

NORTHERN TERRITORY OF AUSTRALIA

WATER AMENDMENT ACT 2003

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Act No. 57 of 2003

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 57 of 2003

## AN ACT

to amend the *Water Act*

[Assented to 22 October 2003]  
[Second reading 14 August 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Water Amendment Act 2003*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

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

**4. Interpretation**

Section 4 of the Principal Act is amended –

- (a) by inserting after the definition of "material environmental harm" in subsection (1) the following:

" 'mining or petroleum activity' means –

- (a) a mining activity within the meaning of the *Mining Management Act* or another activity for a purpose ancillary

*Water Amendment Act 2003*

to that mining activity, including the use of water as drinking water;

- (b) exploration for petroleum under an Act of the Territory or of the Commonwealth;
- (c) the extraction and processing of petroleum under an Act of the Territory or of the Commonwealth;
- (d) the exercise by the holder of a petroleum interest within the meaning of the *Petroleum Act* of a right conferred under that Act on the holder of such an interest or the performance of a requirement imposed by or under that Act on the holder of such an interest;
- (e) the exercise of a right conferred, or the performance of a requirement imposed, by or under an Act of the Commonwealth on a person to whom a right to explore, extract or process petroleum is conferred by or under that Act; or
- (f) an activity for a purpose ancillary to a matter referred to in paragraph (b), (c), (d) or (e), including the use of water as drinking water;

'mining site' has the same meaning as in the *Mining Management Act*;"

- (b) by inserting after the definition of "permit" in subsection (1) the following:

" 'petroleum site' means –

- (a) an access authority area, licence area or permit area, each within the meaning of the *Petroleum Act*, on which occurs an activity referred to in paragraph (b), (c), (d), (e) or (f) of the definition of 'mining or petroleum activity'; or
- (b) an area of land on which exploration for petroleum occurs, or petroleum is extracted or processed, under an Act of the Commonwealth;"

- (c) by omitting subsection (3)(f) and (g) and substituting the following:

"(f) industry – to provide water for industry, including secondary industry and a mining or petroleum activity, and for other industry uses not referred to elsewhere in this subsection;

(g) rural stock and domestic – to provide water for the purposes permitted under sections 10, 11 and 14."

**5. Repeal and substitution**

Section 7 of the Principal Act is repealed and the following substituted:

**"7. Application of Act to mining or petroleum activity**

"(1) Section 15 does not apply to an interference with, or the obstruction of, a waterway if the interference or obstruction occurs in the course of a mining or petroleum activity.

"(2) Section 16 does not apply to waste that comes into contact with water, or water that is polluted, if –

- (a) the contact or pollution occurs in the course of carrying out a mining or petroleum activity; and
- (b) the waste or polluted water is confined within the mining site or petroleum site on which the activity is being carried out.

"(3) Subject to subsection (4), Parts 5 and 6 do not apply to an action or omission by a person, or to an action or omission caused, suffered or permitted by a person to be done, or to be omitted to be done, by another person, if the action or omission occurs in the course of carrying out a mining or petroleum activity.

"(4) Part 6, Division 5 applies to the disposal underground of waste in the course of carrying out a mining or petroleum activity on a mining site or petroleum site if the waste is not confined within the mining site or petroleum site."

**6. Water allocation plans**

Section 22B of the Principal Act is amended by omitting from subsection (5)(b) "riparian" and substituting "rural stock and domestic".

**7. Transitional**

Section 109 of the Principal Act is amended by adding at the end the following:

"(12) A reference in a licence, permit, consent, declaration, agreement or other instrument granted, issued or made under this Act, as in force immediately before the commencement of the *Water Amendment Act 2003*, to the beneficial use of 'manufacturing industry' or 'riparian' is taken to be a reference to the beneficial use of 'industry' or 'rural stock and domestic' respectively specified in section 4(3)(f) or (g)."