

Legislative Assembly
of the Northern Territory

Draft Daily Hansard

Thursday 26 November 2026

This is an uncorrected proof.

Please contact the Hansard Unit with any queries on
(08) 8946 1440 or LA.Hansard@nt.gov.au.

Madam Speaker Lambley took the Chair at 10 am.

MINISTERIAL STATEMENT
Terrorist Threat

Mrs FINOCCHIARO (Chief Minister): Madam Speaker, I inform the House of a serious matter. At 4.16 am an email was sent to a number of electorate offices and ministerial offices, government media units, the Clerk of the Legislative Assembly and the Northern Territory Ombudsman. It threatened violence against members of this Assembly, our staff and public places across Darwin. The matter was referred to the Northern Territory Police Force straightaway.

I advise the House that the Territory Duty Superintendent and the JESCC have conducted an immediate assessment. Counterterrorism within Police is further assessing the information and has commenced investigating the details contained therein.

The threat contained in the email is disturbing and designed to strike terror into not only this parliament, but into our community.

I assure everyone in this Chamber and the wider community that I have full faith in Commissioner Martin Dole and the Northern Territory Police Force to take all appropriate action. Territorians can be assured that their safety always comes first.

In the heightened environment following the horrific attack on federal Member of Parliament, Helen Haines, last month, this is a matter that police are not taking lightly. Our thoughts, indeed, remain with Helen and her family. That attack is exactly why every threat against a member or their staff must be taken seriously.

I acknowledge the staff who opened that email today. Electorate officers and public servants read correspondence from Territorians every day, often about the hardest moments int heir lives. They are not the decision-makers; they did not sign up to be threatened and intimidated in their workplace. We have to acknowledge this has caused angst and upset within our workforce.

The Northern Territory Police will provide further information and briefings to all affected officers as further details continue to emerge. My office and the Leader of the Opposition's office have been in contact. All of us in this Chamber are united in our condemnation of this behaviour.

Those who have paid the ultimate sacrifice to maintain our hard-fought democratic freedoms deserve better than these threats.

Ms UIBO (Opposition Leader): Madam Speaker, I thank the Chief Minister for her critical update this morning. It was a huge shock, but in times like this the bipartisanship of the parliament for the people we represent and the staff who support us is paramount.

I thank you, Chief Minister, and your office for ensuring that our team is aware of what is going on and the latest updates. You have offered us a briefing which we appreciate.

The Labor opposition condemns any threats of violence and behaviour. The protection of our democracy is about making sure we have full and open debate, but it is done in a safe and respectful manner. Most importantly, what we all protect here as Members of the Northern Territory Legislative Assembly is our Australian democracy, which has served us well for many years.

In terms of the support for staff, I appreciate the Chief Minister being able to offer and show her support for that, acknowledging the public servants as she has done. Any type of threatening behaviour is to be taken seriously, and she has shown her leadership in this space. Our Labor opposition team offers any support that we can provide, not just to parliament members and staff, but the wider community as well.

Again, I thank you, Chief Minister.

ENVIRONMENT AND WATER LEGISLATION AMENDMENT BILL
Serial 81

Mr BURGOYNE (Lands, Planning and Environment): Madam Speaker, I move that the Bill be now read a second time.

DRAFT

Mr BROWN (Arafura): Madam Speaker, this Bill should not even be before the Assembly, because the minister for the Environment has not done a single bit of consultation on it.

He has not picked up the phone to call a single stakeholder to seek their views. Everyone we have spoken to about this Bill had no idea it was coming and have been left trying to understand the impacts on the ground of what the minister proposes. Those impacts are potentially significant in terms of eroding environmental protections and removing Territorian's rights to have a say on issues that impact on their lives.

This Bill confirms one thing—the CLP government has no respect or regard for Territorians who deserve a say on critical matters that impact their lives, but who are being increasingly silenced and sidelined by this arrogant, sneaky government. It shows they have no respect or regard for our environment, our heritage or our water.

It is beyond belief that the Member for Braitling can stand in this Chamber and loudly proclaim that he is the champion for the environment at the same time as dismantling important protections for our land, our water, our culture, our heritage and our lifestyle. He can come in and say that he is an environmental warrior as much as it as he likes, but that will not make it true.

He is removing transparency, accountability and good governance in environmental and water management. He has done this without speaking to anyone first. The question is why? He has done this because he knows that a number of the amendments he has brought to the House do not serve the interests of Territorians or of the Territory itself.

I mentioned before that we have not been able to identify a single stakeholder or individual that the minister has bothered to consult before bringing this Bill to the House—not a single one. In contrast, over the past few weeks, we have been out speaking to as many stakeholders as possible and seeking their feedback on the minister's Bill. We spoke to the land councils, LGANT, regional council environmental groups, Keep Top End Coasts Healthy, NT Farmers Cattlemen's Association, AFANT, the waste and recycling industry and many more.

One common theme has emerged from these conversations; they were not consulted and they have concerns about the impact of the Bill. Those opposite do not seem to realise that this approach is starting to wear thin with Territorians, who are feeling increasingly let down by this arrogant government that refuses to engage with them or involve them in decision-making. Organisations have been left in the dark about why these changes have been proposed, how they apply in practice, whether risks have been fully thought through and their potential consequences.

We know these changes put the interests of big industry ahead of Territorians who want to see their water system and environment protected. This is a government that does what it wants, rather than what Territorians need it to do.

This random collection of amendments that the minister has brought before the Assembly may seem like minor changes on the face of it, some even seem sensible, like streamlining the container deposit scheme; but others set off loud alarms, and we will not be supporting them.

Those opposite try to dress it up that the proposed changes red tape reduction but what they are really about is reducing transparency accountability and critical protections for our environment and our water. It is death by a thousand cuts as Territorian voices are slowly silenced and environmental protections are gradually but surely traded away, one legislative clause at a time.

We will not be supporting the changes to the *Heritage Act* that remove the rights of interested Territorians to have a say in heritage decisions. The minister has already removed third-party merits review on petroleum, environment and water legislation so it comes as no surprise that he is now seeking to strip those rights from the *Heritage Act* as well.

This would remove an important avenue of appeal for Territorians who genuinely care about preserving our past. As we have seen, time and time again, this government is only interested in governing for some and not for all Territorians.

Concerns have been raised with us about changes to the *Environmental Protection Act* that would allow the security deposit to be returned to operators who are no longer responsible for the mine site. On one hand these changes may make sense in principle as they would transfer environmental obligation to the new operator but on the other hand, the CLP government cannot be trusted to ensure mining companies meet

DRAFT

their obligation to remediate and rehabilitate mine sites because no-one has consulted about these changes or have been given the opportunity to have a say.

Stakeholder have told us they have no confidence that these changes will be implemented in a way that adequately protects the environment. Given this minister's track record of stripping back environmental protections across a whole range of laws under his portfolio, people have every right to be sceptical about this change, its potential consequences and, importantly, who the minister has made this change for. Meanwhile, public consultation periods have been cut short for certain mining licences and conditions. We have said it many times before and I will say it again today, silencing Territorians is not cutting red tape, it is avoiding scrutiny.

Water is our most precious resource. Territorians understand that, whether you are a traditional owner, tourism business owner, a fisho, a farmer, a property owner, a tourism operator or a pastoral leaseholder. Every Territorian relies on water to live, run a business, practice their culture and simply to enjoy our incredible lifestyle. We live in one the most beautiful places in the world and Territorians expect governments to protect our precious natural assets for this and future generations. Governments do not own these assets. They are stalwarts of them on behalf of the people of the Northern Territory. We do not need to return to the cowboy days of the Giles government when the CLP was handing out water licences to their mates like they were lollies.

Territorians were rightly outraged by that behaviour at the time and they will not accept it now which is exactly why the government has sought to keep these changes hidden from Territorians and stakeholders. The minister wants Territory to believe that he is just making necessary tidy ups to the *Water Act* but no-one is fooled.

These changes are about allowing water to be extracted from our water systems without the regard of the environment or to sustain water management. Around this time two years ago, the same minister secretly declared the Mataranka water allocation plan, doubling the amount of water that could be extracted from Tyndal Limestone Aquifer, which feeds into the Mataranka Hot Springs, Bitter Springs and Roper River.

The plan was challenged in the Supreme Court on the basis that it had allocated too little water to protect environment and Roper River flows. Now the minister is looking to remove the ‘environment’ word technicality as a beneficial use in water allocation plans. This is not a tidy up; it is a cover up. It is a deliberate attempt to stop legal challenges in any future decision he makes and how much water can be extracted from the river system.

Other amendments to the *Water Act* effectively sideline the requirement to comply with good water management, and it ignores our communities and the national water initiative agreement that says the environment must always be considered in water planning. What these changes collectively mean is a weakened system of environmental protection for our water, and it is completely unacceptable.

As the Territory develops, good water governance is more important than ever before. We need a robust, reliable system that ensures water extractions are responsible and ensures the health of our waterways for generations to come.

The minister can talk all he likes about planting a few trees on a roundabout, but he should not expect a medal anytime soon. I can guarantee that the good people of Braitling would rather have a robust, responsible water management over a few roundabout trees any day of the week.

When it comes to the next election, they certainly will not forget the many ways in which the minister has systematically eroded environmental safeguards, made our precious water systems vulnerable to over allocation and removed Territory voices from the decision that impact their lives and the Territory they love.

I wonder if any of the minister's Caucus colleagues have bothered to get their head around what these changes mean. Some of his colleagues, the Members for Casuarina and Fannie Bay, should be concerned about what this Bill represents in terms of the systematic erosion of environmental protections. I know that their constituents will be.

The Territory Labor opposition supports sustainable development, economic growth and jobs for Territorians. but this should not come at the expense of our water or environment. The former Labor government developed a strong comprehensive water plan to manage our precious water resources to ensure that security for Australia, not just a few. It was the product of extensive consultation, and we tend to take that work forward in government, ensuring the community is part of that work every step of the way.

DRAFT

The plan responds to community feedback on Territorians' needs and aspirations for water management. It proposes a holistic approach to the complex water security challenges and opportunities that we now face that will emerge over the coming decades. It was informed by a two-year community consultation process and concerted coordination effort across government.

The plan includes a range of priority actions that would look at progress based on four key principles: providing safe and secure drinking water for all; Territorians would secure would secure supply, maximising economic development and livelihood through good water management, including in our regions and remote communities; ensuring water is used sustainably to protect the Territory's environment and cultural assets; and engaging Territorians in water management decisions to build confidence and foster a shared understanding of water management. These are important principles that safeguard our water, but the CLP has largely ignored this comprehensive piece of work in favour of environmental and water management that puts the interests of big industry over every Territorian.

The Territory's water and other natural resources belong to Territorians, not the CLP. Territory communities expect these precious assets to be managed well and to be part of the decisions about how they are used. Instead, the CLP is systematically dismantling critical environment protections designed to safeguard our water. Our pristine landscape and areas of cultural heritage are significant.

The CLP government is doing this without transparency or accountability because it knows that the majority of Territorians want development done sustainably and in the best interests of the Territory. The CLP cannot be trusted to manage our environment or water. It will be our children and grandchildren who suffer the most from this development-at-all-cost mentality.

Mr KERLE (Blain): Madam Speaker, I support the Environment and Water Legislation Amendment Bill 2026. I acknowledge the Minister for Lands, Planning and Environment, who is also the Minister for Water Resources, and the departmental staff who have contributed to bringing this comprehensive package of legislative reforms before the Assembly.

