIVING QUOTE	POSITION OF PERSON GIVING QUOTE
SIGNATURE OF PERSON GIVING QUOTE	DATE