



Department of **Water**

Department of **Mines and Petroleum**

**Administrative Agreement
between the
Department of Mines and Petroleum
and
Department of Water**

**For Onshore Petroleum and
Geothermal Activities In Western Australia**

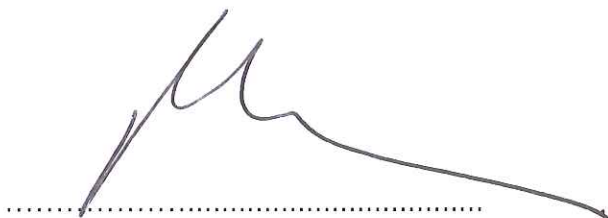
July 2015

ADMINISTRATIVE AGREEMENT BETWEEN THE DEPARTMENT OF MINES AND PETROLEUM AND DEPARTMENT OF WATER FOR ONSHORE PETROLEUM AND GEOTHERMAL ACTIVITIES IN WESTERN AUSTRALIA

This Administrative Agreement is established between the Department of Mines and Petroleum (DMP) and the Department of Water (DoW) in order to support the collaboration and coordination between the two departments when considering the potential impact on water resources by petroleum and geothermal activities regulated under the *Petroleum and Geothermal Energy Resources Act 1967*.

This Agreement will be reviewed within 12 months or upon the amendment of the Resource Management and Administration Regulations 2015 and the supporting guidance material, whichever is the soonest.

The signatories below endorse this Administrative Agreement.



Richard Sellers
Director General
Department of Mines and Petroleum



Mike Rowe
A/Director General
Department of Water

Dated this 5th day of August 2015

1. Purpose

The purpose of this Agreement between DMP and DoW is to:

- i. Facilitate ongoing collaboration and cooperation between the two departments in fulfilling their statutory, policy and communication functions.
- ii. Support the functions of the departments in recognising that the protection of water resources, and the responsible development of the petroleum and geothermal resources industry, are both priorities for the Government of Western Australia.
- iii. Support the timely, efficient and transparent exchange of information between the departments on matters relating to the protection of water resources.

2. Principles for this Agreement

The following principles are agreed between DMP and DoW.

- Water resources and petroleum and geothermal resources in their natural state belong to the people of Western Australia.
- The protection of water resources is a priority for the Government of Western Australia.
- The Government of Western Australian has adopted the *Multiple land use framework*, December 2013 of the Standing Council on Energy and Resources to guide policy and administrative decisions of government relating to land use activities.
- Information sharing and collaboration are fundamental aspects of all activities between the departments where:
 - information is shared at the earliest opportunity and regularly; and
 - proponents are encouraged to interact with respective agencies as soon as practicable.
- DoW and DMP will collaborate on the preparation and delivery of stakeholder engagement related to onshore petroleum activities so that:
 - information is consistent, accurate and complete;
 - participation in stakeholder engagement activities includes representatives from both agencies as required (e.g. technical experts);
 - both agencies are aware of and can contribute to media enquiries and statements when appropriate (when information is required from both agencies); and
 - guidance material directs stakeholders to consult with respective agencies at the earliest opportunity in order to guide proponents to comply with the regulatory framework.

3. Procedural Arrangements for Petroleum Acreage/Titles

DMP releases petroleum acreage titles for competitive bidding on a biannual basis. Part of the release package includes information on applying for acreage, land access, basin geology and relevant available data.

This Agreement will establish procedural arrangements such that information relevant to the protection of water resources is included in the package of information released by DMP.

Relevant legislation

Petroleum and Geothermal Energy Resources Act 1967

Collaboration relating to petroleum acreage/titles

- The principal points of contact between DMP and DoW relating to petroleum acreage/titles are:
 - Executive Director Petroleum (DMP)
 - Director Regions (DoW).
- Prior to releasing petroleum acreage titles for competitive bidding, or issuing special prospecting authority with acreage option, DMP will seek advice from DoW regarding whether:
 - DoW recommends that any specific information should be included in the release information package; and/or
 - there are any matters that DMP should consider in its decisions regarding the release of acreage/titles.
- DoW will provide responses to DMP within 20 calendar days.
- DMP will identify on the public release, any known sensitive water resources as notified by DoW in special notices within the acreage release package (for exploration permits or drilling reservations). For 'special prospecting authority with acreage option' the known sensitive water resources will be identified in the letter of offer back to the title applicant.