Territorians are incredibly fortunate to live in a part of Australia that is home to some of the most remarkable natural environments in the world. From the spectacular wetlands, waterways and coastlines in the Top End to the magnificent landscapes of Central Australia, our natural environment is fundamental to our identity, lifestyle, economy and future. It is something we must protect and conserve, manage responsibly and, importantly, preserve for future generations of Territorians.

Protecting the environment and growing the economy are not mutually exclusive objectives. We can achieve both, unlike what those on the other side may suggest. We can support responsible development, encourage investment, create employment opportunities and strengthen our industries while maintaining appropriate environmental safeguards. A regulatory framework that is practical, contemporary, transparent and proportionate to the risks it seeks to manage is needed. That is what this Bill seeks to achieve.

The legislation before us amends seven Acts and associated subordinate legislation, addressing a broad range of matters related to environmental assessments, mining activities, water allocation, waste management, recycling, heritage protection, marine pollution and petroleum regulation. That is a mouthful, and that is just talking about it. I congratulate to the team in the department who drafted this legislation.

Although many of these amendments are technical in nature, their collective importance should not be underestimated. They relate to making government work more effectively, which is what we are here for. It is not about ideology; it is common sense and making sure that government works and delivers for the people of the Territory. The amendments relate to removing unnecessary administrative barriers, strengthening regulatory certainty and ensuring that government resources are directed towards achieving meaningful environmental outcomes.

One of the key objectives of this Bill is to improve the operation of the Territory's environmental assessment and approval framework. Businesses and project proponents need to understand what is expected of them, the information they must provide and the processes through which decisions will be made. Equally, Territorians deserve confidence that projects with the potential to impact our environment are subject to appropriate assessment and oversight. The proposed amendments to the *Environment Protection Act 2019* provide greater legislative clarity regarding environmental assessment procedures, the responsibilities of proponents and the powers available to those responsible for administering the legislation.

DRAFT

The Bill also enables the minister, when considering a request to amend an existing environmental approval, to consider whether other changes are necessary to appropriately manage environmental impacts. This is a sensible approach.

Projects can evolve over time. We all know that circumstances can change. You think that the project is one thing, the soil profile is one thing and the aquifer responds in a certain way, but when you get in there and start putting the shovel into the dirt, you find that things are a bit different. New information becomes available and environmental management practices can improve.

Our legislation must be capable of responding to those changes. We should not maintain unnecessary processes simply because they have always existed; nor should we allow administrative inefficiencies to stand in the way of responsible development.

Good environmental regulation should be measured by the outcomes it achieves, not by the volume of paperwork it generates. Unlike the previous government, we do not measure our achievements by spending, paperwork and the number of barriers placed in front of responsible development. We measure ourselves by output and what gets done on the ground to support Territorians.

We also support our mining industry. Mining is an important contributor to the NT economy. It supports employment, apprenticeships, local contractors, small businesses and regional communities. Who here doesn't know someone who currently works or has worked on a mine? The mines are fantastic contributors to the NT economy. My sister is working at a mine on a FIFO arrangement and she is loving it.

Back in Palmerston, many families rely directly or indirectly on employment within the resources sector, whether that is through working on mine sites, providing transport and logistics services, operating machinery or supporting industry through local businesses. The success of these industries has a tangible impact on households throughout our community.

This Bill introduces practical improvements to environmental (mining) licensing, including opportunities to consolidate related applications and licences when appropriate. When substantially similar activities are being undertaken by the same operator at the same location, it is common sense to consider whether those activities can be managed more efficiently.

The amendments also improve processes for dealing with stalled applications and provide additional circumstances in which mining securities may be refunded, subject to relevant legislative requirements.

Environmental rehabilitation must remain a fundamental responsibility of mining operators. Having grown up in Rum Jungle where the federal government dug out what it wanted from the mine site and left a big mess for the rest of us to deal with, that is something close to my heart. Territorians should not be left to carry the financial burden of environmental damage caused by irresponsible operators.

However, when operators have appropriately fulfilled their obligations or alternative security arrangements are in place, the regulatory framework should have the flexibility to respond. We want businesses to invest responsibly in the Territory. Providing clear and workable legislation helps achieve that balance by providing people in the investment sector the confidence that they can come here and know the rules ahead of time and that if they comply with those rules, they can constrain their costs because they know what they have to do. There is certainty that when they achieve that, they will get a green light to go ahead; they will not be stuck in limbo or dragged through the courts, unlike under the policies of the previous government.

Water is arguably one of our most important natural resources. It supports our households, agricultural industries, businesses, recreational activities and natural ecosystems. Living in the Top End, particularly during the Wet Season, sometimes you could be forgiven for thinking that water is abundant and unlimited, but that is not the reality. Our distinct Wet and Dry Seasons, growing population and expanding industries mean that responsible long-term water management is essential.

I recognise the importance of planning for future growth. Palmerston has developed significantly over the years and as our community continues to grow, so too will the requirement to manage our infrastructure and natural resources responsibly.

Today we make decisions that ensure future generations have access to reliable and sustainable water supplies. The amendments to the *Water Act 1992* introduce a more contemporary approach to water allocation planning.

DRAFT

Under the proposed changes, water allocation plans will remain in place until revoked, with a requirement for their review at least every five years. This provides continuity while ensuring plans are regularly reconsidered in light of changing circumstances and available information. They are not set in stone; they can adjust as the circumstances adjust.

The Bill also provides greater clarity around estimated sustainable yield and how environmental water requirements are considered. It is important that water extraction decisions are informed by science, appropriate monitoring and an understanding of the long-term capacity of our water resources.

I give a shout-out to the excellent water monitoring team in the Department of Lands, Planning and Environment. It is hosted in, I think, the Goyder building in Palmerston. The team does a fantastic job. Its members have been running around the Territory from one end to the other, measuring bores and putting in monitoring stations. When there is a large flood event, they are the ones who go out in a little dinghy and—I do not know what the instrument is called; it is like a little propellor on a stick—go back and forth across the river to measure the stream, gauging to see at different levels how much floodwater is going down the river. They are out there rain, hail or shine when it is flooding, crocodiles are everywhere, cars are getting bogged and in the worst weather conditions to gather important scientific information so that we can manage our water responsibly. Thank you very much to the water monitoring team in Lands, Planning and Environment.

Importantly, this Bill provides for a minimum public consultation period of 20 business days for draft water allocation plans and substantive amendments. Consultation is an important part of responsible decision-making. Those who live and work in our communities often bring valuable local knowledge and practical experience that cannot always be captured through technical reports alone.

The amendments concerning Aboriginal water reserves are also significant. Water creates opportunities for economic participation, employment, enterprise and development on Aboriginal land. Ensuring eligible Aboriginal people have an appropriate role in decisions concerning those reserves is important in supporting genuine economic participation and protecting those opportunities for future generations.

Environmental protection is not limited to major development projects or large industrial operations. It is also about the neighbourhoods in which we live, the parks our children play in, the waterways where we fish and the public spaces we share.

In Palmerston we love fishing in our waterways. This year we released a large number of barra in the lakes and waterways around Palmerston, and the kids of Palmerston love getting their lines wet and catching a barra, getting a few photos and then releasing them back for someone else to have a go. It is important that the waterways around Palmerston are maintained and looked after. As the Member for Blain, I regularly engage with residents who take enormous pride in their community. We all want to live in neighbourhoods that are clean, safe and well maintained.

Illegal dumping is a large issue in my electorate. Blain takes in the suburb of Archer, which abuts the Palmerston waste transfer facility that takes waste from Palmerston and transports it to Shoal Bay for permanent burial. Unfortunately, a few people do the wrong thing. They go to Archer and are turned away because they have commercial waste. They have to go to Shoal Bay, so some of them will go around the back and just dump it on the Crown land. This is something that we have to contend with.

Illegal dumping, littering and the irresponsible disposal of waste undermine the sense of community pride that Palmerstonians take in living in our wonderful community. It also creates environmental risks and places unnecessary costs on government, councils and, ultimately, taxpayers.

In the lead-up to each Wet Season we are reminded of the importance of preparing our properties responsibly, disposing of unwanted items and keeping our drainage systems and waterways free from rubbish. I am glad that Palmerston still has the annual pre-cyclone hard waste cleanup where we can put our waste out on the verges and the council nicely comes and takes it all away to reduce the risk in strong winds should there be a cyclone. That is unlike those on the northern side of the Berrimah Line, whose council for some reason decided that the time to pick up waste is after the cyclone season, which I do not understand.

What starts as rubbish discarded in a suburban street can ultimately find its way into our natural waterways. Responsibility begins in our own backyards. This Bill strengthens the tools available to regulators under the *Waste Management and Pollution Control Act 1998*, including mechanisms to improve compliance, monitor contamination and address ongoing environmental harm. The amendments also modernise licensing arrangements, reducing unnecessary renewals while retaining the ability to impose appropriate conditions and take regulatory action.

DRAFT

Removing a recurring administrative requirement does not mean removing an operator's responsibility to comply with environmental legislation and the consequences if they fail to comply. Businesses must continue to meet their obligations regardless of how frequently their licences are renewed.

Another important component of this Bill is the introduction of enforceable undertakings under the *Water Act 1992* and *Waste Management and Pollution Control Act 1998*. These provide regulators with an additional mechanism to respond to alleged breaches of environmental legislation. An enforceable undertaking can require an operator to take specified corrective action, address environmental harm and improve its compliance practices. In appropriate circumstances securing meaningful remediation and preventing further environmental damage may deliver better practical outcomes than relying solely on lengthy prosecution processes which may or may not have any substantive impact in any reasonable timeframe.

Importantly, these undertakings are legally enforceable. They should not be viewed as an opportunity for operators to avoid accountability. Rather, they are an additional regulatory tool that, when used appropriately, can help achieve timely and measurable environmental improvements. There must always be consequences—that is the word we love on this side of the House—for those who disregard their environmental responsibilities. Our regulators need the ability to respond proportionately and effectively to the circumstances before them.

One area this Bill I particularly like—and I believe will resonate well with everyday Territorians and the people of Palmerston—is reform of the Container Deposit Scheme. That is my favourite. I thank the minister for his previous reforms to the CDS, which allowed the people of Palmerston to pick up wine bottles and a range of other things that are would otherwise end up littering the streets of Palmerston. People were excited to find that out, and they were lining up to pick up wine bottles and the other expanded items to get their 10c back as soon as it kicked off. For some, it is a way of raising additional funds for their sporting club or community organisation. For others, it is an opportunity to earn a little extra money while going for a walk around the neighbourhood and making a positive contribution to the environment. It also provides a wonderful opportunity to educate our young people about recycling and environmental responsibility.

I remember being a kid in school, and regularly we would go for an emu parade. I do not know if they still do that. I might have to ask the Education minister whether they still do that in schools. That was a great experience. We would all get out and go for a walk around the school and the park next door. We would pick up rubbish, bring it all back and put it in the bin, and that taught us kids a great lesson about keeping Australia clean and beautiful and not littering.

The proposed amendments simplify administrative arrangements for the scheme, including removing routine approval renewals and unnecessary duplication in reporting. We should be making it easier for businesses and organisations to participate in recycling initiatives, not more difficult. Every container that is appropriately recycled is one fewer item potentially ending up in our parks, drains, bushlands and waterways. These individual contributions, when combined across the community, can make a significant difference.

