



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

Member - National Farmers' Federation & Cattle Council of Australia

NTCA Submission to the Economic Policy Scrutiny Committee Inquiry into the *Water Legislation Amendment Bill 2018*

The Northern Territory Cattlemen's Association (**NTCA**) is the peak primary industry advocacy body in the Northern Territory, representing over 90% of the Territory's pastoral industry, which includes small family owned and operated pastoral holdings, Indigenous enterprises and large corporate entities.

NTCA members are custodians of over 700,000km² of the NT landmass, and manage a total herd of over 2.1 million head of cattle. The NTCA comprises four branches, from each of the main regions of the Northern Territory and works collaboratively with numerous community and industry groups and operates at a Territory, national and international level.

The NTCA thanks the Northern Territory Government for the opportunity to make a submission to the Economic Policy Scrutiny Committee's inquiry into the *Water Legislation Amendment Bill (Amendment Bill)*.

Upon review of the Amendment Bill in full detail, the NTCA has identified some areas which are of concern. The NTCA was not involved in negotiations or consultations in the drafting of these amendments, nor were they afforded the ability to review the proposed legislation prior to being tabled in parliament.

Part 6 Division 3 – Bore Work Permits

Part 6 Division 3 should not apply to bores located outside the Darwin Rural Water Control District which are drilled and maintained solely for livestock and domestic use on pastoral properties (stock and domestic purpose bores).

Much of the Northern Territory does not have enough surface water to sustain pastoral operations and therefore there is a requirement to drill and maintain ground water bores for livestock and domestic use. These bores are the lifeblood of a pastoral operation and without them the pastoral industry would not be able to operate to the economic scale that it does today. Current legislation, regulations and exemptions provide the framework for the use of bores located on pastoral properties located inside and outside Water Control Districts (**WCD's**)

Within the current legislation framework, Section 47 of the *Water Act* allows for the Administrator, on recommendation of the Minister and by notice in the Gazette, the ability to declare that a provision of Part 6 does not apply to or in relation to a bore of a class or description specified in the notice, and accordingly that provision does not apply.

Special Gazette 63 (6 July 2016) provides for an exemption of Division 3 for the use of stock and domestic purpose bores when located outside a WCD. Division 3 of the *Water Act* outlines the requirement for Bore Work Permits (currently known as Bore Construction Permits).

Suite 9, 1st Floor, Raffles Plaza, 1 Buffalo Court, Darwin NT 0800 | GPO Box 4845, Darwin NT 0801

T: (08) 8981 5976 | F: (08) 8981 9527 | E: office.darwin@ntca.org.au | W: www.ntca.org.au



It is the NTCA's submission that this exemption should also apply to:

- bores located outside the Darwin Rural Water Control District; and
- used in accordance with section 14; and
- are stock and domestic purpose bores.

The current exemption is only encapsulated within the gazette notice and does not have the surety that a provision with the *Water Regulations* would provide. As a Gazette notice, this exemption is open to the whim of the Minister and can be changed with no notice, no consultation and therefore no ability for pastoralists to prepare for change. By securing the exemption in the *Water Regulations*, would allow some certainty in the manner which pastoralists operate their water infrastructure and expenditure and therefore allowing them to plan and prepare for bores to be drilled at a time that suits them without fear of a change with no notice or forewarning.

Whilst the possibility of this occurring may seem extremely low, on Friday 20 July 2018, the Minister for Environment and Natural Resources (in a notice dated 22 June 2018), revoked the declaration of the Daly Roper Water Control District and declared the newly expanded Daly Roper Beetaloo Water Control District.

The newly expanded area incorporated land on 13 pastoral properties. Some (but not all) of these properties received a letter (dated 19 July 2018) attached to a generic email which was received on 20 July 2018 – the day of the gazette notice.

A result of the expansion of the WCD without notice meant that any pastoral operation which was in the middle of drilling a bore or replacing the casing of a bore was immediately in breach of the *Water Act* and would need to halt work and wait two weeks for the processing of a Bore Construction Permit¹.

There was no direct consultation with the NTCA prior to the expansion of the WCD and the letter which was sent out to pastoralists was badly drafted causing greater confusion.

It is because of these recent events, that the NTCA is no longer satisfied with the security of the gazetting of the exemption and believe it should be expanded to include bores drilled and maintained solely for livestock and domestic use on pastoral properties and that the exemption be incorporated into the *Water Regulations*.

Notwithstanding the above submissions, the NTCA is pleased with the inclusion of a defence to prosecution which has been drafted into inserted Section 56 of the Amendment Bill. Under the current *Water Act* there is no regime in place to allow for the urgent drilling of bores in circumstances which without the urgent access to ground water could or would result in adverse public health and animal welfare outcomes.

¹ Two weeks is the standard timeframe which the Department of Environment and Natural Resources state the application takes to be considered (<https://nt.gov.au/environment/water/bores-drilling-and-dams/apply-for-bore-construction-permit/how-to-apply-bore-construction-permit>)



NORTHERN TERRITORY CATTLEMEN'S ASSOCIATION INC.

Advancing and protecting the interests of cattle producers in the Northern Territory

The NTCA is committed to remain engaged in the review process. If the Committee requires further information regarding this submission, it is urged to contact NTCA Chief Executive Officer – Ashley Manicaros.

Contact:

Ashley Manicaros
Chief Executive officer
Northern Territory Cattlemen's Association
Ashley.manicaros@ntca.org.au