

18 April 2019

Economic Policy Scrutiny Committee
Legislative Assembly of the Northern Territory
Parliament House
Darwin, NT 0800

By email: EPSC@nt.gov.au

Dear Chair and Committee members,

RE: Submission on the Water Legislation Miscellaneous Amendment Bill 2019

Lock the Gate welcomes the opportunity to make a submission to the Committee on the *Water Legislation Miscellaneous Amendment Bill 2019*.

By way of background, Lock the Gate Alliance is a national grassroots organisation made up of 100,000 individuals and over 250 local groups who are concerned about unsafe or inappropriate mining. The mission of the Lock the Gate Alliance is to protect Australia's agricultural, environmental, and cultural resources from inappropriate mining and to educate and empower all Australians to demand sustainable solutions to food and energy production. Lock the Gate works across the NT and is committed to advocating for environmental and community health, and the productivity of local economies.

We have a key concern with this Bill, as it recommends action to enshrine a further lack of transparency into the process of applying for a water license in the Northern Territory.

71B Notice of Intention to make water extraction licence decision

The draft Bill currently proposes at 71B(2)

Omit: in a newspaper circulating throughout the Territory and may also publish the notice

In proposing this change, the Bill appears to limit the ability of the public to find out about water license applications. This is a particularly bad look, considering one of the most controversial and high-risk industries in the Northern Territory, the onshore fracking industry, now requires water licenses. The significant public investment in new regulations for fracking are supposed to be designed to lower the risk of the industry to an "acceptable level" and increase transparency – not the opposite.

The draft wording to remove the advertising requirement should be removed. This section of the Bill should be replaced with an additional legal requirement for the information about the

water license application to be clearly available on the Government's Water Licensing Portal: <http://waterresources.nt.gov.au/WaterLicensingPortal/Licences.htm>

Further, in line with the Government's commitments for improved transparency, the Bill must include the requirement that the supporting documents provided to the Government by the proponent must also be made clearly available on the website.

Currently these documents are only available at the Water Resources Division offices in Katherine, Darwin and Alice Springs. They can only be viewed - no copies are allowed to be made for Territorians living remotely without access to these offices.

Water is a public resource. Access to clean water is a basic human right. There is absolutely no need for secrecy around water license applications. Determining water license applications should be a straight forward process, in which the public has the right to information about the application. That will help ensure informed public submissions within the permissible submission period.

Further, the draft amendment after section 71B(6) does not go far enough to inform local occupiers. The draft currently states to insert "In addition, the Controller must: (a) use reasonable efforts to identify any occupiers of land immediately adjacent to the land mentioned in subsection (6)(a) and (b); and (b) give a copy of the notice to the identified occupiers."

However, if this information is only the small water license application advertisement, and not the full supporting documents, then it is of limited value.

The recent Santos water license application process was a good example of why more public information is of value. A local landholder on a remote cattle station did not have the ability to access the supporting documents at a Government office in Alice Springs, Katherine or Darwin. Through the local Member of Parliament, the landholder was eventually able to access some of the supporting information for the water license application.

Therefore, this landholder was able to make an informed submission, pointing out some inconsistencies with the target aquifer listed in the proponent's drilling logs compared to the advertised aquifer. The submission could therefore be helpful to the Government in considering the full information at hand and the appropriate decision. The landholder should have been able to do this through simple access to documentation online, not having to involve the local Member.

It is the strong recommendation of the Lock the Gate Alliance that the Bill should include the requirement for supporting documentation for water license applications to be found online at the Water Licensing Portal, at least during the time period for which public submissions are open. Plus, a copy of the advertisement and supporting documents should be provided to neighbouring land occupiers.

In the unlikely event that the supporting documents contain commercial in confidence information, certain parts of documents could be redacted, as is already common practice for other matters.

Thank you for your consideration of this feedback.

I can be contacted to discuss elements of this submission further.

Yours truly,

Naomi Hogan
Lock the Gate Alliance