

*Water Resources Act 2007***WHAT HAPPENS TO EXISTING LICENCE HOLDERS?**

The *Water Resources Act 2007* (the new Act) contains parts (Part 13 and Part 20) relating to the transition of existing allocations, licences to take water, bore construction permits, driller's licences, water control structure permits and recharge licences.

Allocation

An allocation issued under the *Water Resources Act 1998* (the repealed Act) will be known as a surviving allocation under the new Act and will remain valid, as an allocation.

However, the surviving allocation holder can seek to surrender the surviving allocation to the Environment Protection Authority (EPA) and receive a water access entitlement as a replacement. If the surviving allocation holder chooses not to surrender the surviving allocation but wants to make a change to that surviving allocation, then the surviving allocation must automatically be surrendered and replaced by a water access entitlement. A change includes selling the land to which the surviving allocation relates. [Common examples are provided below]

Licence To Take Water—General

A licence to take water issued under the repealed Act (section 35) is taken to be a licence to take water issued under the new Act (section 30) and any conditions on the existing licence also continue to apply.

Licence To Take Water For Groundwater Where There Was No Allocation Required

Section 202 of the new Act applies to people who held licences to take groundwater, but were not required to hold an allocation under the repealed Act. These people will automatically be granted a water access entitlement under the new Act on which to base their licence to take water. The existing licence will continue to remain valid subject to its existing expiry date.

Bore Construction Permit

A bore construction permit issued under the repealed Act (section 44) is taken to be a bore work licence issued under the new Act (section 39) and any conditions on the existing permit also continue to apply.

Water Control Structure Permit

A water control structure permit issued under the repealed Act (section 69) is taken to be a waterway work licence issued under the new Act (section 44) and any conditions on the existing permit also continue to apply.

Driller's Licence

A driller's licence issued under the repealed Act (section 39) is taken to be a driller's licence issued under the new Act (section 35) and any conditions on the existing licence also continue to apply.



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WHAT HAPPENS TO EXISTING LICENCE HOLDERS?

What happens to my WAE if I want to sell my property?

Option One

1. Need to convert allocation to tradable WAE.
2. Need to arrange to transfer to new owner and complete WAE transfer form and get EPA approval
3. Arrange personally the “sale” of the WAE to owner and EPA officially transfers WAE to new owner
4. Existing licence to take water automatically cancelled
5. New owner needs to apply for new licence based on WAE.

Option Two

1. Stay with surviving allocation or non-tradable WAE
2. Sell property but ignore WAE.
3. WAE automatically surrendered to EPA after 6 months of sale of property.
4. Existing licence to take water automatically cancelled
5. New owner needs to try to buy a WAE from EPA or someone else
6. If new owner obtains a WAE then they need to apply for a licence to take water.
7. If new owner cannot obtain a WAE and has a bore, it may be capped by the EPA to prevent use without a licence.

Option Three

1. Need to convert allocation to tradable WAE.
2. Sell WAE on market to someone who is not the new owner of the property, upon submitting completed WAE transfer form and upon approval by the EPA
3. Existing licence to take water automatically cancelled
4. New owner needs to try to buy a WAE from EPA or someone else
5. If new owner obtains a WAE then they need to apply for a licence to take water.



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WHAT HAPPENS TO EXISTING LICENCE HOLDERS?

I have an existing allocation and licence and want to continue operating, what do I need to do now with the new legislation?

Option One

1. Nothing. Your existing allocation can remain under the new legislation as a surviving allocation and your existing licence can also remain, subject to the Efficient Use Guidelines (EUG). You can remain this way unless you want to buy more water or sell your property.

Option Two

1. Write to the EPA to surrender your existing allocation and seek a replacement Water Access Entitlement (WAE) at no cost, and your WAE will be non-tradable. This allows you to continue operation but if you want to sell your property you will need to change your WAE from a non-tradable one to a tradable WAE.

Option Three

1. Write to the EPA to surrender your existing allocation and seek a replacement WAE which is paid for at \$544.95/megalitre and your WAE will become tradable.

I have an existing allocation and licence but want to buy more water. What do I need to do?

1. Surrender your existing allocation and seek a replacement WAE for the same (eg, if your allocation was for 3ML of surface water, then you seek a 3ML surface water WAE as a replacement). This is because you cannot buy another WAE if you still hold a surviving allocation. In seeking a replacement WAE, you can seek a non-transferable one at no cost, or a transferable/tradable one and pay \$544.95/megalitre.
2. Complete a WAE application form (available at www.tams.act.gov.au/live/environment/water) for the additional water that you wish to buy. You will need to complete all details on the form, so if you have problems with the form, please call us before you submit it. Do not submit any money with this form as payment is only required upon successful grant of the WAE.
3. If the WAE request is granted, the EPA will contact you to arrange payment of the fee of \$544.95/megalitre. If the WAE request is not granted, you will receive a letter indicating why the application was not success

