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WATER MANAGEMENT AMENDMENT
(TRANSFER OF WATER ALLOCATIONS)
BILL (No. 2) 2002

(Brought in by the Minister for Primary Industries, Water and Environment, the Honourable Bryan Alexander Green)

A BILL FOR

An Act to amend the Water Management Act 1999 in respect of the transfer of water allocations

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the Water Management Amendment (Transfer of Water Allocations) Act (No. 2) 2002.

Commencement

2. This Act is taken to have commenced on 1 January 2000.
Principal Act

3. In this Act, the Water Management Act 1999* is referred to as the Principal Act.

Section 95 amended (Transfer of licences and water allocations)

4. Section 95 of the Principal Act is amended as follows:

(a) by omitting from subsection (1) “section 56” and substituting “section 56 or 116”;

(b) by omitting from subsection (6) “Where” and substituting “Subject to section 121(3), where”.

Section 121 substituted

5. Section 121 of the Principal Act is repealed and the following section is substituted:

Transfer of water allocations

121. (1) A special licensee may transfer the water allocation of the special licence to any person without any approval being required if –

(a) the licence is endorsed with a statement that this section applies to the licence; and

(b) the water allocation is to be taken from a water resource specified in the licence for the purposes of this section or from a water resource situated in an area so specified.

*No. 45 of 1999
(2) Except as provided in subsection (1), Division 4, other than section 95(6) and section 96, applies to the transfer of a water allocation of a special licence.

(3) Where a transfer of a water allocation of a special licence is absolute, the relevant licences are taken to be varied accordingly.

(4) A person who does not hold a licence and who receives a water allocation by a transfer under subsection (1) must, before using the allocation, obtain a licence in which the water allocation is specified.

(5) The Minister may issue a licence in which a water allocation transferred under subsection (1) is the only water allocation specified.

(6) On a transfer under subsection (1), a special licensee must provide the Minister, within 14 days and in writing, with full particulars of the transfer.

Penalty: Fine not exceeding 10 penalty units.

(7) This section does not apply to the transfer of a water allocation by the Hydro-Electric Corporation where the transferred water is to be taken for irrigation unless the Advisory Committee, by notice published in the Gazette, determines otherwise.

(8) The Advisory Committee may make a determination in respect of a particular water allocation or water allocations of a particular type.

(9) A notice under subsection (7) is not a statutory rule for the purposes of the Rules Publication Act 1953.