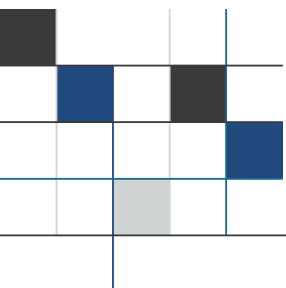


Policy

Management of unused licensed water entitlements

Previously statewide policy 11

October 2020



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The Department of Water and Environmental Regulation (the department) has implemented a policy framework across all of its regulatory documents. The framework provides a clear and structured document hierarchy, which details how the department and its stakeholders should apply the different types of documents within the hierarchy.

As part of the implementation of this framework, this document has been updated with a new format to show how the document is classified within the framework.

The content of the document has not been changed and remains the department's position.

For more information on the policy framework refer to the department's website here:

www.dwer.wa.gov.au/policyframework.

This document was previously published in December 2019.

Summary

The Department of Water and Environmental Regulation (the department) grants licences under the *Rights in Water and Irrigation Act, 1914*, to take water, as the primary means of allocating and managing our water resources. Each licence prescribes the annual water entitlement, the volume of water that may be taken by the licensee in a given year.

The effective management of licensed water entitlements is essential if the use of our water resources is to be optimised. This is particularly important in areas where the licensed water entitlements have reached or are approaching the sustainable limit of that water resource.

Where licensees consistently do not utilise part or all of their water entitlement, there is potential for new developments to be refused access to the water resources due to a lack of sufficient water being available, even though, not all of the water already allocated is being used. This is viewed as missed opportunities and a loss to the development of the state. It is unacceptable to deny others the use of a water entitlement that is not consistently required.

This policy has been prepared to provide a consistent approach in managing unused licensed water entitlements. It establishes a set of principles that will guide the department when making decisions on licensed water entitlements that have consistently not been fully utilised and under what conditions these entitlements may be recouped for possible redistribution.

Licensees may retain unused water entitlements where it is clearly established, to the satisfaction of the department, that genuine extenuating circumstances have resulted in part or all of the licensed water entitlements not being used.

The department will manage the unused water entitlements commensurate with the growth and demand for accessing the water resources. The department will adopt a staged management approach depending on the level of use in an area and assign resources to where they will be of most benefit. In areas where most or all of the available water has been allocated, the department will actively seek and manage the unused water entitlements. In other areas where the demand for water is minimal, the department's activity will be correspondingly less.

The introduction of transferable (tradeable) water entitlements and the establishment of a water market require the sound management of water entitlements. Speculation and monopolies of water entitlements are unacceptable to the community and must be prevented. To minimise their potential the retention of unused water entitlements should be reduced as much as is practicable.



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1. Introduction

1.1 Background

The state's terrestrial water resources are vested in the Crown and managed by the department under the *Rights in Water and Irrigation Act 1914* (RIWI Act).

Under the RIWI Act, the department grants licences entitling access to our groundwater and surface water resources. Each licence contains terms and conditions including the volume of water that may be taken in a given year (the licensed water entitlement).

As our water resources are finite, limits have been placed on the volume of water that can be taken from any single water resource. To ensure long-term sustainability, licences are issued up to the sustainable or allocation limit of each water resource as determined by the department.

Before a licence is granted, the department will consider among other criteria, the applicant's ability to undertake the proposed development and utilise the water entitlement within a reasonable and agreed timeframe. For new developments and extensions to existing developments licences are granted with a condition that requires the licensee to implement the development and utilise all the water entitlement within a prescribed timeframe.

The department is also responsible for ensuring the state's water resources are used effectively and efficiently for the state's development and the community's benefit. From time to time the department audits licences to identify any breaches in their conditions, including any differences between the licensed water entitlement and the actual volume of water used.

Where the department establishes that part or all of the water entitlement is consistently not being used, the department will discuss with the licensee their actual short and long-term water requirements. Where the licensee cannot establish, to the satisfaction of the department, a continuing requirement for all the entitlement, action may be taken to recoup¹ the water entitlement not being utilised.

