



Australian Government

**Department of Industry
Tourism and Resources**



Setting the Scene

National Legal and Regulatory Frameworks

Ms Tania Constable

General Manager, Resources Development Branch

Resources Division

Department of Industry Tourism and Resources, Australia



National Regulatory Frameworks

- Best storage sites identified within or near hydrocarbon operations
- Projects are pushing speedy development of national CCS legal and regulatory frameworks
- Case studies highlight issues and processes countries are considering in development of a legal and regulatory framework:
 - Australia - Gorgon
 - Canada – Weyburn-Midale
 - Netherlands
 - Norway - Sleipner
 - United Kingdom
 - United States – Weyburn-Midale





Development of a Regulatory Framework

- No nationally consistent legislation and/or guidelines regulating CCS projects
- Current petroleum, mineral and environment legislative and regulatory regimes (with appropriate amendments) may be sufficient for CCS projects
- Potential for regulation to be too prescriptive – balance required between risk management and risk avoidance
- Key issues to consider when developing a national legal and regulatory framework for CCS:
 - Site selection and appropriate risk analysis
 - Access to storage sites, including ownership of land, sub-surface and potential multiple use





Development of a Regulatory Framework - continued

- Property rights of sub-surface storage space
- Classification of CO₂
- Transboundary issues concerning numerous national and sub-national are likely to occur where projects span national and international boundaries
- Site closure needs to examine long term ownership of CO₂
- Monitoring and verification requirements may not fit easily with current legislative frameworks, eg standards and guidelines
- Ownership, liability and post closure responsibilities have the potential to leave project operators, governments and future generations exposed





Key Messages

- Consider risk management, flexibility, consistency and stakeholder participation when developing a legal and regulatory framework for CCS
- Cover issues such as access, site selection, property ownership, monitoring and verification, and liability under a CCS framework
- Jurisdictions should compare progress to avoid duplication and learn from others' experience
- Regulators to work closely with technical colleagues when developing and revising framework