Environmental Defenders Office

17 November 2025

Energy, Extractive and Southwest Compliance – Environmental Services and Regulation
Department of the Environment, Tourism, Science and Innovation

Submitted via email: RRS.Consultation@detsi.qld.gov.au

Dear Environmental Services and Regulation Team,

Submission on draft ERA Standards for petroleum pipeline activities and petroleum exploration activities

The Environmental Defenders Office (**EDO**) welcomes the opportunity to provide feedback on the proposed updated Environmentally Relevant Activity Standards (**ERA Standards**) for petroleum pipeline activities and petroleum exploration activities.

We are broadly supportive of the majority of amendments suggested. We have outlined below our particular support or disagreement with certain, significant amendments below.

We note that several conditions in both standards are proposed to be deleted and/or significantly amended, including specifically regarding contingency and emergency response, and notifying, reporting and monitoring. While we are not aware of DETSI providing any explanatory material for proposed changes as part of the consultation, we presume that changes to the EP Act now cover those fields and have made the existing conditions redundant. Given time limitations, we have not completed that verification exercise. As such, to the extent that is not the case and there is a gap in the statutory provisions , careful consideration must be given not to undermine EA conditions required for regulatory oversight and the overarching need to avoid and/or minimise risk and the impacts of environmental harm – including by way of timely departmental investigation and enforcement response.

Petroleum Pipeline Standard

Schedule A:

(a) PPSCA 1 – we strongly support the inclusion of this as it ensures that irrespective of 'reasonable steps' being taken, the activity simply must comply with the eligibility criteria, which is a responsibility that the proponent should have and enhances enforceability.
(b) PPSCA 3 – we support the inclusion of the explanatory note which outlines that the most stringent limitation is applied where there are dual category C ESAs.

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Schedule B:

(a) PPSCB 1 – we support this amendment, particularly the Explanatory Note which dictates that any changes that would result in a new estimate rehabilitation cost or a new maximum amount of disturbance would require a new ERC decision. There should be a need for financial assurance to be paid before *any* petroleum activities occur, rather than just those with a 'significant disturbance to the land'.

Schedule C:

(a) PPSCC 6, 7 – to the extent that changes to statutory provisions do not cover the field, we do **not** support the removal of these conditions. It is vital that continency and emergency responses exist regarding petroleum activities given the long-term environmental damage that may be caused by petroleum activities.
(b) PPSCC 18, 19 – we support the strengthening of language from 'designed to' to 'must not', particularly given the environmental damage that may be caused by blasting operations and the responsibility the proponent should have for this.

Schedule G:

(a) PPSCG 1 – we support the amendments to this standard condition provided that the 'way' and 'timeframes' in which the administering authority requests material is commensurate to the risks associated with the complaint or incident, and is at least to the same standard of stringency as was previously required by the previous PPSCG 3 – 4 and 7 – 10 standard conditions.
(b) PPSCG 5, 6 (previous) – subject to our overarching comment re revisions to EP Act provisions, we do not otherwise support the removal of these conditions. It is important that the authority is able to ensure that rehabilitation properly undertaken by the proponent by way of a reporting obligation before the proponent relinquishes the relevant authority to prospect.
(c) PPSCG 2 (new) – we support with the addition of what must be included in a report for ease of complicity, however we note that the removal of 5 business days to notify from events triggered by the previous PESCC7 and PESCC8 weakens the ability of the authority to have oversight of a proponent's environmental monitoring and impact abatement. Unless the Act's duty to notify of harm provisions (ss 320-320DB) cover the field, the previous 5 business day limit could be qualified to be tied to the EA holder's discovery/obtaining knowledge of the event – and instead be made 2 business days. Otherwise, given the often opaque and/or transient nature of environmental harm (and/or its contributing causes), timely responsive evidence collection may be required by the department, beyond any such collection done by the EA holder. Once the proposed timeframe of 30 days has lapsed (while still suitable for incident reporting), in many cases evidence that may be required for enforcement/prosecution purposes (eg contaminant levels) will have largely gone.

