

NORTHERN TERRITORY OF AUSTRALIA

WATER AMENDMENT REGULATIONS 2008

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Subordinate Legislation No. 31 of 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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Subordinate Legislation No. 31 of 2008\*

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## ***Water Amendment Regulations 2008***

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Water Act*.

Dated 20 November 2008

T. I. Pauling  
Administrator

By His Honour's Command

D. P. Lawrie  
Treasurer  
acting for the  
Minister for Natural Resources, Environment and Heritage

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\* Notified in the *Northern Territory Government Gazette* on 26 November 2008.

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**1 Citation**

These Regulations may be cited as the *Water Amendment Regulations 2008*.

**2 Commencement**

These Regulations commence on the commencement of the *Water Amendment Act 2007*.

**3 Regulations amended**

These Regulations amend the *Water Regulations*.

**4 New regulation 2A**

After regulation 2

*insert*

**2A Definitions**

In these Regulations:

***approved form*** means a form approved by the Controller under regulation 3(2).

***relevant land***, in relation to an application made under the Act, means the land to which the application relates.

**5 Repeal and substitution of regulation 3**

Regulation 3

*repeal, substitute*

**3 Applications and forms**

- (1) A person who makes an application under the Act must lodge the application with the Agency.
- (2) The Controller may approve the forms to be used under the Act.
- (3) An application required to be in accordance with an approved form must include, or be accompanied by, all the information required by the form that is necessary for the person to whom the application is made to make a proper decision.
- (4) If a person lodges an application with insufficient information to enable a proper decision to be made, a public sector employee of the Agency may return the application for proper completion.

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## 6 Repeal and substitution of Part 3, Division 1

Part 3, Division 1

*repeal, substitute*

### Division 1 Permits and licences except drilling licences

#### 5 Water investigation permit

- (1) An application under section 36(1) of the Act for a permit to explore for water (a ***water investigation permit***) must be in accordance with the approved form.
- (2) The Controller may publish in a newspaper circulating in the locality where it is proposed to explore a notice that the application has been made.
- (3) The newspaper notice must include the following details:
  - (a) a description of the relevant land;
  - (b) the person to whom enquiries about the application may be directed;
  - (c) the way in which objections to the granting of the water investigation permit may be made.
- (4) The costs of publishing the newspaper notice must be met by the applicant for the water investigation permit.
- (5) If a newspaper notice is published, the Controller must give a copy of the notice to the owners and occupiers of land in the vicinity of the relevant land that the Controller considers may be affected by the grant of the water investigation permit.
- (6) Subregulation (2) does not apply if the application is for the renewal of an existing water investigation permit and is made not later than 1 month before the date on which the existing permit is due to expire.
- (7) A water investigation permit must be in the approved form.

#### 6 Permit to construct or alter works

- (1) An application under section 41(1) of the Act for a permit to construct or alter a dam, water storage or water control structure (a ***permit to construct or alter works***) must be in accordance with the approved form.

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- (2) The Controller may publish in a newspaper circulating in the locality where it is proposed to carry out the work a notice that the application has been made.
  - (3) The newspaper notice must include the following details:
    - (a) a description of the relevant land;
    - (b) the person to whom enquiries about the application may be directed;
    - (c) the way in which objections to the granting of the permit to construct or alter works may be made.
  - (4) The costs of publishing the newspaper notice must be met by the applicant for the permit to construct or alter works.
  - (5) If a newspaper notice is published, the Controller must give a copy of the notice to the owners and occupiers of land upstream or downstream of the relevant land that the Controller considers may be affected by the grant of the permit to construct or alter works.
  - (6) Subregulation (2) does not apply if the application is for the renewal of an existing permit to construct or alter works and is made not later than 1 month before the date on which the existing permit is due to expire.
  - (7) A permit to construct or alter works must be in the approved form.

## **7 Bore construction permit**

- (1) An application under section 57(1) of the Act for a permit to carry out an operation referred to in section 56(1) of the Act (a **bore construction permit**) must be in accordance with the approved form.
- (2) A bore construction permit must be in the approved form.