This ensures equity among existing and potential water users and reduces the possibility of a licensee holding on to a water entitlement where they cannot demonstrate a need to retain the entitlement and use the water.

1.2 Intent

The intent of this policy is to ensure that the water resources allocated are used effectively by:

- reducing unused licensed water entitlements to a minimum

¹ The department amends the licence with a reduced water entitlement and takes back that part of the licensed water entitlement not being used.



- ensuring that licensed water entitlements are fully utilised for the benefit of the licence holder, the community and the state
- reducing speculation in water allocations
- ensuring that decisions on managing, and in some circumstances recouping, unused licensed water entitlements are fair and equitable.

The policy also seeks to address community concern that licensees may be granted access to large volumes of water without having the intention of using their water entitlements within a reasonable timeframe and be given windfall gains should they later trade their unused water entitlements.

1.3 Governing legislation

The RIWI Act, provides the legislation for managing and allocating all terrestrial water resources in Western Australia. It vests the right to use, flow, and control of any water resource, either surface or groundwater in the Crown.

The RIWI Act requires that a licence be granted for the taking of water from all artesian wells throughout the state, non-artesian wells located within proclaimed groundwater areas and within surface water areas. Licences are not required for riparian and other rights and where an exemption or by-law applies.

Each licence contains a number of terms and conditions, including the volume of water that may be taken in any one year. The licensee must meet these if access and use of the water is to be maintained.

1.4 Application

This policy applies statewide to all licences to take water granted under the RIWI Act, by the department.

This policy only applies to water entitlements that were granted by the department. It does not apply to:

- water entitlements that have been purchased (traded)
- unused water entitlements that are a result of investment in water use efficiency.

It overrides any earlier policy or practices that were adopted by the department in managing unused licensed water entitlements.

The policy may be complemented by future by-laws or rules developed for specific areas by Water Resource Management Committees.



2. Definition

In managing unused licensed water entitlements, the department needs to strike a balance between hard and fast rules and consideration of individual circumstances. This approach is in accordance with the requirements of the legislation that the *“Minister is to have regard to all matters considered relevant”* in making its decision.

2.1 Unused water entitlement

The department considers that an unused water entitlement is that part or all of the licensed annual water entitlement that has not been taken (used) for more than three consecutive years, unless otherwise specified in licence conditions or operating strategies or agreed development timeframes.

However, the department will consider a lesser timeframe in exceptional circumstances that warrants urgent intervention such as:

- an unprecedented demand for access to water that exceeds the allocation limit for the area
- where the licensee has no clear intent to utilise the water entitlement
- to prevent speculation or monopolies in water entitlements
- restricting development or anti-competitive behaviour.

Only in exceptional circumstances will entitlements be recouped where there is a commitment by the licensee, in writing, to use the entitlement within the term of the licence.

The entitlement is considered unused where the water is available to be taken and the licensee chooses not to do so. The department does not consider the entitlement unused where the ability to take the water is outside the influence of the licensee because of restrictions or climatic variations such as reduced rainfall or stream flow.

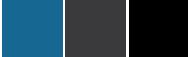
2.2 Extenuating circumstances

The department considers that in managing unused licensed water entitlements, there will be extenuating circumstances that may impact on the licensee’s ability to implement the approved development and fully utilise the water entitlement including:

- personal and health
- reasons beyond the control of the licensee such as fluctuation and sudden market changes.

Having paid a premium for the licensed water entitlement when purchasing the property in a fully-allocated area may be considered an extenuating circumstance that would enable retention of unused water entitlement.

A licence to take water for a new development, when granted under the RIWI Act, will include a condition requiring the licensee to complete the development and utilise the water within the term of the licence. In most cases the term of the licence relates to



the agreed timeframe for completing a new development or extending an existing development.



3. Policy

The department will manage unused licensed water entitlements to ensure that entitlements are fully and effectively utilised. This will be achieved by seeking to reduce unused entitlements to a minimum, while ensuring that:

- the reasonable water requirements of the licensee are addressed
- where possible, new applicants seeking access to a water resource are not unreasonably constrained in obtaining a water entitlement
- licensed water entitlements reflect actual water usages.

