

# Submission:

## Draft Surface Water Take – Wet Season Flows Policy

### Interference with a Waterway Guideline – Draft for consultation

## Introduction

Thank you for the opportunity to comment on the Draft Surface Water Take - Wet Season Flows Policy and the Interference with a Waterway Guideline. We agree that the Department of Environment, Parks and Water Security (DEPWS) should protect free-flowing rivers and improve water management in the Northern Territory.

There are several supporting and clarifying documents associated with the Policy and Guideline that have been considered for this submission. They are:

- The Facts: Surface Water Take – Wet Season Flows Policy,
- Consultation Report Surface water wet season take policy principles, and
- Taking surface water in the wet season – A working example,
- Contingent Allocation Rule explained
- Processing Water Extraction Licence Applications Policy
- The Northern Territory Water Allocation Planning Framework

In addition, the policy, guideline and supporting documents have been considered in relation to well publicised plans for rapid growth of the cotton industry in the Northern Territory in the next decade. Up to 200,000 hectares are forecast to be grown.<sup>1</sup>

The consultation report states explicitly that the Northern Territory Government 'is seeking to maintain free flowing rivers.'

If large-scale irrigation development occurs without adequate information or strong regulation the Northern Territory Government will lose the opportunity to manage and control extractions.

Of genuine concern is the lack of detail about how irrigation extractions will be controlled and limited to the levels necessary to protect the values of free-flowing rivers. Stakeholders point to the mistakes made in the Murray-Darling Basin, expecting that the Department has learnt from these and that they will not be repeated.

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<sup>1</sup> Beaumont T, Pursey A, Booth C. (2022). *A fork in the river: The consequences of a major new cotton industry in the Northern Territory*, Centre for Conservation Geography [https://territoryrivers.org.au/wp-content/uploads/2022/08/NT\\_Cotton\\_Report\\_lowres.pdf](https://territoryrivers.org.au/wp-content/uploads/2022/08/NT_Cotton_Report_lowres.pdf)

Unfortunately, the question-and-answer document that supports the policy (*The Facts: Surface Water Take – Wet Season Flow Policy*<sup>2</sup>) includes a misleading reframing of these concerns. The Department asks itself the question:

*Why do some stakeholders keep referring [sic] the NT as like the Murray Darling Basin?*

And it answers:

*It's an unfair comparison designed to scare people intentionally.*

This misrepresents, then dismisses, genuine community concerns. What stakeholders expect from the department is a clear plan to avoid the mistakes of the Murray-Darling Basin, and the means to implement it.

The Facts document demonstrates a solid understanding of these mistakes, their consequences and costs. What none of the documents demonstrate is how those mistakes will be prevented.

The policy, guideline and associated documents lack vital information, particularly about how water take will be determined, how extraction will be regulated, and how values of rivers will be maintained.

This submission first addresses the Wet Season Flow Policy and the Interfering with a Waterway Guideline. It then deals with some of the lessons learnt in the Murray-Darling Basin.

## Draft Surface Water Take – Wet Season Flows Policy

### Purpose

The purpose of the Draft Surface Water Take – Wet Season Flows Policy is:

*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.*<sup>3</sup>

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<sup>2</sup> Department of Environment, Parks and Water Security. (2022). *The Facts: Surface Water Take – Wet Season Flow Policy*. [https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/dccafd8c54b357948cc095e0e9cb3ffe5829af55/original/1667870507/7223092d73fae304ced274e5014cfa5f\\_QA\\_Surface\\_Water\\_Take\\_-\\_Wet\\_Season\\_Flows\\_Policy.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNOAKIOR7VAOP4%2F20230108%2Fap-southeast-2%2Fs3%2Faws4\\_request&X-Amz-Date=20230108T195810Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=5608983f5ac0dfda07df0666530e582afb6cc0c5e20941fbaba777f2f43b32da](https://ehq-production-australia.s3.ap-southeast-2.amazonaws.com/dccafd8c54b357948cc095e0e9cb3ffe5829af55/original/1667870507/7223092d73fae304ced274e5014cfa5f_QA_Surface_Water_Take_-_Wet_Season_Flows_Policy.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNOAKIOR7VAOP4%2F20230108%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20230108T195810Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=5608983f5ac0dfda07df0666530e582afb6cc0c5e20941fbaba777f2f43b32da)

<sup>3</sup> 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=AKIA4KKNOAKIOR7VAOP4%2F20221120%2Fap-southeast-2%2Fs3%2Faws4\\_request&X-Amz-Date=20221120T021723Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=2fa669069b2274d766f627c8e68d6a818750412c6ab6a3b918c2b00939ac3100](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=AKIA4KKNOAKIOR7VAOP4%2F20221120%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20221120T021723Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=2fa669069b2274d766f627c8e68d6a818750412c6ab6a3b918c2b00939ac3100)

It provides no information about how free flowing rivers and their environmental and cultural values will be maintained.

