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**RE: QCC Comments on the Centurion North Mine Major Environmental Authority
Amendment (A-EA-AMD-100973471)**

Queensland Conservation Council Ltd. (QCC) welcomes the opportunity to comment on the Centurion North Mine Major Environmental Authority Amendment (A-EA-AMD-100973471) **(the Project)** by a subsidiary of Peabody Energy Australia Pty Ltd **(the Proponent)**.

QCC is the peak body for environmental groups in Queensland. Since 1969, we have worked to support communities in protecting their environment and climate. Today we represent 61 groups and more than 20,000 members across the state, many of whom are already experiencing the impacts of climate change and unsustainable development on their communities, threatened species, and landscapes. Our work is focused on ensuring accountability for environmental harm and addressing critical enforcement gaps across the state. QCC is committed to supporting the effective implementation of Queensland's environmental laws to protect nature and community wellbeing now and into the future.

GROUNDINGS FOR REFUSAL

The Proponent is seeking to amend environmental authority (**EA**) P-EA-100658735 to permit a suite of “early works” associated with its proposed Centurion North Development Project (**CNDP**), a new underground mine. These works would enable construction and site activities to commence before the environmental impact assessment (**EIA**) for the CNDP is completed.

The CNDP has been declared a coordinated project under the *State Development and Public Works Organisation Act 1971* (**SDPWO Act**) and is therefore subject to a mandatory Environmental Impact Statement (**EIS**) process. That process is intended to fully assess the project’s environmental, social and climate impacts before approval decisions are made. Allowing early works to proceed prior to completion of the EIS risks pre-empting the outcome of that assessment.

In any case, the application should be refused on the basis of its contributions to greenhouse gas (**GHG**) emissions and consequent climate impacts, its impacts to biodiversity, and its impacts to groundwater and surface water. The grounds for this refusal are as follows:

- The development for which approval is sought is not in accordance with the aims of ss 3 and 5 of the *Environmental Protection Act 1994* (Qld) (**EP Act**) to improve the total quality of life, either now or in the future, in a way that maintains the ecological processes on which life depends.
- The Project is inconsistent with the standard criteria under Schedule 4 of the EP Act, particularly criteria (a)(i)-(iii), (b), (e) and (i).
- Approval of the application is not compatible with human rights and is therefore unlawful under the *Human Rights Act 2019* (Qld) (**HR Act**). The development for which approval is sought will:
 - limit the rights in:
 - (i) Section 15 of the HR Act;
 - (ii) Section 16 of the HR Act;
 - (iii) Section 24 of the HR Act;
 - (iv) Section 25 of the HR Act;
 - (v) Section 26 of the HR Act; and
 - (vi) Section 28 of the HR Act;(collectively, **the human rights**)
 - limit each of the human rights beyond the extent that is reasonable because:
 - (i) the purpose of the limitation is profit and/or benefits to a small group of people at the expense of the majority of people living now and in the future; and/or energy generation and/or steelmaking; and
 - (ii) those purposes will still be achieved if this application is not approved because there are other commercially feasible zero emissions alternatives which provide reasonable and practicable measures to protect environmental

values from the harm caused by GHG emissions; and

- (iii) we must immediately transition to lower emissions technology in order to meet Australia's obligations under the Paris Agreement to maintain a safe climate.
- limit each of the human rights beyond the extent that is demonstrably justifiable in accordance with s 13 of the HR Act because:
 - (i) the applicant has not provided evidence that this coal is needed if we are to meet the temperature goals of the Paris Agreement;
 - (ii) the applicant has not demonstrated that this project provides a benefit socially, economically or environmentally to people in Queensland living now and in the future.

1. Inconsistent with the precautionary principle - standard criteria (a)(i)

The precautionary principle provides that “where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation”.

The impacts of climate change contributed to by the Project's continued accretion of GHG emissions, the impacts of the Project on biodiversity, and the impacts of the Project on groundwater and surface water, present a real risk of serious or irreversible environmental damage, such that approval of the Project would be inconsistent with the precautionary principle.