Where the licensee is able to clearly establish to the satisfaction of the department that genuine extenuating circumstances have resulted in part or all of the licensed water entitlement not being used, the unused component of the entitlement may be retained for an agreed period.

The management of unused licensed water entitlements will be in accordance with Schedule 1 clause 24(2)(d) of the RIWI Act that states:

The Minister may vary any term, condition or restriction in the licence if in the opinion of the Minister, the quantity of water that may be taken under the licence has consistently not been taken.

The effective management of licensed water entitlements is necessary if the use of our water resources is to be optimised. It is essential for the development of the state that new development opportunities are not constrained due to existing licensees consistently not utilising part or all of their water entitlements granted by the department.

However, in managing the unused water entitlements, the department will have due regard for the licensee's water requirements and timeframes for completing their development. The department will also consider any extenuating circumstances beyond the licensee's control that has not allowed completion of the approved development and use of all of the water entitlement.

As the volume of water entitlements granted approaches the sustainable limit for that area, the department will become stricter when assessing these circumstances. This assessment will, in most cases, be against pre-determined criteria that are developed in partnership with local Water Resource Management Committees or Advisory Committees.

However, if unforeseen circumstances require immediate action during the term of a licence the department may amend the licensed water entitlement.

The extent to which the retention of unused licensed water entitlements will be tolerated is dependent on the management response required and is related to the area allocation status.



4. Implementation

4.1 Identifying unused water entitlement

The department undertakes surveys of water use to ensure that licensees abide by the terms and conditions of their licences, developments are progressing as originally envisaged and water entitlements are used effectively. Surveys also provide an opportunity to evaluate the efficiency of use and identify issues that may need to be addressed.

The frequency of inspections depends on the level of water allocated in the area, the significance of local issues, timing of major studies and the level of demand for accessing the water resources. In areas where licensed water entitlements have reached or are approaching the sustainable limit, inspections are carried out more frequently than in areas where the total of water entitlements is small compared to the sustainable limit.

The department will assess a licensee's continuing requirement for the full water entitlement during either:

- compliance inspections
- regular reporting
- application to renew the licence
- application to transfer the licence.

Priority will be given to undertake compliance inspections in C3 and C4 areas.

Certain licences require regular reports to the department on complying with the terms and conditions of the licence. Most reports include a record of the actual volume of water taken compared with the licensed water entitlement.

The volume of water actually taken and information collected during property inspections will be recorded on the department's databases and unused water entitlements noted for future action.

To provide effective management of the resource, the department will take every opportunity to determine actual water use and identify water entitlements not being fully utilised. Licensees will be advised in writing of the department's concerns and possible action regarding their unused licensed water entitlements.

4.2 Management response

The department intends to adopt a differential approach when managing unused licensed water entitlements. As the demand for accessing the water resources increases, the department will intensify its management and compliance to licence conditions to ensure that water is used effectively, efficiently and in a sustainable manner, while protecting the environment from harm.

This approach will ensure that the water resources:

- are used responsibly within appropriate limits



- equitably allocated
- are appropriately managed for the benefit of the community.

The department has adopted the following categories in determining the level of response. These categories are related to the level of water utilisation compared with the sustainable yield of the water resource management area.

Utilisation as percentage of sustainable yield	0–30%	30–70%	70–100%	> 100%
Level of use category	C1	C2	C3	C4
Corresponding response category	R1	R2	R3	R4

4.3 Less than 30 per cent of the sustainable limit has been allocated (C1)

In areas where licensed water entitlements are less than 30 per cent of the approved sustainable limit the department:

- will not actively pursue the recovery of unused entitlements
- will not require licensees to establish extenuating circumstances as to why the approved development has not been implemented and the licensed water entitlement not fully utilised.

Furthermore, when an application is made to transfer, amend or renew the current licence where it is known that the requested water entitlement is not being fully utilised, the new licence will:

- be issued for a term of five years²
- include a condition requiring the licensee to complete the development for which the water is required within the term of the licence.

