

WATER (PART 2) REGULATIONS
under the
WATER ACT 1912

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Gazette No. 126 of 31.7.1987, p. 4317
Gazette No. 147 of 18.9.1987, p. 5369
Gazette No. 105 of 24.6.1988, p. 3364
Gazette No. 23 of 17.2.1989, p. 1084
Gazette No. 78 of 23.6.1989, p. 3715
Gazette No. 85 of 28.7.1989, p. 4779
Gazette No. 54 of 27.4.1990, p. 3391
Gazette No. 82 of 29.6.1990, p. 5910
Gazette No. 60 of 15.5.1992, p. 3306
Gazette No. 72 of 19.6.1992, p. 4145
Gazette No. 75 of 26.6.1992, p. 4296
Gazette No. 84 of 30.7.1993, p. 4267
Gazette No. 134 of 22.11.1996, p. 7599

NOTE: For First Schedule to Thirty-second Schedule see hard copy of reprint. For amendment to Twenty-fifth Schedule see Gazette No. 20 of 14.2.1986, p. 661. For amendments to Eighteenth Schedule see Gazettes No. 147 of 18.9.1987, p. 5369; No. 23 of 17.2.1989, p. 1084 and No. 60 of 15.5.1992, p. 3306.

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PART 1 PRELIMINARY

Repeals

1. All Regulations hitherto made and published in the Government Gazette under and by virtue of the provisions of Part 2 of the Water Act 1912, as amended by subsequent Acts, are hereby repealed and the following Regulations are substituted therefor: Provided that such repeal shall not affect the previous operation of the Regulations so repealed or anything duly done thereunder or any rights or obligations already acquired, accrued or incurred, or any remedy or proceeding in respect thereof.

Citation

1A. These Regulations may be cited as the Water (Part 2) Regulations.

Arrangement

1B. These Regulations are divided as follows:

PART 1 PRELIMINARY Regulations 1 2

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SCHEDULES

Definitions

2. (1) In these Regulations unless the context or subject-matter otherwise indicates or requires:

``Act" means the Water Act 1912 1946.

``Murray River Basin" means the catchment area of the Murray River and its tributaries.

(2) These Regulations apply to rivers or lakes which flow through or past or are situated within or adjoin the land of two or more occupiers.

Extension of definition of ``River"

2A. For the purposes of paragraph (c) of the definition of ``River" in section 5 (1) of the Act, that part of the Gol Gol channel shown hatched black on the map marked ``DWR Plan No. 44/623", a copy of which is deposited in the Parramatta Office of the Department of Water Resources, is prescribed as being a river.

PART 2 GENERAL

Unauthorised obstruction of water or interference with flow

3. A person who is an occupier or the holder of a licence, permit or authority for a joint water supply scheme shall not use, abstract or interfere with the water in any river or lake or obstruct the flow of water in any river to a greater extent and otherwise than in the exercise of his rights as an occupier or holder of a licence, permit or authority for a joint water supply scheme under the Act.

Fences not to obstruct flow

4. A person who is in possession of a fence across a river shall take all proper precautions to prevent such fence from causing obstruction to the flow of the river.

By-washes to be provided for dams

5. A person who is in possession of a dam on a river shall maintain a suitable by-wash or other provision for the flow of the water back to its natural channel, except in the case of a dam in respect of which a licence or an authority for a joint water supply scheme under the Act otherwise provides.

Trees and debris not to be allowed to fall into rivers or lakes

6. A person shall not cause or allow or permit trees, branches or debris of any kind to fall into a river or lake.

Damage not to be caused to rivers or lakes

7. A person who uses water from a river or lake under the authority of the Act shall exercise all reasonable care to avoid causing damage to the channel or bank of such river or lake.

Drains not to cause erosion or siltation of rivers or lakes

8. Whenever a person has constructed or constructs a drain leading to a river or lake, such person shall take all reasonable precautions to prevent damage to the banks or bed of such river or lake either by erosion or by deposit of silt due to the said drain.