Our marine environment is another important part of the Territory lifestyle. For many Palmerston families, spending a weekend fishing, boating or exploring our coastline is one of the great benefits of living in the Top End. I am proud to be part of a government which has expanded the Limmen Bight Marine Park, protecting dugongs and seagrass in a beautiful, world-class part of Australia and the Territory. It is making sure that natural heritage will be there for our kids and our children's kids.

Our marine environment also supports commercial industries, tourism and the cultural practices of Indigenous Territorians. The Bill establishes a legislative framework for the regulation of prescribed dredging activities, with further details to be developed through subordinate legislation. It is important that the infrastructure needed to support our growing economy can be developed while appropriately managing potential impacts on our marine ecosystems.

The amendments to the *Heritage Act 2011* also seek to clarify statutory review and appeal arrangements concerning certain heritage decisions. Although the Bill changes the eligibility of some public submitters to pursue statutory reviews or appeals, opportunities for public consultation remain.

As a Territory we must continue to recognise the significance of our historical and cultural heritage. Preserving our history helps us understand where we have come from and appreciate the contributions of those who came before us and share the stories with future generations.

DRAFT

The common theme through this legislation is the need for a government that regulates effectively, responsibly and efficiently, using common sense to deliver for Territorians.

As representatives, we have a responsibility to ensure the laws we pass are achieving their intended purpose. For me, representing the people of Blain comes back to the outcomes we deliver for our community, making sure that the Territory is the best place to live, work, visit and invest in and it is an attractive place for businesses to come where they will have certainty and know ahead of time that if they do the right thing and they comply with their social licence they will get a green light to invest, move ahead, create jobs and grow the economy in the Territory. It is all about supporting local businesses and providing employment opportunities—jobs, jobs, jobs—for Territorians.

The Territory has enormous potential and we have a responsibility to grow that potential. Our agricultural resources, tourism and other industries attract investment and create meaningful employment opportunities for Territorians. That is how we achieve records like being the fastest-growing economy in Australia at the moment.

Economic confidence and environmental responsibility can and should—under this government do—go hand-in-hand. This Bill presents a practical step towards a more efficient and responsive regulatory framework that supports those objectives.

I acknowledge the minister and the departmental staff for their hard work developing this package of legislative reforms. I look forward to seeing these reforms implemented and the benefits they can deliver for our industries, communities and natural environment.

I commend the Bill to the Assembly.

Mr SMELT (Nightcliff): Madam Speaker, I raise my concerns on behalf of the Nightcliff electorate and the Territory Labor team about the impact and potential unintended consequences of this Bill.

We believe this Bill will limit community input into heritage decisions, weaken water allocation plans and water advisory councils, will give more power to the minister and scrap regular reviews and renewals of pollution licences, including the liquefied natural gas facilities.

This Bill goes to the heart of the approach the CLP government takes to decision-making and law-making.

We believe more broadly. It is clear that this Bill is about concentrating greater decision-making power with the minister when it comes to water allocations. This Bill is also about reducing community input and involvement in decisions about water and heritage that affect them. It lacks transparency in how the laws will be exercised in the future and it disconnects decisions of government from the broader planning for our environment and our economy.

These are the hallmarks of this CLP government writ large with this legislation. As I mentioned yesterday, we have seen this in other areas when it comes to land planning, alcohol policy, child protection, gambling reform, heritage and more. These are the aspects that we see, time and again, from the CLP government.

We see the opportunity taken to centralise and consolidate power in the executive, exclude the voices of others, especially those who disagree with them and remove transparency and accountability for the decisions they make. Finally, they avoid the hard work of making coherent plans. This leads to poor decision-making, execution and outcomes for our community.

We live in a beautiful place. The Northern Territory has an incredible environment, and we are fortunate to live and grow up in this place. We have incredible precious natural assets from our water, land, trees and environment. This is a unique ecosystem that must be protected and looked after.

On this side of the Chamber, we believe in sustainable development; we want to grow our population in the Northern Territory, grow the economy and have jobs and a future for our kids growing up in the Northern Territory. This means there needs to be a balance between the economic future and the development and looking after our precious environment. It is not just a balance; they are intertwined and depend on each other. Without a well-protected and strong environment, we cannot have a strong economy and a growing population.

DRAFT

While we believe in sustainable development, what we see time and again with the Bills and legislation brought to this House is the dismantling of those laws and the safeguards and protections. This will ultimately undermine our future economy and our future community.

This is in clear contrast to the work that was done particularly around water by the previous Labor government. We hear a lot from those opposite about the previous Labor government but when it comes to water planning there was an exceptional amount of work done. The Territory Water Plan, this was done with two years of consultation with the community and industry. It was done across the board, the length and breadth of the Northern Territory. It took a holistic approach to considering the use, requirements and the need for water. It looked across agriculture, town supply and it looked at what the needs were to ensure environmental flows to ensure that the flora and fauna of the Northern Territory continued to thrive.

Compare and contrast that with the current approach by the CLP government. We have seen no discussion about a new water plan that will go beyond 2026 when this current one expires. What we are seeing is little ad hoc changes to the environmental and water Acts that are disconnected from an overall plan for what this government wants to do with water and environment.

Again, we have seen with this Bill, it did not go to the scrutiny committee as they did not want to have that level of review over this Bill. There was definitely capacity and opportunity and this Bill could have been referred, it could have been assessed, stakeholders, community members could have had their say on the Bill but, instead, we are here today debating that without that transparency and the opportunity for input to the Bill. There is no connection with this Bill to the broader architecture of what this government wants to do.

I think when it comes to the Territory Labor approach and what Labor will do in government, we will be looking at bringing people together, providing transparency and accountability, planning for the future, not making ad hoc changes on the run.

In my electorate of Nightcliff, I am regularly approached by members of our community about their concerns for the environment. They are very concerned, worried in fact, about what this current government has in store and what they what they plan to do. It is not just about what is happening in Nightcliff, the people of our community care about the entire Northern Territory, what is happening in Borroloola or Alice Springs is just as important as what is happening in Nightcliff.

The issues are many. I hear from people with concerns about clean air. I have been approached by many members of the community who have got major concerns with what was contained in the so-called clean air Act which did not set any safeguards or any minimum standards; it only provided a framework. That does not give comfort to people in my community.

When it comes to fracking people also have great concerns about that and what has been done to water down the recommendations of the Pepper inquiry. The Pepper inquiry was specific that it could only achieve a low risk if every recommendation was implemented and we have seen many of them walked back under this government.

We have seen concerns raised about gillnets, conservation areas, marine parks and renewable energy, which I touched on yesterday. There is no clear and coherent plan for how this government will achieve the rapid take-up that we need of renewable energy. The transition is stalling under this government. We need the investment certainty and pipeline of those renewable energy projects and it is not being delivered by this government.

There has been a lot of reporting recently about Singleton Station and the High Court challenge. That is another area that many constituents have raised concerns about. It is clear that these concerns are not being taken on board by the CLP government.

As the Member for Nightcliff and a member of the Territory Labor team, I will continue to hold this government accountable for its actions regarding the environment. In addition, I will continue to do the hard work with my colleagues to develop alternative plans. We will have a discussion paper on the environment that I am sure everyone will be keen to contribute to, and I look forward to that next year. On this side of the Chamber, we will continue to prioritise and protect our environment. We also support the growth and development of the Northern Territory, but those two things must be done together. It must be planned and purposeful, and we are not seeing this under the current CLP government.

Mr PAECH (Gwoja): Madam Speaker, I speak about something that is crucial to the future of the Northern Territory—that is, our environment.

DRAFT

Across the Northern Territory we have unique ecosystems and places of significant biodiversity that have been untouched for thousands of years and cared for by First Nations Territorians since time immemorial. As the Member for Gwoja and an Aboriginal person, I have had the honour and privilege to travel country and see firsthand these places of deep cultural and spiritual significance. There are places across the Northern Territory where the ecosystems are unique and untouched, such that we can think about being somewhere thousands of years ago. It is that pristine beauty and untouched landscapes which we should all be proud of.

As an Aboriginal person, I understand and acknowledge the unique connection many of my Aboriginal brothers and sisters in the Territory have to place and country, and for many of us it is an inherent connection to care for and look after country. When Aboriginal people talk about country, we do not talk about country like it is a place; we talk about country like it is a person. It has feelings, connects to us and talks with us. It helps us sustain our social, emotional and physical wellbeing. Country is connected to us. It is intertwined with our people.

When we say we are going out to country, we are not implying that we are jumping in the car and driving for a couple of hours to see a place. We are driving to a place to reconnect, listen and see firsthand what country is telling us. In many instances country has been informative and told us when things are not right, when it is in pain, when the water reserves are running low and when it is suffering from invasive species. These are important things and we need to listen to country. We need to enable people to go on country to see the impacts of climate change, projects and government decisions. It is important that we do that.

I live in beautiful Central Australia. As I have said many times in this place, it is a land of enchantment, magic and incredible beauty that nowhere else compares to. It is also a place where, if the right checks and balances are not in place, that can all be taken away from us.

We need to make sure the laws are passed in this place are good laws which protect country and environment and recognise the rights of Territorians.

The government talks about the Territory lifestyle. This legislation will damage parts of the Territory's lifestyle. We can look at places and see firsthand the impacts of projects that have not gone through the right checks and balances. That costs country, landscapes and the environment.

The Territory is known as a place that people travel to see that beauty, untouched landscapes and pristine environment. We need to make sure that we do everything we can to preserve that. It is the name of the Territory—nature's Territory. We need to preserve that nature, not bring in legislation that erodes, unwinds or undermines the work being done to preserve country and the environment.

Climate change is real. There are no jobs on a dead planet. There will be few jobs on country if we do not protect country and the environment and preserve unique ecosystems.

Half of the Northern Territory gets our water from underground; it is groundwater. In many places across the Territory that water is mined. We do not get the relevant level of recharge for what we are taking. That is why we need to look at and adopt best-practice evidence-based standards so that we have water for future generations. As many will tell us, water is life. We cannot live in a place that has no water or safe drinking water. The CLP says that the safe drinking water Act is not a commitment or to its interest. It will not do that this term, despite the Department of Health already having that legislation drafted. The CLP will not proceed with that.

We have seen the concern of traditional owners for sacred sites when the government says that it has new plans that involve the extraction of astronomical amounts of water. Sacred sites are living things connected to Aboriginal people's customs, cultures and beliefs. They are not just a place; there are living trees and living spirits in that place. When we take too much water, we hurt that place and hurt Aboriginal people in the Northern Territory. We need to be careful when we are talking about this.

A project went to the High Court and there was a ruling. Now we have legislation in front of us that gives the minister the power to remove the requirement for a separate environmental water allocation. Under Minister Burgoyne's Bill, environmental needs would be considered when estimating how much water is available to allocate. However, that does not take into consideration the concerns of families on country. They need to understand that and see the evidence. How much water is being taken? What impact does that have on the aquifers, springs and soakage?

DRAFT

This is a government that rushed through changes. We heard this week, when this legislation is coming before us, that the minister will have the power to revoke water allocation plans. This legislation comes before the parliament and suddenly there are applications for hyperscale data centres in Central Australia where there was an existing application that a ruling was just made by the High Court. These are not coincidences. We hear about this Bill and talk about the allowance for water, waste and pollution licences to run without fixed expiry dates.