## **8 Surface water extraction licence**

- (1) An application under section 45(1) of the Act for a water extraction licence to take or use water (a **surface water extraction licence**) must be in accordance with the approved form.
- (2) A surface water extraction licence must be in the approved form.

## **9 Ground water extraction licence**

- (1) An application under section 60(1) of the Act for a water extraction licence to take water from a bore (a **ground water extraction**

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**licence**) must be in accordance with the approved form.

- (2) A ground water extraction licence must be in the approved form.

**9A Waste discharge licence**

- (1) An application under section 74(1) of the Act for a licence to carry out an action otherwise prohibited by section 73 of the Act (a **waste discharge licence**) must be in accordance with the approved form.
- (2) An waste discharge licence must be in the approved form.

**7 Repeal and substitution of regulations 10 and 11**

Regulations 10 and 11

*repeal, substitute*

**10 Drilling licence**

- (1) An application under section 49(1) of the Act for a drilling licence must be in accordance with the approved form.
- (2) The kinds of drilling licences the Controller may grant are as follows:
- (a) Drilling Licence Class 1;
  - (b) Drilling Licence Class 2;
  - (c) Drilling Licence Class 3 (restricted or unrestricted).
- (3) A drilling licence must be in the approved form.

**11 Section 53 – prescribed information and samples**

- (1) This regulation prescribes the information and samples the Controller may require the holder of a drilling licence (the **licensee**) to provide under section 53 of the Act in connection with work carried out on a bore under the licence.
- (2) The prescribed information is any of the following:
- (a) information about the bore, including:
    - (i) the name of the bore's owner; and
    - (ii) the name of the bore; and
    - (iii) a sketch and brief description of the bore's location; and

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- (iv) the bore's final construction status (for example, whether the bore is capped, equipped, backfilled or abandoned);
  - (b) information about the work carried out, including:
    - (i) the dates on which the work started and ended; and
    - (ii) the contractor and driller carrying out the work and whether it was carried out under the supervision of the licensee; and
    - (iii) the nature of the work, including the method of drilling, the diameter of the hole drilled, and the casing and packing used;
  - (c) information about the strata and water bearing beds found in the bore;
  - (d) information necessary for the Controller to ensure the licensee has complied with the Act.
- (3) The prescribed samples are 1 or both of the following:
- (a) representative samples of strata, each of approximately 250 grams and including a sample of each change of strata observed in the bore:
    - (i) taken from the bore at intervals not exceeding 3 metres; and
    - (ii) secured in clean bags, preferably made of plastic, each at least 10cm x 15cm in size and 0.1mm thick;
  - (b) a representative sample of at least 1 litre of water:
    - (i) taken from each water cut encountered during bore drilling operations; and
    - (ii) preserved in a clean bottle that is completely filled and tightly stoppered or sealed.
- (4) A bag or bottle in which a sample is kept must be clearly marked to identify the bore from which, and the depth at which, the sample was taken.



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**8 Repeal and substitution of regulation 15**

Regulation 15

*repeal, substitute*

**15 Renewal of permits and licences**

- (1) A person who holds a permit or licence (an **existing licence**) may renew the existing licence by lodging an application in accordance with the appropriate approved form.
- (2) An application to renew an existing licence must be lodged not later than 1 month before the date on which the licence is due to expire.
- (3) If the Controller renews an existing licence, the Controller must issue a further licence to the applicant.

**9 Repeal and substitution of regulation 17**

Regulation 17

*repeal, substitute*

**17 Register of water extraction licences**

The register of water extraction licences must contain the following information in relation to each water extraction licence in force:

- (a) the name and address of the holder of the licence;
- (b) the date on which the licence is due to expire;
- (c) the location of the property from which the water is currently taken;
- (d) the maximum quantity of water that may be taken annually;
- (e) the source of the water that may be taken.

**10 Repeal of Schedule**

Schedule

*repeal*

**11 Further amendments**

The Schedule has effect.

**Schedule Further amendments of Water Regulations**

regulation 11

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Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
regulation 4(1)(a)	Form 1	the approved form
regulation 4(2)	Form 2	the approved form
regulation 18(1)	form	approved form

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