2. Inconsistent with the principle of intergenerational equity - standard criteria (a)(ii)

The impacts of climate change contributed to by the Project's continued accretion of GHG emissions, the impacts of the Project on biodiversity, and the impacts of the Project on groundwater and surface water, would have adverse effects on present and future generations, and as such approval of the Project would be inconsistent with the principle of intergenerational equity.

The economic benefits of the Project are overstated and do not outweigh the adverse impacts of the Project on present and future generations.

3. Inconsistent with the principle of the conservation of biological diversity - standard criteria (a)(iii)

The principle of the conservation of biological diversity is drawn from the *Convention on Biological Diversity (Biodiversity Convention)*, which defines 'biological diversity' in article 2 as 'the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems'.

The impacts of climate change contributed to by the Project's continued accretion of GHG emissions, the impacts of the Project on biodiversity, and the impacts of the Project on groundwater and surface water, would have adverse effects on biological diversity, such that approval of the Project would be inconsistent with the principle of conservation of biological diversity.

4. Inconsistent with Commonwealth and State plans - standard criteria (b)

The impacts of climate change contributed to by the Project's continued accretion of GHG emissions, the impacts of the Project on biodiversity, and the impacts of the Project on groundwater and surface water are inconsistent with Commonwealth and State government plans, standards, agreements and requirements about environmental protection and ecologically sustainable development, including but not limited to the following:

- The Intergovernmental Agreement on the Environment (**Intergovernmental Agreement**);
- The National Strategy for Ecologically Sustainable Development (**National Strategy**);
- Australia's Strategy for Nature 2019–2030;
- emissions reductions targets under the *Climate Change Act 2022* (Cth);
- The *Clean Economy and Jobs Act 2024* (Qld);
- International agreements Australia is a signatory, including but not limited to the Paris Agreement; and
- the Safeguard Mechanism.

Approval of the Project would be inconsistent with the above plans, standards, agreements and requirements.

5. Adversely affect the character, resilience and value of the receiving environment - standard criteria (e)

The impacts of climate change contributed to by the Project's continued accretion of GHG emissions, the impacts of the Project on biodiversity, and the impacts of the Project on groundwater and surface water, would have adverse effects on the character, resilience and value of the receiving environment including:

- the ecosystem and communities of the region;
- the natural and physical resources of the region;
- the qualities and characteristics of the region that contribute to its biological diversity and integrity;
- the intrinsic or attributed scientific value or interest of the region;
- amenity, harmony and sense of community; and

- the social, economic, aesthetic and cultural conditions that affect, or are affected by other aspects of the environment.

Approval of the Project would adversely affect the character, resilience and value of the receiving environment.

6. Contrary to the public interest - standard criteria (i)

In the context of the EP Act, the public interest is primarily that embodied in section 3, namely the public interest in ecologically sustainable development, or the protection of 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.

The impacts of climate change contributed to by the Project's continued accretion of GHG emissions, the impacts of the Project on biodiversity, and the impacts of the Project on groundwater and surface water, are inconsistent with the maintenance of the ecological processes on which life depends, and as such approval of the Project would be contrary to the public interest.

7. Not compatible with human rights

It is unlawful for the decision maker, when making this decision or assessing the application, to fail to give proper consideration to a relevant human right.¹ The Land Court has identified a potential threat to human rights in any activity that involves increasing GHG emissions.² Human rights should be construed in the broadest possible way before consideration is given to whether they should be limited.

Pursuant to ss 8 and 13 HR Act, an act or decision is compatible with human rights if it does not limit a human right or, if it does, the limit is only to the extent that is reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. The test of compatibility of a limit with a human right is set out in s 13.³

It is unlawful for the decision maker to act or make a decision in a way that is not compatible with human rights.⁴

The material contribution of the Project to the continued accretion of GHGs in the atmosphere and the resulting impacts of climate change will limit, beyond the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HR Act, the following rights of people in Queensland protected under that Act:

¹ HR Act, s 58(1)(b).