The document states that it:

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

While the document provides an outline of how flow volumes available for consumptive use will be determined, it contains no hierarchy of allocation rules for taking surface water.

The policy does not describe adequate processes or propose sufficient measures to achieve its purposes.

## Scope

The policy excludes collection of rainfall or surface water that isn't connected to a waterway, dry season take and groundwater. This fragmented approach to water management will make the task of regulating and enforcing limits on take difficult, if not impossible.

## Commencement and review

The proposed commencement date for the policy is 1 July 2022. It was released for public comment on 8 November 2022. Together with the department's 'first in first served' licensing policy, this raises concerns about the equitability of the process.

The policy includes an undertaking that it will be reviewed within five years of commencement but provides no other information. The Department should explain:

- who will conduct the review,
- the terms of reference,
- how any findings will be handled, and
- any consequences should the review not be held.

The review should have a statutory basis and be carried out by an independent person.

## Allocation rules

This section of the policy outlines briefly how the amount of water to be taken will be determined. It does not explain the allocation process or include allocation rules.

The policy does not explain how the total volume of the consumptive pool and volumes issued to individual licence holders will interact and be managed. The department must ensure that the combined take by individual licence holders each year cannot exceed the total volume of the consumptive pool. The processes to ensure this should be explained.

The policy states that the volume of water allocated to consumptive use will be based on relevant, available scientific research. When scientific research is not available the 'contingent allocation rule,' using 50 years of flow data.

When there is no available data, total flows will be calculated using the Department's surface water models.

## Scientific research

The policy is not clear about how scientific research will be identified, assessed or used, how relevance is determined, who will decide what is relevant, and whether any deliberations on these matters will be available for public comment.

The policy states that:

*important environmental and cultural values will be identified, and the hydraulic conditions required to maintain these documented.*

This is a complex undertaking beyond the capacity of surface water models. This would require environmental and cultural response modelling, which can include:

- linking flows to environment and culture,
- testing management and climate scenarios,
- identifying key drivers in the system,
- identifying opportunity costs,
- a monitoring and reporting framework,
- repeatable analysis and transparent decision making,
- being part of the regulatory framework,
- communicating drivers, processes, and responses, and
- a framework for integrating research.<sup>4</sup>

The linking of flows to environmental and cultural values is one of the department's main safeguards to protect the rivers. The policy does not explain how this will be achieved.

More detail is required regarding the use of scientific knowledge.

## Contingent allocation rule

The policy says that if relevant scientific research is not available, the 'contingent allocation rule' will apply.

The department should already know where the contingent allocation rule will apply. This information should be made public.

The policy says that the wet season consumptive pool will be based on five percent of the 25<sup>th</sup> percentile of the total flows of the three highest flow months of the year.

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<sup>4</sup> Saintilan, S. Overton, I. (2010). Eds. *Ecosystem response modelling in the Murray-Darling Basin*. CSIRO Publishing: Collinwood

The five percent figure is presented without substantiation and appears to be arbitrary. Total flows will be determined using historical data from department gauging stations (typically 50 years), where it is available.

The policy says that:

*the proportion of the total wet season consumptive pool available to take under a licence will be calculated as a proportion of the total catchment flow. Generally, this means the further downstream the point of take the greater the portion of the wet season consumptive pool that would be available.*

It is unclear what this means. How this will be calculated needs to be explained.

The policy states that:

*If there is no available data, the total flows will be calculated using the department's surface water models.*

The department should already know where the surface water models will be used. This information should be made public.

How the department will obtain the numbers for its surface water models without data should be made public with this policy. Until this is explained it is reasonable to expect that the numbers will be guesses.

Models without long-term accurate gauge data provide no foundation for determining volumes for extraction. Establishing conditions that encourage large-scale extraction without flow measurements encourages over-extraction.

## Wet Season water extraction licence

Wet Season water extraction licences will be issued on a 'first in first served basis.' There are no apparent safeguards against the rivers being controlled by a small number of licence holders.

### Licence conditions

The policy states that licences will be subject to minimum flow conditions. The policy should explain:

- how they will be determined,
- who will determine them,
- whether the public will have the opportunity to review and comment, and
- how they are estimated in Basins that do not have gauged data.

