

Water trading and water plans

Jurisdiction	Comments
NSW	Full NWI-envisaged trading is not possible until a plan is complete. Thirty-nine plans are yet to be completed. Trading is available in areas without a water sharing plan, but this is more limited.
NT	NWI-envisaged water trading is possible only once a water allocation plan for a water source is complete. One of four plans is outstanding.
Qld	<p>Resource operations plans are needed for NWI-envisaged (or any other) trading to occur (with the exception of interim allocation arrangements). The implementation of the resource operations plan creates the tradeable water allocations, separate from land title, and specifies relevant trading rules. Until then, consumptive water is held under pre-existing water licences, which are not tradeable. There are still 9 (of 21) resource operations plans to be finalised.</p> <p>The Water Regulation 2002 provides an interim trading regime, whereby the holders of interim water allocations in areas without a resource operations plan in place may trade their allocations to other land. The allocation is detached from the seller's land and reattached to the buyer's land. This process applies in those areas prescribed by the regulation—at present an interim water allocation can be permanently transferred, in whole or in part, to the owner of another landholding only in the Mary River or Burdekin–Haughton Water Supply Scheme.</p>
SA	NWI-envisaged trade is possible where licences are issued (in prescribed areas). The <i>Natural Resource Management Act 2004</i> separated water from land and provides for water trading of water licences and allocations.
Tas.	There is no need for a plan to be in place for NWI-envisaged trade to occur. The <i>Water Management Act 1999</i> separated water licences from land within and outside irrigation districts and provides the basis for trade in water licences.
Vic.	For surface water, no plan needs to be in place—trading between landholders is provided for under the Act and managed by authorities, either under system-specific rules or, for unregulated streams, through generic trading rules set under the Act. However, NWI-envisaged trading is only fully possible where unbundling has occurred and shares are separated from land (which is complete for most major surface water systems). Some rights are tradeable in unregulated systems, and trading is permitted in groundwater systems where it is covered by a groundwater management plan.
WA	There is no need for a plan to be in place for trade to occur. While the current <i>Rights in Water and Irrigation Act 1914</i> allows for the trade of licences to take water, it restricts the holding of a licence to take water to a person who owns, occupies or has access to the land on which the water occurs, and then only if they demonstrate an intention to use the water. Trading in WA is therefore

	not yet fully consistent with the NWI. New legislation in WA is to address this issue, but has not yet been passed.
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Source: Adapted from NWC (2006).