



Queensland

# Environmental Protection Amendment Regulation (No. 2) 2012

## Explanatory Notes for SL 2012 No. 253

made under the

*Environmental Protection Act 1994*

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## General outline

### Short title

*Environmental Protection Amendment Regulation (No. 2) 2012.*

### Authorising Law

Section 310D(2)(e) of the *Environmental Protection Act 1994* states that an environmental management plan must address any other matter prescribed under an environmental protection policy or regulation.

Section 580 of the *Environmental Protection Act 1994* provides that the Governor in Council may make regulations under this Act.

### Policy objectives and the reasons for them

The amendments to the *Environmental Protection Regulation 2008* are required to give effect to the revised Coal Seam Gas Water Management Policy which was approved by the Minister for Environment in December 2012.

The objective of the regulation is to ensure:

- an environmental management plan for a coal seam gas environmental authority includes information about whether the application is consistent with the revised Coal Seam Gas Water Management Policy December 2012.
- the administering authority considers conditioning matters related to the revised Coal Seam Gas Water Management Policy December 2012.

## **Achievement of policy objectives**

### **Information requirements for Coal Seam Gas Water Management**

All coal seam gas operators must obtain an environmental authority under the *Environmental Protection Act 1994* before operations can commence. A coal seam gas operator seeking approval of an environmental authority is required to submit an environmental management plan as part of their application. An environmental management plan for coal seam gas applications must include information about the proposed coal seam gas water management options.

The government committed to revising the Coal Seam Gas Water Management Policy by December 2012 in the *Six month action plan: July – December 2012*. The Department of Environment and Heritage Protection prepared a revised Coal Seam Gas Water Management Policy to align with the government's commitments related to the management of coal seam gas water.

This amendment will require an applicant to address as part of their environmental management plan, whether they propose to manage coal seam gas water and saline waste in a way that is consistent with the revised Coal Seam Gas Water Management Policy December 2012 including the prioritisation hierarchy for managing coal seam gas and the prioritisation hierarchy for managing saline waste. Where the applicant proposes to manage coal seam gas water or saline waste in a way that is inconsistent with the prioritisation hierarchies, the amendment will require the applicant to provide a reason for managing the coal seam gas water or saline waste in the proposed way.

### **Requirement to consider imposing conditions about Coal Seam Gas Water Management**

The administering authority is required to consider the Coal Seam Gas Water Management Policy December 2012 when making a decision on an application for an activity that involves the use or disposal of coal seam gas water. This amendment will require the administering authority, when making such a decision, to consider imposing conditions about the management of coal seam gas water and the management of brine or salt.

### **Amended definition of Coal Seam Gas Water Management Policy**

This amendment amends the definition of Coal Seam Gas Water Management Policy to refer to the Coal Seam Gas Water Management Policy as the policy dated December 2012. Without this amendment, the effect of revised Coal Seam Gas Water Management Policy December 2012 will be limited.

### **Consistency with policy objectives of authorising law**

This regulation is consistent with the objective of the *Environmental Protection Act 1994* which is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

### **Inconsistency with policy objectives of other legislation**

This regulation is consistent with the policy objectives of other legislation.

### **Alternative ways of achieving policy objectives**

The regulation supports the *Environmental Protection Act 1994* which sets out the framework for assessing and conditions the environmental impacts of coal seam gas activities. There are no alternative means to effectively achieve the policy objectives.

### **Benefits and costs of implementation**

This regulation clarifies the government's expectations with respect to the management of coal seam gas water and provides a stronger regulatory

framework for assessing and conditioning environmental impacts. The regulation provides coal seam gas applicants with the level of information related to coal seam gas water management, that the Department of Environment and Heritage Protection requires for the assessment of coal seam gas environmental authority applications.

It is not expected that the implementation of the amendments will result in significant additional costs.

### **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles.

### **Consultation**

The Department of Environment and Heritage Protection sought public feedback on the draft revised Coal Seam Gas Water Management Policy. 21 submissions were received from a range of stakeholders including coal seam gas industry stakeholders, environmental groups, landholder groups, agricultural industry stakeholders, local government and members of the public. Responses on the revised policy were considered when finalising the revised policy and the regulatory amendments.

The Department of Environment and Heritage Protection also consulted with the GasFields Commission as part of the policy revision process.

The Regulatory Review Branch of Queensland Treasury has been consulted and has advised that this subordinate legislation does not require a Regulatory Impact Statement as the impacts of the revised policy and regulatory amendments will not have a significant adverse impact on industry, the community or government.

## **Notes on Provisions**

### **Short title**

*Clause 1* of the amendment regulation states the short title.

## **Regulation amended**

*Clause 2* of the amendment regulation states that the amendment regulation amends the regulation.

## **Amendment of section 24AA**

*Clause 3* of the amendment regulation amends section 24AA of the regulation. The amended section 24AA requires an applicant address in their environmental management plan whether they propose to manage coal seam gas water and saline waste in a way that is consistent with the revised Coal Seam Gas Water Management Policy December 2012 including the prioritisation hierarchy for managing coal seam gas and the prioritisation hierarchy for managing saline waste. Where the applicant proposes to manage coal seam gas water or saline waste in a way that is inconsistent with the prioritisation hierarchies, the applicant must provide the reason in their environmental management plan for managing the coal seam gas water or saline waste in that way.

The amended section 24AA includes a definition of prioritisation hierarchy for managing coal seam gas and prioritisation hierarchy for managing saline waste

## **Insertion of new section 64D(3)**

*Clause 4* of the amendment regulation inserts a new subsection in section 64D relating to additional regulatory requirements for particular environmental management decisions.

The new subsection (64D)(3) requires the administering authority, when making a decision on an application for an activity that involves (or may involve) the use or disposal of coal seam gas water to consider imposing conditions about:

- the management of coal seam gas water;
- the management of brine or salt; and
- monitoring and reporting of matters concerning coal seam gas water and brine or salt.

### **Amendment of Schedule 12 (Dictionary)**

*Clause 5* of the amendment regulation amends the definition of Coal Seam Gas Water Management Policy to refer to the Coal Seam Gas Water Management Policy as the policy dated December 2012.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Heritage Protection.

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