

The following provides a summary of the current legislative position in relation to coal seam methane water use:

- under the PG Act, the petroleum licence (PL) holder has the right to extract associated water providing the extraction happens during the course of or results from the carrying out of an authorised activity for the tenure
- the PL holder can use the associated water for activities carried on under the PL
- the PL holder can apply for a water licence to on-supply associated water for all other purposes not expressly authorised under the PG Act
- the PL holder has a "make good" obligation if its extraction of associated water adversely impacts on landowner's ability to extract water from the same aquifer
- once a water licence is granted, the PL holder can on-supply the water but must not charge a fee unless the PL holder is also registered as a water service provider under the Water Act 2000.

Environmental Protection Act 1994

The *Environmental Protection Act 1994* (EP Act) provides the key legislative framework for environmental management and protection in Queensland. The Act was introduced to protect Queensland's environment while allowing for economic development, consistent with the principles of ecologically sustainable development.

The EPA released the *Operational Policy for the Management of water produced in association with petroleum activities (associated water)* in March 2007.

Section 13 of the EP Act defines waste as 'anything that is left over, or an unwanted product'. Management of coal seam methane water (considered as waste) was addressed by activity specific conditions on the environmental authority issued for the petroleum activities. Disposal, transport, storage treatment, recycling or reprocessing are listed as level 1 Environmental Relevant Activity (ERAs 75,81,83,84 and 85).

If the associated water is approved for a beneficial use and the receiver, re-user or recycler has given the environmental authority holder (the producer) written agreement that they can comply with the conditions of the notice of decision to approve a resource for beneficial use (the Notice), there is no requirement for an application for development approval or resignation certificate for regulated waste transport, storage, treatment, recycling or reprocessing, or disposal.

The EP Act further provides for 'general environmental duty' (Section 319) which stipulates that:

'A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm'

Additionally, Section 320 of this Act requires that a person must notify the administering authority (the EPA) if they become aware that serious or material environmental harm is caused or threatened by conducting an activity. Failing to notify environmental harm in accordance with the provisions of the Act may lead to a penalty or prosecution by the administering authority.

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