² Per Stilgoe P in *BHP Coal Pty Ltd & Ors v Chief Executive, Department of Environment, Science and Innovation* [2024] QLC 7 [63] relying on decision of Kingham P in *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21 (**Waratah (No. 6)**):

³ *Waratah (No 6)*, [84].

⁴ *Human Rights Act 2019 (Qld)*, s 58.

- the right to life(s 16);⁵
- the cultural rights of First Nations Peoples (s 28);⁶
- the rights of children (s 26);⁷
- the right to property (s 24);⁸
- the right to privacy and home (s 25(a));⁹ and
- the right to enjoy human rights without discrimination (s 15(2)).¹⁰

In the recent decision of the Queensland Land Court in *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21 (**Waratah (No. 6)**), President Kingham found that the link between the approval of a project's contribution to climate change and the impact of that harm on human rights was sufficiently connected so as to enliven consideration of the HR Act.¹¹ Specifically, the President considered the listed human rights relevant to that decision, as per footnotes above.

The Project presents analogous risks to the human rights engaged in *Youth Verdict* due to its contribution to climate change, as well as risks posed to biodiversity and ground and surface water.

The Project also engages the following human rights due to its contribution to climate change, as well as risks posed to biodiversity and ground and surface water:

- right to health,¹² as implied in the right to life (s 16);¹³
- right to a clean, healthy and sustainable environment,¹⁴ as implied in the right to life (s

⁵ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1452].

⁶ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1514].

⁷ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1569].

⁸ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1604].

⁹ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1623].

¹⁰ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1634].

¹¹ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 6)* [2022] QLC 21, at [1703]-[1705].

¹² The right to health more broadly under Article 12 of the International Convention on Economic, Social and Cultural Rights as distinct from the narrower right to health services in s 37 of the *Human Rights Act 2019* (QLD).

¹³ The right to life has been interpreted broadly and can include a requirement to reduce infant mortality and increase life expectancy. See: UN Human Rights Committee (**HRC**), *CCPR General Comment No. 6: Article 6 (Right to Life)* (30 April 1982) [5] and UN HRC, *General Comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life*, UN HRC, 124th sess, UN Doc CCPR/C/GC/36 (3 September 2019) at [3] (**General Comment 36**). Therefore, the right to life arguably implies a right to health which itself has been interpreted to include underlying determinants of health such as safe drinking water and a healthy environment. See: UN Committee on Economic, Social and Cultural Rights, *General Comment No 14 (2000): The Right to the Highest Attainable Standard of Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)*, UN ESCOR, 22nd sess, UN Doc E/C.12/2000/4 (11 August 2000) at [4].

¹⁴ As recognised as a standalone, universal human right by the UN General Assembly. See: UN General Assembly, *The human right to a clean, healthy and sustainable environment*, UN Doc. A/RES/76/300 (28 July 2022), which affirmed an earlier resolution by the UN HRC. See: UN HRC, *The Human Right to a Clean, Healthy and Sustainable Environment*, GA Res 48/13, UN Doc A/HRC/48/13 (18 October 2021).

16)¹⁵ and the rights of children (s 26);¹⁶

- right to education (s 36);
- right to culture generally (s 27); and
- right to move freely (s 19).

Approval of the application would unreasonably limit those human rights beyond the extent to which it is demonstrably justifiable.

FACTS AND CIRCUMSTANCES IN SUPPORT OF GROUNDS

The following facts and circumstances are relied upon in support of the grounds listed above.

1. Greenhouse Gas Emissions

The Project proposes to extract between one and two million tonnes of coal over 28 years. While Scope 1 and Scope 2 emissions are estimated for particular works for the first six years of the Project, the Proponent has not provided a consolidated total emissions estimate for the 28-year life of the Project. The Proponent has also failed to identify any Scope 3 emissions, despite the corresponding referral under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) identifying 327.8 Mt CO₂e in Scope 3. The application should be withdrawn and resubmitted with an accurate estimate of all GHG emissions for the life of the project.

