



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?**

There has been no formal comprehensive review of the Water Act since 1 January 2015. While review of the Water Act was a commitment under the Territory Water Plan by the previous Government, no funding was provided. and a review of the Water Act is not a priority of this Government.

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?**

There will be no moratorium on new water licences or allocations.

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?

A water extraction licence controls how much water can be taken from a water resource and for large scale water extraction projects, will often include requirements for monitoring and adaptive management plans to mitigate residual risks associated with extraction.

Environmental approvals will impose controls for impacts ancillary to water extraction.

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?

The water extraction licence specifies the monitoring requirements based on the individual characteristics of the proposal, the resource being accessed, and any identified environmental risks. Monitoring data is provided to the Controller of Water Resources.

A copy of all water extraction licences, with licence conditions, are available online here:
<https://nt.gov.au/environment/water/licensing/licence-and-notice-portals>

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?

Water allocation plans for Katherine, Ooloo and Mataranka in the Daly Roper Beetaloo water control district have been developed and can be found <https://nt.gov.au/environment/water/management-security/water-plan/water-control-districts/daly-roper-beetaloo>. The water allocation planning process determines how much water must stay in the environment to protect ecological functions and meet environmental requirements, and how much is available for drinking and regional economic priorities. Plans are developed using technical and scientific assessments, alongside extensive community participation, and consultations.

To protect dry season flows water extraction licences in the Big Rivers region are subject to announced allocations as detailed in the respective plans.

You can find more information about announced allocations here:

<https://nt.gov.au/environment/water/management-security/water-plan/announced-water-allocations>

a. How are cultural water values factored into water allocation decisions?

The water allocation planning process accounts for cultural values through engagement activities with water advisory committees and Aboriginal reference groups where they are established, peak bodies and interest groups and public consultation. You can read more about how we engage with Territorians here:

<https://nt.gov.au/media/docs/environment/water/licensing-and-permits/water-resource-management-statement-engaging-territorians.pdf>

Water allocation plans include cultural objectives, and cultural values feature in Implementation Actions.

You can read more about water allocation plans here:

<https://nt.gov.au/environment/water/management-security/water-plan/water-allocation-plans>

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?

Refer above.

6. Will the Minister commit to regular public reporting of water usage, allocations and aquifer levels, particularly in high-risk or heavily allocated areas?

State of the Water Resource Reports are published and can be found online from here: <https://nt.gov.au/environment/water/management-security/water-plan/water-allocation-plans>

Road side displays are also routinely updated in the Darwin rural area and Ti Tree.

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?

- Act No. 7 of 2025 omitted items 2, 4, 6, 10, 12, 15, 18, 21 and 26; and
- Act No. 25 of 2025 omitted item 25.

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?

No

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?

No.

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?

This will depend on the particular circumstances of the case and the direction of the Courts in quashing any case.

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?

Sections 71M and 71R provide a streamlined decision-making process for previously exempt water users to transition them into the licensing regime for improved water resource management.

The Explanatory Statement records a broader policy of removing third-party merits review to provide industry certainty, foster

confidence in the regulatory framework and reduce delays associated with potentially vexatious reviews.

- 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?**

Merits review rights for the grant of a water extraction licence are retained by the applicant/licence holder as the affected person identified in Schedule 2.

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?**

The Schedule 2 review-right amendments were made by the separate *Petroleum, Planning and Water Legislation Amendment Act 2025* commencing on 9 April 2025.

The newspaper publication requirement was removed by the *Lands, Planning and Environment Legislation Amendment Act 2025* (Act No. 25 of 2025), commencing on 13 September 2025.

- 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.**

Each notice of intention is published for 20 business days as required by the Act. You can access the online portals for notices and licence decision here:

<https://nt.gov.au/environment/water/licensing/licence-and-notice-portals>

- 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?**

You can find a copy of the Controller's statement about online publication here:

<https://nt.gov.au/environment/water/management-security/water-controller>.

- 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?**

The Controller also provides copies of the notices to adjacent landowners and the relevant land council.

- 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?**

This is not data specifically collected. All comments are provided online published with the decision documents available from the Water Licensing Portal, links are provided above.