What is concerning for a number of people is the narrow scope of who can challenge certain heritage decisions. Under this legislation, making a public submission will no longer on its own give someone the statutory right to review or appeal certain heritage declaration decisions. A local group could spend years documenting the history of place, be invited to provide evidence and then lose that avenue to challenge an outcome.

The Member for Braitling tells everyone in the parliament that he is the greenest credentialled person on the government side. That is alarming because when you look at the track record of the Environment minister in the Territory under the CLP you see that is a man who has no issue with land clearing in the Northern Territory. We have seen 32,000 hectares of pastoral land approved for clearing. They are places where people need to be consulted before you bulldoze that land. There could be places of significance there and rare species of plants or animals, but, no, this government again knows best.

Let us go through the track record of the Environment minister under the CLP. He approved the water allocation plan, allowing up to 62,000 megalitres a year to be allocated. When you talk to locals in that area, they will tell you that aquifer feeds Bitter Springs and the Roper River. Bitter Springs and the Roper River are not just places; they contribute to the social fabric and economy of the Northern Territory. They provide tourism, food, substance and economic development opportunities. The Northern Land Council warned the minister for the Environment about that allocation.

We also saw just a few days before Christmas in 2024 the CLP minister for Environment, the Member for Braitling, increase the Western Davenport groundwater allocation by 20,000 megalitres a year. That is for a place in the interior of the country that does not get substantial rainfall every year to recharge those unique aquifers, but it is okay because the minister knows best, despite Aboriginal traditional owners and people on the previous Water Allocation Advisory Committee warning about those decisions. They were ignored.

We have seen the safeguards removed about who can speak for Aboriginal water reserves. We have seen the minister take away third-party merits reviews for a range of water, petroleum and planning decisions. We have seen ended the routine referral of onshore gas environmental management plans to the EPA. This is the same minister who scrapped the Territory's Large Emitters Policy, walked away from the promised 2030 emissions targets and defended a climate resilience plan that prioritised accelerating the Beetaloo extraction.

This is also the same member who lives in Alice Springs and continues to ignore the local community he is there to represent—his own electorate—which has issues with buffel grass. The continual seeding and spreading of buffel grass is allowed under the CLP. That is what this is doing.

I acknowledge there are some parts of the legislation, like the Container Deposit Scheme—a great initiative started under a previous government—that have delivered transformational reforms in the Territory and promoted people to be environmentally conscious. This government has been conniving, cunning and has not been truthful to people.

It has chosen seven different pieces of reform and bundled them into one Bill rather than bringing those Bills individually to give people the opportunity to understand the area of reform and proposed changes. It has bundled them all together to try to confuse people and stakeholders on what they are actually doing.

On the last sittings, this is what we get from this government. It is rushing through things because it thinks people are not paying attention, and it has tried to make things as complicated as it can so that our environment groups and our concerned Territorians who are passionate about the environment do not get a real opportunity to give this Bill the deep dive that it warrants and deserves.

Thankfully, our environmental sector, our stakeholders and concerned Territorians have been through this Bill. They have seen firsthand the detrimental consequences that this will have on the environment. Not a single stakeholder was consulted before this Bill was drafted, despite every person in this Assembly knowing that the environment is a topic of great passion and great interest across the Northern Territory.

DRAFT

Not one organisation or stakeholder was invited to meaningful engagement on this Bill. The government could be looking at other areas, and I would love to see a discussion around what we should do when it comes to water. I have said many times that there needs to be reform when it comes to the Territory's Water Act, but yet again, the members of this government do not want to talk about it. Why? Because they have a history of engaging in dodgy practises with their mates who end up with big water allocation licences.

Let us be honest here: this Bill as it stands, in its entirety, is not a good Bill for the Territory's environment. There are aspects of this Bill that are worthy of great conversation, and those have been happening. There are also many aspects of this Bill that are not good for the environment.

Changes during the time of consultation encourage the Environment minister to consider—when you talk about periods of consultation and limiting things to 20 days, try getting out Bush and engaging across multiple communities who might be on a Land Trust and who might be in remote areas of the Territory. During some times of the year, you cannot physically go to some of those areas to do that consultation within the prescribed periods imposed through this legislation.

Giving people at least 20 days to comment on water allocation plans or substantive changes—you use the words 'at least'. Twenty days is nothing; by the time you organise to get out to community, talk to people and give them the chance to understand what you are talking about, that is not enough time to have those conversations.

This debate is critical; it is about amendments to the *Environmental Protection Act*, the *Heritage Act*, the *Waste Management and Pollution Control Act* and the *Water Act*. We live in one of the most beautiful places in the world, and we need to do everything we can to protect that. I have said time and again that we need to do more regarding biodiversity. We are probably the only jurisdiction left in Australia that does not have a biosecurity or biodiversity Act. That is work that the Territory Labor opposition is committed to working through and looking at.

For the Member for Braitling to say that he puts the 'conserve' back in 'conservative', show us that you mean it. Show us what you are doing to conserve the Territory's environment to make sure our kids and our kids' kids have somewhere to grow up in the Territory. People across the Territory are concerned about what the future of the Territory looks like, particularly when we see a government removing the 2030 emissions targets. They are greenlighting and saying that it is okay to be a big polluter and to increase emissions.

Some of the first climate refugees in the Territory will be people from remote communities, places like Kintore and Timber Creek where we are already reaching temperatures of over 45 or 46°Celsius, and we are not yet in the middle of our peak summer period. This is climate change, and we need to be investing in things not only to preserve the environment but to make sure we can do things to repair the environment.

The changes we have seen under this government are not changes that have gone anywhere near to repair the damage that has already happened in the Territory over years and years. We need to see that work. Scrapping the NT's renewable energy target, abandoning that promise to reduce emissions by 43% by 2030 these are not major things; they are life changing. We need to invest in seeing those things.

We have seen the minister for the Environment and the Chief Minister bring in the Territory Coordinator legislation, giving that single person the power to override 32 laws, not for the absolute priority of the environment but to rush through other legislation to make the CLP's bottom line and to help them put out a glossy press release.

I am a proud member of the Territory Labor family. We are not anti-development; we are all about sustainable development in the Northern Territory and we are about working with traditional owners and native title holders to make sure that rigorous consultation and engagement is done.

Of course, people want to see a thriving economy in the Northern Territory. It does not matter where you are from people want to see a territory that has a strong economy, but it should not come at the cost of environmental protections and preserving this place for future generations. We need to make sure that those two go hand in hand; you cannot have one and not the other. People need jobs to thrive and survive in their communities living their best life but they cannot do that if the environment is hurt, and it is an unsafe place to live.

We want to see more consultation done and to make sure that these things are done as an evidence-based response. People will speak about what previous governments of all persuasions have done but you must listen to scientific independent expert advice. We all might think that we know this and that, but we need to

DRAFT

listen to the experts who have spent many years at university doing masters, post-graduate courses and doctorates to understand the issues the Northern Territory is faced with. Aboriginal people are those experts. University is country; it has helped inform our decisions for many years. The best fire management practices are those that have been driven by Aboriginal leaders and communities for many years—practices that mitigate fire risk, help replenish country, promote growth and keep those systems going strong.

I also acknowledge the amazing environmental groups we have across the Northern Territory, whether it is the Arid Lands Environment Centre which does an amazing and fierce advocacy role in Central Australia, standing up and protecting country and communities; the Environment Centre of the Northern Territory, doing an amazing job standing up for the Territory's coastline and country, keeping our Top End coastline pristine and intact; or the Environmental Defenders Office, which has an amazing history of standing up for and protecting country and fighting to the end for country. It is important.

I am proud of the significant environmental reforms by previous Labor governments. Huge reforms have been done. Could there have been more? Absolutely. Should there be more in the future? Absolutely.

We have only one chance to live our lives and we need to do everything we can to make sure that there is a strong environment for future generations to give them the opportunity to live a meaningful and fulfilling life.

I have seen firsthand the impacts when things are not managed properly. I go out with family, friends and my community members to places where bush tucker and bush medicine used to be in abundance and readily available. When we go to those places now, we are lucky to find anything other than buffel grass. It has destroyed unique parts of the country, places where families are hurting. When we travel to visit sacred sites, again we see the impacts of things like gamba grass and buffel grass invading those places of deep cultural and spiritual significance.

I acknowledge that significant work has been done by our hardworking environmental groups in this space. There was a weed declaration for buffel grass in the Northern Territory under the previous Labor government. There has been work. I will even acknowledge that there has been some funding under the current government for how we respond, but we need to all be doing more.

When we have large rain events buffel grass becomes lush and fertile, and it spreads. After the recent rains in Central Australia that grass will dry out. Then a bushfire will come through. Buffel grass burns at a significantly higher rate than local native species. It destroys beautiful ancient river gums, mulga and *Acacia kempeana*. We are eventually left with a grassland savannah of an invasive species that deprives animals of habitats and people of bush tucker and bush medicines. We need to do more. We need the Territory government, the Commonwealth Government and local government to work out how we better respond to the challenges those invasive species pose.

Territory Labor is committed to the expansive work that was done previously with the Territory Water Plan. Those reforms were released in 2023. The plan responded to community feedback on Territorians' needs and their aspirations for water management. It proposed an holistic approach to the complex water security challenges and opportunities we face and how they will change as we emerge over coming decades.

What is different is that Water Plan was informed by a two-year consultation process and a concerted combined effort across government. The plan included a range of key priority actions.

A point of order, Madam Speaker! I move an extension of time to continue my remarks.

Motion agreed to.

Mr PAECH: As I said, it was informed by a two-year consultation period; there was time to get out on the dirt tracks and into communities, sit on the ground on country and talk to people about the importance of water. We could physically see places where water is flowing and where the aquifers and springs are and talk with local organisations and land councils to understand that expert advice.

The plan included a range of priority actions that we will look to progress based on four key principles: provide safe and secure drinking water for all Territorians with secure supply; maximise economic opportunities and livelihoods through good water management, including in our regions and remote communities; ensure water is sustainably used to protect the Territory's environmental and cultural assets for future generations; and engage Territorians in water management decisions to build confidence and foster a shared understanding of water management. This is important.

DRAFT

Those of us who live in the desert or inland parts of the Northern Territory draw water from an aquifer. In some cases for many of us from Central Australia the water that we drink is thousands of years old. We need to make sure that we are not wasting that water. This government should commit to other water management processes. We should work to ensure that we do not see wastage in our communities.

We should look at how we turn a waste product, sewerage water, into a valuable commodity in our remote communities so that we can green and cool our remote communities. That work was previously undertaken by Power and Water to look at what we would need to use that water to irrigate, green and cool our remote communities. Again, that is about preserving good-quality drinking water and providing a valuable resource to a community.

I acknowledge the work that has been done by all the environment centres and the hardworking people in our community. I say to them: please do not stop. Please stand up for country because country needs good people. Country needs us to continue to stand up for it. We might feel sad, upset and angry because this government will pass this Bill today on the numbers, but we need you to continue to stand up and talk strong for country. We need you to continue to tell people that this law the CLP will pass is bad. We need to keep reminding people when that one day of power comes up—the next Territory election—w what the CLP has done to our environment, country, water, sacred sites, Aboriginal people across the Northern Territory and our unique ecosystems.