The policy states that licence holders will be required to monitor, record and report on conditions of take. It is silent on metering requirements, suggesting that there will be no requirement for metering surface water take.

Enforcing commence and cease-to-flow conditions will be critical to maintaining the Territory's free flowing rivers. This requirement will be an enormous undertaking, requiring constant attention from a government regulator. The conflict of interest that will arise if the irrigation industry self-monitors, assesses

and regulates is, on its own, enough to confirm that the implementation of this policy will result in serious harm to Territory rivers.

## Draft Interference with a waterway guideline

Building structures in rivers contradicts the principle of protecting flows. It goes against the Northern Territory Government's commitment not to build in-stream dams.<sup>5</sup>

The Draft Guideline provides context and considerations for interfering with a waterway. It provides a 'self-assessment tool' to determine if a permit is required to undertake a work. If the applicant determines that the work will not cause material change a permit is not required.

Self-assessment is inadequate as a basis for regulation.

## Regulatory framework

The consultation report notes that some members of the department's water steering group were concerned about the adequacy of the Northern Territory Government's regulatory framework.

Of great concern, and enough to undermine this policy, is that the regulating water extractions and interfering with waterways are to be based on self-assessment.

Self-assessment allows too much scope for abuse. The policy and guidelines should not be introduced, and water licences should not be issued, until the Northern Territory Government establishes a properly funded and effective regulation and enforcement body. Tamper proof meters must be compulsory.

## Commitments and responsibilities of the Northern Territory Government

The Northern Territory Government has committed to the National Water Initiative and to the Council of Australian Government (COAG) principles of best practice regulation.

## National Water Initiative

The National Water Initiative (NWI) is a commitment to water reforms made by all Australian Governments, including the Northern Territory.

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<sup>5</sup> AFANT. (2020). *Policies 2020-24: How are NT political parties committing to support a bright recreational fishing future?*. <https://afant.com.au/>

As 'Australia's blueprint for managing the nation's water,' the different elements of the NWI are designed to work together.<sup>6</sup> The economic benefits anticipated are most likely to be achieved with:

- a statutory water entitlement and planning framework,<sup>7</sup>
- water accounting,
- users paying the full costs, including environmental externalities, thereby removing government subsidies.<sup>8</sup>

The NWI is an economic reform and a response to many of the mistakes of the Murray-Darling Basin. The former National Water Commission (NWC), responsible assessing progress towards the National Water Initiative's aims, believed that:

*...many of the challenges in the basin apply elsewhere in Australia. Lessons from the Murray-Darling Basin can benefit water management across the nation.*<sup>9</sup>

The Northern Territory Government has not met most of its NWI commitments.<sup>10</sup>

The Northern Territory Government should implement the NWI, in full, before proceeding with this policy.

## Principles of Best Practice Regulation

All Australian governments, including that of the Northern Territory, have agreed to Principles of Best Practice Regulation.<sup>11</sup>

In addition, the Northern Territory Government has its own *Regulation-Making Framework*:

*Consistent with COAG commitments and best practice regulation the Territory Government has adopted...the Regulation-Making Framework, which mandates the preparation of a Preliminary Regulation Impact Statement and the potential preparation of a Regulation Impact Statement.*<sup>12</sup>

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<sup>6</sup> National Water Commission. (2009). *Australian water reform 2009*.

<https://www.dcceew.gov.au/sites/default/files/sitecollectiondocuments/water/nwi-assessment-2009.pdf>

<sup>7</sup> National Water Commission. (2007). *Address to the Australian Cotton Shippers' Association*.

[https://web.archive.org/awa/20160615125349mp\\_/http://archive.nwc.gov.au/\\_data/assets/pdf\\_file/0019/17803/Aus-Cotton-Shippers-PRES-060907.pdf](https://web.archive.org/awa/20160615125349mp_/http://archive.nwc.gov.au/_data/assets/pdf_file/0019/17803/Aus-Cotton-Shippers-PRES-060907.pdf)

<sup>8</sup> Australian Government. (2010) *National Water Initiative Water Pricing Principles*.

<https://www.dcceew.gov.au/water/policy/policy/nwi/pricing-principles>

<sup>9</sup> National Water Commission. (2009). *Australian water reform 2009*.