Pumps to be fitted with screen or rose

9. A person who is in possession of a pump connected with river or lake shall fix a screen or rose with openings not more than 7 millimetres wide to the inlet end of the suction pipe of the pump and keep the same permanently fixed thereto to the satisfaction of the Commission.

Pumping or diversion returns

10. A licensee holding a licence, and each of the holders of an authority for a joint water supply scheme, whereby water is obtained under such licence or authority from a river or lake, shall furnish to the Commission, during the month of July in each year, a return in a form to be provided by the Commission, specifying in respect of the preceding twelve months the area of land, and of each class of crop, if any, which has been irrigated, the method of irrigation, and the number of hours on which pumping or diversion has been carried on in each month.

Removal of dead animals from rivers or lakes

11. Where the body of any dead animal lies upon a bank or in the bed or in the waters of any river or lake, or in the waters of any work to which Part 2 of the Act extends, the owner of such animal shall forthwith, upon the fact becoming known to him, remove the body of such animal and forthwith so dispose of the body as to prevent the pollution or the danger of pollution of such river, lake or work by such body. The Commission may serve notice upon the owner so to remove and dispose of any such body, and such owner shall comply with such notice forthwith.

Boats not to be moored in certain parts of the Murray River

12. (1) For the purposes of this Regulation, boat includes any ship, boat, barge, punt, craft, houseboat or any other vessel whatsoever.

(2) No person shall moor or cause to be moored any boat within that area of the Murray River near Mildura within the following boundaries: Commencing at the western corner of the Mildura Wharf on the left bank of the Murray River, and bounded thence on the south-east by the south-westerly continuation of the north-western edge of said wharf bearing 216 degrees 34 minutes 6.17 metres; thence on the south-west by lines bearing successively 302 degrees 4 minutes 98.83 metres and 331 degrees 55 minutes 96.14 metres; thence on the north-west by a line crossing the said Murray River bearing 66 degrees 21 minutes 188.21 metres; thence on the north-east by a line on the right bank of said river bearing 122 degrees 44 minutes 92.13 metres; and thence on the south-east by a line recrossing the said river and passing along the north-western edge of the Mildura Wharf aforesaid bearing 216 degrees 34 minutes 196.75 metres to the point of commencement.

(3) No person shall moor or cause to be moored within those areas of the Murray River lying between the Bridge at Mildura and the area referred to in paragraph (2) of this Regulation and between the Weir at Mildura and the area referred to in paragraph (2) of this Regulation, any boat whereon persons are living except passenger and cargo boats which may be moored for periods not exceeding twenty-four hours for the purpose of embarking or disembarking passengers or loading or discharging cargo.

(4) The Commission or any person authorised in that behalf by the Commission is hereby empowered to remove or cause to be removed any boat moored in contravention of this Regulation.

Trespass on or damage to works of the Commission

13. No person shall:

- (a) wilfully injure or damage or in any way interfere with or deface any dam, weir or other work under the control of the Commission connected with a river or lake;
- (b) wilfully injure, damage, deface or disfigure any notice or copy of any Regulation displayed upon any such dam, weir or other work;
- (c) do or continue or suffer to be done or continued any act or thing which shall cause or be likely to cause damage or injury to any such dam, weir or other work; or
- (d) walk or climb upon, or use for any purpose, any such dam, weir or other work unless duly authorised by the Commission.

Bathing prohibited in vicinity of public water supply

14. Where the water of any river or lake is conserved or abstracted by means of a work to which Part 2 of the Act extends for the purpose of consumption by the public, no person shall bathe in such river or lake or wash any animal, clothes or other articles or things therein within such distance from the work as may be specified in any notice conspicuously exhibited in the vicinity of such work.

Penalty

15. Any person guilty of a breach of any of the provisions of Regulations 3 to 14 hereof shall be liable to a penalty not exceeding \$500, and, where the breach is a continuing one, to a penalty not exceeding \$100 for every day during which such breach continues.

PART 3 LICENCES, PERMITS, AUTHORITIES, GROUP LICENCES, CHARGES

Application under section 10 for a licence

16. An application under section ten of the Act for a licence shall be in or to the effect of the form of the First Schedule to these Regulations.

