

## Attachment B: Water management in the Northern Territory

The Northern Territory represents one sixth of Australia's landmass and less than one per cent of the population. The small developing economy means that ecosystems are predominantly intact with natural ecological functions. In this context, water for the environment and culture is not an allocated entitlement, it is not licensed, it remains in free flowing rivers and extensive groundwater resources and as yet largely undeveloped.

Directed by water legislation and guided by Northern Territory Government's [Water Allocation Planning Framework](#) the majority of water is first set aside to maintain ecological systems and for cultural water requirements before water is allocated to the consumptive pool and able to be taken under a water extraction licence. Limited development and competitive demand for water means that water is available for allocation in water allocation plans. To take water, you must have access to land, a purpose for the water, and you must be able to demonstrate you are using your water. If the water is not used, unused water can be recovered in accordance with the Recovery of unused licenced water entitlements [policy](#) and [procedure](#). Licences only allow access to water for a set period of time and water is managed for the good of the Territory by the government of the day.

Water extraction licences (WELs) are granted by the Controller of Water Resources (Controller). Appointed by the Minister the independent Controller's decisions are guided by a number of factors set out in section 90 of the Water Act. In March 2024 there were 608 WELs granted to take 631,340 ML per year in the Territory. There are 535 (341,215 ML/year) groundwater extraction licences and 73 (290,125 ML/year) surface water extraction licences. Water control district increase the level of water management for beneficial uses and water quality. There are eight water control districts covering 36 % of the Territory and 94 % of licences. Pragmatically water allocation plans follow the major highways where the majority of the population reside with six water allocation plans covering 14 % of the Territory. These are continuing to increase with two draft plans that will increase coverage to 16% of the Territory.

The Territory was the first jurisdiction in Australia that enabled First Nations peoples to claim land rights and recognise sacred sites. This creates a unique situation for the Territory where more than 48 % of the land area is Aboriginal land. Access to Aboriginal land requires the consent of the relevant Aboriginal land owners, giving Traditional Owners considerable control over access to the water through their control over access to land. Through its planning processes the Northern Territory is working to significantly improve Aboriginal involvement in water plans and the understanding of water requirements for Aboriginal cultural needs to inform plans. The Territory Water Plan commits the Northern Territory Government to partnering with Aboriginal people to enhance Aboriginal participation in water decisions and better understand Aboriginal cultural values of water.

While the decision-making about water licences rests with the Controller, Aboriginal people have a pivotal role in water access. Today it is estimated that Aboriginal people benefit from holding water licences for economic benefit totalling of more than 16,000 ML of water per year. This is about 4% of the overall volume of all water extraction licences in the Territory, excluding those granted for public water supply or from tidal waters.

Since 2019 Northern Territory water legislation requires that water allocation plans allocate between 10 and 30% of the consumptive pool to an Aboriginal water reserve. This reserve is held for the benefit of eligible Aboriginal people until they are ready to use it, or can choose not to use it if leaving the water unused delivers spiritual, cultural, environmental and economic benefit by remaining untouched.

Across the Territory's water plan areas, the total volume of Aboriginal water reserves is more than 81,000ML/year of which 66,000ML or more than 80% of Aboriginal water reserves are available for use. Aboriginal water reserves are 20% of the consumptive pool allocated in water allocation plans, excluding allocations to public water supply and rural stock and domestic purposes. The Northern Territory is in the

final stages of working with Aboriginal stakeholders on how those reserves will be formally managed by establishing regulations that prescribe the group of Aboriginal people that will provide consent to access the reserve and the method for how consent will be determined. Water is allocated and available to Aboriginal people and we are already working with Aboriginal representatives to resolve how that water might be managed. The challenge for the Northern Territory now is to activate this water, and stimulate wider awareness with all Aboriginal stakeholders of its existence and possibilities for advancing Aboriginal aspirations.