The scientific consensus is clear that expansion of fossil fuel production must be stopped in order to reduce global GHG emissions and avoid the potentially catastrophic impacts of unmitigated global warming and climate change.¹⁷

197 countries, including Australia, agreed under the Paris Agreement to limit ‘the increase in

¹⁵ The International Court of Justice has recognised that the protection of the environment is an essential condition for numerous human rights, including the right to life. See: *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* (Judgment) [1997] ICJ Rep 7, 91 (Vice-President Weeramantry). Further, the UN HRC has acknowledged that environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life. Implementation of the right to life depends on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change. See: UN HRC, *General Comment 36* at [62]. This interpretation of the right to life was later applied and upheld in UN HRC communications: *Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016 (Ioane Teitiota v New Zealand)*, UN Doc CCPR/C/127/D/2728/2016 at [9.4] and *Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2751/2016 (Cáceres et al v Paraguay)*, UN Doc CCPR/C/126/D/2751/2016, [7.3].

¹⁶ UN Committee on the Rights of the Child, *General Comment No. 26 on Children’s Rights and the Environment with a Special Focus on Climate Change* (22 August 2023) UN Doc CRC/C/GC/26 at [63].

¹⁷ UN Environment Programme, *Production Gap Report 2020* (Report, 2 December 2020); Intergovernmental Panel on Climate Change, *Climate Change 2022: Mitigation of Climate Change – Technical Summary* (Report, 2022) 52.

the global average temperature to well below 2°C above pre-industrial levels and pursu[e] efforts to limit the temperature increase to 1.5°C above pre-industrial levels¹⁸

The Paris Agreement also recognises (our emphasis) ‘the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge’.

To meet a 2°C carbon budget, a very rapid phase out of all fossil fuel usage globally is required by 2050 at the latest. The 1.5°C budget is smaller, requiring an even more rapid global phase out of fossil fuel usage.

Meeting the climate targets enshrined in the Paris Agreement will require a phase-out of all types of coal, including “metallurgical coal”. According to the International Energy Agency, if the world is to reach net zero by 2050 no new coal mines or coal mine lifetime extensions of any kind should be permitted.¹⁹

As of 2020, approximately 400 billion tonnes of CO₂ emissions remain in the global carbon budget if humanity wishes to limit global warming to 1.5°C with 66% probability.²⁰

The accretion of GHGs in the atmosphere as a result of human activities has already caused changes in the climate system with tangible impacts, including in Queensland.²¹

- exacerbation of heatwaves;
- long-term increase in extreme fire weather and length of the fire season;
- changes in rainfall patterns resulting in severe flooding events;
- mass bleaching of the Great Barrier Reef; and
- worsening drought conditions.

The relationship between GHG emissions and climate change in Australia was recognised in the 2021 State of the Environment Report, which stated that:²²

“Warming of the Australian climate, and associated changes in the climate system, are driven by increased concentrations of greenhouse gases in the atmosphere. Changes to the climate are inevitable, based on greenhouse gases that have already been emitted, but further changes in the second half of the 21st century will depend on the level of future global emissions.”

On current trajectories, the impacts of the changes in the climate system will be significantly exacerbated. The Federal Court in *Sharma v Minister for the Environment* accepted evidence

¹⁸ UN Framework Convention on Climate Change, Adoption of the Paris Agreement, 21st Conference of the Parties, Paris (2015) art 2(1)(a).

¹⁹ International Energy Agency (2024). World Energy Outlook 2024, p. 239.

²⁰ Intergovernmental Panel on Climate Change, *Climate Change 2021: The Physical Science Basis – Technical Summary* (Report, 2021) 98.

²¹ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 82-93.

²² Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 85.

put forward in respect of the future impacts of climate change and found:²³

“It is difficult to characterise in a single phrase the devastation that the plausible evidence presented in this proceeding forecasts for the Children ... The physical environment will be harsher, far more extreme and devastatingly brutal when angry. As for the human experience – quality of life, opportunities to partake in nature’s treasures, the capacity to grow and prosper – all will be greatly diminished. Lives will be cut short. Trauma will be far more common and good health harder to hold and maintain. None of this will be the fault of nature itself. It will largely be inflicted by the inaction of this generation of adults, in what might fairly be described as the greatest inter-generational injustice ever inflicted by one generation of humans upon the next.”