Application under section 13 for a licence

17. An application under section thirteen of the Act for a licence shall be in or to the effect of the form of the Second Schedule to these Regulations.

Application under section 13A for a licence

18. An application under section 13A of the Act for a licence shall be in or to the effect of the form of the Third Schedule to these Regulations.

Application for a permit

19. An application under section 18F of the Act for a permit shall be in or to the effect of the form of the Fourth Schedule to these Regulations.

Application for an authority for a joint water supply scheme

20. An application under section twenty of the Act for an authority for a joint water supply scheme shall be in or to the effect of the form of the Fifth Schedule to these Regulations.

Application under section 20CA for an authority for a joint water supply scheme

20A. An application under section 20CA of the Act for an authority for a joint water supply scheme shall be in or to the effect of the form of the Nineteenth Schedule to these Regulations.

Application for an amended authority for a joint water supply scheme

21. An application under subsection two of section 20E of the Act for an amended authority for a joint water supply scheme shall be in or to the effect of the form of the Sixth Schedule to these Regulations.

Application for an amended authority for a joint water supply scheme issued under section 20CA

21A. An application under subsection two of section 20E of the Act for an amended authority for a joint water supply scheme under section 20CA shall be in or to the effect of the form of the Twentieth Schedule to these Regulations.

Application under section 20K for a group licence

21B. An application under section 20K of the Act for a group licence shall be in or to the effect of the form of the Twenty-seventh Schedule.

Application under section 20Q for an amended group licence

21C. An application under section 20Q of the Act for an amended group licence shall be in or to the effect of the form of the Twenty-eighth Schedule.

Further information may be required in connection with application

22. (1) The Commission may require any applicant or applicants to furnish to it such additional plans or sections, or such additional information, in connection with an application for a licence, group licence permit or authority for a joint water supply scheme, as may be necessary for the purpose of deciding any application, and without limiting the generality of the foregoing may require the applicant or applicants to furnish:

- (a) plans showing the location and the form, dimensions and details of construction of the work;
- (b) specifications of the work;
- (c) particulars of the strata at the site of the work ascertained by borings or shafts at such places as may be specified by the Commission;
- (d) contours of the land at the site and in the vicinity of the work.

(2) The Commission shall not be required to proceed with any application for a licence, group licence permit or authority for a joint water supply scheme unless and until such information as may be required by the Commission under the provisions of paragraph (1) of this Regulation has been furnished.

Deposits to be lodged with applications

23. Each application under section ten, section thirteen and section 13A of the Act for a licence, each application under section 20K of the Act for a group licence, and each application under section twenty of the Act for an authority for a joint water supply scheme shall be accompanied by a deposit of \$30.

Application for renewal of a licence issued under section 12

24. An application under section fourteen for the renewal of a licence issued under section twelve of the Act shall be in or to the effect of the form of the Seventh Schedule to these Regulations.

Application for renewal of a licence issued under section 13A

25. An application under section fourteen for the renewal of a licence issued under section 13A of the Act shall be in or to the effect of the form of the Eighth Schedule to these Regulations.

Application for renewal of a permit

26. An application under section 18J of the Act for the renewal of a permit shall be in or to the effect of the form of the Ninth Schedule to these Regulations.

Application for renewal of an authority for a joint water supply scheme

27. An application under section 20C of the Act for the renewal of an authority for a joint water supply scheme shall be in or to the effect of the form of the Tenth Schedule to these Regulations.

Application for renewal of an authority for a joint water supply scheme issued under section 20CA

27A. An application under section 20CB of the Act for the renewal of an authority for a joint water supply scheme shall be in or to the effect of the form of the Twenty-first Schedule to these Regulations.

Application for renewal of a group licence

27B. An application under section 20O of the Act for the renewal of a group licence shall be in or to the effect of the Twenty-ninth Schedule.

Licence under section 12 or 13

28. A licence issued under sections twelve or thirteen of the Act shall be in or to the effect of the form of the Eleventh Schedule to these Regulations.

Licence under section 13A

29. A licence issued under section 13A of the Act shall be in or to the effect of the form of the Twelfth Schedule to these Regulations.