The licensee will also be encouraged to make an application to amend the licence to better reflect the actual water requirement. The department will grant a new licence³ with a term of up to 10 years with a water entitlement reflecting current water usage. However, the licensee will be advised in writing, that no guarantee can be given that any unused water entitlement will continue to be made available for any future extension to the term of the licence.

² Where special circumstances dictate the term of the licence may vary.

³ The original licence must be returned to the department before an amended licence can be issued.



4.4 Greater than 30 per cent but less than 70 per cent of the sustainable limit has been allocated (C2)

In areas where licensed water entitlements are greater than 30 per cent but less than 70 per cent of the approved sustainable limit, the department:

- will not actively pursue the recovery of unused entitlements
- will not require licensees to establish extenuating circumstances as to why the approved development has not been implemented and the licensed water entitlement not fully utilised.

Furthermore, when an application is approved to transfer, amend or renew the current licence where it is known that the licensed water entitlement is not being fully utilised, the existing licence will:

- be issued for a term of 5 years⁴
- include a condition requiring the licensee to complete the development for which the water is required within the term of the licence.

The licensee will also be encouraged to make an application to amend the licence to better reflect the actual water requirement. Should the licensee select this course of action, the department will grant a licence⁵ for a term of up to 10 years, with a water entitlement reflecting current water usage. However, the licensee will be advised, in writing, that no guarantee can be given that any previously unused water entitlement will continue to be made available for any future extension to the term of the licence.

Should the water entitlement continue to not be fully utilised, extenuating circumstances will need to be clearly established before granting any subsequent application to transfer, amend or extend the term of a licence that retains the unused water entitlement.

4.5 Greater than 70 per cent but less than 100 per cent of the sustainable limit has been allocated (C3)

In areas where licensed water entitlements are greater than 70 per cent and are approaching 100 per cent of the approved sustainable limit, the department will:

- increase licence conditions compliance checks
- actively seek out licensed water entitlements not fully utilised
- actively address unused licensed water entitlements when the licensee makes an application to renew, transfer or amend the licence.

⁴ Where special circumstances dictate the term of the licence may vary.

⁵ The original licence must be returned to the department before an amended licence can be issued.



Where unused licensed allocations are identified, the department will write to the licensee:

- requesting details of the non-compliance with the terms and conditions of the licence
- requiring that extenuating circumstances be clearly established
- advising that the unused water entitlement will be recouped if the licensee:
 - is unable to clearly establish genuine extenuating circumstances to retain the unused entitlement
 - fails to undertake the development and utilise all the licensed water entitlement within the period required by the condition of the licence
 - applies to renew the licence for the full water entitlement that includes part or all the unused water entitlement
- informing that there is no guarantee that an increased entitlement will be granted to the licensee in the future.

If the licensee is able to demonstrate to the satisfaction of the department extenuating circumstances, the department will grant the licence for a term of 2 years,⁶ allowing the licensee sufficient time to fully utilise the water entitlement.

Where the licensee fails to clearly establish extenuating circumstances, the department will aim to recoup the unused portion of the water entitlement. The licensee will be encouraged to make an application to amend the licence to better reflect the actual water requirements. The department will grant a new licence⁷ for a term of up to 10 years with a water entitlement reflecting current water usage.

When the area reaches 100 per cent allocated, all unused water entitlements should have been identified and licences will be issued with strict conditions and timeframes for their eventual use.

The aim is to establish confidence and reliability in water usage in the lead up to trading in licence entitlements.

4.6 Water resource fully or over allocated (C4)

Licensed water entitlements in fully-allocated areas will be managed to prevent manipulation or speculation where applications for additional water entitlements are refused and trading in water entitlements could be initiated. Licensed water entitlements should:

- be fully utilised
- have strict conditions and timeframes for their eventual use
- clearly established extenuating circumstances whereby the unused entitlement may be retained as agreed by the department. However, it is

⁶ Where special circumstances dictate the term of the licence may vary.

