

NORTHERN TERRITORY OF AUSTRALIA

WATER AMENDMENT ACT 2010

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Act No. 48 of 2010

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 48 of 2010

An Act to amend the *Water Act*

[Assented to 13 December 2010]  
[Second reading 23 November 2010]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Water Amendment Act 2010*.

**2 Act amended**

This Act amends the *Water Act*.

**3 Section 4 amended**

(1) Section 4(1)

*omit*

, unless the contrary intention appears

(2) Section 4(1)

*insert (in alphabetical order)*

*waste discharge licence*, see section 74(1).

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#### 4 Section 74 amended

(1) Section 74(1)

*omit*

all words after "licence"

*insert*

(a ***waste discharge licence***) to carry out an action that would otherwise be an offence against this Act whether by virtue of section 73 or because the action is not and cannot be (but for this section) authorised by or under this Act.

(2) Section 74(3)

*omit*

shall

*insert*

is to

#### 5 Section 111 inserted

After section 110

*insert*

#### 111 Validation for actions before *Water Amendment Act 2010*

- (1) This section applies to a document (a ***purported licence***) granted before the commencement of this section that purports to be a licence granted under section 74(1) to the extent the document is not a licence validly granted to carry out an action which would otherwise be an offence against this Act by virtue of section 73.
- (2) Each of the following is declared for this Act and any other Act in relation to a purported licence:
- (a) the grant of the purported licence is, and is taken to have always been, a valid exercise of power by the Controller under section 74(1);

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(b) if the period specified in the purported licence:

- (i) has not ended – the purported licence is a valid waste discharge licence and is subject to the conditions purportedly applying to it immediately before the commencement; or
- (ii) has ended – the purported licence was a valid licence under section 74 and was subject to the conditions that applied to it from time to time.

(3) In this section:

*granted* includes amended and modified.

## **6 Act further amended**

The Schedule has effect.

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**Schedule Water Act further amended**

section 6

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 72	Part, <b><i>water</i></b>	Part: water
section 72, definition <b><i>water</i></b> , paragraph (a), at the end		or
section 73(2)	shall	is to
section 75	all words from "by notice" to "section 74(1)"	by written notice given to an applicant for a waste discharge licence
section 76(1)	all words from "licence" to "shall"	waste discharge licence must
	or fail to comply with, ( <i>all references</i> )	
section 77(1)	all words from "licence granted" to "shall"	waste discharge licence may be subject to a condition that the licensee must
section 77(2)	shall	must
section 77(3)(a), at the end		or

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