

# Water Security a Major Concern

Published in the Rural Weekly on Thursday, 30 July 2015

Water is critical to the success of any farming enterprise and a valuable business asset. Security of water rights is a major concern for farmers, and is fostered by an understanding of the legal and regulatory framework for water entitlements in Queensland.

All rights to the use, control and flow of water in Queensland are vested in the State by the *Water Act 2000* (Qld). Therefore, a person wishing to take water must be authorised to do so, for example by a water entitlement. Water entitlements include water licences and water allocations.

A water licence is an entitlement to take or interfere with water, including surface water, overland flow and underground water. Water licences are generally characterised by attachment to an identified parcel (or parcels) of land and cannot usually be transferred from one property to another.

In contrast, a water allocation is a tradeable water entitlement to a share of water resources created by, for example, the conversion of water licences. Water allocations are separate assets to land and have a separate title. Therefore, not only can water allocations be sold and bought independent of land, they can also be mortgaged, leased, subdivided or amalgamated (with the necessary approvals).

Water allocations are either supplemented or unsupplemented. Supplemented water resources are dependent on water infrastructure, for example dams and weirs, and are managed by a water supply scheme operator, for example SunWater. Unsupplemented water resources, managed by the Department of Natural Resources and Mines, are from natural stream flow and are not dependent on water infrastructure.

It is important to remember that water entitlements do not allow the construction of water infrastructure such as pumps, bores and dams. The *Sustainable Planning Act 2009* (Qld) regulates certain works and may require a development permit to be obtained from the relevant government department.

The law with respect to water is constantly evolving as government policies change, technologies develop and science advances. As an integral part of the modern farming business and a valuable asset, it pays to understand the regulation of water entitlements in Queensland.

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