



Make Good Framework

Chapter 3 of the *Water Act 2000*

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Implementation

Department of
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Protection (EHP)

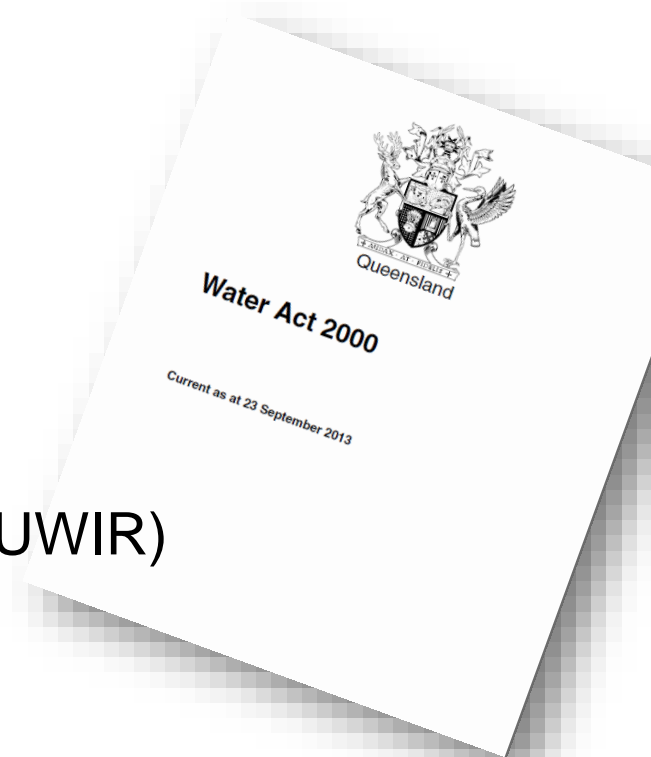
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Overview

- **Chapter 3 of the Water Act**

- ✓ How impacts are identified -
Underground water impact report (UWIR)
- ✓ Bore Assessments
- ✓ Make Good Agreements & measures
- ✓ Complaints and Disputes



Key agencies and their roles

- Department of Environment and Heritage Protection
— administers (assesses and decides applications, policy)
- Department of Natural Resources and Mines
 - CSG Compliance Unit – on the ground: enquiries, complaints and investigations, dispute resolution
 - Office of Groundwater Impact Assessment – independent advice about groundwater impacts, modelling impacts for cumulative management areas (e.g. Surat) & research

Note also GasFields Commission Queensland – independent statutory body formed to manage and improve sustainable coexistence among rural landholders, regional communities and the onshore gas industry

What this framework applies to...

- Water level decline impacts caused by petroleum tenure holders
- **NOT** impacts from mining operations (see *Mineral Resources Act 1989*)
- **NOT** environmental / contamination impacts (see *Environmental Protection Act 1994*)

Underground water
Impact Report



Bore Assessment



Make Good
Agreement (includes measures)



