



Department of Water and Environmental Regulation  
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National Relay Service 13 36 77



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The Department of Water and Environmental Regulation (the department) has



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Undertakings in relation to section 5C licences .....	2
Undertakings to grant a permit or a licence to construct a bore .....	2





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The department may give an undertaking in relation to section 5C of the (RIWI Act) to an applicant to:

- grant a new licence
- approve the transfer of a part or the whole of an existing water entitlement to the new owner of the same property
- approve the transfer of a part or the whole of an existing water entitlement to a new location
- approve an agreement for the leasing of a part of or the whole of a water entitlement for a period of time

When the application meets all of the criteria for the grant, except that the applicant is currently not a person eligible to hold a licence (that is, no legal access to land) as per Schedule 1, clause 9 of the RIWI Act(e)7.9 (s)TJ0 Tc 0 Tw e (gr)B4d[R]4 .1 Tf.9 (s)1 Tf.9 (s)1 t



The department is responsible for managing and allocating WA's terrestrial water resources. The department grants the right to take water from these resources by issuing licences with water entitlements, under the RIWI Act, to individuals or companies who meet all the department criteria. The applicant must also indicate the purpose the water is to be used for.

On occasion, even before all the criteria to grant a licence have been met, applicants have asked the department to give an undertaking that a licence will be granted when all criteria are met. These requests were mainly to assist applicants negotiating finance for a proposed project or seeking other government approvals.

The intent of this policy is to define the circumstances under which the department will give undertakings to grant licences to take water, permits to interfere with a watercourse, licences to construct a bore, and approve transactions with respect to water entitlements.

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water areas, the department may license all surface water abstractions that are not considered to be riparian. Permits are issued under section 17 of the RIWI Act if a watercourse is to be interfered with.

The RIWI Act allows the department to give an undertaking to grant a licence to take water at a future date, or approve the transfer of a water entitlement or lease agreement, but only to applicants that have met all the criteria but have not yet obtained legal access to the land the water is to be taken from.

The Rights in Water and Irrigation Regulations 2000 also gives the department the power to give undertakings to issue permits to interfere with a watercourse under section 17 and 2 (er)7 ( )10 (ent)2 (i)6g10 (17 )10.u(t)e constrt or literb ores(un)10 (der)7 ( s)4 (ec1)









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The department may consider extending the period of the undertaking if the applicant requests a time extension before the undertaking expires.

Any request for an extension will need to be supported with reasons acceptable to the department, as to why the applicant is unable to comply with the original expiry date.

Requests for extending an undertaking will not be accepted if the requests are received by the department after the original undertaking expires. The request can be presented as a letter to the department, clearly outlining the reasons for requesting an extension and providing evidence to substantiate that case.

Satisfactory reasons for extending the time of the undertaking are reasons that are beyond the applicant's control; for example, delays in legal proceedings, or in obtaining government authorisations. Evidence should be provided to confirm any statements.



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The department oversees water licensing policy development, including the review of existing policies. Policies are regularly updated to ensure their relevance to the department's licensing processes.









Please direct any enquiries relating to the implementation of this policy or to management of water resources in the regions to the following regional 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 Coast Region

120 Albany Highway

Albany WA 6330

Telephone: (08) 9841 0100

Mandurah

107 Breakwater Parade

Mandurah Ocean Marine

Mandurah WA 6210

Telephone (08) 9550 4212

Facsimile (08) 9581 4560

South West Region

35–39 McCombe Road

Davenport WA 6230

Telephone: (08) 9726 4111

Facsimile (08) 9726 4100

Mid West Gascoyne Office

20 Gregory Street

Geraldton WA 6530

Telephone: (08) 9841 7400