⁷ The original licence must be returned to the Department before an amended licence can be issued.



expected that these entitlements will be utilised, either through trading or expansion of the existing development.

In areas that are fully-allocated the department will:

- continue licence conditions compliance checks
- seek to actively recoup the water entitlement not being utilised.

Where unused licensed allocations are identified, the department will write to the licensee:

- requesting details of the non-compliance with the terms and conditions of the licence
- requiring that extenuating circumstances be clearly established
- advising that the unused water entitlement will be recouped if the licensee:
 - is unable to clearly establish genuine extenuating circumstances to retain the unused entitlement
 - fails to undertake the development and utilise all the licensed water entitlement within the period required by the condition of the licence
 - applies to renew the licence for the full water entitlement that includes part or all the unused water entitlement
- informing that there is no guarantee that any entitlement surrendered or recouped will be available to the licensee in the future.

If the licensee is able to demonstrate to the satisfaction of the department extenuating circumstances, the department will grant the licence for a term of two years,⁸ allowing the licensee sufficient time to fully utilise the water entitlement. The department will permit the unused licensed water entitlement to be utilised or traded if the licensee clearly establishes that extenuating circumstance, rather than speculation, have resulted in part or all of the licensed water entitlement not being used.

The licensee will be further advised that if the full water entitlement is not utilised within the term of the licence it is highly unlikely that the licence will be renewed for the full water entitlement.

Where the licensee fails to clearly establish extenuating circumstances, the department will aim to recoup the unused portion of the water entitlement. The licensee will be encouraged to make an application to amend the licence to better reflect the actual water requirements. The department will grant a new licence⁹ with a term of up to 10 years with a water entitlement reflecting current water usage.

It is essential that unused licensed water entitlements be managed effectively in fully-allocated areas as new applications requiring additional water are likely to be refused access. Furthermore, those seeking access to the water resource need to

⁸ Where special circumstances dictate the term of the licence may vary.

⁹ The original licence must be returned to the department before an amended licence can be issued.



have confidence that the area is fully-allocated before entering into trading arrangements.

Once a trading environment is established, the department will not recoup water entitlements that were acquired through trading (licensee has purchased or leases water entitlement), except in exceptional circumstances such as, restricting development, anti-competitive behaviour or speculative purposes, the department may consider recouping these entitlements.

Compensation is not available for recouping water entitlements in these circumstances. However, if profits are realised from the redistribution of these entitlements, they should be returned to the licence holder from which the entitlement was recouped.

4.7 Negotiation

The department is required under the provisions of the RIWI Act to notify the licensee of its intention to amend or cancel the licence. The licensee is to be provided the opportunity to be heard or make a written submission before a decision is made. The department is to have regard to any submission made by the licensee before it makes its final decision.

The department, having identified unused water entitlements, will discuss with the licensee full utilisation of their entitlement before making any decision to transfer, amend or renew the current licence or to recoup the unused portion of the water entitlement, with the view to:

- encourage the licensee to make an application to amend the licence to better reflect the actual water requirements. The original licence must be returned to the department before a new licence can be issued
- obtain a commitment from the licensee to utilise the entitlement within an agreed timeframe
- identify circumstances that would allow the licensee to retain the water entitlement
- initiate procedures to recoup the unused water entitlement.

4.8 Refusal of an application for a licence to take water

Where it is deemed necessary to recoup unused water entitlements, any applications to transfer, amend or renew the licence will be refused where it is known that the approved development has not been implemented, the licensed water entitlement has not been fully utilised, and the licensee:

- is unable to clearly demonstrate, where required, genuine extenuating circumstances to retain the unused entitlement
- fails to undertake the development and utilise all the licensed water entitlement within the period required by the condition of the licence.



The application will be refused under Schedule 1 clause 8 of the RIWI Act that states:

When Minister must refuse licence

“The Minister must refuse to grant a licence to a person if the Minister considers that the person would not be willing or able to comply with the terms, conditions and restrictions that would be included in the licence.”