<https://www.dcceew.gov.au/sites/default/files/sitecollectiondocuments/water/nwi-assessment-2009.pdf>

<sup>10</sup> Productivity Commission. (2021). *National Water Reform*. <https://www.pc.gov.au/inquiries/completed/water-reform-2020/report/water-reform-2020.pdf>

<sup>11</sup> Department of Prime Minister and Cabinet. (2022). *Australian Government RIS Process*.

<https://www.pmc.gov.au/ria-mooc/coag/coag-best-practice-regulation-guide>

<sup>12</sup> Northern Territory Government. (2021). *Regulation-Making Framework*.

<https://industry.nt.gov.au/publications/business/policies/regulation-making-framework#:~:text=Regulation-making%20framework%20The%20Northern%20Territory%20%28NT%29%20Government%E2%80%99s%20regulation-making.with%20minimal%20imposts%20on%20businesses%20and%20the%20community.>

Regulation is defined as:

*Any rule endorsed by government where there is an expectation of compliance.*<sup>13</sup>

*It includes primary (that is, Acts) and subordinate legislation, including regulations, rules, codes and plans of management.*<sup>14</sup>

The Northern Territory Government has not followed the agreed Principles of Best Practice Regulation nor its own Regulation-making Framework in relation to the Surface Water Take - Wet Seasons Flows Policy and the Interference with a Waterway Guideline. The economic benefit of increased irrigation has not been demonstrated, nor has the cost to other water dependent industries or communities been calculated.

A Preliminary Regulation Impact Statement must be undertaken before the Northern Territory Government proceeds with this policy.

## The Ramsar Convention

The Convention on Wetlands (the Ramsar Convention) is an intergovernmental treaty that provides a framework for national action and international cooperation for the conservation and wise use of wetlands.

Among other commitments, Contracting Parties undertake to promote the conservation and wise use of all wetlands.<sup>15</sup>

The policy makes no mention of whether the Northern Territory Government's commitments to the conservation and wise use of all wetlands were considered in its development. The document provides no details of how these undertakings will be met.

## Other matters

### Guiding principles for floodplain management

The National Water Commission observed that, in the absence of overarching principles guiding good policy, most matters were dealt with in isolation, with a focus on tools and methods rather than principles.

The National Water Commission published a series of papers on Australian aquatic ecosystems. One of these is *Floodplain ecosystems: resilience, value of*

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<sup>13</sup> Department of Prime Minister and Cabinet. (2020). *The Australian Government Guide to Regulatory Impact Analysis*. <https://oia.pmc.gov.au/sites/default/files/2021-06/australian-government-guide-to-regulatory-impact-analysis.pdf>

<sup>14</sup> Northern Territory Government. (2021). *Regulation-Making Framework*. <https://industry.nt.gov.au/publications/business/policies/regulation-making-framework#:~:text=Regulation-making%20framework%20The%20Northern%20Territory%20%28NT%29%20Government%E2%80%99s%20regulation-making.with%20minimal%20imposts%20on%20businesses%20and%20the%20community.>

<sup>15</sup> Department of Climate Change, Energy, the Environment and Water, 2022. <https://www.dcceew.gov.au/water/wetlands/ramsar>

ecosystem services and principles for diverting water from floodplains.<sup>16</sup> The paper proposes seven principles to guide integrated water management:

*Principle 1: Floodplains are social–ecological systems.*

*Principle 2: Floodplains provide valuable goods and services to Australian society.*

*Principle 3: Floodplains should be utilised and managed in a way that maintains social– ecological resilience.*

*Principle 4: The economic value of floodplain ecosystem goods and services should be considered when managing water allocations for floodplain ecosystems.*

*Principle 5: Different ecosystem goods and services are produced at different scales. Scale. Specific knowledge is imperative for valuation of ecosystem goods and services.*

*Principle 6: Variability, heterogeneity and uncertainty in the social–ecological system should be incorporated into the management of water allocations for floodplain ecosystems.*

*Principle 7: Strategic adaptive management and resilience analysis and management collectively provide a sound framework for managing water allocations for floodplain ecosystems. This is because they can incorporate social–ecological systems, and the valuation of ecosystem goods and services.<sup>17</sup>*

There is no indication that these or similar principles were considered during the development of the policy.

## Precautionary principle

The department states in its documents that it is taking a precautionary approach. If the Precautionary Principle has been applied:

- there would be no volumes set for extraction in the absence of long-term gauge data,
- the policy would include mechanisms to adjust for climate change,
- there would be no self-monitoring of licence conditions or interference with waterways, and
- accurate, tamper proof metering of extractions would be mandatory.

There is no indication that the Precautionary Principle is considered in the policy.