The economic benefit of any development is also vulnerable to climate change impacts itself, including the risk that it may not be able to operate at optimal levels for its full expected lifespan due to factors including increased frequency of extreme weather events and changes to water availability as a result of prolonged droughts. The risks of any fossil fuel based-development’s assets becoming stranded will likely continue to increase throughout the development’s lifespan as a result of global policies and international action on climate change.

The financial, legal, and fiscal risks and costs of climate change have also been well articulated. Further emissions of GHGs into the atmosphere will cause financial, legal, and fiscal risks and costs, which must be set off against any economic benefits of any development that will further contribute to the accretion of GHGs into the atmosphere.

Carbon capture and storage inappropriate mitigation measure

Carbon capture and storage (**CCS**) is an inadequate solution to reducing global GHG emissions. The Proponent should not be permitted to rely on CCS as a credible emissions abatement or offset solution in relation to the Project. Research has consistently shown that CCS projects are under-developed, ineffective, economically unsound and uncertain. CCS proposals are also unsafe and pose significant risks to humans and the environment including due to leakage.

Research found that Australia’s 2022 emissions (463.6 mtpaCO₂e) were almost 11 times the amount of CO₂ captured by CCS globally (42.6 mtpaCO₂e).²⁴ There is large uncertainty in the technical, economic and institutional feasibility in developing and deploying fossil fuel CCS technologies at a scale capable of addressing current and proposed fossil fuel emissions.²⁵ As at 2023, approximately 80% of pilot CCS projects over the last 30 years had failed.²⁶

²³ *Sharma v Minister for the Environment* [2021] FCA 560 at [293].

²⁴ Australia Institute, *The Con of Carbon Capture and Storage*, 26 July 2023, available [here](#).

²⁵ SEI, Climate Analytics, E3G, IISD, and UNEP. (2023). *The Production Gap: Phasing down or phasing up? Top fossil fuel producers plan even more extraction despite climate promises*. Stockholm Environment Institute, Climate Analytics, E3G, International Institute for Sustainable Development and United Nations Environment Programme, p 8.

²⁶ Wang, N., Akimoto, K., & Nemet, G. F. (2021). What went wrong? Learning from three decades of carbon capture, utilization and sequestration (CCUS) pilot and demonstration projects. *Energy Policy*, 158, 112546.

A clear example is Chevron's Gorgon CCS which has fallen well short of its stated aims. The project was initially planned to capture and store up to 4 MT of CO₂ each year, and more than 100 MT over the life of the project. Acting on this capacity, the Gorgon CCS Project would reduce GHG emissions from the Gorgon LNG project by approximately 40%. The Gorgon CCS project however, has failed to deliver, and has underperformed on its targets for the first 5 years by approximately 50%.²⁷ The cost of this offset short fall to Chevron is estimated to be between US\$100 million and US\$184 million.²⁸

The safe and permanent storage of CO₂ through CCS projects cannot be guaranteed, and even very low leakage rates could undermine climate mitigation methods. Leakage also poses a safety threat to humans should CO₂ levels reach a localised critical level at the site of the leak. Potential leaks also present risks of harm to the environment, including threats to groundwater.

In June 2024, and in recognition of these risks, the Queensland Government introduced legislative changes to permanently ban CCS projects in Queensland's Great Artesian Basin, which is approximately 65% of the State's areas.

The Proponent cannot demonstrate with certainty that CCS is a viable pathway to mitigate or offset GHG emissions. The suggestion that CCS may in the future play a greater role in reducing GHG emissions and reaching net zero is unproven and entirely hypothetical and therefore is not a relevant factor which should be taken into account when making decisions concerning the application.

No justification for the continued mining of metallurgical coal over thermal coal

The fact that the Project proposes the mining of metallurgical coal rather than thermal coal does not justify the approval of the Project.

