

Explanatory Statement

WATER MISCELLANEOUS AMENDMENTS BILL 2019

SERIAL NO. XX

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Water Act* and Water Regulations.

The purpose of the Bill is to address technical irregularities and administrative inefficiencies that have been identified in the administration of the *Water Act* and Water Regulations.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short Title

Provides for the citation of the Bill, when passed, as the *Water Miscellaneous Amendments Act 2019*.

Clause 2. Commencement.

Establishes when the *Water Miscellaneous Amendments Act* will commence; being the date fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Water Act

Clause 3. Act amended

Identifies the *Water Act* as the Act to which Part 2 of the *Water Miscellaneous Amendments Act* applies.

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

Amends the scope for which section 71A applies by excluding the grant of water extraction licences required as a result of a subdivision or consolidation under the *Planning Act*, and water extraction licences resulting from a trade between two parties that already have a water extraction licence. The resulting water extraction licences must not result in a net increase in licensed water entitlement.

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

Removes the requirement to circulate a notice in a newspaper circulating throughout the Territory and instead requires that the notice only be published in a local newspaper.

Reduces the onus to notify occupiers of land immediately adjacent to the land which the notice relates to require the use of reasonable efforts to identify the occupiers of the land and providing them with a copy of the notice. There are no changes to require all owners to be notified.

Clause 6. Section 106 amended (Service of documents)

Adds an option for servicing documents by email.

Clause 7. Part 16 inserted

New section describing the transitional matters for *Water Legislation Miscellaneous Amendments Act 2019* as they relate to sections 71A and 71B. These sections will commence for applications for water extraction licences received on or after commencement.

Clause 8. Act further amended

Gives effect to Schedule 1 which lists the instances where 'ground water' is amended to a single term 'groundwater'.

Part 3 Amendment of Water Regulations

Clause 9. Regulations amended

Identifies the Water Regulations as the Regulations to which Part 3 of the *Water Miscellaneous Amendments Act* applies.

Clause 10. Regulation 10 amended (Drilling licence)

Removes the specificity of 'restricted or 'unrestricted' on Class 3 driller licences such that any class of licence may be restricted by its terms and conditions.

Clause 11. Regulations 12 and 13 replaced

Relaxes the prescriptive nature of the membership of the Drillers Qualification Advisory Committee such that the Committee as a whole has the required skills, rather than requiring each of the previous four categories of members with specific skills and experience.

The amendments provide for a simple majority of members to constitute a quorum, rather than prescriptively requiring members from each of the four categories of members.

Clause 12. Regulation 15 amended (Renewal of permits and licences)

This section amends the Regulations to require renewal applications for water extraction licences to be submitted not less than six months before the expiry date.

Clause 13. Part 4 inserted

This section outlines the transitional arrangements as they apply to new regulation 15. Regulation 15 will come into force for applications to renew a water extraction licence that is due to expire on or after 9 months after commencement of the amended *Water Act*.

The transitional arrangements provide three months for licence holders to be advised of the amendments and to make preparations for submitting renewal applications that will be required for licences due to expire nine months after commencement of the Act.

Clause 14. Repeal of Act

Allows the amended *Water Act* to take effect.

Schedule 1 Act further amended

Lists the instances in the *Water Act* where 'ground water' is amended to a single term 'groundwater'.

Schedule 2 Regulations further amended

Lists the instances in the Water Regulations where 'ground water' is amended to a single term 'groundwater'.