Permit

30. A permit shall be in or to the effect of the form of the Thirteenth Schedule to these Regulations.

Authority for a joint water supply scheme

31. An authority for a joint water supply scheme shall be in or to the effect of the form of the Fourteenth Schedule to these Regulations.

Authority for a joint water supply scheme under section 20CA

31A. An authority for a joint water supply scheme under section 20CA of the Act shall be in or to the effect of the form of the Twenty-second Schedule to these Regulations.

Group licence under section 20L

31B. A group licence issued under section 20L of the Act shall be in or to the effect of the form of the Thirtieth Schedule.

Renewed licence under section 12 or 13

32. Whenever a licence issued under section twelve or thirteen of the Act is renewed, the Commission shall issue a form evidencing such renewal. Such form shall be in or to the effect of the form of the Fifteenth Schedule to these Regulations.

Renewed licence under section 13A

33. Whenever a licence issued under section 13A of the Act is renewed, the Commission shall issue a form evidencing such renewal. Such form shall be in or to the effect of the form of the Sixteenth Schedule to these Regulations.

Renewed permit

33A. Whenever a permit is renewed, the Commission shall issue a form evidencing such renewal. Such form shall be in or to the effect of the form of the Twenty-fourth Schedule to these Regulations.

Renewed authority for a joint water supply scheme

34. Whenever an authority for a joint water supply scheme is renewed, the Commission shall issue a form evidencing such renewal. Such form shall be in or to the effect of the form of the Seventeenth Schedule to these Regulations.

Renewed authority for a joint water supply scheme under section 20CA

34A. Whenever an authority for a joint water supply scheme under section 20CA of the Act is renewed, the Commission shall issue a form evidencing such renewal. Such form shall be in or to the effect of the form of the Twenty-third Schedule to these Regulations.

Amended group licence under section 20Q

34B. An amended group licence under section 20Q of the Act shall be in or to the effect of the form of the Thirty-first Schedule.

Renewed group licence

34C. Whenever a group licence issued under section 20L is renewed the Commission shall issue a form evidencing such renewal. Such form shall be in or to the effect of the form of the Thirty-second Schedule.

Fees for licences, group licences, permits and authorities, and renewals thereof

35. (1) The fees payable for licences, group licences, permits and authorities for joint water supply schemes and for the renewal of licences, group licences, permits and authorities for joint water supply schemes shall be calculated in accordance with the Eighteenth Schedule to these Regulations.

(2) The fees referred to in clause (1) shall in each case cover the period for which the licence, group licence, permit or authority is issued or renewed.

Refunds of certain fees

35A. (1) In clauses (2) and (3):

“concession” means a licence, a group licence or an authority for a joint water supply scheme;

“licensed” includes authorised.

(2) Subject to clause (3), where a concession has been revoked, cancelled or modified, the Commission may refund a proportion of the last fee paid for the revoked, cancelled or modified concession to the applicant or applicants, as the case may be, for a further concession, where the land upon which the works proposed to be the subject of the further concession are situated is the same land or includes the same land as the land upon which the licensed works, the subject of the revoked, cancelled or modified concession, were situated.

(3) The maximum refund payable pursuant to clause (2) in respect of a revoked, cancelled or modified concession shall bear such proportion to the amount paid for the concession as the residue of the period for which the concession was granted at the time of revocation, cancellation or modification bears to the period for which the concession was granted at the time of the grant.

Time for payment of fee for licence under section 12 or 13

36. The fee for a licence issued under sections twelve or thirteen of the Act shall be paid within five weeks, or within such extended period as the Commission may in writing allow, from the date of notification by the Commission to the applicant of the decision to grant the licence and of the amount of the fee: Provided that where the applicant is dissatisfied with the decision of the Commission as to the period, terms, limitations and conditions proposed to be applied to the licence and has lodged with the Commission an objection thereto, the fee shall be paid within five weeks after the decision of the local land board or police magistrate, or, if the applicant appeals against that decision, within one week after the decision of the Land and Valuation Court, or, in either case, within such extended period as the Commission may in writing allow to the applicant.