Forecasts by the Department of Industry, Science and Resources predict that global demand for metallurgical coal is expected to fall as low emissions methods of steel production increase in market share.²⁹ At present the United States produces almost 70% of its steel without coal, through recycling scrap steel in electric arc furnaces.³⁰ The European and Chinese markets, which are more heavily dependent on coal for steel production have indicated a move towards cleaner steel production.³¹ The March 2025 Resources and Energy Quarterly from the Queensland Government predicts that metallurgical coal export is expected to peak in 2028 and steadily decline through to 2030.³²

Further, there is no guarantee that metallurgical coal will be used for steel-making purposes. Lower-grade metallurgical coals can and have been sold into thermal coal markets and used

<https://doi.org/10.1016/j.enpol.2021.112546>

²⁷ EIFFA, 'Gorgon Carbon Capture and Storage: the Sting in the Tail', EIFFA, April 2022, available [here](#).

²⁸ EIFFA, 'Gorgon Carbon Capture and Storage: the Sting in the Tail', EIFFA, April 2022, available [here](#).

²⁹ IEFFA, Australian coal exports face numerous downside risks, new projections show, 14 April 2025, available [here](#).

³⁰ American Iron and Steel Institute, 2021, *Facts About American Steel Sustainability*, available [here](#).

³¹ IEFFA, Fact Sheet: Mythbusting: Metallurgical Coal, 24 September 2024, available [here](#).

³² [Resources and energy quarterly: March 2025 | Department of Industry Science and Resources](#).

as fuel for coal-fired power stations.

Metallurgical coal is not necessarily more ‘green’ than thermal coal. Estimates show that the scope 1 and 2 emissions involved in producing metallurgical coal, particularly due to the high methane emissions, results in nearly three times higher carbon equivalent emissions on a per-tonne basis compared with thermal coal.³³

Further, in terms of Scope 3 emissions, steel production is more emission-intensive overall. Thermal coal burned for electricity generally emits less CO₂ than metallurgical coal burned in a blast furnace. One tonne of steel produced using blast furnace methods can emit 1.8–2.2 tonnes of CO₂.³⁴ Thermal coal’s emissions come mostly from combustion, whereas metallurgical coal contributes to both direct emissions (from coke combustion) and indirect emissions (from mining, transport, and steel plant operations).

Failure to provide adequate proposed emission reductions steps

The mitigation measures outlined in the GHG abatement plan do not represent meaningful GHG abatement, are heavily reliant on the purchase of Australian Carbon Credit Units (**ACCUs**), and are unlikely to be compatible with the Safeguard Mechanism.

In its justification for the Project (Supporting Information, page 2), the Proponent claims that:

“The CSG pre-drainage activities will be integrated with the underground longwall mining operations to reduce emissions while contributing to energy supply via the Queensland gas network.”

However, it is clear from the Greenhouse Gas Abatement Plan (Appendix E, SLR October 2025), that the intention is to pre-drain in advance of longwall mining. The only plan in relation to emission abatement is to flare the CSG.

In relation to possible contribution to energy supply, in Section 2.3 of the Greenhouse Gas Abatement Plan (appendix E, SLR October 2025), three possible options for beneficial use of the CSG are listed (transfer to a carbon abatement hub, a Clean Energy Fuel Australia Marketing LNG Project and a power station which is yet to be built). None of these are likely to be available within the timeframes for the project and it is disingenuous for the Proponent to imply that any of the CSG to be extracted through the Project will be reused.

Safeguard Mechanism cannot be relied upon to meet the requirements of the EP Act

The Safeguard Mechanism seeks to reduce the direct emissions from approved industrial facilities in line with Australia’s emissions targets. The Mechanism aims to do so by incentivising covered facilities to mitigate or offset their pollution to meet specific emissions limits. It is a useful policy tool which covers about 30% of Australia’s annual national ‘scope 1’ emissions from industrial facilities. However, the Safeguard Mechanism is not a substitute for considering climate impacts and emissions contributions during the assessment stage for new

³³ Wood Mackenzie, Putting coal mine emissions under the microscope, 29 April 2021, available [here](#).

