



WATERCOURSE AUTHORITY

What is a Watercourse Authority?

A Watercourse Authority is an approval that authorises a person to convey, via a watercourse, water that has been taken and stored under the *Water Management Act 1999* (“the Act”) or the *Irrigation Clauses Act 1973*.

In general, a Watercourse Authority will provide permission (subject to conditions) to both a person to release stored water from their dam into a watercourse *and* to the person located downstream who wishes to take the water from the watercourse either directly or into storage, using the one approval process.

Why do we need watercourse authorities?

Normally, an agreement would be made between the relevant parties, and water would be released from a dam into a watercourse and conveyed downstream, where it would be extracted. Whilst this appears to be a relatively simple operation, it can become quite complex when there are a number of instream dams between the release and extraction points, in which case, those dam owners also need to be party to the agreement to allow passage of the relevant water.

Previously, this activity was dealt with as a water allocation transfer under the Act. However this was a cumbersome way of dealing with such transfers and was not able to address all relevant issues. These issues included:

- a) the potential for environmental impacts linked to the quality and quantity of water being released into and taken from a watercourse;
- b) cumbersome administrative arrangements, as the person taking the water had to apply for a separate “temporary water allocation” to extract the water out of a watercourse;
- c) no way to ensure that owners of instream dams en route would pass the water through their dam; and
- d) legal implications, as once water was released from a dam back into a watercourse its “ownership” legally reverted to the Crown and could be reallocated accordingly.

There became an obvious need for a more efficient process to be developed to address the issues raised above. In February 2009, the Tasmanian Parliament passed legislation amending the *Water Management Act 1999*. One of the key changes was the introduction of a new Part 6A of the Act to provide for the issuing of an authority to convey water via a watercourse.

What is the scope of a Watercourse Authority?

The new arrangements will require any proposed water release to be authorised by a “Watercourse Authority” which ensures that these potential problems have been resolved prior to the release of the water. Applications for a Watercourse Authority will need to be made to the Department of Primary Industries and Water.

Watercourse Authorities are issued to the release location, and can be provided for a range of types of releases and periods. For example they may relate to a one off release between two parties owing to an acute water shortage, or may be as complex as to reflect a contract trade arrangement between parties that may last a few seasons and deliver water to numerous downstream users.

What is involved in the application process?

Applications for a watercourse authority are to be made by the person releasing the water from a dam into the watercourse.

All applications for a Watercourse Authority will need to be accompanied by a Watercourse Conveyance Agreement. This agreement shows acceptance between the parties to convey the water in accordance with the terms and conditions of the Watercourse Authority. It also includes the agreement of any instream dam owners who would be required to pass the water through their dam and highlights any limitations to the conveyance (for example outlet capacity and water quality issues).

There is a nominal fee for an application for a Watercourse Authority to cover administrative costs. The Department will not be involved in any disputes arising from the conveyance of water, as these trades are considered to be a civil matter. It will be entirely the responsibility of the parties involved to arrange for the trades to be undertaken in accordance with the conditions of the approval and other associated contracts.

What type of conditions may the Watercourse Authority be subject to?

Where granted, a Watercourse Authority will contain a number of conditions to ensure there are no impacts of the release on the water quality of the receiving watercourse; that transmission losses have properly been factored in; that the water released and extracted is metered; and that the owners of instream dams en route have agreed to pass the transferred water through their dams.

What criteria are used to assess a watercourse authority application?

In assessing and approving an application, it needs to be determined whether the approval would be consistent with the objectives of the Act and whether the approval would:

- a) result in material or serious environmental harm or environmental nuisance;
- b) have a significant adverse impact on other persons taking water from the resource or on the commercial operations of a major user of the resource, or
- c) have an adverse impact on public safety.

The length of time to assess and approve an application will depend on the complexity of the request.

Definitions

Watercourse - means a river, creek or other natural stream of water (whether modified or not) flowing in a defined channel, or between banks, notwithstanding that the flow may be intermittent or seasonal or the banks not clearly or sharply defined. Watercourses include water supply channels declared for a specified irrigation district.

Watercourse Authority – An authority provided under section 123A (Part 6A) of the *Water Management Act 1999* to convey, via a watercourse, water that has been taken and stored pursuant to this Act or the *Irrigation Clauses Act 1973*.

Watercourse Conveyance Agreement – An agreement that accompanies each watercourse authority signed between the person releasing the water and the person to whom the water is being conveyed. It contains conditions of the trade agreed by each party and, where applicable, the agreement of all in between instream dam owners who would be required to pass water through their storage.