Time for payment of fee for renewal of a licence under section 12 or 13

37. The fee for the renewal of a licence issued under sections twelve or thirteen of the Act shall be paid within five weeks from the date of notification by the Commission to the applicant of the amount of same, or within such extended period as the Commission may in writing allow to the applicant: Provided that where the applicant appeals to the Land and Valuation Court against the decision of the Commission that the renewal of the licence shall be subject to a period, terms, limitations and conditions differing from those which were previously attached to the licence, the fee shall be paid within one week after the decision of the Land and Valuation Court, or within such extended period as the Commission may in writing allow to the applicant.

Time for payment of fee for licence under section 13A and renewal thereof

38. The fee for a licence issued under section 13A of the Act and for any renewal thereof shall be paid within five weeks from the date of notification by the Commission to the applicant of the amount of same, or within such extended period as the Commission may in writing allow to the applicant: Provided that where an appeal is made to the Land and Valuation Court, the fee shall be paid within one week after the decision of the Land and Valuation Court, or within such extended period as the Commission may in writing allow to the applicant.

Time for payment of fee for renewal of a permit

39. The fee for the renewal of a permit shall be paid within five weeks from the date of notification by the Commission to the applicant of the amount of same, or within such extended period as the Commission may in writing allow to the applicant.

Time for payment of fee for issue or renewal of authority for a joint water supply scheme or group licence

40. (1) The fee for the issue or renewal of an authority for a joint water supply scheme and, subject to paragraph (2), of a group licence shall be paid within 5 weeks from the date of notification by the Commission to the applicants or applicant Board, as the case may require, of the amount of the fee or within such extended period as the Commission may in writing allow to the applicants or applicant Board, as the case may be.

(2) Where the fee for the issue or renewal of a group licence is to be paid by instalments, the first instalment of the fee shall be paid within 5 weeks from the date of notification by the Commission to the applicant Board of the amount of the first instalment or within such extended period as the Commission may in writing allow to the applicant Board.

Fees for transfer of water allocations

40A. (1) For the purposes of section 20AJ of the Act, the fee for the transfer of a water allocation is:

- (a) \$250 in respect of a transfer applied for under section 20AI (1) of the Act; or
- (b) \$75 in respect of a temporary transfer applied for under section 20AI (2) of the Act.

(2) Any such fee is to be lodged with the application.

(3) The Ministerial Corporation may refund the whole or part of a fee paid in connection with an application under section 20AI of the Act:

- (a) if the application is withdrawn prior to determination or is rejected by the Ministerial Corporation; or
- (b) in such other circumstances as the Ministerial Corporation considers appropriate.

Prescribed period for temporary transfer of water allocations

40B. For the purposes of section 20AI (3) (a) of the Act, the period of 5 years is prescribed.

Public authorities

41. The following shall be public authorities within the meaning of sections 14A, 18M and 22A of the Act: Any Department of the State, the Commissioner for Railways, the Metropolitan Meat Industry Commissioner, the Board of Fire Commissioners of New South Wales, the Maritime Services Board of New South Wales, the Forestry Commission of New South Wales, a county council, a municipal council (including the Municipal Council of Sydney) and a shire council, or any board or joint committee in respect of works of water supply affecting more than one of such councils jointly.

Electricity Commission to be public authority for purposes of section 14A

41A. The Electricity Commission of New South Wales shall be a public authority within the meaning of section 14A of the Act.

Prescribed uses under s. 22C (Flow of water assured by work of the Crown)

41B. For the purposes of section 22C (3) (a) of the Act, the following are prescribed uses:

- (a) mining;
- (b) recreation;
- (c) town water supply.

Maximum charges under s. 22C

42. For the purposes of section 22C (4) (b) of the Act, the maximum amount of the charge in respect of all works and methods of obtaining water is to be calculated at the rate of \$14.50 per megalitre of water where the water is taken and used for any one or more of the following purposes:

- (a) irrigation;
- (b) water supply for stock;
- (c) mining;
- (d) recreation;
- (e) carrying on any industrial operation;
- (f) town water supply.

