

# DEVELOPMENTS IN THE NORTHERN TERRITORY

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## Water Bill

Following the introduction of a Draft Water Bill in May 1991, a revised Bill was tabled on 19 November 1991.

The Bill contains general provisions relating to rights to natural water, as well as the establishment of an administrative structure for the regulation of the use and quality of water resources. Wide discretionary powers are vested in the Controller of Water Resources. There is provision for the establishment of a Water Resources Review Panel to advise the Minister and Controller. In the draft Bill this body was referred to as a Tribunal. As in the draft Bill, applications for review of decisions of the Minister or Controller can, at the Minister's discretion, be referred to the Panel for their advice.

Part 4 of the Bill requires the Controller to institute an ongoing program to investigate existing water resources and their use. Parts 5 and 6 provide for the regulation of use of surface and ground water by way of a permit or licence system.

Of critical importance are the provisions in the Bill relating to pollution control. The Bill does provide for a transition from almost non-existent regulation of waste water discharge to a system of licensing of any waste water disposal into the environment. Unfortunately, the drafters of the Bill have shown a singular lack of vision in choosing to adopt a regulatory system which has proved so ineffective in other jurisdictions.

The Bill includes a basic prohibition of pollution (clause 16), provision for the establishment of water quality standards and the licensing of waste discharge, into both surface and ground waters. The penalties for pollution are fines or imprisonment (up to 12 months) for individuals and fines (\$5,000-\$50,000) in the case of a body corporate.

The drafters have rejected the submission of the NT Environment Centre that the penalty options be broadened to include such measures as orders for remedial or preventative action, orders to pay the cost of clean-up and compensation to pollution victims. The only time that prevention, abatement or mitigation action is mentioned in the Bill is a provision that empowers the Controller to take such action in a situation that the Controller considers is an emergency (clause 97). Given the past reluctance of authorities in all Australian jurisdictions to pursue prosecutions and impose substantial fines, doubt must be expressed as to the likely success of such a limited regulatory strategy succeeding in the Northern Territory.

The Bill exempts the mining industry from any form of regulation. The Bill does not apply to mining leases or other mining tenements. This exemption has produced an outcry from environment groups and other bodies. There have been many instances of lax water management of mines in the Northern Territory and reform is long overdue. Mines clearly have the potential to pollute waterways and jeopardise the integrity of the Territory's Water resources.

## Pastoral Land Bill

Following much heated debate in the community over the draft Pastoral Land Bill the Minister for Lands and Housing has decided to forge ahead with his plans for the deregulation of pastoral land in the Northern Territory.

The major object of the new legislation is "to secure perpetual lease tenure on which pastoralists can base long-term investment and management decisions ...".

"Decisions on property and herd development should be the sole province of the lessee based on market and seasonal conditions, not government red-tape".

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