

Submission Guide: Draft Surface Water Take – Wet Season Flows Policy

The purpose of the Draft Surface Water Take – Wet Season Flows Policy and the draft Interference with a Waterway Guideline is to increase water extractions for large-scale irrigation in the Northern Territory, predominantly cotton.

The Northern Territory Government is taking submissions on the Wet Season Flow policy until 9 January 2023. This guide is intended to help anyone who wishes to contribute to this consultation.

1 Intergovernmental commitments

Intergovernmental Agreements aim to promote nationally consistent policies and regulation.

The Northern Territory Government has committed to two intergovernmental agreements relevant to this policy:

- the National Water Initiative, and
- Principles of Best Practice Regulation.

1.1 National Water Initiative

The National Water Initiative is an intergovernmental agreement signed in 2004.

The National Water Initiative was intended to drive economic productivity and efficiency. It was also developed, in part, to remedy the mistakes made in the Murray-Darling Basin for Basin governments, and to help other governments avoid them.

The Northern Territory has not implemented most of the commitments it made in the National Water Initiative.

To avoid the mistakes of the Murray-Darling Basin, the Northern Territory Government should implement the National Water Initiative in full before developing policies that encourage large-scale irrigation.

The Northern Territory has no safeguards in place to protect its rivers from large-scale irrigation.

1.2 Principles of Best Practice Regulation

The Council of Australian Governments agreed to Principles of Best Practice Regulation. The Northern Territory Government has developed a Regulation-Making Framework consistent with these Principles.

The Regulation-Making Framework should apply to the Wet Seasons Flow Policy.

The Principles of Best Practice Regulation and the Northern Territory's Regulation-Making Framework have not been followed. The Government has not published any economic analysis of surface water harvesting, or how it will affect other water-dependent industries. The implicit assumption that the benefits of surface water harvesting will outweigh the costs is unsubstantiated.

A Regulatory Impact Statement must be the first step taken before the policy is developed.

There should be an independent annual assessment of the income and added value to the Northern Territory economy generated from the water licences. This would allow an evidence-based assessment of whether the economic benefit is real, and worth the costs to Aboriginal people, other industries and the environment.

2 Draft Surface Water Take - Wet Season Flows Policy

The stated purposes of the policy are:

To establish the allocation rules for quantifying wet season water flow volumes available for consumptive use from a river basin, while maintaining free flowing rivers and important environmental and cultural values.¹

The policy does not refer to allocation rules and fails to demonstrate how it will maintain free flowing rivers and important environmental and cultural values.

The policy claims that it:

establishes a hierarchy of allocation rules for taking surface water in the wet season and provides guidance on water extraction licensing.

The policy does not establish a hierarchy of allocation rules for taking surface water or provide guidance on water extraction licensing.

The proposed commencement date of the policy is 1 July 2022. It was released for public comment on 8 November 2022.

If the policy is being applied retrospectively, have licence applications already been received by the Government? If so, the Northern Territory Government is disregarding this consultation.

¹ Department of Environment, Parks and Water Security. (2022). *Surface Water Take – Wet Season Flows Policy: Draft for consultation*. https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/ce7e4459c7e610dc86a5be14461d2272f516834e/original/1667870468/ac6be43d28aeafc336c0e71c705bb279_Surface_Water_Take_-_Wet_Season_Flows_Policy.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIOR7VAOP4%2F20221120%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20221120T021723Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=2fa669069b2274d766f627c8e68d6a818750412c6ab6a3b918c2b00939ac3100

Wet Season water extraction licences will be issued on a 'first in first served basis.' This is inequitable and does not safeguard against extractions being dominated by a small number of licence holders. This aspect of the policy lacks the transparency and objectivity required to ensure procedural fairness.

The policy contains an undertaking that it will be reviewed within five years of commencement. There is no detail of the review, including if it will be independent.

The policy says that the water allocated to consumptive water will be based on:

- a. scientific research if available, or
- b. historic gauged data if available, or
- c. surface water models.

The Government should already be aware which Basin's consumptive use will be determined by which of the above methods. That information should be made public.

The policy does not explain how scientific research will be identified, assessed or used.

If there is no historic gauged data, what information is used in the surface water models and how are they calibrated?

The policy states that licences will be subject to minimum flow conditions. The policy should explain how the minimum flows will be determined, particularly in valleys that do not have gauged data.

Licence holders will be required to monitor, record and report on conditions of take. This policy should clarify if the conditions of take will be self-regulated by licence holders.

The policy is silent on metering requirements.

Self-regulating of water extractions, particularly without compulsory modern metering, is unacceptable. Water licences should not be issued unless there is a rigorous, independent, and tamper proof monitoring regime in place.

3 How to make a submission

Introduce yourself and who you represent.

Add your own experience, know-how and values.

Explain why healthy rivers matter to you.

Share this guide.

Access the [Surface Water Take – Wet Season Flows](#) and *Interference With a Waterway Guidelines* policy documents

Submit your submission by Monday 9 January to WaterSecurity.NTC@nt.gov.au

Find out more at www.territoryrivers.org.au or email info@territoryrivers.org.au