



Media release:

24 June 2021

## Protection for our water should be paramount: challenge to 10 billion litre water extraction licence upheld

**10 billion litre per annum water extraction licence overturned in unprecedented Ministerial intervention, but questions remain about the Northern Territory Government's water management system**

The Northern Territory's peak environment body, the Environment Centre NT (ECNT) has praised Minister Natasha Fyles for overturning a 10 billion litre per year licence, whilst also outlining concerns about the Northern Territory Government's water management process as a whole.

ECNT's Co-Director Kirsty Howey, said today "The Minister's decision to overturn this 10 billion litre per year licence is a huge win for the environment. Sanity has prevailed. This is a timely reminder of the risk of rushing to give away our water. It's good that the Government has listened - we need more of it."

ECNT and the Northern Land Council successfully challenged the decision by the Acting Water Controller to grant a 10GL groundwater extraction licence to the Northern Territory Land Corporation in the Larrimah Zone of the Katherine-Tindall aquifer. A Review Panel recommended to the Minister that the water licence be overturned, and Minister Fyles has now accepted that advice.

"The water resource in question is highly valued by Territorians, discharging into Bitter Springs near Mataranka and into the magnificent Roper River, a prime recreational fishing river. It is absolutely vital that any licensing that affects the flows of the Roper is treated with caution," said Ms Howey.

"The fact is that it should never have come to this. The Government's own Review Panel outlined that the decision did not take a precautionary approach, did not take into account climate change, used the wrong allocation rules, and used a Technical Report with significant shortcomings."

"Whilst this decision is welcome, questions remain over the Northern Territory Government's ability to regulate water resources. This is evident in the recent actions of the Water Controller – including the granting of a 40 billion litre licence for free to Fortune Agribusiness south of Tennant Creek, with significant risk to groundwater dependent ecosystems."

"This has shone a light on to what is clearly a broken water regulatory system – one that is failing and in need of urgent reform. The decision also raises real questions about the feasibility of plans for large-scale irrigated agriculture trumpeted by the Northern Territory Government, including the huge release of NT Land Corporation land announced last year. It's far from clear that this scale of development can be done sustainably, and without irreversibly damaging our precious water."

"We cannot have a regime in which grant licences are approved when it is clear they will irreversibly damage our precious water. Whilst the Minister's intervention has fallen on the side of logic this time around, we need to overhaul what is clearly broken a fundamentally broken system," concluded Ms Howey.

## Background:

NT Land Corporation's Larrimah development is part of the Territory's largest ever single release of farm land, and comprises about 6000 hectares of land.

The Department of Environment, Parks and Water Security completed a Soil and Land Suitability Assessment for Irrigated Agriculture in 2019. The NT Land Corporation – a private entity - partnered with NT Farmers Association to call for expressions of interest for this land, with the land billed as having “a unique seasonal advantage, extending the season for crops such as the Territory staples of mangoes, citrus and melons as well as presenting opportunities for a range of dryland and irrigated crops and the development of intensified beef operations”.

The development overlays the Tindall Aquifer, which is a highly valued water resource, discharging into Bitter and Rainbow Springs at Mataranka, and then the Roper River and out into the Gulf of Carpentaria.

ECNT and the Northern Land Council challenged the decision by the Acting Water Controller to grant a 10GL groundwater extraction licence to the Northern Territory Land Corporation in the Larrimah Zone of the Katherine-Tindall aquifer - part of the proposed Mataranka Water Allocation Plan.

An Independent Water Resources Review Panel recommended to the Minister that the water licence be overturned, on the basis that the Acting Water Controller's original decision was significantly flawed. The Review Panel noted:

- The Acting Controller did not take a precautionary approach in granting the licence;
- The Acting Controller incorrectly used the Arid Zone contingent allocation (which permits unsustainable “mining” of the groundwater resource) as the basis for granting the licence;
- The Acting controller should have used the more cautious 80:20 rule (where only 20 percent of the annual recharge of the aquifer is allocated for consumptive or extractive uses) for the
- the Acting Controller's decision was inconsistent with previous water extraction licences issued in the area;
- the Technical Report had serious flaws and should not have been used by the Acting Controller. In particular, it:
  - was based on 59 years of modelling rather than 100 years;
  - it did not take into account the impacts of climate change;
  - there were inconsistencies in the modelling used in the report compared with earlier modelling.
- The Acting Water Controller failed to provide procedural fairness to interested parties.

The Minister accepted the recommendation of the Review Panel.

ECNT is calling for an overhaul of the Northern Territory's water laws, as outlined in their submission to the Productivity Commission here: [https://www.pc.gov.au/\\_data/assets/pdf\\_file/0007/274579/subdr160-water-reform-2020.pdf](https://www.pc.gov.au/_data/assets/pdf_file/0007/274579/subdr160-water-reform-2020.pdf).

## Media contact

Kirsty Howey: 0488 928 811