



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 260

WRITTEN QUESTION

J Davis to the Minister for Water Resources, Hon Joshua Burgoyne MLA:

Water Act Review and Licensing

1. What reviews of the Water Act 1992 has the Government undertaken or commissioned since 1 January 2015?
 - a. For each, please state who conducted it, its terms of reference, whether it was conducted within the Department or by a person independent of it, whether its report was published, and what amendments followed.
 - b. Has any review of the Act been conducted by a person or body independent of the Department and of Government since 1 January 2015?
 - c. Will the Government commit to an independent, expert-led review of the Act as a whole, rather than amendment of particular provisions? If so, what is the timeline; if not, what is the reason?
 - d. If no comprehensive review has been undertaken, on what date was the last one, and by whom was it conducted?
2. Given the serious concerns raised by Traditional Owners and environmental experts, will the Government place a moratorium on all new water licences and allocations until the independent review of the Water Act is complete?
3. How does the Government regulate the environmental impacts of large-scale water extraction projects, including the Singleton horticulture development?
 - a. Which instrument imposes each of those controls — the licence, the water allocation plan, an environmental approval, or a condition of another approval?
 - b. For each large-scale extraction licence granted since 1 September 2024, what monitoring of environmental impact is required, and to whom are the results reported?

4. How is the Government ensuring aquifers — particularly those that sustain rivers in the Big Rivers region during the dry season — are protected from over-extraction?
 - a. How are cultural water values factored into water allocation decisions?
5. How is the Government working with traditional owners, land councils and Aboriginal organisations to ensure water management reflects cultural, spiritual and environmental values as well as economic interests?
6. Will the Minister commit to regular public reporting of water usage, allocations and aquifer levels, particularly in high-risk or heavily allocated areas?
7. Schedule 2 of the Water Act 1992 (Reviewable decisions) was inserted by Act No. 13 of 2024 and has since been amended twice — by section 31 of the Petroleum, Planning and Water Legislation Amendment Act 2025 (Act No. 7 of 2025), which commenced on 8 April 2025, and by section 110 of Act No. 25 of 2025. As in force at 13 September 2025, item 13 makes a decision of the Controller under section 60(1) to grant a licence to take water from a bore reviewable only “if the application for the licence was an application in relation to which section 71M or 71R applied”, and names the affected person as “the person who applied for the licence”.
 - a. Which items of Schedule 2 were omitted by Act No. 7 of 2025, and which by Act No. 25 of 2025?
 - b. Other than the applicant, is any person entitled under Schedule 2 to apply for review of a decision to grant a water extraction licence; if so, under which item?
 - c. A person who makes a written comment on an application under section 71B(4) — is that person an affected person for the purposes of any item of Schedule 2?
 - d. Section 133 provides that Schedule 2 as in force immediately before the commencement continues to apply in relation to a decision made under section 60(1) before the commencement. Where a decision made before 8 April 2025 is quashed and remitted for redetermination, does the Government consider that section 133 applies to the redetermination?
 - e. What was the policy reason for confining review of a grant to applications to which section 71M or 71R applied, and in which document is that reason recorded?

- f. The Department's page records that the Petroleum, Planning and Water Legislation Amendment Bill 2025 removed "the right of third parties to ask for merit reviews", and defines third parties as "people not directly affected by the decision, such as the permit, licence or approval holder". The permit, licence or approval holder is the person Schedule 2 names as the affected person. Which persons does the Government say retain a right to merit review of a decision to grant a water extraction licence?
- 8. Section 71B(2) of the Water Act 1992 provides that, for a notice of intention to make a water extraction licence decision, "The Controller must publish the notice in the manner the Controller considers appropriate". Section 71B(5) provides that the applicant must pay the costs of publishing the notice.
 - a. The Department's page "Changes to water legislation" attributes the removal of the newspaper requirement to the Lands, Planning and Environment Legislation Amendment Bill 2025, and records that Schedule 2 of the Water Act 1992 was also amended by Act No. 25 of 2025. Which Act removed the newspaper requirement, on what date did it commence, and which items of Schedule 2 did Act No. 25 of 2025 amend?
 - b. In what manner has the Controller published each notice of intention given since 8 April 2025? Please provide by application, the manner of publication and the date.
 - c. Is there a policy, guideline or direction as to the manner the Controller considers appropriate; if so, what is its title and date, and is it published?
 - d. How does publication in that manner ensure that affected communities, including remote communities with limited internet connectivity, are made aware of applications that affect them?
 - e. How many written comments were received under section 71B(4) in each of 2024–25 and 2025–26, and in how many cases were none received?