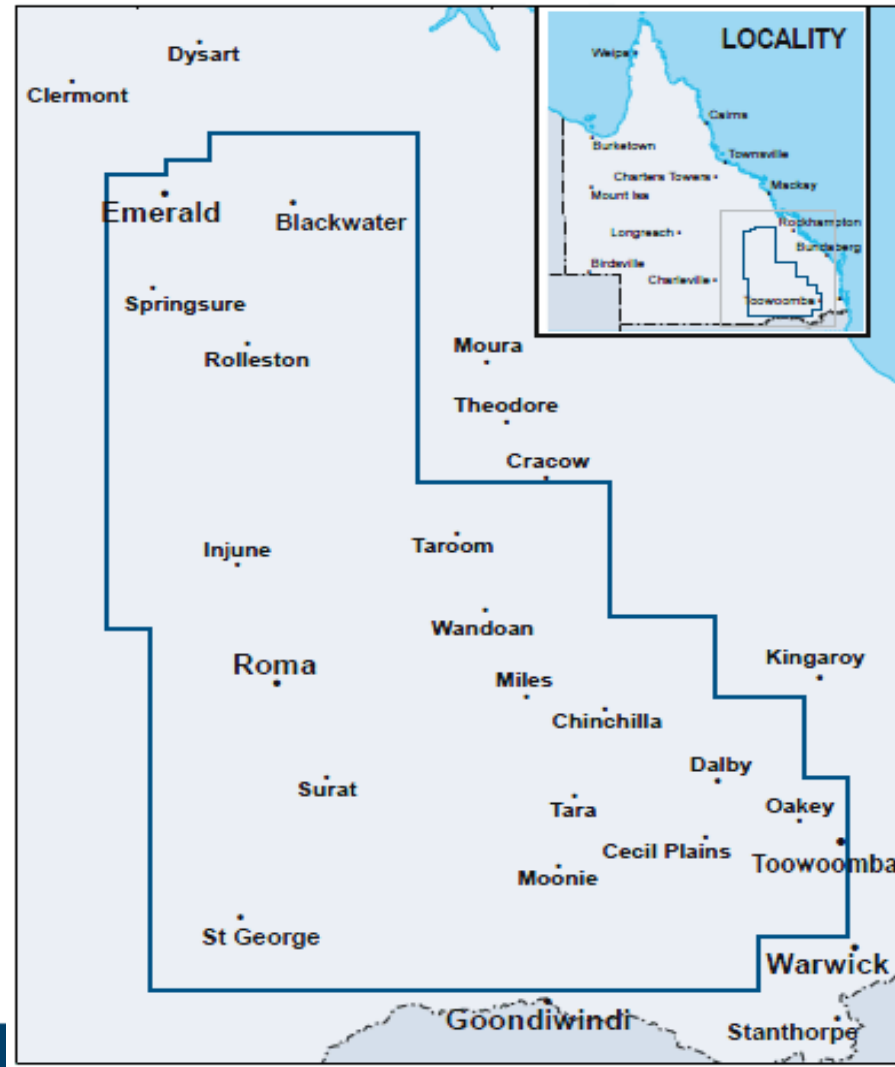
**Make good
obligations**

Predicting impacts - UWIRs

- Model, make predictions and set out monitoring obligations
- Predict impacts both in the immediate and long term
 - ✓ ensure that impacts are dealt with before any impacts occur
- Cumulative management area (e.g. Surat) – Office of Groundwater Impact Assessment