To everyone who has been doing the hard work and standing up for country, thank you for doing that. It is not an easy job. It is a job that is hard and can be emotional and hurtful, but it is an important job. The future of the Northern Territory depends on us doing that job to stand up for country.

To the environment centres, ECNT and ALEC; Environmental Defenders Office and land councils across the Territory which stand up every day to protect the rights of people, keep doing the good work and fighting the good fight, because the journey ahead will be long. We need to stick together on that journey.

Each time we turn on the tap and pour a glass of water, we need to remind ourselves that the CLP government has deprived people in our remote communities of that right by not delivering a safe drinking water Act. The work was already done by the Department of Health; it had the drafting instructions to deliver a safe drinking water Act. This government's Health minister said in Estimates that it was not a priority of the government and shelved it. Shame.

J DAVIS (Johnston): Madam Speaker, this is a huge Bill of 66 pages that amends seven laws. I have a lot to say about it, but let me start with the too long; did not read version.

Whichever way you look at it, this Bill takes protections away from our water and environment because it:

- removes the legal requirement to leave any water for the environment
- removes the legal cap on how much water can be taken and lets licences be issued without following the water plan; the controller only has to consider it
- removes the 10-year limit on water plans so that a plan can run indefinitely with no fixed date for a proper rethink
- lets the minister revoke a water plan by notice in the gazette with no clear requirement to consult first
- defines 'sustainable extraction' as whatever the minister decides after having regard to the environment with no test for what that means
- lets mining companies get their bond money back before the cleanup is finished
- lets companies avoid prosecution for breaking environmental laws if they agree to clean up
- takes away people's rights to challenge heritage decisions
- cuts the time that communities have to respond to mining applications.

Every one of those changes moves in the same direction—less protection, more discretion and less scrutiny.

The government called this Bill administrative, but it absolutely is not.

DRAFT

I want to be clear about where I stand. This is not an argument against development, mining, agriculture or energy and investment in the Territory. It is an argument about how we manage those activities, whose interests our laws are designed to protect and whether we are prepared to put the long-term interests of Territorians ahead of the immediate interests of powerful commercial operators.

Good environmental laws do not stop responsible development; they provide the certainty, accountability and safeguards that make responsible development possible. Good water laws do not stand in the way of a productive economy; they are fundamental to its future.

This Bill gets the balance wrong. It asks Territorians to trust that their water and environment will be looked after, while it deletes the laws that actually require that. I will go through what it does and what the government has not been willing to say out loud.

First of all, the Bill was tabled with no-one but industry consulted. The government quietly bundled together major changes to environmental protection, water governance, mining regulation, waste management and heritage laws.

The government chose not to refer the Bill to the Legislative Scrutiny Committee, which is the scrutiny committee that it is proud to have reintroduced. I am happy that it was reintroduced and this is exactly the kind of Bill that should have been sent to it. That committee is one of the few mechanisms available to Territorians to have their voices formally heard in our unicameral parliament. It is one of the few mechanisms we have to hold the government to account, and the government chose to bypass it. That was not because there was no interest in the legislation and no concerns raised.

in my briefing with the department, it confirmed that there had been no formal consultation with anyone before the Bill was tabled. Water advisory committees, water experts, key community environmental organisations and land councils were not consulted, but there had been feedback from industry. That is an extraordinary imbalance, given that this legislation will affect every Territorian who relies on the protection of our water resources and environment.

There are serious concerns about this Bill from people with considerable expertise in this area. Many people contacted me who had looked at this Bill and are deeply alarmed. Professor Matthew Curell, Professor Sue Jackson of Griffith University, Associate Professor Erin O'Donnell and Professor Lee Godden of the University of Melbourne, Emeritus Profession Quentin Grafton of ANU and Ryan Vogwill of Hydro Geo Enviro have written a letter that describes this Bill as a regressive reform that would substantially weaken water protection in the Northern Territory and move the Territory further away from the principles and commitments of Australia's national water policy framework.

These are significant concerns from highly qualified people who understand water and water governance. It is not only them that are concerned. The Amateur Fishermen's Association of the Northern Territory, which represents 60,000 recreational fishers across the Territory, raises similar concerns regarding consultation.

In its words: 'We consider it regrettable that these amendments were introduced in parliament without prior consultation with key water management stakeholders'.

It states: 'Important legislative changes affecting natural resource management should ideally be subject to meaningful stakeholder engagement before they are tabled in parliament. This would provide opportunities to identify unintended consequences, resolve concerns and improve legislative drafting before amendments enter the parliamentary process.'

I could not agree more.

No-one has been consulted. No traditional owners, pastoralists, environmental organisations, recreational fishers, local communities and none of the many industries whose long-term viability depends on responsible water management have been consulted.

That is beyond a great shame. It should be to the shame of the government because that is how good laws are made, by consulting before drafting legislation, not after. Consulting after the fact is not consultation. It is dictation.

Water belongs to all Territorians. It is not just another resource to be allocated to whoever can make the strongest commercial case for it. It is the foundation of life in the Territory. It sustains our communities,

DRAFT

industries, agriculture, tourism, recreational activities and the unique ecosystems that make the Territory the incredible place that it is. Every single Territorian has a deep interest in how our water is managed.

People in Alice Springs depend on groundwater for their drinking water. Communities across the Territory depend on healthy rivers, aquifers, springs and wetlands. Our pastoral and agricultural industries depend on reliable access to water, not just this year, but in five, 10 and 30 years' time.

Our fishing and tourism industries depend on healthy waterways and the ecosystems that sustain fish populations and other wildlife. The ecosystems that make this place what it is, depend on water in ways that we cannot always see.

A river is not just a channel of water travelling in one direction. It is a part of a connected system of groundwater, floodplains, wetlands, vegetation, springs and habitats. What happens in one part of that system can have consequences somewhere else. Some of our water is already over-extracted and we do not yet have the science to say how much harm we are doing. We are living in an environment where our climate is heating.

The answer to the tenuous situation that we are already in, in a heating climate without a clear idea of the impact of current extraction rates, should be stronger protections, better information, more transparent decisions and a commitment to ensuring that extraction remains within genuinely sustainable limits. This Bill does the opposite. It removes four of the protections that make that possible.

It makes four very significant changes to the *Water Act*. First, it removes the requirement that water management accord with the water allocation plan. Under existing section 22B(4) of the *Water Act*, water resource management in a water control district must accord with the water allocation plan declared for that district. That is an important statutory safeguard.

A water allocation plan is supposed to establish the framework within which water is allocated and managed. It is supposed to provide a transparent and scientifically informed basis for determining how much water can be taken and how that water should be shared between different beneficial uses. This Bill removes that requirement.

The government suggested that this is simply removing duplication because section 90 already requires the water controller to take a water allocation plan into account when making licensing decisions, but this is not the same thing. Taking a plan into account is not the same as being legally required to act in accordance with it. One requires a decision-maker to consider something; the other requires the decision-maker to comply with it. The government is removing the clear statutory obligation to accord with the plan and replacing it with a much weaker requirement to simply consider it. Once again AFANT puts it plainly. There is a distinction between requiring consideration of a plan and requiring decisions to be consistent with it.

In the briefing when I asked about this, the department said that the current wording is already uncertain. If it is uncertain, we should fix it and not widen the gap. A water allocation plan should mean something; it should not simply be a document that the water controller can consider then disregard when issuing licences. Where in the amended Act will it say that a licence must comply with the plan?

Second, the Bill removes the cap on total extraction. Section 22B(5) currently requires water to stay within the allocations in the plan and the Bill deletes it. it. A plan that can be exceeded is not a plan; it is just a suggestion. What provision will be in the amended Act to stop total extraction going over the allocations? Where is the enforceable cap? The government needs to explain how it intends to prevent overextraction when it is removing the statutory requirement that currently enforces total water use caps.

Once again, our friends at AFANT noted that this requirement is not reproduced. They said that the more explicit the legislation is about the relationship between allocations, extraction limits and actual water use, the easier it is for regulators, water users and the community to understand and apply. They said that they want clearer wording to ensure that water extraction remains subject to the limits established through applicable water allocation plans.

When we talk about water that may be allocated to large commercial users, including agricultural operations, data centres and gas projects, wanting total caps on extraction to be clear and enforceable is not an abstract concern. If actual extraction can exceed the allocations established under a plan, the plan is no longer providing the protection that it was designed to provide, and that creates uncertainty for everyone who depends on the resource.

DRAFT

The Member for Blain talked about the importance of certainty. I agree. It is not only not good for the environment and communities, but also not good for responsible businesses that need confidence that water resources will be managed sustainably over the long term so that everyone, including them, can continue to depend on that water being available.

Third, the Bill removes the requirement to set aside water for the environment. Today a water allocation plan must include an allocation to maintain aquatic ecosystems. The Bill deletes it. The Aboriginal water reserves stay mandatory, but the environmental allocation does not. To be clear about what that means, the government is removing the legal requirement to set aside water first for the environment when preparing a water allocation plan.

The minister may tell us that environmental needs will still be considered. He may tell us that the environment will still be protected through the process of calculating the estimated sustainable yield—I will talk about that in a minute—but that is not what the law says. There is an important distinction between considering the environment when deciding how much water can be extracted and having a legal requirement to allocate water to the environment. Under these amendments, where is the legal guarantee that sufficient water will remain in our rivers, springs, aquifers and groundwater-dependent ecosystems? Where is the requirement that any water at all must be left for the environment?

It should not be how things will likely work, not what is best practice, but where in the letter of the law—which is what we are debating here today—is there anything to stop no water being left for our environment? The answer is nowhere. There is no longer an express requirement in the Act to leave aside water for the environment. The government is asking us to trust the minister to do the right thing while simultaneously removing the legal obligation that requires him to do it.

Fourth, the Bill weakens the definition of 'sustainable'. The Bill changes the definition of something called 'estimated sustainable yield' (ESY). It is a total cap on extraction; it is not complicated. The issue, though, is under the amended provision, the amount of water that may be allocated and taken is determined by the minister having regard to the environment. Total extraction caps are meant to mean that the amount of water available for extraction is determined by reference to what the resource can sustain, but the new definition does not establish a clear threshold for what is and is not a sustainable level of extraction.

Having regard to the environment does not, by itself, tell the minister what level of extraction is acceptable. It does not define what constitutes unacceptable environmental harm, establish what must be protected or what the minister must do to demonstrate that the environment has been considered and will remain healthy.

This law should not be written around the personal assurances of the minister of the day. This law must establish the obligation that bind this minister and every minister who follows him.

The previous provisions that expressly required environmental allocations have been removed. Again, the government is asking us to accept that environmental protection will continue in practice while simultaneously removing the legal requirements that guarantee it.

The weakness also hurts industry. Imagine a station owner is granted a licence; two years later a court finds the minister did not have proper regard to the environment and the licence is overturned. Vague law does not give businesses certainty; it leaves them exposed.

Taken together, these four changes open the door to over-extraction. Each one is a risk, combined they remove the legal limit on how much water can be taken, who must be consulted and what must be left behind.

The Bill goes much further than that. The Bill removes the 10-year maximum life for a water allocation plan. It provides the five-year reviews—a review is important—but a review is not an end date. A plan with no end date can stay in force long after the science, climate and the cumulative impacts have moved on.

