

THE NORTHERN TERRITORY OF AUSTRALIA

No. 12 of 1979

AN ACT

To amend the Control of Waters Act

[Assented to 26 January 1979]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. This Act may be cited as the Control of Waters Act 1978. Short title
2. The Control of Waters Act is in this Act referred to as the Principal Act. Principal Act
3. Section 2 of the Principal Act is amended - Interpretation
 - (a) by inserting before the definition of "Bed" and "Banks" the following definition:

"aquifer" means a geological formation which is capable of accepting, storing or transmitting water;"
 - (b) by inserting after the definition of "Bed" and "Banks" the following definition:

"Controller" means the Controller of Water Resources appointed under section 2A;"
 - (c) by inserting after the definition of "Dam" the following definition:

"Drainage Control Area" means an area declared a Drainage Control Area under section 16L;"
 - (d) by adding at the end of the definition of "Watercourse" the words ", and includes the estuary of a watercourse"; and
 - (e) by inserting in the definition of "Work" after "conservation" (wherever occurring) ", containment".
4. After section 2 of the Principal Act the following section is inserted:

Control of Waters

Controller of Water Resources "2A.(1) The Minister may appoint a person to be the Controller of Water Resources.

"(2) The Controller is, in the performance of his functions under this Act, subject to the control and direction of the Minister."

Pollution, &c., prohibited 5. Section 10 of the Principal Act is amended -

(a) by omitting "If" and substituting "Subject to section 10A, if"; and

(b) by omitting "or lake" (wherever occurring) and substituting ", lake or aquifer".

6. After section 10 of the Principal Act the following section is inserted:

Clean water standards

"10A.(1) A person shall not throw, release or discharge into any watercourse, lake or aquifer a substance which is prescribed as a prohibited substance.

"(2) Subject to sub-section (3), a person shall not throw, release or discharge into a watercourse, lake or aquifer a substance containing a concentration of a substance which is prescribed as a restricted substance in excess of the concentration specified by the Minister under sub-section 5 in respect of that restricted substance.

"(3) The Minister may, by notice published in the Gazette, apply a regulation made by reference to sub-section (2) to a watercourse, lake or aquifer, or a watercourse, lake or aquifer during a period specified in the notice and the regulation applies only to the extent so specified.

"(4) The Minister may, from time to time, by notice published in the Gazette, specify concentrations in respect of prescribed substances as restricted substances."

Entry onto land, &c.

7. Section 11 of the Principal Act is amended -

(a) by omitting from sub-section (1) "Any person thereto authorized by the Minister may" and substituting "The Controller, or a person authorized in writing by the Controller, may"; and

(b) by omitting sub-section (2).

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8. Section 16FA of the Principal Act is amended by omitting all words up to and including "following things:-" and substituting "The Controller, or a person authorized in writing by the Controller, may, for the purposes of investigating the water resources of the Territory or of controlling the use or movement of water -".

Entry onto
land, &c.

9. After section 16K of the Principal Act the following sections are inserted:

"16L. The Minister may, by notice published in the Gazette -

Drainage
Control
Areas

- (a) declare a part of the Territory to be a Drainage Control Area; and
- (b) amend or alter the boundaries of a Drainage Control Area.

"16M.(1) The Controller may, by notice in writing served on a person -

Power of
Controller
in Drainage
Control Areas

- (a) prohibit, regulate or limit (either conditionally or unconditionally) the release or discharge of water by a person from a Drainage Control Area;
- (b) require that person to -
 - (i) take samples of water or any other substance from a Drainage Control Area;
 - (ii) make an analysis, in a manner specified in the notice, of that water or substance; and
 - (iii) report to the Controller the results of that analysis;
- (c) require that person to -
 - (i) install and use specified monitoring equipment in a Drainage Control Area; and
 - (ii) report to the Controller the readings taken on that equipment; or
- (d) require that person to take such measures as are specified in the notice to prevent or minimize seepage of water within a Drainage Control Area to aquifers.

"(2) Without limiting the generality of sub-section

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(1), a notice under that sub-section may require a person -

(a) to discharge or release water from a Drainage Control Area -

(i) only at times; or

(ii) only by channels,
specified in the notice;

(b) not to discharge or release from a Drainage Control Area water which does not conform to a standard specified in the notice;

(c) to satisfy the Controller that the effect of the release or discharge of water from a Drainage Control Area in the manner specified in the notice (being a manner in which the person proposes to release or discharge water from the Area) would not have a detrimental effect on the environment; and

(d) to discharge or release water from a Drainage Control Area in a manner specified in the notice which will not cause silting or contamination of a watercourse or lake.

"(3) A person served with a notice under sub-section (1) shall comply with and shall not contravene that notice.

Penalty: \$10,000 and, in addition, a penalty of \$2,000 for each day in respect of which the person contravenes or fails to comply with the notice.

"(4) The Controller may serve a notice under sub-section (1) on a person -

(a) by post;

(b) by leaving the notice with the person; or

(c) by leaving the notice with a person who is apparently employed by the person on whom service of the notice is to be effected.

Damages

"16N. Where a person contravenes or fails to comply with section 10A or a notice under section 16M, and damage is caused which compliance with the notice would have avoided, he is liable -

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- (a) to pay to the Territory the cost to the Territory of remedying all damage so done and of reinstating the environment so far as possible to the condition in which it would have been if the notice had been complied with; and
- (b) to pay to a person other than the Territory damages for any loss so occasioned to that person."

10.(1) Section 17 of the Principal Act is amended by omitting paragraph (c) and substituting the following paragraph:

Offences and penalties

"(c) a requirement specified in a notice given to or served on him by the Minister or the Controller under this Act, other than a notice under section 16M,".

(2) Section 17 of the Principal Act is amended by omitting "100 dollars" and substituting "\$1,000".

11. Section 18 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

Regulations

12. The Principal Act is amended by omitting from sections 9(2), 12, 16C(1), 16D, 16E, 16FC(1) and (2), 16H(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (12) and (13) and 16K "Minister" (wherever occurring) and substituting "Controller".

Formal amendments