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<sup>16</sup> Capon T, Parsons M, Thoms M. (2009). *Floodplain ecosystems: resilience, value of ecosystem services and principles for diverting water from floodplains: Waterlines Report Series No. 22.* [https://web.archive.org/awa/20160615124150mp\\_/http://archive.nwc.gov.au/\\_data/assets/pdf\\_file/0007/10987/Waterlines22a\\_Floodplain-resilience.pdf](https://web.archive.org/awa/20160615124150mp_/http://archive.nwc.gov.au/_data/assets/pdf_file/0007/10987/Waterlines22a_Floodplain-resilience.pdf)

<sup>17</sup> Capon T, Parsons M, Thoms M. (2009). *Floodplain ecosystems: resilience, value of ecosystem services and principles for diverting water from floodplains: Waterlines Report Series No. 22.* [https://web.archive.org/awa/20160615124150mp\\_/http://archive.nwc.gov.au/\\_data/assets/pdf\\_file/0007/10987/Waterlines22a\\_Floodplain-resilience.pdf](https://web.archive.org/awa/20160615124150mp_/http://archive.nwc.gov.au/_data/assets/pdf_file/0007/10987/Waterlines22a_Floodplain-resilience.pdf)

## Economic development

Public statements claim that the policy will provide for the expansion of the cotton industry in the Northern Territory and support economic development.

However, the Government has not published any economic analysis of surface water harvesting or how it will affect other water-dependent industries. Nor has it explained the criteria used to justify the trade-off between the expansion of the cotton industry and costs to Aboriginal people, the environment, tourism, recreation, and other agricultural industries.

The implicit assumption, that the benefits of surface water harvesting outweigh the costs, is unsubstantiated.

The *Business Case for the Construction of a Cotton Gin in the Northern Territory* (Business Case), prepared for the NT Farmers Association, assumes that cotton production is limited by land availability, suitable crop types and freight costs.<sup>18</sup> It assumes ongoing growth where water will not be a limiting factor.

The Business Case assumes a volume of water required for anticipated growth in cotton production from 2021 until 2029. In the Daley and the Roper, the water required for the assumed growth in cotton production is more than three times the five percent of the 25<sup>th</sup> percentile wet season flow.<sup>19, 20</sup> Any economic analysis should factor in this limit.

Even ignoring the limit, the Business Case doesn't make a strong economic case. It states that the construction of a cotton gin is only feasible if subsidised by Government:

*Excluding the income from the grant, the NPV [net present value] of the project is negative at - \$5.4 million, and therefore not represent a bankable project for the Proponent. This demonstrates the need for the grant funding to assist the project's viability.<sup>21</sup>*

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<sup>18</sup> PricewaterhouseCoopers. (2019). *Business Case for the Construction of a Cotton Gin in the Northern Territory*. NT Farmers Association: Darwin. <https://az659834.vo.msecnd.net/eventsairaueprod/production-aapevents-public/60321b63d7bd4778a95579680cac25f2>

<sup>19</sup> PricewaterhouseCoopers. (2019). *Business Case for the Construction of a Cotton Gin in the Northern Territory*. NT Farmers Association: Darwin. <https://az659834.vo.msecnd.net/eventsairaueprod/production-aapevents-public/60321b63d7bd4778a95579680cac25f2>

<sup>20</sup> Dept of Environment, Parks and Water Security. (2022). *Water data portal*. <https://ntg.aquaticinformatics.net/AQWebportal/Data/DataSet/Summary/Location/G8140040/DataSet/Measured%20Water%20Level/Field%20Visits/Interval/Latest>

<sup>21</sup> PricewaterhouseCoopers. (2019). *Business Case for the Construction of a Cotton Gin in the Northern Territory*. NT Farmers Association: Darwin. <https://az659834.vo.msecnd.net/eventsairaueprod/production-aapevents-public/60321b63d7bd4778a95579680cac25f2>

There is little cotton processing and manufacturing in Australia.<sup>22</sup> Despite claims that cotton will generate significant employment in the Northern Territory, saving labour is a strong focus in the industry. Direct employment is low and mostly seasonal.<sup>23, 24, 25, 26</sup>

*Process automation is likely to become more common in all aspects of cotton farming... Wage costs are projected to fall as a share of industry revenue over the next five years as cotton producers increasingly adopt capital-intensive farming systems.*<sup>27</sup>

There should be an independent annual assessment of the income and value generated for the Northern Territory economy by the Surface Water Take – Wet Season Flows Policy.