In this case the licensee by not completing the approved development and effectively utilising the water entitlement has indicated unwillingness or inability to comply with the terms or conditions of the licence.

However, a licence may be granted with an annual water entitlement that reflects the actual water use and would be inconsistent with the application.

The applicant or licensee may appeal the decision not to grant the licence consistent with the application, the period for which the licence is granted or any term, condition or restriction in the licence.

If the applicant decides to appeal they must, in accordance with the RIWI Act, lodge a written notice of appeal to the Minister within 21 days of being given notice of the department’s decision.

4.9 Role of management committees

The RIWI Act makes provision for the role of communities in the decision-making process regarding water allocation and management issues. It allows the formation of Water Resource Management Committees or other advisory groups that consist of community representatives to advise the department on how water management issues are addressed.

In the future, Water Resource Management Committees and Advisory Committees will take a pivotal role in developing strategies and criteria for the management of unused licensed water entitlements.

The committees will assist in evaluating extenuating circumstances provided by licensees and make recommendations to the department on:

- whether a licensee should be allowed to retain the unused entitlement; or
- if the entitlement should be recouped.

The committees will also assist the department in developing principles on how any recoup entitlements would be redistributed or retired and not be available for further use.

4.10 Management of recouped water allocations

In most situations recouped water entitlements will be redistributed to applicants that have demonstrated a need for the water. However, circumstances may arise that require these entitlements to be retired and not be available for redistribution (for example, prevention and mitigation of environmental impacts).



Where Water Resource Management Committees and Advisory Committees exist, they will participate in the process for redistributing or retiring recouped water entitlements. Criteria developed by committees for specific areas will guide the department's response for areas where there is no committee yet established, in order to assist the department in the assessment of individual circumstances.

4.11 Water conservation

The department supports the state water strategy in ensuring the delivery of ecologically sustainable development of our water resources. In line with this strategy and the community's expectations, the department will not tolerate the wasting of water. Licensees wasting water to ensure they have used their full water entitlement run the risk of having their licence cancelled.

The department will adopt a more stringent approach in managing water entitlements to ensure the water is used as efficiently as possible. In irrigated agriculture potential savings can arise from improved irrigation systems and management practices, providing benefits in terms of increase production, reduced environmental impacts and return flow.

Where a licensee has implemented efficiency methods and reduced the water requirements, the licensee will have the opportunity to sell or lease any water saved that is excess to requirements.

The department will not recoup unused water entitlements that are a result of investment in water use efficiency. However, it is expected that the water saved will be utilised, either through trading or expansion of the existing operation.

The department may take action to ensure the water saved is used, in particular where the demand for accessing the water resources is in excess of the sustainable limit. The licensee should take all reasonable actions to ensure the utilisation of the entitlement or run the risk of the department recouping and re-distributing the water entitlement. Profits from the redistribution of these entitlements should be returned to the previous holder of the entitlement.

In the future, licences to take and use water may only be granted where the applicant has demonstrated that all water conservation and reuse options have been considered. Licences may also contain conditions requiring the development and implementation of water conservation strategies that would include the use of efficient systems.

4.12 Water service providers

It is recognised that the circumstances for Water Service Providers (WSP) are unique compared to the average licence holder as they have the responsibility of delivering drinking water to householders in our towns or irrigation water to our industries.

The department acknowledges these differences and will take them into consideration when managing unused licensed water entitlements along with



outcomes from the discussion paper: *Reserving and protecting water resources for future use in Western Australia*.

It would only be under extreme circumstances that unused water entitlements for domestic water services would be recouped. In order for a WSP to retain the unused licensed water entitlements, there needs to be a high probability that potential new customers will become a reality. Should unused water entitlements of this type be recouped they will only be made available for the provision of future drinking water supply, if not otherwise retired.

The retention of the unused water entitlement by WSP that supply irrigation water, would not be allowed to remain unchecked for long periods, as water not immediately required could be made available to other users, possibly in the same industry. In these circumstances, any recouped water entitlements from WSP will only be made available to other high beneficial uses.



