

**Submission:** Surface Water Take – Wet Seasons Flows Policy  
Draft for Consultation

**Date:** 9 January 2023

**Confidential treatment:** has not been requested

**Short summary:** The draft does not provide sufficient detail to assess the policy's medium and long term impact. There is, for example, insufficient detail provided for how the minimum flows will be calculated. Public assets such as water flows need to incur a charge on a volume basis for commercial use and self-monitoring incurs unacceptable risks.

**Request to be heard:** No

## Draft Surface Water Take – Wet Season Flows Policy

### About The Waterways Network (TWN)

The Waterways Network is a community practice that considers how flows, rivulets, creeks, streams, and rivers form a connected network across the landscape of Australia that is fundamental to the health of our environment. The ecological integrity of the landscape is indispensable to the health of the world in which we live, and water is the critical ingredient in that integrity. The TWN is committed to understanding water as landscape flows in an Australia-wide context in all its variability and through the similarities and differences between basins, climatic zones, and jurisdictions.

### Submission points

- 1 The TWN acknowledges the value for the environment in creating a robust legal framework for the management of wet season flows.
- 2 Water is fundamental to the health of the environment and to farming.
- 3 The development of this framework is occurring in the context of a national historical tragedy in water management. The TWN notes that wet season flows in the Northern Territory are of a differing nature and scale and timing to waterway and landscape flows elsewhere in Australia but principles learnt in all jurisdictions are useful in all jurisdictions.
- 4 Water elsewhere in Australia, and particularly in the Murray-Darling basin, but not just the Murray-Darling, has been historically over-allocated based on insufficient scientific data and monitoring and measuring. The over-allocation undermines the long-term health of the environment and the resilience of the productive landscape, and addressing the issue of over-allocation creates socio-cultural damage
- 5 These issues are magnified by the impact of climate change. Rainfall is less reliable and less predictable, which impacts and will continue to impact the viability of farming

unless landscapes are carefully managed. Historical data is not a reliable guide to future rainfalls and landscape flows.

6 Over-allocation makes proper water flow management across the landscape challenging to rectify. Reversal can damage farming communities, and achieving even modest environmental outcomes is difficult.

7 This context creates an urgency to develop effective, balanced, environmentally and socially sensitive legislation, regulation and policy. Implementing the National Water Initiative is the first step on this road.

8 Thus, it is crucial to get the management of flows right from the start. That is the lesson of the past failure of water management policy in Australia.

9 The precautionary principle is mentioned in the policy, and this submission is consistent with that principle noting that this principle advocates for caution, pausing and review before leaping into innovations that may prove disastrous.

10 The lessons learnt in water management nationally is that installing accurate modern metering with telemetry is critical to ensure compliance and effectively manage the water-take at a system level.

11 In all Australian jurisdictions, the current monitoring of water flows across the landscape, including in waterways, is insufficient to predict outcomes from extraction and diversion accurately.

12 Northern Territory Government should implement the National Water Initiative, which the government committed to in 2004 before developing policies encouraging large-scale irrigation.

13 A Regulatory Impact Statement must be the first step before the policy is developed. In addition, there should be an independent annual assessment of the income and added value to the Northern Territory economy generated from the water licences.

14 The Northern Territory Government should consider, as part of this policy, but with broader application of ongoing and current water policy initiatives, the creation of an agency similar to NRAR in NSW to ensure water theft does not become culturally acceptable among irrigators from initial extraction

15 The policy needs to explain how minimum flows are to be determined.

16 Any water extraction for commercial use should incur a charge per unit of volume extracted, which should be regularly reviewed.

17 Licences should be subject to regular review and proof that water is being effectively and productively used and is not impacting on the environment and that circumstances of allocation have not changed. Licences, once granted, should be clearly understood as a limited grant of water for the period of the licence rather than an ongoing grant in perpetuity automatically renewed at the expiry of the licence period.

18 The policy does not describe the adequacy of scientific data and/or historical gauging data on a basin-by-basin basis that is a necessary precursor to formulating an assessment of the policy.

### **Summary**

While a helpful beginning, the policy does not provide sufficient detail for confidence in the long-term application of the policy. The final policy needs to answer the questions raised and provide details on aspects such as how minimum flows are to be calculated and based on science and ongoing monitoring, which in turn is based on a rigorous, independent, and tamper-proof monitoring regime. Licences for commercial use should incur a volume charge, and licences should be considered limited and not to be automatically renewed in perpetuity. The policy must be flexible and adaptive to climate variability and ongoing environmental needs. Unexpected consequences of the policy are to be expected, and the policy needs to be adaptive to adjust to them. Self-monitoring incurs unacceptable risks.