



WATER RESOURCES LAW WORKSHOP PROGRAM

*Wednesday - Friday
27 – 29 September 2017*

Venue

The University of Western Australia
Social Sciences Lecture Room 1
SSCI [G.28]

Instruction by

Alex Gardner

Professor, The University of Western Australia Law School
Centre for Mining, Energy and Natural Resources Law
Co-operative Research Centre for Water Sensitive Cities

Guest Presenters:

- **Philip Commander**, UWA Adjunct Professor
- **Matthew Pudovskis**, State Solicitor's Office, WA
- **Rebecca Palandri**, Department of Water & Environmental Regulation
- **Ben Trezise**, Department of Water & Environmental Regulation
- **Malcolm Robb**, Department of Water & Environmental Regulation
- **Jeanette Jensen**, UWA Law School, PhD candidate
- **Carina Bury**, Université de Paris II, Panthéon-Assas
- **Natalie Brown**, UWA Law School, PhD candidate
- **Daniela Tonon**, Daniela Tonon Legal

Day 1 – Wednesday, 27 September 2017

Morning: Session 1

Institutional Framework & Objectives of Water Resources Law

Lecturer: Professor 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

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

Afternoon: Session 2

Access Rights and Duties Relating to Water Resources

Lecturer: Professor 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 – Thursday, 28 September 2017

Morning: Session 3

Water Allocation Planning

Lecturer: Professor Alex Gardner

Guest: Rebecca Palandri,
Department of Water & Environmental Regulation

- 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

Guest: Moving to Statutory Water Allocation Planning

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

Afternoon: Session 4

Administration of Statutory Water Entitlements

Lecturer: Professor Alex Gardner

Guest: Ben Trezise,
Department of Water & Environmental Regulation

- 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: Water trading in retrospect and prospect

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

Morning: Session 5

Catchment & Waterways Management

Lecturer: Professor Alex Gardner

Guests: Malcolm Robb, Department of Water & Environmental Regulation
Jeanette Jensen, UWA Law School, PhD candidate
Carina Bury, Université de Paris II, Panthéon-Assas

- Water Quality Protection

Malcolm Robb,

– Current practice in WA: models of collaboration and some thoughts on the use of statutory instruments

Jeanette Jensen,

– Regulation of diffuse source pollution from agriculture: problem solving and the law

- Environmental water flows from public water supply reservoirs for Ramsar listed wetlands

Alex Gardner,

- Environmental Flows and Wetlands Restoration: Legal Approaches and Case Study of the Peel-Harvey Estuary

Carina Bury,

- Prospects for enforcing the Ramsar Convention international obligations in the Permanent Court of Arbitration

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

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

Afternoon: Session 6

**Legal Perspectives on Mining and Water:
adaptive management; state agreements & mine dewatering**

Lecturer: Professor Alex Gardner

Guests: Natalie Brown, UWA Law School, PhD candidate
Gary Humphries, Department of Water & Environmental Regulation;
Daniela Tonon, Daniela Tonon Legal, Perth

- Adaptive Management of groundwater in mining operations

Alex Gardner

- The Pilbara Iron Ore State Agreements and mine dewatering

Natalie Brown

- Policy challenges and initiatives for managing mining impacts on water

Gary Humphries

- Legal barriers to the use of mine dewatering surplus

Daniela Tonon

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

SESSIONS SCHEDULE

Morning Session

8:45am to 10:30am

Seminar discussion

10:30am to 11:00am

Morning Break

11:00am to 12:30pm

Seminar re-commences

12:30 to 1:30pm

Lunch

Afternoon Session

1:30pm to 3:00pm

Seminar discussion

3:00pm to 3:30pm

Afternoon Break

3:30pm to 5:15pm

Seminar re-commences
