

NORTHERN TERRITORY OF AUSTRALIA

WATER LEGISLATION MISCELLANEOUS AMENDMENTS ACT 2019

Act No. 26 of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 26 of 2019

An Act to amend the *Water Act 1992* and the *Water Regulations 1992*

[Assented to 2 September 2019]
[Introduced 13 March 2019]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Water Legislation Miscellaneous Amendments Act 2019*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Water Act 1992

3 Act amended

This Part amends the *Water Act 1992*.

4 Section 71A amended (Water extraction licence decision and application of Part)

(1) Section 71A(2)

omit, insert

(2) This Part applies to an application for either or both of the following:

- (a) the grant of a water extraction licence;
- (b) an amendment or modification of one or more water extraction licences involving an increase in the total quantity of water that may be taken under the licence or licences.

(2A) However, this Part does not apply to either of the following:

- (a) an application for an amendment or modification of 2 or more water extraction licences to give effect to an agreement to trade an entitlement to take water between those licences if:
 - (i) the terms of the agreement are in accordance with a water allocation plan; and
 - (ii) the total quantity of water that may be taken under all licences held by the parties to the agreement would not increase if the application is granted;
- (b) an application made because of the subdivision or consolidation of land which is the subject of one or more water extraction licences if:
 - (i) a development permit for the subdivision or consolidation is in force under the *Planning Act 1999*; and
 - (ii) the total quantity of water that may be taken under all licences relating to the subdivided or consolidated land would not increase if the application is granted.

(2) Section 71A(3)

omit

or used

5 Section 71B amended (Notice of intention to make water extraction licence decision)

(1) Section 71B(2)

omit

in a newspaper circulating throughout the Territory and may also publish the notice

(2) Section 71B(6)

omit

and occupiers

(3) After section 71B(6)

insert

(7) In addition, the Controller must:

(a) use reasonable efforts to identify any occupiers of land immediately adjacent to the land mentioned in subsection (6)(a) and (b); and

(b) give a copy of the notice to the identified occupiers.

6 Section 93 amended (Power to amend, modify or revoke licence)

Section 93(4)

omit

quantity of water permitted to be taken or used

insert

total quantity of water permitted to be taken

7 Section 106 amended (Service of document)

(1) Section 106(2)(a) and (3)(a), at the end

insert

or

- (2) Section 106(2)(c) and (3)(c)

omit

address.

insert

address; or

- (3) After section 106(2)(c) and (3)(c)

insert

- (d) sending it by email to an email address notified to the sender by the person as an address at which service of documents under this Act will be accepted.

8 Section 108 amended

Section 108(2)(q)(iii)

omit

66

insert

65

9 Part 17 inserted

Water Act 1992, at the end

insert

Part 17 Transitional matters for Water Legislation Miscellaneous Amendments Act 2019

118 Application of sections 71A and 71B

- (1) Sections 71A and 71B as in force immediately before the commencement continue to apply in relation to an application for the grant of a water extraction licence made before the commencement.

- (2) In this section:

commencement means the day on which Part 2 of the *Water Legislation Miscellaneous Amendments Act 2019* commences.

10 Act further amended

Schedule 1 has effect.

Part 3 Amendment of Water Regulations 1992**11 Regulations amended**

This Part amends the *Water Regulations 1992*.

12 Regulation 10 amended (Drilling licence)

Regulation 10(2)(c)

omit

(restricted or unrestricted)

13 Regulations 12 and 13 replaced

Regulations 12 and 13

repeal, insert

12 Functions of Drillers' Qualifications Advisory Committee

The functions of the Drillers' Qualifications Advisory Committee are to advise the Controller:

- (a) in relation to the granting, renewal or variation of drilling licences; and
- (b) in relation to the operation of Part 6, Division 2 of the Act; and
- (c) on matters referred to it by the Controller.

13 Membership

- (1) The Drillers' Qualifications Advisory Committee consists of 8 members.
- (2) At least 4 members must be persons who, in the Minister's opinion, have skills, knowledge and experience in one or more of the following areas:
 - (a) hydrogeology;
 - (b) groundwater engineering;
 - (c) planning and conduct of drilling operations.

- (3) At least 2 members must be persons who are:
 - (a) representatives of users of drilling services; and
 - (b) not employed in the public sector; and
 - (c) in the Minister's opinion, not involved in the drilling industry.
- (4) Before appointing a person to be a member, the Minister must have regard to the range and level of skills, knowledge and experience required among the members of the Committee to enable it to perform its functions.

13A Meetings

- (1) The chairperson must convene a meeting of the Drillers' Qualifications Advisory Committee as directed by the Controller.
- (2) At a meeting of the Committee:
 - (a) the chairperson and 3 other members constitute a quorum; and
 - (b) questions arising must be determined by the majority vote of the members present and voting; and
 - (c) subject to this regulation, the Committee must determine the procedure to be followed at or in connection with the meeting.
- (3) The Committee must keep records of its meetings.

14 Regulation 15 amended (Renewal of permits and licences)

- (1) Regulation 15(2)
omit
all words after "than"
insert
the application date.
- (2) Regulation 15(3)
omit
further

insert

renewed

(3) After regulation 15(3)

insert

(4) In this regulation:

application date means one of the following:

- (a) if the existing licence is a water extraction licence – 6 months before the date on which the licence is due to expire;
- (b) if the existing licence is any other licence or permit – 1 month before the date on which the licence is due to expire.

15 Part 5 inserted

After regulation 24

insert

Part 5 Transitional matters for Water Legislation Miscellaneous Amendments Act 2019

25 Application of regulation 15

- (1) Regulation 15, as in force immediately before the commencement, continues to apply in relation to an application to renew a water extraction licence that is due to expire on a date that is earlier than 9 months after the commencement.
- (2) In this section:

commencement means the day on which the *Water Legislation Miscellaneous Amendments Act 2019* commences.

16 Regulations further amended

Schedule 2 has effect.

Part 4 Repeal of Act

17 Repeal of Act

This Act is repealed on the day after it commences.

Schedule 1 Act further amended

section 10

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 4(1), definition bore , paragraphs (a), (b), (c) and (e)	ground water	groundwater
section 4(1), definition ground water	ground water	groundwater
sections 4(1), definition waterway , paragraph (ga) and 9(1)(b)	ground water	groundwater
section 14, heading	ground water	groundwater
sections 14, 16(1)(b), 17A(7)(b) and 34(a)	ground water	groundwater
Part 6, heading	Ground water	Groundwater
Part 6, Division 4, heading, sections 59, 60, 60A and 61, headings	ground water	groundwater
sections 70(a), 72, definition water , paragraph (b), 78(b) and 113(b)	ground water	groundwater

Schedule 2 Regulations further amended

section 16

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
regulation 9, heading	Ground water	Groundwater
regulation 9(1)	<i>ground water</i>	<i>groundwater</i>
regulation 9(2)	ground water	groundwater
