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Water licensing frequently asked questions

FAQ 3: Amendments, renewals and obligations of being a licence or permit holder

This FAQ topic is one of a series from the Department of Water (the department), designed to help existing and potential water users understand their rights and responsibilities in accessing and managing water under the Rights in Water and Irrigation Act 1914.

Should you require further information please contact your local Department of Water office.

1 How do I apply to amend or renew my Licence to Take Water?

To apply to amend your licence (i.e. to change the volume, activity or water use location) or to renew your licence for another term you must:

- complete and submit either a [Form 3G](#) (application for groundwater licences), or a [Form 3S](#) (application for surface water licences).

Note: Applications to renew a Licence to Take Water must be submitted before the expiry date of the licence; otherwise the licence will automatically expire. It is recommended that renewal applications are submitted 60 to 90 days prior to expiry to enable continuity of your licence. For further information refer to Question 4.

A licence may not be renewed if:

- a condition of the original licence is that it is not renewable
- you have not complied with the existing terms and conditions on the licence (refer to Question 3)
- it would be inconsistent with the local by-laws or water allocation plan
- the department cancels the licence under the *Rights in Water and Irrigation Act 1914*.

2 How is my application to amend or renew a licence to take water assessed?

Applications to amend or renew a licence are assessed on an individual, transparent and equitable basis in accordance with the requirements of the Rights in Water and Irrigation Act 1914 and existing department policies and water plans.

To complete the assessment of the application, the department may require further information to support your application. This may include:

- preparing an operating strategy or water conservation/efficiency plan
- providing proof of legal access to the land
- gaining approvals from other agencies (where needed)
- advertising your application (refer FAQ 2: Water licensing and how you can apply).

Note: All applications are processed in the order in which they are received ('first-in first-served').

No two applications are the same and may require different levels of assessment.

A site survey of the licensed property may be required as part of the assessment process. This is an opportunity to voice any queries or future plans you may have in regards to your licence.

You must adhere to the existing terms and conditions on your licence until the department has completed its assessment of your application and you have been notified in writing of the department's decision.

For further information on the assessment process refer to (FAQ 2: Water licensing and how you can apply).

3 My licence to take water is due for renewal but I haven't completed the development as per my licence condition. Will my licence be renewed?

You will need to provide the department with evidence of the extenuating circumstances and provide reasons as to why your development has not been completed within the required timeframe. This evidence will be taken into consideration when assessing your application. If the department considers your evidence as insufficient, it may propose to recoup unused entitlements or amend or cancel the licence.

For further information refer to [Statewide policy no. 11: Management of unused licensed water entitlements](#).

4 My Licence to Take Water has expired. What are my options?

If your licence has expired and you plan to access the same or an amended amount of water you must apply for a new Licence to Take Water (refer FAQ 2: Water licensing and how you can apply), or you may be liable to be prosecuted for unlicensed water use.

Note: If your water resource area has reached its allocation limit, a new licence to take water may not be granted and trading or leasing water via an agreement may be your only option (refer to FAQ 4: Transfers, trades and agreements).

5 My legal access to the land has ceased. What are my options?

If your legal access to the land has ceased (e.g. you have sold your property) you must inform the department within 30 days of settlement of your intention to either:

- surrender the licence or apply to delay the termination of the licence (by submitting a [Fom 6](#) - Notice that licence holder is not or may not be eligible to hold a licence)
- apply to transfer the licence to another property in the same water resource area, provided you are the legal land holder
- apply to transfer the licence to the purchaser of your property
- apply to trade the licence to another landholder within the same water resource area and aquifer.

For further information please refer to FAQ 4: Transfers, trades and agreements.

6 I have a licence to take water. What are my obligations?

As a licensee it is important that you:

- read the conditions of your licence carefully and comply with them, as there are penalties for failing to do so
- keep your licence in a safe place; it is a valuable legal document (as per land title)
- take note of the expiry date; it is your responsibility to apply to renew the licence prior to its expiry
- use water efficiently and responsibly, minimising impacts on the water resource
- contact the department as soon as possible if you do not understand your licence or, if any significant change in circumstance occurs during the licence period

Where metering is a condition of the licence you must:

- familiarise yourself with the conditions on your licence that relate to installing, maintaining, reading and submitting your water meter readings.
- report any issues with department owned metering equipment to the department immediately.

For more information refer to Strategic policy 5.03: Metering the taking of water.

7 I have a licence to construct or alter a well, and/or a permit to interfere with bed and banks. What are my obligations?

Ensure you understand and comply with all conditions on your licence or permit.

Ensure the contracted driller has the correct class certification to be drilling and constructing your bore, refer to the condition on your licence.

Submit the required bore log – Form 2: Information to be provided on completion of a non-artesian well or Form 2a: Information to be provided on completion of an artesian well to the department within one month of the new or replacement bore being completed.

Install a water meter when required, maintain it in good condition and ensure it operates accurately.

Keep the licensed or permitted works, facilities and equipment in good order.

Contact your local Department of Water office before carrying out maintenance or emergency work on a bore or permitted facilities

8 If I fail to meet my obligations as a licence or permit holder, what are the penalties?

Penalties for failing to meet your licensing obligations may include:

- the cancellation, suspension or amendment of a licence or permit.
- the issue of a direction to carry out specific works or limit you from taking water.
- prosecution which may result in the payment of fines.

If you are unable to comply with or do not understand any of the terms or conditions of your licence contact your local Department of Water office to discuss your situation.

9 In what situation would the department amend, suspend or cancel my licence or permit?

The department may propose to amend, suspend or cancel your licence or permit for various reasons, including:

- where authorised actions (licence or permit use) have detrimental effects on others
 - to protect the water resource from unacceptable damage
 - to protect the environment from unacceptable damage
 - to prevent serious damage to life or property.
 - if the water entitlement on the licence has consistently not been used.
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- if it is in the public interest.
- if there is insufficient water to meet demand or expected demand
- to more effectively regulate the use of water
- to prevent inconsistency with a water allocation plan or by-laws
- if a licence holder is convicted of an offence against the *Rights in Water and Irrigation Act 1914*
- to comply with another state or Commonwealth law
- the licensee consents or the licence provides authority to do so.

Note: Under the *Rights in Water and Irrigation Act 1914*, you have a right to apply to the State Administrative Tribunal to request a review of any departmental amendment, suspension or cancellation of your licence or permit.

More information

This FAQ topic deals only with processes and approvals under the *Rights in Water and Irrigation Act 1914* refer <www.slp.wa.gov.au>

Other legislation can apply to the activity you wish to undertake and it is your responsibility to ensure you have all the required approvals.

For further related FAQ topics please visit the Department of Water website <www.water.wa.gov.au> *Doing business with us* > *Water licensing* > *FAQs* or *contact your local department office*.