



Northern Territory of Australia

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Northern Territory of Australia

Water Act

Declaration of Exemptions

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council and in accordance with the recommendation of the Minister:

- (a) under sections 44(3) and 47 of the *Water Act* and with reference to section 43 of the *Interpretation Act*, revoke the instrument entitled "Declaration of Exemptions under Sections 44(3) and 47" dated 26 June 1992 and published in *Gazette* No. S35 on 30 June 1992; and
- (b) under section 44(3) of the *Water Act*, make the declaration set out in the Schedule, Part A; and
- (c) under section 47 of the Act, make the declaration set out in the Schedule, Part B.

Dated 28 June 2016

J. L. Hardy
Administrator

By His Honour's Command

G. J. Higgins
Minister for Land Resource Management

Schedule

Part A – Exemptions Under Section 44(3)

Section 44(1) of the *Water Act* does not apply to or in relation to:

- (a) the taking or use of water for the purpose of filling, and the use of water in, a rural dam that has a bank height of less than 3 m and a catchment area of less than 5 km²; and
- (b) the use of water for recreational purposes.

Part B – Exemptions Under Section 47

1 Interpretation

(1) In this Part:

general purpose bore – high rate means a bore or proposed bore that:

- (a) is more than 3 m deep; and
- (b) is not a special purpose bore or a stock and domestic purpose bore; and
- (c) provides and is equipped to supply an instantaneous discharge rate at ground surface in excess of 15 L per second.

general purpose bore – low rate means a bore or proposed bore that:

- (a) is more than 3 m deep; and
- (b) is not a special purpose bore or a stock and domestic purpose bore; and
- (c) does not provide and is not equipped to supply an instantaneous discharge rate at ground surface in excess of 15 L per second.

shallow bore means a bore, or proposed bore, that is, or when completed will be, not more than 3 m deep.

special purpose bore means a bore or proposed bore that is more than 3 m deep and that is constructed or used for the purposes of:

- (a) laying water supply or sewerage pipes or other pipes or cables associated with water, gas or electricity supplies or telephonic or electronic communications; or
- (b) carrying out site investigations for the foundations of a building, road or cutting, constructing the foundations of a building, road or cutting, extracting water from the area occupied by such foundations, or locating materials necessary for the construction of a road or earthen structure; or
- (c) a drain under the control of a public authority.

stock and domestic purpose bore means a bore or proposed bore that is, or when completed will be, used in accordance with section 14 of the Act.

waste disposal system means septic tanks and associated effluent disposal systems, pit latrines, cesspits or other excavations or structures for the disposal of household waste which are constructed and operated in accordance with the provisions of any other law of the Territory.

WCD means a water control district declared for ground water management purposes.

- (2) For this Part, the depth of a bore is measured from the natural ground surface to the bottom of the bore.

2 Bores

The provisions of Part 6 of the Act specified in the Table below do not apply to or in relation to a bore of a class and in the location indicated.

Table

Class of bore	Location	
	Within WCD	Outside WCD
Shallow bore	Divisions 2, 3 and 4	Divisions 2, 3 and 4
Stock and domestic purpose bore	-	Division 3
General purpose bore – high rate	-	Division 3
General purpose bore – low rate	-	Divisions 3 and 4
Special purpose bore	Divisions 2, 3 and 4	Divisions 2, 3 and 4

Note

Under section 59(1) of the Act, a person does not need to hold a licence to take water from a stock and domestic purpose bore if the person is authorised by section 14 of the Act to take the water.

3 Waste Disposal Systems

Part 6 of the Act does not apply to or in relation to a waste disposal system.