

understanding groundwater law

THE FUNDAMENTALS OF GROUNDWATER LAW, THEORY AND PRACTICE

WHY IS THIS COURSE IMPORTANT?

This two-day course is designed for those who need to understand, in theory and practice:

- how law and policy govern groundwater management in Australia
- the contexts in which water agencies administering these laws operate
- the critical groundwater law and policy challenges that managers are facing now, and will face in the future, and ways to approach these challenges.

As well as delivering these foundations, the course will make reference to overseas experience, noting the comparative innovation of Australian law and policy, as well as areas in which further law and policy development is needed. The course will comprise seminars, participatory workshops focused on case studies, and broader discussion.

WHO SHOULD ATTEND?

Professionals in technical and legal consulting, research and public agencies. Prior experience in law or policy is not required.

WHO IS PRESENTING?

The course will be coordinated by Australia-US groundwater law expert Rebecca Nelson. Workshop-style seminars and case study sessions will be taught by a range of leading Australian groundwater practitioners. Session leaders have experience in a wide variety of groundwater law contexts: from issuing, defending and enforcing groundwater licences, to acting as an expert witness in groundwater-related lawsuits, to complying with legal requirements for water management in CSG projects. Their focus will be ensuring that you come away with practical, up-to-the-minute knowledge of the critical law and policy issues facing groundwater management today.

Cate Barrett - NSW Office of Water, Department of Primary Industries
Michael Bennett - University of Western Australia / NCGRT
Rob Brownhill - NSW Office of Water, Department of Primary Industries
Simon Cowan - Goulburn-Murray Water
Rick Evans - Sinclair Knight Merz
Jan Gill - NSW Office of Water, Department of Primary Industries
Mark Hamstead - Hamstead Consulting
Peter Hyde - Murray-Darling Basin Authority
Prem Kumar - NSW Office of Water, Department of Primary Industries
Chris McAuley - Victorian Department of Environment & Primary Industries
Kerry Olsson - National Water Commission
Darren Sinclair - Australian National University
Moya Tomlinson - Queensland Department of Natural Resources & Mines

HOW TO REGISTER- Please visit our website: www.groundwater.com.au



National Centre for
Groundwater
Research and Training

COURSE DETAILS

SYDNEY

6-7 August 2013

Aerial UTS Function Centre
Sydney, NSW

COURSE FEES

AU \$1600 (incl. GST)

This includes notes, classroom teaching, tutorials, morning and afternoon teas and lunches.

Attendees are to arrange their own travel and accommodation.

CONTACT US:

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Schedule

DAY 1- BROAD CONTOURS OF GROUNDWATER LAW: WHAT IS GROUNDWATER LAW, HOW HAS IT EVOLVED, AND HOW DOES IT WORK?

Session 1	<p>Evolution of groundwater law in Australia, the place of groundwater in Australian water reforms, and the global context</p> <ul style="list-style-type: none"> • Groundwater law evolution from common law rights to statutory licences influenced by the water planning paradigm • How do Australian approaches to groundwater governance sit in a global context? • Basic contrasts between groundwater law in several foreign jurisdictions that face similar challenges to Australia • Key elements of water reforms over the past two decades as they apply to groundwater and the drivers of these reforms • Key areas of reform that are yet to be fully implemented
Session 2	<p>Groundwater within a statutory water planning framework</p> <ul style="list-style-type: none"> • Statutory and non-statutory water plans' influence on groundwater licensing and groundwater management, and key differences in jurisdictional approaches to groundwater planning • Procedures for making plans • How the Basin Plan for the Murray–Darling Basin, as a supra-state water plan, will interact with lower-level water plans
Session 3	<p>Access rights to groundwater</p> <ul style="list-style-type: none"> • Basic elements of statutory frameworks for licensing groundwater extraction across Australia • Differences between jurisdictional approaches to groundwater licensing, and licensing issues that have been the subject of legal challenges
Session 4	<p>Enforcement of groundwater law</p> <ul style="list-style-type: none"> • Legislative support for enforcement of groundwater law through licensing and metering requirements • Unique challenges that water agencies face in enforcing groundwater law, and the current state of policy on enforcement, including the National Framework for Compliance and Enforcement Systems for Water Resource Management • Water user's view of enforcement and the implications of this for enforcement policy

DAY 2- DRILLING DOWN: EXAMINING HOT ISSUES AND LOOMING CHALLENGES IN GROUNDWATER LAW

Session 5	<p>Groundwater practitioners and groundwater law</p> <ul style="list-style-type: none"> • How engineers and agency staff interact with lawyers and legal issues in practical groundwater management situations • Insight into the role of groundwater law in the consultant or agency workplace, including through examples of how legal issues arise and are dealt with, and (confidentiality permitting) specific experiences in relation to, for example, giving expert witness evidence in litigation about groundwater, or formulating policy within the bounds of water legislation
Session 6	<p>Law and policy for linking groundwater and connected resources</p> <ul style="list-style-type: none"> • Key law and policy mechanisms for breaking down traditional legal 'silos' between groundwater, surface water and ecosystems, and linking groundwater science with groundwater law in these areas • Major challenges to making these connections
Session 7	<p>Law and policy for groundwater trading</p> <ul style="list-style-type: none"> • Current extent of groundwater trading and legal frameworks under which it occurs • Key difficulties that groundwater presents to water trading frameworks, and major approaches to resolving these difficulties
Session 8	<p>Groundwater law and policy on the horizon</p> <ul style="list-style-type: none"> • Major issues on the horizon for groundwater law and policy, including groundwater in extractive industries, indigenous involvement in groundwater management, human rights and water, and climate change adaptation • A range of current regulatory approaches to these challenges, and policy options that could be developed to deal with them