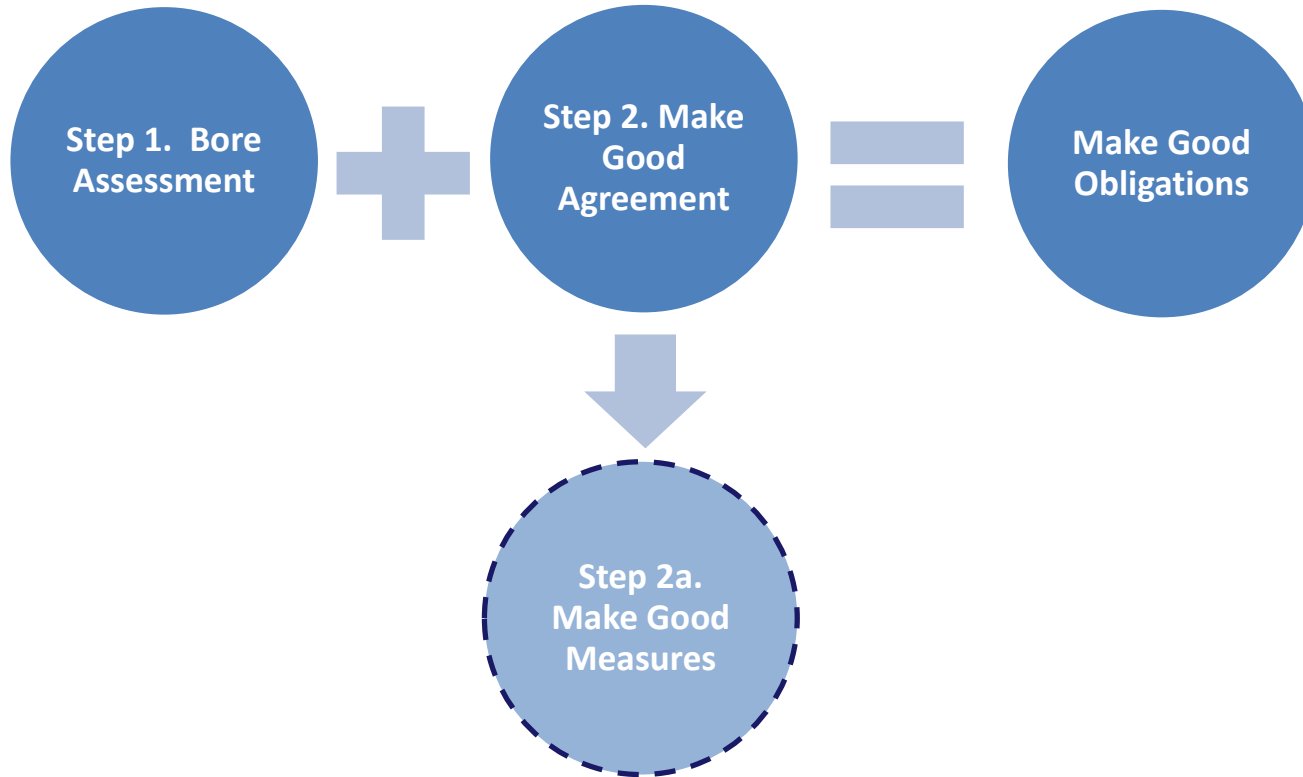
The Surat Cumulative Management Area



Predicting impacts - UWIRs

- UWIR reviewed every year
 - ✓ determine if there has been any material changes impact on predictions
- New UWIR every 3 years
- Process for unforeseen impacts
 - ✓ tenure holders can be directed
 - ✓ contact the CSG compliance unit

Make Good Obligations



Step 1 - Bore assessments

Establishes whether a bore has, or is likely to have, an impaired capacity.

Completed within 60 business days after UWIR takes effect (unless extension provided).

Sometimes tenure holders will accept impacts without assessment.



Step 1. Bore
Assessment

Step 1 *continued* - Bore assessments

Undertaken or certified by an independent third party

Facilitation of access is important

More information provided = more accurate assessment

Contact CSG Compliance Unit if concerned.



Step 1. Bore
Assessment

Step 2 - Make good agreements

A make good agreement is required for all bores that have had a bore assessment

State the findings / outcome of the bore assessment

Legal advice should be sought – at expense of tenure holder



Step 2. Make good agreements

Step 2a - Make good measures

Make good measures only where a bore has or is likely to have an impaired capacity

- ✓ Deepening the bore
- ✓ Constructing a new bore
- ✓ Providing a different, but equivalent water supply
- ✓ Compensating with money



Step 2a. Make Good Measures

Step 2a *continued* - Make good measures

Bore owners can negotiate – don't have to just accept what is offered

Tenure holders are only responsible for impairment caused by petroleum operation (e.g. not a rusted bore)

Monetary compensation needs to be very carefully considered



Step 2a. Make
Good Measures

When an agreement can be changed

1. There is a material change in circumstances
2. The make good measures are ineffective
3. There is another effective and more efficient measure available

Make Good Dispute Resolution

- Informal meeting to progress negotiations
- If a tenure holder and the bore owner cannot agree on the terms of a make good agreement within the identified period either party may lodge an election notice for:
 - Conference (CSGCU)
 - Alternative Dispute Resolution (ADR)

GUIDE FOR APPLICANTS

An authorised officer is appointed by the chief executive pursuant to section 739 of the Water Act 2000.

Upon completing a bore assessment, the responsible tenure holder must use its best endeavours to enter into a make good agreement with the bore owner within 40 business days (minimum negotiation period).

If an agreement has not been reached, either party may forward an election notice to the chief executive.

If a conference is requested the chief executive will take all reasonable steps to ensure the conference is finished within 30 business days after the election notice is given (the usual period).

If alternative dispute resolution (ADR) is requested, the parties must use their reasonable endeavours to finish ADR within the usual period.

The usual period may be extended if both parties agree or the chief executive determines that a longer conferring period is required.

If you wish to hold a conference, legal representation cannot attend unless the other party agrees and the authorised officer or relevant officer is satisfied there is no disadvantage to a party.

The CSG Compliance Unit of the Department of Natural Resources and Mines has delegation from the chief executive of the Department of Environment and Heritage Protection to provide support to bore owners and petroleum tenure holders during the make good agreement process.

Question 1.1
Enter the tenure type, number and located off-tenure holder. If the bore is and tenure number alone and tick the box to identify that the bore is located off-tenure.

A tenure includes:
Authority to Prospect (ATP)
Petroleum Lease (PL)

The responsible tenure holder is the tenure holder who is responsible for the make good obligation.

Question 2.1
Enter the name, address and contact details for the requesting person.
This may be the bore owner or tenure holder.

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Great state. Great opportunity.

ABN 46 640 204 485

Department of Environment and Heritage Protection

Election Notice

Section 426—Water Act 2000

Notice to seek conference or independent ADR

Section 426 of the Water Act 2000 allows a party that has not entered into a make good agreement to seek a conference or an alternative dispute resolution process (ADR) by giving notice to the other party and the chief executive.

This notice may be submitted by either the bore owner or tenure holder, and a copy must be provided to the other party under section 426(2) of the Water Act 2000.

This notice is to be provided to the chief executive via fax (07) 4529 1552 or email CSG.Enquiries@dnrm.qld.gov.au

1. Tenure details

1.1 Provide the following details about tenure which is the subject of the negotiation

Tenure type	Tenure number	Responsible tenure holder

The bore(s) is located off-tenure.

