



Queensland

Mineral Resources and Other Legislation Amendment Regulation (No. 1) 2017

Subordinate Legislation 2017 No. 5

made under the

Mineral Resources Act 1989

Petroleum and Gas (Production and Safety) Act 2004

Water Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Mineral Resources and Other Legislation Amendment Regulation (No. 1) 2017*.

Part 2 Amendment of Mineral Resources Regulation 2013

2 Regulation amended

This part amends the *Mineral Resources Regulation 2013*.

3 Insertion of new ch 2, pt 6

Chapter 2—
insert—

Part 6 Measuring and reporting the taking of associated water

31A Requirements for measuring the taking of associated water—Act, s 334ZP(5)(a)

- (1) This section prescribes, for section 334ZP(5)(a) of the Act, the requirements for the measurement or estimation of the volume of associated water taken by the holder of a mineral development licence or a mining lease.
- (2) The volume of associated water taken must be calculated by—
 - (a) in relation to associated water taken as a result of dewatering of a surface mine or an

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- underground mine in the area of the licence or lease, if the dewatering is achieved by using bores—measuring the volume of underground water extracted from each active bore field through a meter complying with AS 4747-2013 (Meters for non-urban water supply); and
- (b) in relation to associated water taken as a result of underground water entering a surface mine or an underground mine in the area of the licence or lease—applying the water balance method stated in the guideline for calculating the volume of associated water entering a surface mine or an underground mine.
- (3) Despite subsection (2), the holder may calculate, in whole or in part, the volume of associated water taken using an alternative method—
- (a) submitted to the chief executive in writing with—
- (i) information supporting the reliability and accuracy of the method; and
- (ii) an explanation of why the alternative method is being used instead of the methods mentioned in subsection (2); and
- (b) approved by the chief executive.
- (4) In this section—
- guideline** means the guideline entitled ‘Measuring the volume of take of associated water under a mining lease or mineral development licence’ made by the chief executive and published on the department’s website.

31B Requirements for reporting the taking of associated water—Act, s 334ZP(5)(b)

- (1) This section prescribes, for section 334ZP(5)(b) of the Act, the requirements for the reporting of the volume of associated water taken by the holder of a mineral development licence or a mining lease.
- (2) For each reporting period, the holder must report—
 - (a) the total volume of associated water taken in the area of the licence or lease during the reporting period; and
 - (b) if dewatering of a surface mine or an underground mine, in the area of the licence or lease, is achieved using bores—
 - (i) the volume of associated water extracted from each active bore field during the reporting period; and
 - (ii) the source geological formation from which the associated water was taken; and
 - (iii) whether the source geological formation is artesian or subartesian; and
 - (c) if, during the reporting period, the holder uses an alternative method under section 31A(3) for the first time—an explanation of the alternative method.
- (3) If the licence or lease expires or is surrendered, the holder must also report, for each surface mine in the area of the licence or lease—
 - (a) the relationship between the horizontal area of any pit associated with the mine and the elevation from the bottom of the pit based on survey data for the pit; and

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- (b) a prediction of the long term annual, steady state entry of underground water into any area of the mine that is rehabilitated; and
 - (c) an explanation of the method the holder used to make the prediction mentioned in paragraph (b).
- (4) Reporting under this section must be submitted using the Queensland Digital Exploration Reports System—
 - (a) if the reporting period ends on 30 June—within 20 business days after the end of the reporting period; or
 - (b) otherwise—on the day the licence or lease expires or is surrendered.
- (5) If a portion of a reporting period has elapsed before the commencement, the holder need only report, for that reporting period, information available to the holder after commencement.

31C Chief executive may review alternative method

- (1) This section applies if the holder uses an alternative method in accordance with section 31A(3) instead of a method mentioned in section 31A(2) (an *original method*).
- (2) The chief executive may, at any time, review the alternative method to assess the reliability and accuracy of the method.
- (3) If, as a result of the review, the chief executive no longer considers the alternative method to be reliable or accurate—
 - (a) the chief executive must, as soon as practicable, notify the holder of the result of the review; and

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- (b) for the next reporting period, the holder must use—
- (i) the original method; or
 - (ii) another alternative method that complies with section 31A(3).

4 Amendment of sch 6 (Dictionary)

- (1) Schedule 6, definition *reporting period*—

omit.

- (2) Schedule 6—

insert—

active bore field means a single bore, or a group of bores, being used to dewater the whole, or a particular part, of a surface mine or underground mine.

reporting period—

- (a) for an exploration permit or a mineral development licence, means each 1-year period from the anniversary of the day the permit or licence takes effect; or
- (b) for sections 31B and 31C, means the period starting on 1 July and ending on either—
 - (i) 30 June; or
 - (ii) if the period relates to a mineral development licence or a mining lease that expires or is surrendered on a day before 30 June—on that day.

surface mine means—

- (a) a mine other than an underground mine; or
- (b) the surface operations of an underground mine.

underground mine means a mine where workers

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normally work beneath the surface of the earth, and includes structures, apparatus and equipment that extend continuously from the surface into an underground mine, but does not include the surface operations of the mine.

