

SOUTH AUSTRALIA



RevenueSA

Stamp Duties

Circular No. 260

**CONVEYANCE OF WATER LICENCES  
(INCLUDING THE WATER ALLOCATION OF A LICENCE)**

The *Natural Resources Management Act (Commencement) Proclamation 2005*, *inter alia*, proclaimed the operation of Chapter 7, Section 157(9) of the *Natural Resources Management Act 2004* (“the NRM Act”), commencing on 1 July 2005 (see *South Australia Government Gazette*, 30/6/2005, p 2093).

Section 157(9) of the NRM Act amends the operation of the *Stamp Duties Act 1923* (“the Act”), **by excluding the temporary transfer of a water licence for a period not exceeding five years** from the application of the provisions of the Act.

Section 157(9) of the NRM Act provides that:

*“Despite the provisions of the Stamp Duties Act 1923, if the transfer of a licence, or of the whole or part of the water allocation of a licence, is expressed to be for a period not exceeding 5 years (including any rights of extension under the instrument of transfer), the transfer (and the subsequent transfer back to the original transferor at the end of the relevant period) is not chargeable with duty under that Act.”*

Temporary transfers of water allocations that are exempt from duty pursuant to the above provision are not required to be stamped by RevenueSA and should be lodged directly with the Department of Water, Land & Biodiversity Conservation.

Stamp duty remains payable with respect to transfers of water licences, and/or allocations that do not fall within the provisions of section 157(9) of the NRM Act.

**FURTHER INFORMATION**

Further information regarding these amendments may be obtained from RevenueSA.

***Location***

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COMMISSIONER OF STATE TAXATION

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