



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 259

WRITTEN QUESTION

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

Singleton Station Water Licence Remittal

On 5 August 2026, in *Mpwerempwer Aboriginal Corporation v Minister for Territory Families* [2026] HCA 23, the High Court ordered that water extraction licence WDCP10358 (Singleton Station) be quashed and the matter remitted to the Minister administering the *Water Act 1992* to be decided according to law.

- 1. What process and timeline has the Minister set for the remitted decision?**

The Department of Lands, Planning and Environment (DLPE) is working to understand the implications of the High Court decision to provide the best advice to the Minister when making the decision.

- 2. Will the Minister invite further submissions from traditional owners and affected communities before redetermining the application?**

See response for Question 1.

- 3. How will Aboriginal cultural values be assessed and weighed in the redetermination?**

See response for Question 1.

- 4. Will the opinion under section 60(4)(b) of the Water Act that special circumstances support a 30-year licence term be formed afresh?**

- a. On what evidence?**

See response for Question 1.

5. **The Department's Guideline: Limits of Acceptable Change to Groundwater Dependent Vegetation in the Western Davenport Water Control District (Version 1.0, approved by the Chief Executive 13 February 2020) states: "There is limited scientific evidence to confidently set this threshold for Australian arid-zone GDEs specifically. However, through reference to research in a broad range of environmental and developmental contexts nationally, and noting the relatively intact nature of the region and the Plan objectives, DENR has determined that 70% of the current extent of GDEs in the Western Davenport Water Control District should be protected from negative impact."**
- a. **Will that Guideline be applied in the redetermination?**
 - b. **Given the Department's own statement that there is limited scientific evidence to set the threshold for arid-zone groundwater dependent ecosystems, on what research in what other contexts was the 70 per cent figure based? Please identify each study relied on.**
 - c. **What consideration was given to a higher level of protection, and by whom, before 70 per cent was determined?**
 - d. **The Guideline is expressed to be read subject to the Western Davenport Water Allocation Plan declared in December 2018, which expired on 6 December 2022 and has since been replaced; the current plan is the fourth declared for the district. The Guideline remains at Version 1.0 more than six years after approval, and section 4.3 provides that it may be refined as understanding improves. What further studies in the plan area have been completed since 13 February 2020, and has any revision of the Guideline been considered?**
 - e. **What is the current extent of groundwater dependent ecosystems in the Water Control District against which the 70 per cent is calculated, on what date was that extent determined, and has it been revised since?**
 - f. **The 70 per cent applies within each of the two major landform classes and within each property. What proportion of groundwater dependent ecosystem extent on Singleton Station was assessed as exposed to negative impact under the quashed licence, by landform class?**

See response for Question 1.

6. **The State of the Water Resource report for Western Davenport 2024–25 records that "A significant portion of water that has been issued under water extraction licences is subject to staged water**

extraction conditions”, under published departmental guidelines. Was licence WDCP10358 subject to staged water extraction conditions and, if not, why not? Will staged conditions apply on the redetermination?

See response for Question 1.

- 7. What assessment has been made of the biodiversity values at Singleton Station, including ghost gums, coolibah woodlands and wetlands, and how will that assessment inform the redetermination?**

See response for Question 1.

- 8. What assessment has been made of the net economic benefit of the proposed project to the Territory, including water pricing and local employment arrangements?**

a. What royalty or other charge is payable to the Territory in respect of water extracted under the licence? If none is payable, is any charge proposed?

b. What price per megalitre, if any, is payable for water taken under the licence?

There is no charge for water extracted under a licence in the Northern Territory, with the exception of a \$3,000 per licence annual contribution applying to onshore hydraulic fracturing companies.

Placing a charge on water is not a priority of this Government.

c. What assessment has been made of the proportion of the project's workforce expected to be resident in the Territory, as distinct from fly-in fly-out?

This should be referred to the Department of Trade Business and Asian Relations or Department of Agriculture and Fisheries

- 9. In *Mpwerempwer Aboriginal Corporation v Minister for Territory Families* [2026] HCA 23 the Court records that condition precedent 10 required the licensee, rather than the Department or the Central Land Council, to develop and submit the Aboriginal cultural values impact assessment, to identify the reference points to be used in modelling impacts on those values, and to specify the monitoring parameters, trigger values and limits for those reference points.**

- a. On the redetermination, who will prepare the Aboriginal cultural values impact assessment?
- b. Will the Central Land Council be appointed to undertake that assessment, or any part of it?
- c. Will any condition again require the applicant to specify the monitoring parameters, trigger values and limits against which the impacts of its own extraction are assessed?
- d. If the applicant is again to prepare the assessment, what independent review will apply before it is accepted?

See response for Question 1.

10. The State of the Water Resource report for Western Davenport 2024–25 records an estimated sustainable yield of 87,700 megalitres per year, 51,479 megalitres licensed for economic use across 11 water extraction licences, and licensed water used at 4 per cent. Does the volume licensed include licence WDCP10358, and what proportion of the total volume licensed in the plan area did that licence represent?

The status of the water resource report accounts for all licences in the Western Davenport plan area.

You can access the details for each licence, including licence volumes, from the water licensing portal here:
<https://nt.gov.au/environment/water/licensing/licence-and-notice-portals>

11. Appendix M to the licence application material, Groundwater Dependent Ecosystem Mapping — Vegetation Model Validation (GHD for Fortune Agribusiness Funds Management, November 2022), records that the applicant's own validation of the vegetation model used to constrain its borefield found that the model “appears to overestimate GDV within both the sandplain and alluvial landscapes”. On the redetermination, will the Department commission its own field validation rather than rely on the applicant's, and if not, why not?

See response for Question 1.

12. Schedule 2 of the Water Act 1992 as in force at 13 September 2025 makes a decision of the Controller under section 60(1) to grant a licence to take water from a bore reviewable only where section

71M or 71R applied, and names the affected person as the person who applied for the licence. Section 133 preserves Schedule 2 as previously in force for decisions made under section 60(1) before 8 April 2025.

- a. On the redetermination of the licence quashed by the High Court, which Schedule 2 will apply — that in force before 8 April 2025, or that in force at the date of the redetermination?**
- b. If the current Schedule 2 applies, will any person other than the applicant be entitled to apply for review of the redetermination?**

See response for Question 1.