The Bill lets the minister revoke a plan by Gazette notice with no clear requirement to consult first. What happens to the people who depend on that water plan—the traditional owners, the licence holders and the businesses? What stops this power being used to remove a plan that stands in the way of a commercial proposal? We know that ministers are certainly not immune to lobbying.

The Bill also allows multiple estimated yields—multiple ESYs, remember, is just a fancy word for total cap on extraction. This raises further questions about how different yields will operate together, how seasonal extraction will be managed and how the overall health of a water system will be protected. Water systems do

DRAFT

not operate in neat seasonal compartments. Taking more water in one season can have consequences for low flows and ecosystems for years afterwards.

Aquifers, in particular, can take a long time to recharge and everyone in this Chamber and watching at home understands it is not complicated. If you take too much water from an aquifer, that is it. It will not be replenished just because we have one good Wet Season. A sound water management framework must account for those relationships.

The legislation should be grounded in the best available science and the cultural knowledge of traditional owners, and it should establish clear limits and enforceable protections.

We already have announced allocations in the Bill in the current law that allow the Water Controller to rein in water use if we have a dry year. It is totally unclear why multiple ESYs have been brought in at all. Again, this is an issue that could have been cleared up and resolved if there was any kind of consultation or scrutiny process.

Singleton Station shows why this matters now. In August 2026 the High Court of Australia nullified Fortune Agribusiness' 30-year water licence for Singleton Station. The court found it had been unlawfully granted because a 30-year licence was not properly justified against the water allocation plan and native title holders would deny procedural fairness. That licence was granted under the previous government and it was found unlawful. The question now is whether this government will learn from that or change the law to just make it easier for them to do the same thing next time.

The remaking of that decision was expected to follow a full environmental impact statement process, but just days ago, Fortune Agribusiness issued a media statement announcing it is withdrawing from its current environmental impact statement process with the NT EPA. I have a copy of its statement here and I will read their exact words to the Chamber.

> *Fortune Agribusiness has withdrawn from the current environmental impact statement process for the Singleton Horticultural Project and has informed the NT EPA and Central Land council of its decision. With a new decision-making process under way for the project's water extraction licence, Fortune consider it appropriate to await the minister's decision before progressing aspects of the EIS that might be affected by that decision.*

Listen to what it is telling the public. A major development is pausing its environmental impact assessment because the water licence decision is already under way with the minister. It is waiting for a new water licence decision from the minister. At the same time, the government is rushing a Bill through parliament that guts the very water laws governing that decision. Territorians deserve to know whether these statutory rollbacks were custom designed to make approving massive commercial water licences like Singleton easier.

When the court struck down the Singleton licence, it was because the government could not legally justify handing over tens of gigalitres of water without proper compliance with water plans and procedural fairness. Instead of fixing the environmental assessments, the government is changing the law so that the water controller no longer has to comply with water plans at all. That is not modernisation; it is moving the goalposts for big commercial developers. Native title holders, local pastoralists and regional communities fought hard to have their say over water extraction at Singleton.

Weakening water advisory committees, stripping binding extraction caps and removing statutory environmental water reserves takes away community safeguards, just as major developers prepare their next round of applications.

We heard this week that a sister company proposing a data centre precinct on a station in one of the most arid parts of the country will potentially be accessing water from this licence. This week, I asked the minister how much water has been considered, whether the data centre is part of the assessment and how cumulative impacts will be tested. He did not give a clear answer, so I again ask: will the minister guarantee that any reconsidered licence for Singleton Station will be subject to strict binding environmental caps, or is this legislation being used as to pave the way for overallocation behind closed doors? I am not saying that the final outcome has been decided; I am saying that the timing of this Bill and this licence is a coincidence that Territorians are entitled to ask about. I am saying that every change in this Bill could make a licence of this size vastly easier to grant.

DRAFT

The Territory's water belongs to Territorians. It is not a free resource for large businesses, despite the fact that once again the Fortune agriculture group boasts on its website that it gets 40 gigalitres of water a year from the Northern Territory for free. That is on its website for anyone to see.

I share the words of Northern Land Council member Darryn Farrell from Minyerri, who strongly opposes changes to water laws that affect environmental flows and water safety. He said:

> *For over 60,000 years our old people have walked this land, and every single step was guided by water. Water is the lifeblood of Country. Just as blood runs through our veins, to keep our bodies alive; water runs through creeks. That's what keeps Mother Earth alive and breathing life, giving oxygen to all. When water is sick, Country gets sick.*
>
> *Think about what water means to our culture, it is our teacher, it is our memory. All water holds a Dreaming story. Water shaped this land before time was measured. Water connects us across thousands of kilometres, from the freshwater people to the saltwater people of the coast. It binds our Songlines together. Today, some of the sacred water faces threat. Standing up for our water is standing for our children and their children. I just want to say stand strong, speak loud, protect the river, guide the springs and honour the river.*

The same pattern runs through every law that this Bill touches; water is not the only concern. In the *Environment Protection Act*, the *Waste Management and Pollution Control Act*, the *Heritage Act* and the mining regulations the direction is the same—safeguards are weakened, discretion grows and scrutiny shrinks.

Mining bonds, for example, exist so that companies, not taxpayers, pay to rehabilitate the land that they disturb. Rum Jungle and Redbank give us a clear example of what happens otherwise. This Bill lets security be returned before rehabilitation is finished, including for special circumstances to be set later in regulations.

Why should taxpayers carry the risk if a company does not finish the job? I agree that enforceable undertakings are a useful tool, but under this legislation, accepting one suspends prosecution and fulfilling it permanently bars prosecution. Serious, deliberate or repeated breaches may warrant court. Cleanup should not be a way to negotiate away the consequences, and the public should be able to see what was agreed.

The Bill lets the EPA refuse referrals without clearly saying when. Referrals are the gateway to environmental scrutiny. The law should set criteria and require reasons. The Bill removes fixed expiry dates for environmental facility licences. I understand the wish to cut paperwork but major industrial facilities should face regular comprehensive review. The Bill offers no replacement.

People who make submissions on heritage places currently get notices that give them standing to seek review through NTCAT or the courts. This Bill gets rid of that and replaces them with standard notices which mean people can still speak but they lose the right to challenge the result. The government has not said why.

With mining consultation, the Bill cuts some consultation periods from 15 business days to 10. These applications, no matter how small, can contain technical information on groundwater, biodiversity and cultural heritage that go to hundreds of pages. Ten days is not enough for a pastoralist, a traditional owner or a regional community to understand it and get advice.

On dredging, the new framework is welcomed but it only applies to prescribed management areas. None have been prescribed. We do not know what that is going to mean and dredging does not stop at a boundary. The framework should protect all relevant Territory coastal waters and estuaries. Taken together, these provisions reduce safeguards and public participation while increasing discretion and flexibility for industry. That is not a direction this parliament should accept without proper scrutiny.

Good law starts with listening, and I often talk about that in this place and we certainly heard a lot about it yesterday from people about how listening to the community is so important. It means listening to everyone who the law will affect, then choosing the best part and actually taking on board what it is you hear. It does not mean tabling the Bill quietly and hoping no one looks too closely. The government may call this Bill regulatory efficiency but faster processes are not necessarily better processes. Greater flexibility for industry is not an improvement if communities are left carrying the environmental consequences, and greater ministerial discretion without stronger accountability is just not good governance.

The test should be whether these changes deliver better outcomes for the Territory as a whole, and I do not believe they do. We can absolutely support responsible development and efficient regulation while

DRAFT

maintaining strong environmental protection and sustainable water management, but that requires transparency, evidence, consultation and it requires accountability.

We are here for 25 electorates across vast country, each with its own relationship to fragile waterways. We are not here to represent data centre companies or gas proponents, and this is not a one-off. Each time the government has had the chance to put Territorians ahead of large industry, it has chosen industry, and this Bill continues that pattern.

Territorians should expect three things from their parliament; that their laws are made with them, that those laws are built on evidence and that those laws protect the Territory, our water and country, for our children and our grandchildren, and this Bill meets none of them. For these reasons, I oppose the Environment and Water Legislation Amendment Bill.

Mr YOUNG (Daly): Madam Speaker, this morning I will speak on the Environment and Water Legislation Amendment Bill and, in particular, the concerns I have regarding the changes to the *Water Act* here in the Northern Territory.

In the Northern Territory, we live in one of the most beautiful places in the world, and Territorians expect us to protect the environment when it comes to the water. We know that many tourists come up here to visit our parks, to visit Litchfield National Park—which is in my electorate. It has some of the best swimming holes in the Northern Territory. We have a wonderful spring at Berry Springs, where many people go to swim and enjoy the environment, but this government has come in here and completely ignored Territorians. People are suspicious.

People are rightly suspicious that the CLP government is trying to rush through this legislation, to fast track hyperscale AI data centres here in the Northern Territory, and even to the government's own admission, they have publicly announced that they want the Northern Territory to be the data centre capital of the world, and it was only a couple of days ago that the Chief Minister went on Sky News to talk about the hyperscale AI data centre in Berry Springs being one of the largest data centres in the world. That data centre was described as a dense energy user.

We only have to go back to, I believe, 22 July when Minister Burgoyne, the minister for Environment, and the Member for Nelson, Gerard Maley, signed an agreement with Beetaloo Energy, setting aside 185 hectares of land for a proposed $40bn hyperscale AI data centre next to Berry Springs. We had many residents, constituents from the rural community and people across the Northern Territory—even from the northern suburbs—concerned about the size and scale of this proposed hyperscale AI data centre near Berry Springs.

Along with the Environmental Defenders Office, we held an information night on this proposal near Berry Springs. I note the Member for Johnston attended that event. We spoke to the community about what this would mean for Berry Springs and the rural community. Many residents raised serious concerns about water, and energy use and particularly the impact that an industry of this scale would have on the community. However, to date we have still not heard this CLP government clearly articulate to rural residents the impact that this industry will have on their community.

Even more interesting is that we have two CLP rural members who proudly beat their chests and talk about keeping rural ‘rural’ and protecting the rural lifestyle. The Member for Goyder, Andrew Mackay, and the Member for Nelson, Gerard Maley, are supposedly protecting the rural lifestyle, but in this instance they are hiding; they are not facing up to concerned residents from their own and nearby electorates such as mine. They are hiding. They are not articulating what this would mean for rural residents.

On 21 October the minister for Environment tabled this Bill and did not even refer it to the scrutiny committee. When you look at the detail of this Bill, you see that it gives overarching powers to the minister to allocate water to a certain industry.

We may see—for example, like the proposed hyperscale data centre in Berry Springs—Beetaloo Energy lobbying the minister to say, ‘This is how much water we need’. If the Bill is passed, the minister could sign off on as much water as he wants—or that an industry or company such as Beetaloo Energy will lobby for to have a hyperscale data centre—and give it away for free. If a water allocation plan is in place, the water controller will be able to allocate more water than has been licensed for that industry in the Northern Territory.

There are no protections in place to protect our water in the rural area in Berry Springs. I note the Environment minister has not even come out to Berry Springs to explain what that means for residents in the rural area …

DRAFT

Madam SPEAKER: Member for Daly, it is midday. Would you like to conclude your comments or continue later?

Mr YOUNG: I will continue later, thank you.

Debate suspended.

The Assembly suspended.

Madam SPEAKER: It is our last Question Time for 2026, so let us make it a good one.

