

- (b) occurring naturally on the surface of the ground; and
- (c) conserved by any works,

except to the extent that is otherwise provided by this Enactment or to the extent that the right is divested by the exercise of a function of the Council or the Director.

(2) The right conferred by subsection (1) prevails over any right conferred by or under another Enactment.

(3) In the exercise of the right conferred by subsection (1) or of any other function, the Council or the Director may take such measures as the Council or the Director thinks fit for—

- (a) the orderly development and beneficial use of water;
- (b) ensuring equitable access to water;
- (c) improving the quality of water and protecting the quality of water from degradation;
- (d) preventing interference with the flow or availability of water or the making of changes to the course of a water body, without authorisation;
- (e) preventing the unauthorised installation and use of measures or works which require authorisation under this Enactment;
- (f) the mitigation and control of floodwaters; or
- (g) protection of the aquatic environment.

Private rights  
to water.

**16.** (1) The owner or occupier of land or premises may, free of charge and without requiring a licence under this Enactment, exercise a private right to take, use and control, sufficient for household and subsistence agricultural purposes—

- (a) groundwater under the land or premises; or
- (b) where the land or premises has frontage to a water body, water directly from that water body.

(2) The right conferred in subsection (1) may be exercised provided that any work for taking and using the water does not—

- (a) cause a significant obstruction to or diversion of the flow of water in

a  
water body;

- a
- (b) store more than one megalitre of water or, if the Director declares  
different capacity, the different capacity; or
- (c) take water from the water body at a rate of flow exceeding 20  
litres  
per second or, if the Director declares a different rate, the  
different  
rate.

(3) The Director may require the right conferred by this section to be registered if the Director considers that—

- (a) the exercise of such a right poses a threat to the availability or quality of water or the aquatic environment, whether such a threat is posed at all times or under particular conditions only; or
- (b) an approved catchment management plan or water  
management  
plan identifies the need for information on or control of  
rights  
conferred by this section.

(4) The Director may, from time to time, direct a person exercising a right conferred by this section to install or operate, in association with a work for the purpose of exercising that right—

- (a) facilities for passing the flow of water; or
- (b) a device to regulate or monitor the flow of water.

#### **PART IV**

#### **AUTHORISATION OF WATER ACTIVITIES**

17. (1) No person shall, unless authorised by a licence for a water activity or otherwise authorised in accordance with this Enactment, engage in a water activity, meaning to—

Authorisation  
of water  
activities.

- (a) take or use water from a water body;
- (b) return water to a water body directly or indirectly by artificial means;
- (c) control, divert or mitigate flood waters outside a floodplain management area referred to in Part VI of this Enactment; or

