WATER RESOURCES LAW
WORKSHOP PROGRAM

Thursday & Friday
9 & 10 April 2015

Venue
The University of Western Australia
Social Sciences Lecture Room 1

Instruction by
Alex Gardner
Associate Professor, The University of Western Australia Law School
National Centre for Groundwater Research and Training
Co-operative Research Centre for Water Sensitive Cities

Guest Presenters:
• Philip Commander,  UWA Adjunct Professor
• Matthew Pudovskis,  State Solicitor’s Office, WA
• Clare Ward,  Research Associate to the Hon Justice McLure, Supreme Court of Western Australia
• Michael Bennett, UWA Law School, PhD candidate
Day 1 – Thursday, 9 April 2015

Morning: Session 1

Institutional Framework & Objectives of Water Resources Law

Lecturer: Assoc/Prof Alex Gardner
Guest: UWA Adjunct Professor Philip Commander, hydrogeologist

- Classification and condition of Australia’s water resources
- Constitutional framework of water resources management
- COAG Water Reform Policy
- Administrative framework of water resource management & structure of water industry
- Objectives of water resources management

Guest: “The state of groundwater resources in WA and determining sustainable yield”

CPD: Competency Areas 2 & 3: .5 points each
Competency Area 4: 2 points

Afternoon: Session 2

Access Rights and Duties Relating to Water Resources

Lecturer: Assoc/Prof Alex Gardner
Guest: Matthew Pudovskis, State Solicitors’ Office

- Foundations of access rights to water
  - common law and “crown vesting”
- Rights to take and use water, including native title
  - at Common Law
  - under statute: RiWI Act
  - reform proposals
- Nature of water access rights: security and transferability

Guest: “Native Title and Water Resources in WA”

CPD: Competency Area 2: 1 point
Competency Area 4: 2 points

Day 2 – Friday, 10 April 2015

Morning: Session 3

Water Allocation Planning

Lecturer: Assoc/Prof Alex Gardner
Guest: Clare Ward, Research Associate to McLure J, Supreme Court of WA

- History of water resources planning
- Purposes & legal effect of water resources planning
- Elements of planning system, including:
  - When to make a plan
  - Area or water resources of the plan
  - Persons making and implementing plan
  - Procedures for making, amending, monitoring and reviewing a plan
  - Content, including environmental water provisions & defining “consumptive pool”
  - Integration of water & land management

Guests: “Miner’s liability to redress reduced water quantity and quality after mine site closure”

CPD: Competency Areas 2 & 3: .5 points each
Competency Area 4: 2 points

Afternoon: Session 4

Administration of Statutory Water Entitlements

Lecturer: Assoc/Prof Alex Gardner
Guest: Michael Bennett, PhD candidate, UWA

- Types of entitlements
- Who may apply for entitlements
- Procedures for the grant of entitlements
- Rights and obligations conferred: including
  - reform of water access and use rights
  - fees and charges
- Variation of rights and obligations, and questions of compensation
- Trade in water entitlements, including environmental water entitlements

Guest: “Adjusting environmental caps: Approaches in fisheries and water law”

CPD: Competency Area 2: 1 point
Competency Area 4: 2 points

NB the CPD points designation follows the description of Competency Areas applicable from 1 April 2015.
## Sessions Schedule

### Morning Session

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>8:45am to 10:30am</td>
<td>Seminar discussion</td>
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<tr>
<td>10:30am to 11:00am</td>
<td>Morning Break</td>
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<td>11:00am to 12:30pm</td>
<td>Seminar re-commences</td>
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<tr>
<td>12:30 to 1:30pm</td>
<td>Lunch</td>
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### Afternoon Session

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<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>1:30pm to 3:00pm</td>
<td>Seminar discussion</td>
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<tr>
<td>3:00pm to 3:30pm</td>
<td>Afternoon Break</td>
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<tr>
<td>3:30pm to 5:15pm</td>
<td>Seminar re-commences</td>
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