

## No. 17 of 1965

An Ordinance to amend the *Control of Waters Ordinance 1938-1962*

[Assented to 24th May, 1965.]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

1—(1.) This Ordinance may be cited as the *Control of Waters Ordinance 1965*. Short title and citation.

(2.) The *Control of Waters Ordinance 1938-1962* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Control of Waters Ordinance 1938-1965*.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\* Commencement.

3 Section three of the Principal Ordinance is amended— Natural waters to vest in the Crown.

(a) by omitting from sub-section (1.) the words “under this or some other Ordinance” and inserting in their stead the words “under this Ordinance or some other law in force in the Territory”;

(b) by omitting from paragraph (a) of sub-section (1.) the words “or any other Ordinance or law” and inserting in their stead the words “or some other law”; and

(c) by omitting from paragraph (b) of sub-section (1.) the words “any Ordinance or law which is, or has been, in force in the Territory” and inserting in their stead the words “this Ordinance or some other law which is, or has been, in force in the Territory”.

4. Section five of the Principal Ordinance is amended by omitting from sub-section (1.) the words “in this Ordinance or in some other Ordinance or law” and inserting in their stead Diversion of water prohibited

\* The date fixed was 16th June, 1965 (see *Government Gazette* No. 24 of 16th June, 1965, p. 96).

the words "in this Ordinance or some other law in force in the Territory".

No right to take water except in pursuance of some law in force in the Territory.

5. Section eight of the Principal Ordinance is amended by omitting the words "this or some other Ordinance" and inserting in their stead the words "this Ordinance or some other law in force in the Territory".

Obstruction of water courses prohibited.

6. Section nine of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words "in this or some other Ordinance" and inserting in their stead the words "in this Ordinance or some other law in force in the Territory"; and

(b) by inserting after sub-section (1.) the following sub-section:—

"(1A.) No person shall interfere with or obstruct or destroy a watercourse or lake on land other than land in relation to which the last preceding sub-section applies except as provided in this Ordinance or some other law in force in the Territory."

Certain things not to be done in water control districts without permission.

7. Section sixteen B of the Principal Ordinance is amended—

(a) by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-sections:—

"(1.) The Administrator in Council may, by notice in the *Gazette*, prohibit the doing, within a water control district specified in the notice, of such of the following acts as are specified in the notice except in accordance with a permit granted to him and in force under this section:—

(a) ring-barking, cutting down or destroying a tree;

(b) causing or suffering a tree to be ring-barked, cut down or destroyed;

(c) constructing, altering, removing, repairing, cleansing or scouring a drain, trench or channel;

(d) causing or suffering a drain, trench or channel to be constructed, altered, removed, repaired, cleansed or scoured;

(e) constructing, altering or removing an embankment against a lake or watercourse;

- (f) causing or suffering an embankment against a lake or watercourse to be constructed, altered or removed;
- (g) constructing, altering or removing an embankment which alters or is likely to alter the course of, or in any way impede or be likely to impede, the flow or movement of water;
- (h) causing or suffering to be constructed, altered or removed an embankment which alters or is likely to alter the course of, or in any way impede or be likely to impede, the flow or movement of surface water;
- (i) sinking, constructing or using a well or water bore;
- (j) causing or suffering a well or water bore to be sunk, constructed or used.

“(1A.) Notwithstanding the provisions of sub-section (2.) of section three of this Ordinance, a person shall not do within a water control district an act which he is prohibited from doing in that water control district by a notice under the last preceding sub-section.

“(1B.) A notice under sub-section (1.) of this section may not prohibit—

- (a) the sinking or constructing of a well or water bore for domestic purposes; or
- (b) the use of water from a well or water bore upon land less than five acres in extent if the well or water bore is equipped with machinery which is not capable of pumping more than five hundred gallons of water per hour.

“(2.) The Administrator may grant a permit to a person authorizing him to do in a water control district specified in the permit any or all of the acts referred to in paragraphs (a) to (j) (inclusive) of sub-section (1.) of this section.”; and

(b) by omitting sub-section (6.) and inserting in its stead the following sub-section:—

“(6.) Sub-section (1A.) of this section does not apply to a person who does anything forbidden by that sub-section if the thing he does is done in the exercise of rights conferred on him by a licence issued under section fourteen c of this Ordinance or in accordance with a permit granted to him under sub-section (2.) of this section.”.

Administrator may require certain methods, &c., to be adopted &c.

8. Section sixteen E of the Principal Ordinance is amended—

(a) by omitting from paragraph (b) the word “and” (second occurring); and

(b) by adding at the end thereof the following paragraphs:—

“(d) to refrain from taking water from a well or water bore for any purpose, other than a domestic purpose, specified in the notice except during such times as are specified in the notice; and

(e) to refrain from causing or permitting the source of supply of a well or water bore to be contaminated or become likely to be contaminated by any waste water, cesspit or other source of contamination belonging to or under the control of the owner or occupier.”.

Administrator may authorize entry on land.

9. Section sixteen F of the Principal Ordinance is amended by adding at the end of paragraph (d) the words “or protecting it from pollution.”.

10. The Principal Ordinance is amended by inserting after section 16J the following new section:—

Information concerning wells and water bores to be furnished to Administrator.

“16K. A person who has upon land owned or leased by him which is within a water control district a well or water bore which is constructed or used for domestic purposes shall furnish to the Administrator such information relating to that well or water bore as is prescribed.”.

**11** Section seventeen of the Principal Ordinance is repealed and the following section inserted in its stead:—

“ 17. A person who fails to comply with or contravenes— Offences and penalties.

- (a) a provision of this Ordinance;
- (b) a term or condition of a licence or permit granted to him under this Ordinance; or
- (c) a requirement specified in a notice given to or served on him by the Administrator under this Ordinance,

is guilty of an offence and is punishable, upon conviction, by a fine not exceeding Fifty pounds.”.

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