## Surface water take and floodplain water harvesting

Floodplain water harvesting is the interception and storage of overland flows from floodplains and their networks of watercourses.<sup>28</sup> One of the difficulties regulating floodplain water harvesting is that structures on floodplains (on-farm storages, levees, banks, channels, roads and so on) often have more than one purpose. Another is that the volume of water on floodplains is effectively unmeasurable.

The question-and-answer document says that the surface water take policy ‘does not provide for or regulate floodplain harvesting as it is defined in southern jurisdictions.’ The policy does not define surface water take, nor exclude floodplain water harvesting. It follows that all types of surface water take, including floodplain water harvesting, are likely.

Without proper safeguards it is inevitable that surface water take will be floodplain water harvesting with a different name.

## Conclusion

The Draft Surface Water Take - Wet Season Flow Policy, the Interference with a Waterway Guideline and the supporting documents are imprecise, inconsistent, and difficult to review.

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<sup>22</sup> McBride and Campbell. (2021). *Pulling the cotton over their eyes*.

<https://australiainstitute.org.au/report/pulling-the-cotton-over-your-eyes/>

<sup>23</sup> PricewaterhouseCoopers. (2019). *Business Case for the Construction of a Cotton Gin in the Northern Territory*. NT Farmers Association: Darwin. <https://az659834.vo.msecnd.net/eventsairaueprod/production-aapevents-public/60321b63d7bd4778a95579680cac25f2>

<sup>24</sup> Manison. (2022). *NT Country Hour: Year ahead for the Northern Territory: Interview with Mining and Agribusiness Minister Nicole Manison*

<https://www.abc.net.au/radio/programs/nt-country-hour/year-ahead-nt-minister-nicole-manison/13755632>

<sup>25</sup> IBISWorld. (2021). Growing Cotton in Australia.

<sup>26</sup> CDRC and Boyce Chartered Accounts. (2020.). *Australian Cotton Comparative: Analysis 2019*.

<https://www.boyceca.com/assets/uploads/1/files/Corporate%20Ag/2019%20Australian%20Cotton%20Comparative%20Analysis%20Report%20WEB.pdf>

<sup>27</sup> IBISWorld. (2021). Growing Cotton in Australia.

<sup>28</sup> Patrick Brown, Matthew J. Colloff, Maryanne Slattery, William Johnson & Fiorenzo Guarino (2022): An unsustainable level of take: on-farm storages and floodplain water harvesting in the northern Murray–Darling Basin, Australia, *Australasian Journal of Water Resources*. <https://doi.org/10.1080/13241583.2022.2042061>

Statements that the Northern Territory Government approach is 'holistic',<sup>29</sup> and therefore will not repeat the mistakes of the Murray-Darling Basin are demonstrably wrong.

The National Water Initiative, the Commonwealth *Water Act 2007*, and the Basin Plan are efforts to manage holistically. The department's proposed policy and guideline show no evidence of learning from them.

One of the most important lessons from the Murray-Darling Basin is that a strong regulatory framework is essential for managing and controlling water extractions.

Self-assessment entrenches conflict of interest. The department's reliance on self-assessment as the foundation of its regulatory regime will harm the rivers. The experience of the Murray-Darling Basin shows that this can't be reversed.

The department is aware of what has happened in the Murray-Darling Basin. The department's 'the Facts' document states that the Basin is:

*...a system that is not sustainably managed that needs special environmental allocations and is severely impacted by drought. On average about 40% of runoff is used in the Murray Darling Basin, [sic] There are now huge costs associated with bringing the Murray Darling Basin back to a more sustainable footing.*

This policy and guideline will not prevent a repetition in the Northern Territory. The department must understand, even share, community concerns. However, in too many cases it turns to refutation without acknowledging or engaging with the issues. Overall, the policy and its associated documents appear to be an exercise in trying to soothe community concerns without addressing them.

The Northern Territory Government has not proposed any measures that would prevent the mistakes of the Murray-Darling Basin. Rather, it is proposing conditions that will repeat those mistakes.

For the Northern Territory to avoid mistakes of the Murray-Darling Basin, it must first meet its own commitments agreed in the NWI, Best Practice Regulation and the Australian Government's commitments to the Ramsar Convention.

There should be no increase in water extractions of any type in the Northern Territory until this has been done.

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<sup>29</sup> ABC NT. (2022). *Tourism fears NT floodplain harvesting could hit barramundi*. <https://www.abc.net.au/radio/programs/pm/tourism-fears-nt-floodplain-harvesting-could-hit-barramundi/101824874>