2. Requestor details

2.1 Provide the details of the person requesting the negotiation

Full name

Company details (if applicable)

Registered name	ABN/ACN

Address

Suburb

State

Postcode

Queensland Government

CSGET Facilitation – Dispute Resolution

- If an election notice is given requesting a conference, the Authorised Officer must, by notice, ask both parties to attend a conference to negotiate a resolution of the dispute.
- Authorised Officer must take all reasonable steps to ensure the conference is finished <30 business days after submission of election notice.

Complaints and disputes

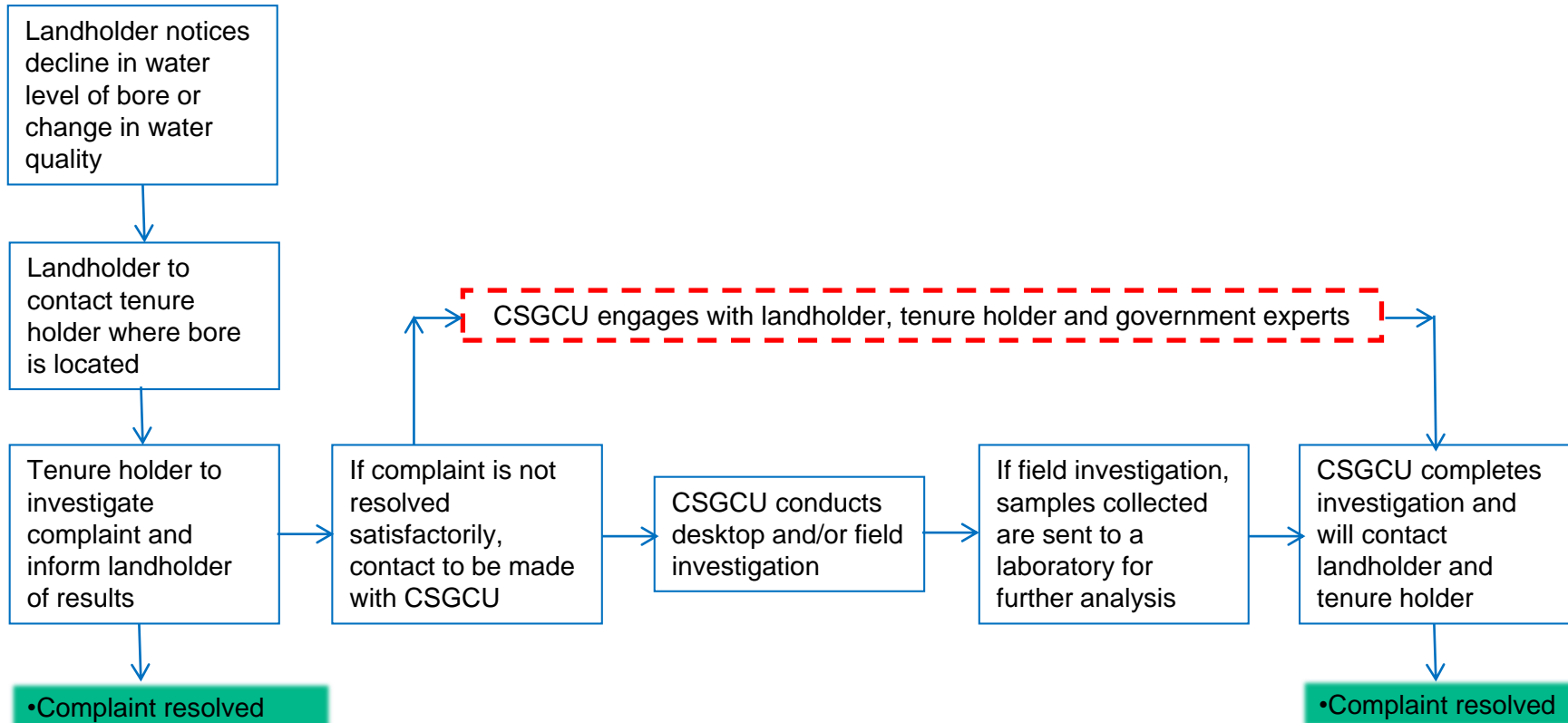
CSG Compliance Unit

4529 1500

csg.enquiries@dnrm.qld.gov.au



CSGET Facilitation - Bore Complaint Process



- Determining directions to undertake bore assessment

Further information and resources



www.ehp.qld.gov.au

Frequently Asked Questions

Dispute Resolution Election Notice

Approved underground water impact reports

Bore Assessment Guideline