³⁴ SteelWatch, 2023; Sunsetting Coal in Steel Production, p 10.

projects. The Mechanism only applies to projects once they have been approved, and does not require analysis of individual project emissions contributions. Even after the 2023 reforms to the Safeguard Mechanism, the post-approval application of a Safeguard Mechanism baseline cannot be used to justify disregarding climate considerations in assessment processes (at the state or territory level), or to justify the approval of any new fossil fuel projects.

Three key limitations of the Safeguard Mechanism are as follows, which demonstrate the need for climate considerations in all planning assessment and approval processes:

1. There is currently no requirement for federal assessment of a proposed project against the Safeguard baselines, or even Australia's legislated emissions target, until after the project receives approval. This means high emitting projects can be approved and proceed, even when they would exceed the emissions budget which has been incorporated into the Safeguard Mechanism legislation. Ignoring the responsibility of state government in undertaking a fulsome assessment of climate emissions is risky for our climate and environment. It means that new projects might never be subject to a meaningful climate assessment prior to approval. The Safeguard Mechanism does not require covered facilities to submit a plan or explain how they intend to reduce emissions or undertake onsite abatement.³⁵
2. The Safeguard Mechanism only applies to 'scope 1' emissions. These are emissions directly released into the atmosphere as a result of activities at a facility, such as fugitive emissions like methane leaks at coal mines. While direct emissions are important, it is downstream emissions from Australian facilities that have a much bigger impact on the global climate. Downstream, or 'scope 3' emissions, include the carbon released when Australia fossil fuels are exported, then burned overseas. These fossil fuel exports are Australia's biggest contribution to global emissions.
3. There are a number of loopholes and problems in the operation of the Safeguard Mechanism which mean that even post the 2023 reforms, it also may fail to materially reduce scope 1 emissions in line with what the science demands. For example:
 - Facilities may surrender any number of Australian Carbon Credit Units (ACCU) or Safeguard Mechanism Credits (SMCs) to meet baselines rather than undertake genuine, on-ground, mitigation efforts, contrary to the mitigation hierarchy.
 - Changes in measurement and reporting requirements under the *National Greenhouse and Reporting Act 2007* (Cth) mean that facilities may generate SMCs without materially reducing their emissions on-site, undermining the integrity of the scheme.³⁶
 - Questions remain about the permanence and additionality of certain ACCU

³⁵ Noting that if the facility has surrendered ACCUs equal to 30% or more of their baseline a requirement to explain to the Clean Energy Regulator why further onsite abatement has not been undertaken is enlivened: *National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015* r 72C.

³⁶ Ember, How an accounting shift could conceal millions of tonnes of coal mine emissions (June 2024) available at <https://ember-energy.org/app/uploads/2024/06/Report-Self-led-estimates-conceal-millions-of-tonnes-of-CO2-e-June-20-2024-1.pdf>.

methods, including methods which are no longer active but for which related credits are still available to facilities to meet Safeguard baselines.³⁷

- Reporting data from the 2023-2024 period showed that despite the 2023 reforms imposing a stricter decline rate overall, emissions-intensity based facility limits allowed facilities to increase their actual emissions.³⁸

2. Groundwater and surface water

The Project poses serious and enduring risks to surface water and groundwater systems within the Fitzroy Basin catchment, Burdekin Basin catchment, and the downstream Great Barrier Reef (GBR) catchment. The Project does not currently adequately address cumulative or climate-amplified risks.

The Project would impact groundwater resources through drilling, dewatering and subsidence and fracturing associated with longwall mining.

In addition, cumulative impacts on surface water quality and the GBR are not properly addressed.

Water is a precious commodity in Australia. It is also an essential part of connection to Country for First Nations, with water having significant spiritual, ceremonial, social and economic values.³⁹ Groundwater in particular provides essential support to a range of different ecosystems and supplies a significant amount of water for human use.