Times and manner of payment of charge

43. The charge referred to in section 22C of the Act shall be paid to the Commission within one month after a notice requiring such payment has been served upon the licensee or holder of the authority or permit:

- (a) personally; or
- (b) by leaving the notice at the property or premises on which the licensee or holder resides or carries on business, or by leaving the same with any person seemingly above the age of fourteen years and apparently resident or employed on such property or premises; or
- (c) by posting the notice by prepaid letter addressed to the licensee or holder at his place of residence or business last known to the Commission.

Interest on overdue charges

43A. For the purposes of section 22C (6A) (a) of the Act, the prescribed rate of interest is the rate for the time being prescribed under section 95 (1) of the Supreme Court Act 1970 for payment of interest on a judgment debt.

Declared trusts

43B. The following trusts (being trusts constituted under Part 3 of the Act) are declared to be trusts to which Division 4B of Part 2, and section 22C, of the Act apply:

- Bama Irrigation Trust
- Bringan Irrigation Trust
- Bullatale Creek Water Trust
- Bungunyah-Koraleigh Irrigation Trust
- Glenview Irrigation Trust
- Goodnight Irrigation Trust
- Little Merran Creek Water Trust
- Pomona Irrigation Trust
- West Cadell Irrigation Trust

Application for permit under section 26D

44. An application under subsection (3) of section 26D of the Act for a permit shall be in or to the effect of the form of the Twenty-fifth Schedule to these Regulations.

Permit under section 26D

45. A permit under subsection (3A) of section 26D of the Act shall be in or to the effect of the form of the Twenty-sixth Schedule to these Regulations.

PART 4 TRANSFER OF RIGHTS TO TAKE AND USE WATER FROM WATER SOURCE NOT SUBJECT TO VOLUMETRIC WATER ALLOCATIONS SCHEME

Definitions

46. In this Part:

- ``entitlement" means a licence, authority or group licence in force under Part 2 of the Act;
- ``permanent transfer" means a transfer (other than a temporary transfer) of rights to take and use water;
- ``temporary transfer" means a transfer of rights to take and use water:
 - (a) for a period of not more than 3 years; or
 - (b) for a period which does not, when aggregated with the period or periods for which any other transfer or transfers obtained by the transferee under this Part, exceed 3 years;
- ``the Act" means the Water Act 1912;
- ``water source" means:
 - (a) a river, lake or section of a river; or
 - (b) a combination of 2 or more of them.

Application of Part

47. (1) This Part applies to transfers between holders of entitlements of rights to take and use water from a water source that is not the subject of a water allocations scheme under Division 4B of Part 2 of the Act.
- (2) This Part applies only to a water source that the Ministerial Corporation has determined to be subject to this Part.

Transfer of water rights generally

48. The holder of an entitlement (in this Part referred to as the ``transferor") may, subject to the approval of the Ministerial Corporation, transfer the whole or part of the transferor's rights to take and use water under the entitlement to the holder of another entitlement (in this Part referred to as the ``transferee").

Application for permanent transfer

49. An application for a permanent transfer of rights to take and use water:
- (a) is to be accompanied by an application by the transferee for a new entitlement (or, if the transferee is the holder of an authority or a group licence, for an amended entitlement) that comprises or includes the rights proposed to be transferred; and
 - (b) if approved by the Ministerial Corporation, is to be effected by the issue of a new entitlement to the transferee.

Application for temporary transfer

50. An application for a temporary transfer of rights to take and use water:
- (a) may only be approved by the Ministerial Corporation if the transferee is the holder of an existing entitlement; and
 - (b) if approved by the Ministerial Corporation, is to be effected by the alteration of the conditions to which the entitlements of the transferor and transferee are subject.

Application for transfer general

51. (1) An application for a transfer of rights to take and use water is to be made in a form approved by the Ministerial Corporation and be executed by the transferor and transferee.
- (2) The Ministerial Corporation may, in relation to an application for a transfer:
- (a) require the transferor to provide specified information and consents; and
 - (b) require the transferee to provide specified information and evidence.
- (3) A requirement under clause (2) may be complied with in any manner acceptable to the Ministerial Corporation, but the Ministerial Corporation may decline to proceed with consideration of the application until the requirement is complied with.

