The Legal Framework for Coal Seam Gas in Queensland

Opportunities for Community Influence

Evan Hamman EDO (Qld) Inc.



Who are the EDO?

- Environmental Defender's Office (Qld)
- The EDO is <u>not</u> a government organisation <u>nor</u> a private law firm
- Provides legal advice, representation, education and law reform around public interest environmental law



This presentation

- Overview of the law
- Opportunities for community comment/objection
- EDO's CSG & Mining Handbook





The law....in 25 words or less...



The 'legal' basis for all of this...

- State owns all minerals and gas in Queensland; and
- This gives rise to a system of leases and licences and other authorisations



A separation exists between:

1. Access to land and resources (tenure); and

2. Environmental regulation of activities relating to resources



Other things to keep in mind...

- Normal Planning Laws do not apply
- There are limited opportunities for the public/landholders to comment
- Very important to comment early on in the process



Who are the main players?



A little more detail ... which Laws apply?

1. Petroleum and Gas (Production and Safety) Act 2004 (P&G Act)

2. Environmental Protection Act 1994 (EP Act)



Accessing the gas (tenure)

- Authority to Prospect (ATP) which allows for exploration activities; and
- 2. Petroleum Lease (PL) which allows for **commercial extraction** of CSG.

Before they can be granted, both will require an Environmental Authority



Other approvals ...



• Both will also require an Environmental Authority from the Government



The Environmental Authority (EA)

- Lists the key 'ongoing' environmental operating conditions for each project.
- It is a criminal offence to carry out CSG activities without an EA.
- It is a criminal offence to breach a condition of the EA.



The Environmental Impact Statement (EIS)

- An EIS may or may not be required.
- DEHP or the State's Coordinator General (if 'state significant') controls the process.
- The EIS process occurs <u>before</u> the EA is granted.



When do I get to have my say?





Objecting to proposed projects

- Generally, there are <u>no opportunities</u> to object to the grant of the PL or ATP.
- Objection rights are limited to the environmental aspects of the 'higher risk' CSG projects.
- If an EIS is required, objections <u>must be made at</u> the EIS stage.
- An appeal to the Land Court is possible.





Still confused about your legal rights?





EDO's Mining and CSG Handbook

- Explanation of the law
- Writing effective submissions
- Accessing essential information
- Going to the Land Court
- Example submissions



Take home points

- Land access is separate from environmental regulation.
- Only more environmentally risky CSG projects allow for public comment
- EDO has a publication due out in February 2013 to assist landholders and community groups



Thank you for listening