However, the State of the Environment Report 2021 found that both surface water and groundwater 'are coming under increasing pressure as temperatures increase and rainfall patterns are affected by climate change'.⁴⁰ The state of surface water and groundwater in Australia was assessed as poor and deteriorating.⁴¹

3. Biodiversity

The Bowen Basin is one of the most heavily cleared bioregions in Queensland, with the Project being one of 28 new or expanded coal mine projects in Queensland. The entire project is 4,568 ha, yet the Proponent has only applied for a smaller area. Despite described as early

³⁷ Macintosh, A., Butler, D., Larraondo, P. *et al.* Australian human-induced native forest regeneration carbon offset projects have limited impact on changes in woody vegetation cover and carbon removals. *Commun Earth Environ* 5, 149 (2024). <https://doi.org/10.1038/s43247-024-01313-x>.

³⁸ See generally, Clean Energy Regulator, Safeguard Data 2023-2024, available at <https://cer.gov.au/markets/reports-and-data/safeguard-data>.

³⁹ Productivity Commission, *National Water Report 2020 - Securing Aboriginal and Torres Strait Islander people's interests in water* (28 May 2021).

⁴⁰ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 16.

⁴¹ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 27.

works, this includes the following disturbances that must be assessed through the EIA process:

- 68ha of koala (endangered) habitat;
- 71 ha of squatter pigeon (vulnerable) habitat;
- 5ha of Australian painted snipe (endangered) habitat;
- 5ha of Lathan's snipe (vulnerable) habitat;
- 5 ha of ornamental snake (vulnerable) habitat;
- 68ha of white-throated needletail (vulnerable) habitat; and
- 78ha of short-beaked echidna (special least concern) habitat.

The Project will also materially contribute to further biodiversity loss in Queensland due to its contribution to the continued accretion of GHG in the earth's atmosphere.

The application fails to identify or propose a reasonably feasible solution for mitigating or offsetting its direct impacts to biodiversity cumulative with damage from the continued accretion of GHG emissions (which this project will make a material contribution to).

Human beings are a part of, and reliant on, biological diversity. The integral role played by biodiversity was recognized in the Biodiversity Convention, ratified by Australia in 1993, which has the objectives of 'the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources'.

The preamble to the Biodiversity Convention also showed an awareness by the Contracting Parties signing in 1992 that human beings are a part of, and reliant on, biological diversity: for example, the preamble stated that the Contracting Parties were conscious of 'the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere'.

In the Australian context, it was observed by Beach J in *Minister for the Environment v Sharma* [2022] FCAFC 35 at [579] that 'biodiversity is not just some intellectual fancy or aesthetic pleasure. It is important to the sustainability of humans'.

Australia and its surrounding seas support between 600,000-700,000 native species, with a high proportion of these found nowhere else in the world. It is estimated that about 70% (or 400,000) of all Australian species of plants, animals, fungi and other organisms are yet to be discovered, documented, named and classified.⁴²

However, there is a national crisis of biodiversity in Australia. The State of the Environment Report 2021 graded Australia's biodiversity as poor and deteriorating. Threatened plant and animal species are generally in a poor and deteriorating state due to increased land clearing, urban expansion and invasive species.⁴³

Over the past two centuries, Australia has lost more mammal species than any other continent. More than 1,900 Australian species and ecological communities are known to be

⁴² Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 54.

⁴³ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 55.

threatened or at risk of extinction, with the number of threatened species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) rising by an average of 8% in the past five years.⁴⁴

The number of nationally listed threatened ecological communities under the EPBC Act has also risen by 20% over the past 5 years, with approximately half of these communities being listed as Critically Endangered.⁴⁵

In the past decade, climate change in the form of more severe drought, extreme weather events, fire and habitat modification is also becoming a new driver for habitat change and species loss.⁴⁶

Conclusion

QCC urges the Department to refuse this amendment application. The Project, including all early works such as gate road installation, gas drainage and surface infrastructure, must be subject to comprehensive assessment through the coordinated project EIS process under the SDPWO Act prior to any construction or site disturbance. Anything less would undermine the integrity of the statutory assessment framework.

Yours sincerely,



Charlie Cox
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Queensland Conservation Council

⁴⁴ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 56.

⁴⁵ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 59.

⁴⁶ Ian Cresswell, Terri Janke and Emma Johnston, *Australia State of the Environment Report 2021: Overview* (2021) 56.