Application fees

52. (1) An application for a permanent transfer of rights to take and use water must be accompanied by a fee of \$250.
- (2) An application for a temporary transfer of rights to take and use water must be accompanied by a fee of \$75.
- (3) The Ministerial Corporation may refund the whole or part of any fee paid in connection with an application under this Part:
- (a) if the application is withdrawn prior to determination or is rejected by the Ministerial Corporation; or
 - (b) in such other circumstances as the Ministerial Corporation considers appropriate.

Approval of applications

53. (1) In determining whether or not to approve a transfer of rights to take and use water, the Ministerial Corporation may take into consideration such matters as it thinks fit, including (without limiting the matters that may be considered):
- (a) its opinion as to the social and economic effects that a transfer would have if approved; and
 - (b) whether there has been a history of water usage (and, if so, the extent of that usage) under the transferor's entitlement.
- (2) The Ministerial Corporation may, as a condition of its approval, require the transferor concerned to surrender permanently part of the transferor's rights to take and use water under the entitlement.

Superseded rights to take and use water

54. (1) The rights of a transferor to take and use water under an entitlement are, on completion of the transfer of the rights, abated to the extent of the transfer and any surrender pursuant to a condition referred to in Regulation 53 (2).
- (2) Any such abatement:
- (a) is to be in the form of a reduction of the area in relation to which the entitlement concerned authorises the holder to take and use water, or in the form of a modification of the conditions of the entitlement or in such other form as may be determined by the Ministerial Corporation; and
 - (b) has effect for the approved period of the transfer.
- (3) The Ministerial Corporation may cancel the entitlement of a transferor if all the rights to take and use water under the entitlement are the subject of a permanent transfer.

Transfer zones

55. (1) The Ministerial Corporation may determine that the particular location in respect of which the holder of an entitlement is authorised to take and use water is within a transfer zone determined by the Ministerial Corporation from time to time.
- (2) The Ministerial Corporation may refuse to approve a transfer of rights to take and use water in respect of locations that are within different transfer zones if the Ministerial Corporation is satisfied that:
- (a) the transfer would result in the transferee's transfer zone being subjected to an unacceptable commitment; and
 - (b) such other conditions as may be determined by the Ministerial Corporation have not been complied with.
- (3) This Regulation does not limit the power of the Ministerial Corporation to refuse to approve of a transfer.

Purchase of rights to take and use water by the Ministerial Corporation

56. The Ministerial Corporation is not required to comply with this Part if it acquires, by purchase or surrender, for any public purpose the whole or part of the rights to take and use water under an entitlement.
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FIRST SCHEDULE THIRTY-SECOND SCHEDULE

See hard copy of reprint and amendment to Twenty-fifth Schedule in Gazette of 14.2.1986, p.661 and amendments to Eighteenth Schedule in Gazettes of 18.9.1987, p.5369; 17.2.1989, p.1084; and 15.5.1992, p.3306.

NOTES

Water (Part 2) Regulations published in Gazette of 8.11.1946 and amended in Gazettes of 11.6.1948, 7.10.1949, 15.8.1952, 19.6.1953, 18.9.1953, 4.10.1957, 27.5.1960, 28.7.1961, 26.2.1965, 24.6.1966, 1.7.1966, 12.1.1968, 5.7.1968, 30.8.1968, 28.5.1971, 16.2.1973, 30.3.1973, 18.1.1974, 21.2.1975, 20.2.1976, 25.6.1976, 24.9.1976, 24.6.1977, 18.5.1979, 22.6.1979, 9.1.1981, 25.6.1982, 18.11.1983, 14.2.1986, 31.7.1987, 18.9.1987, 24.6.1988, 17.2.1989, 23.6.1989, 28.7.1989, 27.4.1990, 29.6.1990, 15.5.1992, 19.6.1992, 26.6.1992, 30.7.1993 and 22.11.1996.

These Regulations have also been amended by the Reprints Act 1972, ss. 9C (1), 13.