

## 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. Section 108 amended**

Updates the cross-reference to consent relating to the change in use of a bore.

**Clause 8. Part 17 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 9. 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 10. Regulations amended**

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

**Clause 11. 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 12. 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 13. 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 14. Part 5 inserted**

This section outlines the transitional arrangements as they apply to amended regulation 15. Regulation 15 as amended 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 combination of amended regulation 15 and the transitional arrangements means the department has three months to advise relevant licence holders 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 15. Regulations further amended**

Gives effect to Schedule 2 which lists the instances where 'ground water' is amended to a single term 'groundwater'.

**Part 4 Repeal of Act**

**Clause 16. 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'.