(d) PPSCG 12 – again, subject to our overarching comment, we do not support the removal of this reporting obligation, which weakens the ability of the authority to have oversight of a proponent's environmental impact. Should the 'annual return period' be removed, another annual report to this effect should be required to be produced.

Petroleum Exploration Activities Standard

Schedule A:

(a) PESCA 1 – we strongly support the inclusion of this as it ensures that irrespective of 'reasonable steps' being taken, the activity simply must comply with the eligibility criteria, which is a responsibility that the proponent should have and enhances enforceability.
(b) PESCA 3 – we support the inclusion of the explanatory note which outlines that the most stringent limitation is applied where there are dual category C ESAs.
(c) PESCA 4/5 – we support the inclusion of additional groundwater monitoring. Given the complexity of groundwater studies, it is important that monitoring activities take place to ensure early detection of groundwater impacts and to facilitate mitigation.
(d) PESCA 6 – we support record keeping of conditions to ensure that proponents are proactively working to conditions rather than at the Department's request

Schedule B:

(a) PESCB 1 – we support this amendment, particularly the Explanatory Note which dictates that any changes that would result in a new estimate rehabilitation cost or a new maximum amount of disturbance would require a new ERC decision. There should be a need for financial assurance to be paid before *any* petroleum activities occur, rather than just those with a 'significant disturbance to the land'.

Schedule C:

(a) PESCC 6, 7 – to the extent that changes to statutory provisions do not cover the field, we do **not** support the removal of these conditions. It is vital that contingency and emergency responses exist regarding petroleum activities given the long-term environmental damage that may be caused by petroleum activities.
(b) PESCC 18, 19 – we support the strengthening of language from 'designed to' to 'must not', particularly given the environmental damage that may be caused by blasting operations and the responsibility the proponent should have for this.
(c) PESCC 34 **–** we support the inclusion of the Explanatory Note. Rehabilitation activities should be completed prior to the tenure expiring so that the proponent is liable to rehabilitate rather than the state.
(d) PESCC 35 – we support the inclusion of this standard condition. The removal of infrastructure should be expected in all rehabilitation work.

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Schedule D: (we note these comments largely the equivalent in Sch G of the pipeline standard).

(a) PESCD 1 – we support the amendments to this standard condition provided that the 'way' and 'timeframes in which the administering authority requests material is commensurate to the risks associated with the complaint or incident, and at least to the same standard of stringency as was previously required by the previous PPSCG 3 – 4 and 7 – 10 standard conditions.

(b) PESCD 5, 6 (previous) – subject to our overarching comment re revisions to EP Act provisions, we do not otherwise support the removal of these conditions. It is important that the authority is able to ensure that rehabilitation properly undertaken by the proponent by way of a reporting obligation before the proponent relinquishes the relevant authority to prospect.

(c) PESCD 2 (new) – we support with the addition of what must be included in a report for ease of complicity, however we note that the removal of 5 business days to notify from events triggered by the previous PESCC7 and PESCC8 weakens the ability of the authority to have oversight of a proponent's environmental monitoring and impact abatement. Unless the Act's duty to notify of harm provisions (ss 320-320DB) cover the field, the previous 5 business day limit could be qualified to be tied to the EA holder's discovery/obtaining knowledge of the event – and instead be made 2 business days. Otherwise, given the often opaque and/or transient nature of environmental harm (and/or its contributing causes), timely responsive evidence collection may be required by the department, beyond any such collection done by the EA holder. Once the proposed timeframe of 30 days has lapsed (while still suitable for incident reporting), in many cases evidence that may be required for enforcement/prosecution purposes (eg contaminant levels) will have largely gone.

(d) PESCD 12 – again, subject to our overarching comment, we do not support the removal of this reporting obligation, which weakens the ability of the authority to have oversight of a proponent's environmental impact. Should the 'annual return period' be removed, another annual report to this effect should be required to be produced.

Yours sincerely,

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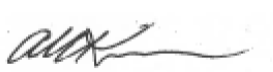

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