

NORTHERN TERRITORY OF AUSTRALIA

WATER AMENDMENT ACT 2000

No. 20 of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. 20 of 2000

AN ACT

to amend the *Water Act*

[Assented to 6 June 2000]
[Second reading 2 March 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Water Amendment Act 2000*.

2. Principal Act

The *Water Act* is in this Act referred to as the Principal Act.

3. Long title

The long title to the Principal Act is amended by inserting "allocation," after "investigation,".

4. Interpretation

Section 4 of the Principal Act is amended —

(a) by inserting after the definition of "bed" in subsection (1) the following:

" 'beneficial uses' means the uses of water specified in subsection (3);";
and

(b) by adding at the end the following:

"(3) The following are the beneficial uses of water:

- (a) agriculture – to provide irrigation water for primary production including related research;
- (b) aquaculture – to provide water for commercial production of aquatic animals including related research;
- (c) public water supply – to provide source water for drinking purposes delivered through community water supply systems;
- (d) environment – to provide water to maintain the health of aquatic ecosystems;
- (e) cultural – to provide water to meet aesthetic, recreational and cultural needs;
- (f) manufacturing industry – to provide water for secondary industry including related research;
- (g) riparian – to provide water for the purposes permitted under sections 10, 11 and 14."

5. New sections

The Principal Act is amended by inserting after section 22 the following:

"22A. Beneficial uses within water control district

"The Administrator may, by notice in the *Gazette*, declare the beneficial uses of the water in a water control district.

"22B. Water allocation plans

"(1) The Minister may, by notice in the *Gazette*, declare a water allocation plan in respect of a water control district.

"(2) The Minister must specify the period (not longer than 10 years) that a water allocation plan is to remain in force.

"(3) The Minister must ensure that a review of a water allocation plan is conducted at intervals not longer than 5 years.

"(4) Water resource management in a water control district is to be in accordance with the water allocation plan declared in respect of the district.

"(5) A water allocation plan is to ensure in the water control district that—

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- (a) water is allocated within the estimated sustainable yield to beneficial uses;
- (b) the total water use for all beneficial uses (including those provided through riparian use and licences granted under sections 45 and 60) is less than the sum of the allocations to each beneficial use;
- (c) the right to take or use water under a licence granted under section 45 or 60 is able to be traded (in part or in full); and
- (d) as far as possible – the full cost for water resources management is to be recovered through administrative charges to licensees and operational contributions from licensees.

"(6) An allocation under subsection (5)(a) is to include an allocation to the environment."

6. Water advisory committees

Section 23 of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) If a water allocation plan is declared under section 22B in respect of a water control district, the Minister may, in writing—

- (a) establish, and appoint the members of, a Water Advisory Committee for the district; and
- (b) allocate a name to the Advisory Committee.

"(1B) An Advisory Committee referred to in subsection (1A) —

- (a) in addition to subsection (3) — is to advise the Controller on the effectiveness of the water allocation plan in maximising economic and social benefits within ecological restraints; and
- (b) is to carry out any other functions that the Controller may from time to time direct the Advisory Committee to perform."

7. Unauthorised taking or use of surface water prohibited

Section 44 of the Principal Act is amended by omitting from subsection (1) "this section" and substituting "this Division".

8. Licence to take or use water

Section 45 of the Principal Act is amended by omitting from subsections (3) and (4) "2 years" and substituting "10 years".

9. Grant of licence to take ground water

Section 60 of the Principal Act is amended by omitting from subsections (3) and (4) "2 years" and substituting "10 years".

10. Factors to be considered

Section 90 of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) In addition to subsection (1), in deciding whether to grant, amend or modify a licence under section 45 or 60, the Controller must take into account any water allocation plan applying to the area in question."