References

- Department of Water and Environmental Regulation, *Policy: Water entitlement transactions for Western Australia*, Department of Water and Environmental Regulation 2020.
- Water and Rivers Commission 2000, “*Statewide Policy No 3 Policy Statement on Water Sharing*”, ISBN 0-7309-7479-0.
- *Rights in Water and Irrigation Act 1914* as amended.
- Ventriss H.B, 1990, “*General Principles and Policy for Groundwater Licensing in Western Australia*”, Report No WG 90.



Glossary

Abstraction	pumping water from a watercourse, wetland or underground sources (aquifer).
Allocation limit	the total amount of water that may be allocated for an individual water
Allocation yield	refers to the volume of water that can be abstracted each year from a water resource with acceptable impacts.
Annual water entitlement	the quantity of water permitted to be taken under a licence, usually specified in kilolitres/year (kL/yr).
Aquifer	a geological formation or group of formations able to receive, store and transmit significant quantities of water.
Beneficial use	the current or future uses for a water resource that has priority over other potential uses because of their regional significance to the community.
Bore	means a specific type of well accessing groundwater, generally a small diameter well.
Confined aquifer	an aquifer that is confined between shale and siltstone beds and therefore contains water under pressure.
Environmental water provisions	actual level (allocation) made after consideration of the economic and social requirements for the water. It may be equal to or less than the Environmental Water Requirements.
Environmental water requirements	water level that will maintain current ecological values.
Groundwater area	an area proclaimed under Section 26B of the <i>Rights in Water and Irrigation Act 1914</i> .
Licence	a licence granted under section 5C of the <i>Rights in Water and Irrigation Act 1914</i> .
Recharge	the downwards movement of water that is added to the groundwater system.
Trade	this can be either a sale (permanent) or temporary use (lease) of licensed water entitlement.
Unused licensed water entitlement	or sleeper, is part or all of licensed annual water entitlement that has never or is no longer being taken (water not used).



Appendices

Management response matrix

Action	Level of use category			
	C1	C2	C3	C4
Initiate action to recover unused water entitlements at time of application to transfer, trade, renew or extend the term of a licence.	No	No	Yes	Yes
Provide licensee written advice where unused water entitlements are detected.	Yes	Yes	Yes	Yes
Licensee to demonstrate extenuating circumstances to retain the unused water entitlement.	No	No	Yes	Yes
When extenuating circumstances are not accepted renew the licence and recoup unused water entitlements.	Not applicable	Not applicable	Yes	Yes
Maximum term of renewed licence where unused licensed water entitlements are retained.	5 years	5 years	2 years	2 years
Grant a further extension to term of the licence where unused water entitlements are retained.	Yes	Generally yes but depends on circumstances	Generally no but depends on circumstances	No
Amend licence to recoup unused water entitlements during the term of licences.	No	No	Generally yes but depends on circumstances	Yes



Further enquiries

Any enquiries relating to the content of this policy should be directed to:

Department of Water and Environmental Regulation

8 Davidson Terrace

Joondalup Western Australia 6027

Telephone: +61 8 6364 7000

Facsimile: +61 8 6364 7001

Any enquiries relating to the implementation of this policy or any matters relating to management of water resources in the regions, please contact the following Department of Water and Environmental Regulation offices.

Kimberley Region

27 Victoria Highway

Kununurra WA 6743

Telephone: (08) 9166 4100

Facsimile (08) 9168 3174

Swan Avon Region

7 Ellam Street

Victoria Park WA 6100

Telephone (08) 6250 8000

Facsimile (08) 6250 8050

South West Region

35–39 McCombe Road

Davenport WA 6230

Telephone: (08) 9726 4111

Facsimile (08) 9726 4100

Mandurah

107 Breakwater Parade

Mandurah Ocean Marine

Mandurah WA 6210

Telephone (08) 9550 4212

Facsimile (08) 9581 4560

South Coast Region

120 Albany Highway

Albany WA 6330

Telephone: (08) 9841 0100

Mid West Gascoyne Office

20 Gregory Street

Geraldton WA 6530

Telephone: (08) 9841 7400