

National Water Initiative Submission

2nd February 2024

There has never been a more important time to ensure protection of water through a truly national approach to water management for environment first and development second. I live in the Northern Territory, where both community and national expert concern for water resources are ignored by the NT government. A protective framework for water that ensures equitable input by all parties; government, industry, agriculture, fisheries and the community, is urgently needed.

The NT Supreme Court yesterday dismissed a legal challenge to the massive Singleton Station water allocation mounted by Arid Lands Environment Centre (ALEC). The judge dismissed the case because the NT Water Act legislation and water allocation planning process which exists to protect groundwater-dependent ecosystems, **provides only “guidance” NOT a requirement to be adhered to**. Justice Barr determined that the “use of the word ‘should’ rather than ‘must’ denotes a non-regulatory standard which is clearly not mandatory.”

(https://www.abc.net.au/news/2024-01-31/nt-supreme-court-dismisses-singleton-station-water-licence-case/103408138?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web)

It is unfortunately, painfully obvious that water regulation is failing the NT community. The above determination demonstrates how water management regulation is not worth the paper it is written on. There are very real risks of water overallocation, mining of aquifers and contamination of aquifers and rivers that sustain life in our desert areas and across the Top End. While the right-wing media scream that environmentalists are anti-development, there are many well-meaning, well-informed concerned citizens who desperately need to be able to have confidence in our government water regulation.

Water is an essential universal good, required for all of us to survive into the future. Yet in the NT, massive volumes of water never before considered, are being allocated for agricultural development and mining. This is while Aboriginal communities in the NT still do not have drinking water that meets national standards.

Last year, eighteen water experts from around Australia wrote to the NT Chief Minister to condemn the draft water allocation for the Betaloo Basin, the proposed fracked gas mining project. They pointed out how this draft plan fails requirements in the National Water Initiative (NWI) and that it was developed without input from a water advisory committee. These experts outlined the scientific risks of over allocation and where the draft plan was inconsistent with water governance in an increasingly uncertain climate. (https://www.abc.net.au/news/2022-11-25/university-academics-warn-of-poor-nt-water-planning/101692608?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web)

The community needs to have confidence in transparent water management and regulation. A robust NWI could provide the certainty to give us confidence that water resources will be well managed for all into the future. Clearly, the word ‘MUST’ must be used, not ‘should’.

The guiding principles must be based on survival of all species first and economic development last since none of us will survive without clean, safe water.

The NWI must:

1. Ensure that states and territories are accountable for water management policy and implementation.
2. Ensure that a precautionary approach to water allocation is employed.
3. Ensure independent, expert, evidence informed decision-making.
4. List environmental impacts and water protection as the first priority.
5. Protect water resources from contamination and require remediation should it occur.
6. Include First Nations people's knowledge and expertise, including cultural values and objectives.
7. Ensure adequate and appropriate engagement and consultation regarding water management with the community, including First Nation's peoples.
8. In the NT, ensure secure and safe drinking water is available for all in remote communities.
9. Ensure that a "whole of system" analysis is required, so that water allocation is considered in conjunction with already allocated water.
10. Encourage development that is NOT water intensive.
11. Prevent draining or 'mining' of aquifers.
12. Ban the practice of flood plain or surface water harvesting in the NT.
13. Prevent the commoditisation of water.
14. Prevent trading of water licenses.
15. Build policy initiatives to encourage efficient use of water

All Australians have seen the desecration of the Murray-Darling basin due to overallocation of water and poor governance over many years. The NT rivers are among the last remaining free-flowing river systems in the world. These rivers support tourism, fishing, remote Aboriginal communities and urban centres. They contain incredible natural wonders including waterfalls, freshwater springs, desert ghost gums and wildlife, hot springs and water carved gorges such as Nitmiluk which have been with us for millennia. The NWI MUST protect these urgently for us, for our children and their children into the future.

Thank you.