4. Administrative Arrangements for Onshore Petroleum and Geothermal Activities

This Agreement establishes arrangements such that DoW is notified of proposed activities within identified sensitive water areas and that DoW is able to provide expert advice related to the protection of water resources for relevant Environment Plans as part of the assessment process.

These collaboration arrangements are in addition to the formal referral between the Minister for Mines and Petroleum and the Minister for Water of proposed activity on land vested with the Water Resources Ministerial Body or the Minister for Water under the *Land Administration Act 1997*, or the *Metropolitan Water Supply Sewerage and Drainage Act 1909*, as guided by Section 15A of the *Petroleum and Geothermal Energy Resources Act 1967*.

Collaboration relating to Environment Plans within a public drinking water source area¹ or within five kilometres of a public drinking water bore

- Where an Environment Plan is received by DMP and proposes petroleum activities **within** a public drinking water source area or when DMP is informed of activities within five kilometres of a public drinking water source area water bore or aboriginal community drinking water bore:
 - DMP will:
 - provide DoW with access to the Environment Plan;
 - request that DoW provide advice on the proposal that must be considered by DMP; and
 - not approve the Environment Plan until advice is received from DoW, or, if no advice is provided, more than 20 calendar days have elapsed since DoW was provided access to the Environment Plan.
 - DoW (guided by the Australian Drinking Water Guidelines, National Health & Medical Research Council 2015) will:
 - provide advice to DMP within 20 calendar days.

Collaboration relating to Environment Plans outside a public drinking water source area

- Where an Environment Plan is received by DMP and proposes petroleum activities outside a public drinking water source area:
 - DMP will:
 - provide DoW with access to the Environment Plan.
 - DoW will:
 - inform DMP whether it wishes to review the Environment Plan;
 - request that DMP not approve the Environment Plan until DoW has provided comment; and
 - will provide advice to DMP within 20 calendar days (from when the Environment Plan was made available to DoW).

¹ Public drinking water source area (PDWSA) is the collective name given to any area proclaimed under legislation for the management and protection of a water source used for public drinking water supplies. They may be catchment areas, water reserves or underground water pollution control areas (pollution areas) proclaimed under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* and the *Country Areas Water Supply Act 1947*.

- The principal points of contact between DMP and DoW relating to Environment Plans are:
 - Executive Director Environment (DMP)
 - Director Regions (DoW).

5. Notifications

Once activities are approved by DMP, petroleum operators are required under the regulations to notify reportable incidents to DMP. In addition, petroleum operators are required to notify DMP of a water discovery.

This Administrative Agreement provides for the sharing of information relating to the above matters.

Relevant legislation

Petroleum and Geothermal Energy Resources Act 1967

Collaboration relating to reportable incident and water discovery notifications

- DMP will advise DoW when it is notified of **any reportable incident** that occurs in a public drinking water source area.
- DMP will advise DoW where a petroleum operator notifies DMP of a water discovery in accordance with section 113 of the *Petroleum and Geothermal Energy Resources Act 1967*.
- The principal points of contact between DMP and DoW relating to notification of reportable incidents are:
 - Executive Director Environment (DMP)
 - Director Regions (DoW).
- The principal points of contact between DMP and DoW relating to water discoveries are:
 - Executive Director Petroleum (DMP)
 - Director Regions (DoW).

6. Collaboration Relating to Developing Policies and Procedures

Both DMP and DoW will each continue to develop various policies and procedures relating to this Agreement, and more broadly may relate to water resources and onshore petroleum activities.

DMP and DoW will collaborate on the review and drafting of policies, information produces, publications and processes which relate to water resources issues arising from onshore petroleum activities.

Any policies and procedures relating to the operation of the administrative arrangements can be added to this Agreement as an addendum, upon approval by their respective Director General.

7. Review of Administrative Agreement

DoW and DMP agree to review this Agreement within 12 months from the date of commencement to ensure currency and relevance. Notwithstanding this, a review of the Agreement may be undertaken at any time where both Departments agree that a review is warranted.

Department of Mines and Petroleum
Mineral House, 100 Plain Street, East Perth
Western Australia 6004
Ph: +61 8 9222 3333
Fax: +61 8 9222 3862