QUESTION TIME

Cost-of-living Relief

Ms UIBO to MINISTER for PEOPLE, SPORT and CULTURE

At my recent pop-up at Northlakes Shopping Centre in your electorate, the cost of living was the number one issue and priority for your constituents. Will you give any good Christmas presents this year and relieve the cost of living for Territorians, particularly when it comes to our Back to School Vouchers, Leader to Swim Vouchers, Sports Vouchers or an increase of the much-needed Seniors Recognition Scheme?

ANSWER

Madam Speaker, it is great to see that interest from the opposition to be outside my electorate office to engage with my constituents. I am sure there will be a lot of positive feedback forwarded by the constituents because that is what I am hearing from my electorate.

Yes, you raise a valid point about the cost of living. Recently when I addressed that question, I talked about the cost-of-living crisis and the impact of the poor decisions made by the federal Labor government that is currently causing all the trouble we are facing now.

When it comes to the Northern Territory Government specifically, there are a number of things we are doing. Importantly, the first one is about the Senior Recognition Scheme. Eligible Northern Territory residents aged 65 and over get a $550 prepaid card each financial year. Members can choose how they spend it.

When it comes to the NT Concession Scheme, Territorians on qualifying benefits can also get help with the following bills, which include their electricity up to $1,200 a year, water up to $800 a year, sewerage up to $486 a year, council rates up to $200 a year, vehicle registration up to $154 a year, garbage collection up to $150 a year, prescription glasses up to $502 every two year and driving licences renewal is free.

That is for the seniors, but when it comes to families, there is a range of things the CLP Finocchiaro government is doing to assist with the cost-of-living crisis that is currently being (inaudible) to Australians by the Australia federal government.

The Back to School payment is around $200 for eligible students from preschool to Year 12 for approved school cost. A family of two eligible students has $400 for each school year.

When it comes to the :Sports Vouchers, eligible urban students from Transition to Year 12 can get two $100 vouchers a year for sports, recreation or cultural activities. From my understanding cultural activities were not part of it before, whereas we are including the cultural activity into it because everyone is not into sports, they want to participate …

Ms UIBO: A point of order, Madam Speaker! Standing Order 110. I appreciate the minister's answer, but the question was specifically about whether he would be putting an increase for all of those great measures. They have not had an increase for over two-and-a-half years. Will there be an increase?

Mr CHARLS: I would increase all of these things but, unfortunately, we have been left with a huge debt of $11bn to $12bn by the previous government, which included the Opposition Leader as part of the Cabinet. It is interesting to hear about all these problems that were created and now they are looking for the solutions.

DRAFT

We are working hard on this side to make sure we can increase the revenue for the Northern Territory Government. That is how we can support Territorians. I am sure you do not need to worry. We will come up with many more announcements over the next 12 months and you will all hear that.

Public Service – Dedication to Duty

Mrs ZIO to CHIEF MINISTER

Throughout 2026 our Northern Territory public servants have demonstrated extraordinary dedication to serving Territorians—from our police officers keeping communities safe, our Fire and Emergency Services personnel responding to natural disasters and the many public servants working behind the scenes. Their contributions often go unrecognised. Can you please update the Assembly on the outstanding contribution of our public service throughout 2026 and recognise some of the individuals and teams who have gone above and beyond for the Territory.

ANSWER

Madam Speaker, it is important as we head towards Christmas to say thank you. I say a huge thank you to our incredible Territory-wide public service staff who have this year gone above and beyond to not just deliver the incredible amount of reform to get those economic wins that we had on the fastest growing economy and to get that 10,000 fewer crime offences across the Territory.

That is all because of them. Today I say thank you to my agencies for their incredible work, particularly over our extraordinary high-risk weather season which we saw earlier in the year.

I acknowledge that the Northern Territory Police Force has just lost Les Martin. He passed away on 21 November after more than 47 years of service. That is incredible. I send our condolences to his family, friends and colleagues and the entire police force who will absolutely miss him.

I take the chance to thank the Northern Territory police force search and rescue team. They are out there operating across incredible terrain, incredible coastline, over 1.4 million square kilometres of the Northern Territory. This year our search and rescue teams delivered 3,666 operational hours across 74 search operations, which is an 85% increase on last year, so a huge amount of work. They saved 15 lives this year; they assisted 56 people and recovered six deceased persons in hazardous and demanding conditions.

To Superintendent Craig Windebank for transforming our emergency services, thank you. To Senior Sergeant Jared Thompson for establishing the Alice Springs drone unit which Alice Springs loves, thank you. To Nancy Parsons and Xana Table for going above and beyond behind the scenes in supporting our police force. Those behind-the-scenes people keep the show on the road.

To my teams at Fire and Emergency Services, to all the bushfires and all the NT Fire and rescue service, our NT Emergency Services staff have done an incredible job. I want to thank Tanya Locksaris and Trudy Court who provided critical logistics and communication support during our rolling planning events and Rod Usher, the captain of the Katherine Volunteer Bushfire Brigade, what a legend. He demonstrated exceptional community spirit and leadership during the floods.

In the Department of Chief Minister and Cabinet, Thomas Archibald Manning and Superintendent Terry Zhang—ten out of ten for their efforts with the flooding and the way they were able to support the community. I really thank Alex McInnes from the Department of Chief Minister and Cabinet who received the Chief Minister's Medal at this year's public service awards for not only being a dead-set legend but for his outstanding and meritorious public service. To our entire public service, thank you so much for a fantastic year. We look forward to working with you in 2027. I wish all of you a safe and Merry Christmas. I hope you spend time with family and friends. Merry Christmas to all of you.

Community Batteries

Mr SMELT to MINISTER for ESSENTIAL SERVICES

At Estimates earlier this year, Power and Water confirmed that it was developing a pilot program for three community batteries across greater Darwin. This follows a decision to put on hold the roll out of 16 community batteries across the Darwin–Katherine network. Power and Water has now confirmed that it is no longer progressing site selection for these community batteries.

DRAFT

Why has the community battery pilot program been cancelled and what will happen with the $12m grant from the Commonwealth

ANSWER

Madam Speaker, under eight years of Labor, all we saw was eight years of neglect and mismanagement right across government. It did not matter where Labor stuck their hands in, everything they touched was a complete disaster. The Northern Territory electricity grid, as we took over government, we found that some of the challenges, even with the electrical grid was just one of those things that Labor left us behind. It was an absolute complete mess and nobody here would be surprised to learn what Labor left us when we took on government.

While in government, Labor failed to undertake the whole of system planning necessary to keep our grid stable. Instead, Labor pursued half-considered ideologically driven projects in the reckless pursuit of an arbitrary 50% renewables target. The result was entirely predictable, Opposition Leader. The result was entirely predictable. Territorians experience blackouts, power disruptions, millions of dollars' worth of solar projects that Labor heralded as the solution, sitting idle for years because the grid simply was not ready for all these projects that Labor rolled out. This government has been clear when it comes to managing our electrical grid. We will not repeat Labor's mistakes. We will not commit to projects without doing the proper due diligence and planning—something that Labor struggled to do. They are only now telling us that they are planning for a new hospital, even though they had 20 years to do that. That is why last year …

Mr SMELT: A point of order, Madam Speaker! Standing Order 110; relevance. The minister has not addressed community batteries at all, or the status of the $12m grant they have had for two years.

Madam SPEAKER: What he has been saying is relevant that he maybe has not got to it.

Mr EDGINGTON: I just told him that we will not commit to projects without doing the proper due diligence and planning. I am not sure what he did not understand. I know he is struggling. That is why last year our government legislated the Regulated Electricity System and Investment Plan.

Members interjecting.

Mr EDGINGTON: Listen up; stop talking over there. The Regulated Electricity System and Investment Plan is putting whole-of-system planning on a statutory footing and ensuring future investment delivers reliable and secure electricity at the lowest possible cost to Territorians.

I was on the ground during the Nightcliff by-election, and I recall listening to the member …

Ms UIBO: A point of order, Madam Speaker! Standing Order 110; the question is specifically: why have you cancelled the $12m grant from the Commonwealth?

Madam SPEAKER: I think he has answered the question. The Minister has a few seconds to tidy it up if he wants.

Mr EDGINGTON: Once more, we will not commit to projects without doing the proper due diligence and planning—something that Labor never did. During the Nightcliff by-election, we heard the Member for Nightcliff advocating for a community battery. I had to ask myself: would Labor really build a community battery in Nightcliff?

Member for Nelson's Portfolios – Update

Mr KERLE to MINISTER for AGRICULTURE and FISHERIES

Minister, the last 12 months has been extremely productive for your three critically important portfolios with major economic benefits in the resources sector, new infrastructure, more bail support and refreshed youth programs within NT Corrections, major milestones in fishery stocking—thank you very much—recreational fishing and new crop trials in Agriculture and Fisheries. This work is testament to the hard work done by your teams, with recognition at the recent Chief Minister's Awards.

Can you highlight the achievements undertaken and delivered by your departments that have improved the Territory?

DRAFT

ANSWER

Madam Speaker, the Member for Blain knows how important the public service is to the Northern Territory. He fully understands that they do a great job and, unfortunately, over the last 20 years, they have had their shackles on from the previous Labor government. It was a debacle.

I am here to say how great the work Corrections has been doing is. Corrections won the Agency of the Year award. They have done a great job. I thank Commissioner Matthew Varley. He is leading Corrections and doing a great job. If you are listening, commissioner, thank you for the work you do—not just you, all your staff, the support staff, from the top to the bottom. You are all working as a team, and it shows because we won the Agency of the Year award. That is a great award.

Inside that organisation is adult operations, Community Corrections and youth justice. It is a big organisation, and we know that the previous Labor government hid them at the bottom and just left them.
We pulled them out; we funded them properly.

There has been outstanding Aboriginal leadership. Juanita Jones won an award, Medal for Outstanding Public Service. Ruth Ronima won for her great work, breaking the cycle, transforming youth justice in safer communities and focusing on the young offenders.

It is making sure that we make the Territory a safer place. That is what we are elected to do, and we are working hard to make sure we make the community safer by helping Corrections break the cycle of reoffending. If you are committed to a jail sentence, we will put you in jail. We will find you a bed, but we wil make you work for that. Our graffiti taskforce is working hard. That is all under that department.

Next, I thank Mining and Energy acting CEO, James Pratt, and his team. They have done a great job. We know that resources have made a massive impact to our 3.2% growth economy. I think it is 2.2% of that. Out of every $10, seven dollars has come from the resource sector. I thank the Mining and Energy team and Dr Ian Scrimgeour, ‘Bunge’ as he commonly known, recently retired. He has done a great job over 30 years of helping people. He is a great guy, and I thank him.

I thank Amelia Vellar and her team at the Department of Agriculture and Fisheries for the work they have done, including stocking the fish and all those sorts of things.

Ms Uibo: Who did you have before? Andrew Kirkman, right? What happened to him, did you sack him?

Madam SPEAKER: Opposition Leader.

Mr MALEY: We are making sure that lifestyle is going ahead, as well as the farming and agriculture side of it. That is one of our key pillars, and we are working hard on that. There has been a great effort from the team at the fisheries stocking the fish; breeding the fish, the barramundi; and doing all sorts of things.

Arthur Cameron spent 50 years with the government—what a remarkable career he had. Susan King, the Regional Director of the Katherine research farm, was given a Chief Minister’s Medal. She worked hard, and I thank her. I thank all those teams for doing a great job and for keeping the Territory safe.

