

Water Reform and Other Legislation Amendment Act 2014

Explanatory notes for SL 2016 No. 168

made under the

Water Reform and Other Legislation Amendment Act 2014

General Outline

Short title

Water Reform and Other Legislation Amendment Act 2014.

Authorising law

Section 2 of the *Water Reform and Other Legislation Amendment Act 2014*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence the following sections of the *Water Reform and Other Legislation Amendment Act 2014*:

1. the remaining sections in part 9 (amendments relating to mining safety) other than section 214, not yet in force; and
2. the remaining sections in schedule 3 (minor or consequential amendments of particular legislation relating to mining safety) not yet in force.

The sections to commence are overlapping tenure safety provisions to support the new overlapping tenure framework in the *Mineral and Energy Resources (Common Provisions) Act 2014*. The new overlapping tenure safety framework is intended to provide greater guidance to both the coal and coal seam gas industries about their safety obligations when their tenures and production or exploration activities overlap. Key policy objectives include:

- ensuring that safety outcomes are not compromised by the less restricted overlapping tenure arrangements under the new framework. Both coal and coal seam gas parties are required to safely operate with an acceptable level of risk, over the same piece of ground;
- requiring both parties to develop and maintain an agreed joint interaction management plan to manage risks and hazards;

- requiring agreements/dispute resolution to be consistent with legislative safety requirements or the relevant Department of Natural Resources and Mines' Coal Mining Inspectorate/Petroleum and Gas Inspectorate directives/directions in relation to safety; and
- harmonising some key terminology across overlapping coal and coal seam gas tenures under the *Coal Mining Safety and Health Act 1999*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *Petroleum Act 1923* and the *Mineral Resources Regulation 2013*.

Achievement of policy objectives

The policy objectives of the relevant provisions of the *Water Reform and Other Legislation Amendment Act 2014* will be achieved by fixing a commencement day of 27 September 2016.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the *Water Reform and Other Legislation Amendment Act 2014*.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any policy objectives of any other legislation.

Benefits and costs of implementation

The Proclamation does no more than commence particular sections about safety requirements for overlapping coal and coal seam gas tenures.

Consistency with fundamental legislative principles

The Proclamation does not raise any issues regarding fundamental legislative principles.

Consultation

Extensive consultation occurred with industry and relevant State Government agencies about the amendments prior to the passage of the *Water Reform and Other Legislation Amendment Act 2014*.