Part 3

Amendment of Petroleum and Gas (Production and Safety) Regulation 2004

5 Regulation amended

This part amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

6 Insertion of new ch 2, pt 3, div 3

Chapter 2, part 3—

insert—

Division 3

Measuring and reporting the taking of non-associated water

61B Requirements for measuring the taking of non-associated water—Act, s 186(4)

- (1) This section prescribes, for section 186(4) of the Act, the requirements for the measurement of the volume of non-associated water taken by a holder of a petroleum tenure.
- (2) The volume of non-associated water taken must be calculated by—
 - (a) measuring the volume of non-associated water taken, in the area of the tenure, using a

-
- meter complying with AS 4747-2013 (Meters for non-urban water supply); or
- (b) if non-associated water taken in the area of the tenure is transported by one or more vehicles—
- (i) multiplying the maximum water storage capacity of each vehicle by the number of loads of water (whether part or full) transported by the vehicle (the *per vehicle volume*); and
- (ii) if more than one vehicle is used—adding the per vehicle volume for each vehicle.
- (3) Despite subsection (2), the holder may calculate, in whole or in part, the volume of non-associated water taken in the area of the tenure using an alternative method—
- (a) submitted to the chief executive in writing with—
- (i) information supporting the reliability and accuracy of the method; and
- (ii) an explanation of why the alternative method is being used instead of the methods mentioned in subsection (2); and
- (b) approved by the chief executive.

61C Requirements for reporting the taking of non-associated water—Act, s 186(4)

- (1) This section prescribes, for section 186(4) of the Act, the requirements for the reporting of the volume of non-associated water taken by a holder of a petroleum tenure.
- (2) For each reporting period, the holder must report—

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- (a) the total volume of the non-associated water taken in the area of the tenure during the reporting period; and
 - (b) for non-associated water extracted from a bore in the area of the tenure—
 - (i) the volume of non-associated water extracted from the bore during the reporting period; and
 - (ii) the source geological formation from which the non-associated water was taken; and
 - (iii) whether the source geological formation is artesian or subartesian; and
 - (c) the authorised activity for the tenure for which the non-associated water was used; and
 - (d) if, during the reporting period, the holder uses an alternative method under section 61B(3) for the first time—an explanation of the alternative method.
- (3) Reporting under this section must be submitted using the Queensland Digital Exploration Reports System—
- (a) if the reporting period ends on 30 June or 31 December—within 20 business days after the end of the reporting period; or
 - (b) otherwise—on the day the tenure expires or is surrendered.
- (4) If a portion of a reporting period has elapsed before the commencement, the holder need only report, for that reporting period, information available to the holder after commencement.

61D Chief executive may review alternative method

- (1) This section applies if the holder uses an alternative method in accordance with section 61B(3) instead of a method mentioned in section 61B(2) (an *original method*).
- (2) The chief executive may, at any time, review the alternative method to assess the reliability and accuracy of the method.
- (3) If, as a result of the review, the chief executive no longer considers the alternative method to be reliable or accurate—
 - (a) the chief executive must, as soon as practicable, notify the holder of the result of the review; and
 - (b) for the next reporting period, the holder must use—
 - (i) the original method; or
 - (ii) another alternative method that complies with section 61B(3).

7 Amendment of sch 12 (Dictionary)

Schedule 12—

insert—

non-associated water means water a holder of a petroleum tenure may take or interfere with under section 186(2) of the Act.

reporting period, in relation to a petroleum tenure, means—

- (a) the period starting on 1 January and finishing on—
 - (i) 30 June; or

10 Amendment of sch 5 (Water sharing rules)

- (1) Schedule 5, entry for Lower Callide, Prospect Creek and Upper Callide groundwater sub-areas—
omit.
- (2) Schedule 5—
insert—

Prospect Creek and Upper Callide groundwater sub-areas	Prospect Creek and Upper Callide groundwater sub-areas water sharing rules
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11 Amendment of sch 6 (Seasonal water assignments)

- (1) Schedule 6, entry for Lower Callide, Prospect Creek and Upper Callide groundwater sub-areas—
omit.
- (2) Schedule 6—
insert—

Prospect Creek and Upper Callide groundwater sub-areas	water licence to take underground water	Prospect Creek and Upper Callide groundwater sub-areas seasonal water assignment rules
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12 Amendment of sch 11 (Metered entitlements)

- Sch 11, entry for Gowrie-Oakey Creek water management area—
omit, insert—

[s 12]

Gowrie and Oakey Creek water management area, zones GOU-1, GOU-2, GOU-3 and GOU-4 under the <i>Water Plan (Condamine and Balonne) 2004</i>	all water entitlements to take surface water, other than water entitlements for stock or domestic purposes only	30 November 2021 for water allocations with flow conditions 30 November 2019 for other water entitlements
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ENDNOTES

- 1 Made by the Governor in Council on 2 February 2017.
- 2 Notified on the Queensland legislation website on 3 February 2017.
- 3 The administering agency is the Department of Natural Resources and Mines.

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