



Working together for a shared future

4 April 2013

Chair  
Agriculture, Resources and Environment Committee  
Parliament House  
Brisbane QLD 4000  
Email [arec@parliament.qld.gov.au](mailto:arec@parliament.qld.gov.au)

Dear Sir

Thank you for the opportunity to provide a submission to the Agriculture, Resources and Environment Committee regarding the Land, Water and other Legislation Amendments Bill 2013.

QRC is the peak representative organisation of the Queensland minerals and energy sector. QRC's membership encompasses minerals and energy exploration, production, and processing companies, and associated service companies. The QRC works on behalf of members to ensure Queensland's resources are developed profitably and competitively, in a socially and environmentally sustainable way.

It is noted that the Land, Water and other Legislation Amendments Bill 2013 is an omnibus bill, however, QRC's comments will focus on particular amendments proposed to the:

- *Petroleum Act 1923*
- *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) and
- *Water Act 2000*

**1. Conversion of petroleum wells** (Parts 11-12; pages 17-18 Explanatory Notes)

QRC supports amendments to the above acts to provide for the conversion and transfer of petroleum wells, including coal seam gas wells, to water supply bores or water observation bores, and without the requirement for a licensed water bore driller. The proposed amendments are supported and address the previous requirement to have a licensed water bore driller on site which imposes significant additional burden, with little substantial benefit, given the expertise of the petroleum well driller.

**2. Removing the requirement for a water licence for associated water** (Parts 11-12; page 23 Explanatory Notes)

QRC also supports proposed amendments to remove the requirement for a petroleum tenure holder to obtain a water licence for the supply of associated water to other users. It is expected that this will

remove the current anomaly, whereby a water licence is not required to provide associated water to a landholder whose property overlaps the petroleum tenure, however is required to transfer water to landholders whose property does not overlap the tenure.

It is interesting that the Explanatory Notes (p24) make clear that these amendments to the *Water Act 2000* are supported by amendments to the P&G Act and, *where practicable*, the *Petroleum Act 1923*. Guidance as to the reason for inclusion of the term '*where practicable*' is sought.

### **3. Pipelines transporting produced water** (Part 12; p19 Explanatory Notes)

The third set of amendments of interest to QRC are outlined in the Explanatory Notes (p19) as having been raised during the Parliamentary Committee hearing into the Mines Legislation (Streamlining) Amendment Bill 2012 (Streamlining Bill). The Explanatory Notes indicate that the Streamlining Bill unintentionally excluded pipelines carrying produced water (including coal seam gas water), from the definition of operating plant, with the result that these pipelines were made subject to the *Work Health and Safety Act 2011* (WHS Act) rather than the P&G Act. The Explanatory Notes note that untreated CSG water pipelines are laid in the same trench as gas pipelines (which are regulated under the P&G Act) and are typically constructed from the same material.

In this regard, QRC would submit that it is critical that the amendment is clear that water pipelines containing gas should be regulated solely by the P&G Act, to ensure that activities are not captured simultaneously by two separate regulatory regimes.

Further comment is made in the Explanatory Notes (p20) that "...different companies indicated different points along the production and processing facilities at which water will be completely separated from the petroleum." In order to cater for the differences, the Bill places an obligation on the operator to indicate in the safety management plan the pipelines that transport produced water together with gas."

### **4. Regulation of levees** (Div 3, Part 19; p22 Explanatory Notes)

The Explanatory Notes outline that the Queensland Floods Commission of Inquiry found that levees are an important part of best practice floodplain management, however that levees also carry certain flood risks and that it is appropriate that levees be regulated. The purpose of these amendments is stated to be "...to progress the Queensland Floods Commission of Inquiry recommendations that relate to levees and to provide a consistent definition of levee and assessment process for all levees in Queensland."

The Bill provides for amendments to the *Water Act 2000*, to provide "...a definition of a levee, identifying that a development permit under the *Sustainable Planning Act 2009* (SPA) will be required (to construct a new levee or modify an existing levee) where the development is assessable development under the SPA, and a power to prescribe categories of levees based on risk assessment criteria. The creation of different categories of levees will enable different levels of assessment under the Sustainable Planning Regulation 2009."

Although the Bill specifically refers to SPA, and the Explanatory Notes (p22) state that some levees will be exempt as they are regulated under another Act or Regulation, QRC is seeking confirmation that the amendments do not apply to dams or other flood mitigation measures relating to resources operations.

**5. Removing the requirement for licences to interfere for watercourse diversions associated with resource activities** (Div 3, Part 19; p26 Explanatory Notes)

The Explanatory Notes (p26) outline that the Bill amends the *Water Act 2000* to remove the requirement for a resource activity tenure holder to hold a water licence to interfere with the flow of water in a watercourse via a diversion on tenure in circumstances where the resource activity is authorised through the grant of an environmental authority under the *Environmental Protection Act 1994* (EPA).

The intent of the amendment to reduce the regulatory burden by removing overlapping requirements is supported, however, in implementing these changes it will be important to ensure that this actually occurs. QRC is therefore fully supportive of the process currently underway between government and industry to develop a 'self-assessable' code for the design and construction of watercourse diversions to complement the legislative changes.

**6. Removing the requirement for a riverine protection permit to destroy vegetation** (Clause 293 – 294; p25 Explanatory Notes)

Amendments to the *Water Act 2000* to remove the requirement, in some circumstances, for both a riverine protection permit under the *Water Act 2000* and a vegetation clearing permit under the *Vegetation Management Act 1999* are supported.

**7. Amendment to *Water Act 2000* section 20 – Low risk activities** (Clause 228; p27 Explanatory Notes)

Amendments to allow, for example, petroleum tenure holders constructing water monitoring bores or water observation bores without the need for a water entitlement are supported.

Thank you again for the opportunity to comment on the Bill. If you require any further information, the contact on this matter is Andrew Barger, who can be contacted on (07) 3316 2502 or alternatively via email at [andrewb@qrc.org.au](mailto:andrewb@qrc.org.au)

Yours sincerely



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**Chief Executive**