

TASMANIA

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

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 Section 121 of the Principal Act is repealed and the following section is substituted: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

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\*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*.