Child Protection Consultation Paper

Mr PAECH to MINISTER for CHILDREN AND FAMILIES

The child protection sector is concerned about a recent consultation paper that you released. It is concerned, that a 43-page stakeholder document is requiring them to have feedback done within three days.

Why have you given legal organisations, frontline services and community sector bodies only three days to provide feedback to a detailed a 43-page stakeholder consultation document about further child protection changes, when you put out residential reforms for a month? Will you allow them to have an extension of time?

ANSWER

Madam Speaker, that very issue was the thing that distracted me earlier. I can let you know that the consultation process that had commenced—the information that was sent out was sent out in error.

DRAFT

That originally was going to occur at the beginning of November but given the recruitment process that was underway for the new chief executive, the decision was made that it would be best to wait. That appointment was imminent and that person was to have carriage of that process.

When the information was sent out, they forgot to change the date for consultation, and that issue is being corrected as we speak.

Child Protection Consultation Paper – Supplementary Question

Mr PAECH to MINISTER for CHILDREN AND FAMILIES

When that does go out again for consultation, can you advise what the period of time will be for consultation?

ANSWER

Madam Speaker, it will be for 18 December.

Public Servants

Mr MACKAY to TREASURER

As we approach the end of the year, it is important to recognise the dedicated public servants across both of your portfolios who work tirelessly behind the scenes to strengthen our economy, support our communities and deliver essential services for Territorians. From responsibly managing the Territory's finances and driving economic growth, to delivering critical infrastructure and responding to significant challenges, our public servants have constantly gone above and beyond.

Can you please outline this significant contribution of some of these dedicated public servants and acknowledge some of the outstanding individuals whose efforts have made a real difference to the lives of Territorians this year?

ANSWER

Madam Speaker, it has been a tough year for our public sector. Some have had life a little easier than others, but when you look at the weather events and everything that has happened this year, our public sector has stepped up and gone above and beyond.

I tell you what, Minister Maley, Corrections, better watch out next year for best department. I am gunning for you.

I will recognise some of the unsung heroes across my departments who consistently go above and beyond. First up is Treasury and Finance, led by Under Treasurer Tim McManus. In that department being able to say no is considered their core professional skill. That can sometimes be very difficult and it frustrates me, but that is the job. Behind every budget, investment and dollar spent wisely is a team working hard to make sure that the Territory's economy is performing.

Some people in that department who have shone this year is Liana Jongue, Acting Director Budget Development. She joined Treasury as a graduate in 2012 and is a quiet achiever. Liana leads the team responsible for coordinating the annual budget where you cross government to ensure everything is delivered on time and to a high standard.

One thing about Treasury that most people do not know is that most of our Treasury officials are homegrown. They all grew up from the Territory and end up working in Treasury, coming through that graduate program.

A member interjecting.

Mr YAN: They still like saying no.

Jason Robertson, Executive Director for Energy Reform, has worked extremely hard this year and is another person who joined as a graduate in 2010. Jason has brought a lot of commercial experience to the work we have been doing to reform our gas portfolio and our program, advising government on the important issues. We were left with a horrible legacy. Jason has pulled that apart and given us some great advice.

DRAFT

Jayne Balding, the Senior Director for Revenue, was approaching 30 years with Treasury, having spent her entire career in the Revenue Division.

Mr MACKAY: A point of order, Madam Speaker! Standing Order 20; the Leader of the Opposition might not care about our public servants, but I am trying to listen to the answer without her interjections.

Mr YAN: Jayne has been instrumental in developing new revenue administration systems. Richard (inaudible), Commissioner of Superannuation, brings together public sector superannuation ICT expertise and has strengthened the team's reporting capabilities and developed a Microsoft Copilot agent to help staff navigate.

Gemma Lake leads the Logistics and Infrastructure team which did the work related to all those weather events this year. I give a shout out to—Chris Jones who played a vital role in supporting Palumpa evacuees at Batchelor, Matthew Plewinski, who stepped away from his usual role to lead the critical disaster response activities and coordinating urgent maintenance, Niraj Gurung, who worked tirelessly coordinating contractors, including nights and weekends to restore our critical road links to keep our communities connected, and Jennifer Zafiriou, who spent months working on the Emergency Operations Centre alongside Police and Emergency Services.

I give a big shout out to those public servants and wish them all a very Merry Christmas and safe and Happy New Year.

Northern Territory Budget 2026–27

Mr BROWN to TREASURER

Can you confirm or identify how much funding has been allocated in the 2026–27 budget for the government's legal and professional costs associated with taking Corrections officers and the Northern Territory firefighters to the Fair Work Commission for intractable bargaining?

ANSWER

Madam Speaker, it is a very detailed and operational question. I will not have those answers here with me right now. I can say that the work is being undertaken by the Commissioner for Public Employment and the Minister to work with those agencies on the enterprise agreements in a fair and equitable manner.

I will enlighten this Chamber that we did not freeze public sector wages, not like the previous Labor government. The previous Labor government put all those public servants behind the eight ball by doing that.

All those public servants got zero wage increases for a number of years because of Labor. Where did that leave them? Who is left cleaning up the mess? The Finocchiaro CLP government. We are cleaning up the mess left behind by those opposite. They do not like to hear the truth and what actually took place because it seems that the truth is absent to them. If they do not talk about it, it never happened but I am happy to talk about it.

After the wage freeze, they came out with a 2% wages policy when inflation and CPI were running at approximately 2.8% and sometimes it was up to 7% during those difficult financial times around COVID. They only offered 2% to the public sector. That was their wage policy after a wage freeze.

That put public servants behind the eight ball yet again. We have come into government and what is our wages policy? Our wages policy is 3%, which is 1% higher than those opposite, and we have never spoken about putting a wage freeze on our public service. We are doing the right thing to manage our economy so that we do not have to do things like Labor by freezing public sector wages.

They just piled money on the credit card; more than $1bn per year in debt was piled on by those opposite, and every Territorian has the right to ask: what have they seen for that debt? I ask every day and look at the $1bn a year added to the bottom line in debt, and what did Territorians see for it? The public sector had their wages frozen, and they only had a two percent wage increase policy by the previous government and we have made that three percent.

The Minister for Public Service and the commissioner are working in good faith, with our public sector people, to determine what their EAs will look like. We have a fair and equitable wage policy which is being worked through as we speak.

DRAFT

Parks and Wildlife Rangers

Mr O'GALLAGHER to MINISTER for PARKS and WILDLIFE

We often talk about our incredible national parks, how they are a part of our unique Territory lifestyle and are enjoyed by many families in my electorate who go there to swim, walk, stretch and play. Behind the scenes, there are hardworking Parks and Wildlife Rangers who go above and beyond to keep our parks open, safe and accessible. There is no doubt that our hardworking rangers have had a particularly challenging year, including those dealing with the aftermath of floods and Cyclone Fina.

Could you tell Territorians about the important work they do, often behind the scenes without seeking any recognition, and the positive difference they make in our communities?

ANSWER

Madam Speaker, thank you to the Member for Karama. One thing that your constituents may like to know is that there is a new waterfowl hunting ground at Beatrice Hill. I know that your constituents like to do that and a lot of people are wanting to shoot magpie geese. Over here, we like them shooting the geese it is a good thing and we trust responsible gun owners with their guns, unlike Labor.

Beatrice Hill opened last week and Members for Nelson and Goyder had a great time—they love their hunting just like all our rural people and people in Palmerston. A shout-out to Jim Raimondo and Steve Dwyer who are park rangers that are there every day making sure that everything is fine and people are doing the right thing. Sometimes people do not like those people who make sure they are doing the right thing, but Darwin Goose Hunters recently gave a huge shout-out to those two rangers in particular. They put a photo on their Facebook page and got hundreds and thousands of views on it as they do a great job.

The Member for Karama mentioned the floods and cyclones, and I want to talk about Cyclone Fina and what happened at Coburg Peninsula. We have incredible rangers who look after the Coburg penalty and the parks. A huge shout-out to Rod Edmonds, Senior District Ranger and Alara Custer, park ranger who are stationed there. There was significant damage after Cyclone Fina; airport infrastructure damage, toilets and tracks, visitor facilities, campgrounds. The whole place was a mess, and they did the hard work to get it open again. It was incredible to see. Unfortunately Kakadu was still closed for many months because the feds seemed to not care about that. But Territory Parks did an amazing job. Well done Rod and Elara well done.

I know Labour do not like us talking about this because they think that they are so good with rangers and parks. We are the party who has created more space for our beautiful parks. We increased Limmen Bight by 20% which is an amazing part of the world which I visited last year and it is incredible. There are so many barramundi, head out there if you like fishing—there might even be a million dollar fish there.

I mentioned Beatrice Hill waterfowl hunting ground which is now open. Our party opened the first hunting reserve, brand new, in 26 years. Labor promised it, under their former Chief Minister, but they could not deliver, it took them eight years. It is because they do not trust Territorians who are responsible gun owners and did not want a bar of it. I now wish to talk about Silkwood, which was the purchase of 30,000 hectares, and it was an amazing opportunity.

Centralian Schools Merger

Mr YOUNG to MINISTER for EDUCATION and TRAINING

Your government is pushing ahead with the merger of Centralian Middle School and Centralian Senior College despite serious concerns about the condition of the facilities that students will be expected to learn in. You have admitted that the $500,000 allocated for upgrades is nowhere near enough, the campus is not fit for purpose and a comprehensive upgrade could cost about $30m, yet you have indicated that this level of funding is unlikely to be provided in the next two Territory budgets.

When will you finally take the concerns of Alice Springs families seriously and commit to properly funding the infrastructure upgrade as needed to ensure students have access to a safe, modern and fit-for-purpose school?

ANSWER

DRAFT

Madam Speaker, that is a fantastic question because I can ask the Member for Daly: when did Labor upgrade infrastructure or put any money into the education system? Those opposite talk a big game about consultation and listening to people …

Ms Uibo: You took money away from Alekarenge School in your own member's electorate.

Mrs HERSEY: Opposition Leader, if you quieten down you will hear the answer to the question your member asked me.

On this side of the House we listen to people and we hear them loud and clear. That is what happened. I heard the school council of what will be Alice Springs College, loud and clear. I have been there twice to address the school council and hear its concerns. I was there within the last month, so I am not sure what the Member for Daly is talking about because we have heard the school council's concerns loud and clear.

We are making sure that the infrastructure upgrades are fit for purpose. As many of us on this side of the House are regional members, we have to make sure that education infrastructure in our regions is fit and equitable there as well as in Darwin.

I have heard those concerns. I have been on radio in Alice Springs. We now know that $500,000 was not going to cut it for the infrastructure upgrades. There are classrooms that need to be added to and a lift facility that needs fixing. There are floor coverings, lights and many things that need to be done in the school. That work happened on 24 November, only a couple of days ago. Aspire has the contract to do that work. There will be $1.9m spent on the upgrades. I am assured by the Treasurer and the Department of Logistics and Infrastructure that facility will be open for Term 1 next year with all those infrastructure upgrades.

There is a longer-term plan for Alice Springs College. Madam Speaker, I have had some of these conversations with you, as it sits in your electorate. We on this side of the House are interested in listening to the concerns of people across the Territory, and that has happened with Alice Springs College.

Northern Territory Government Employees

Mr HOWE to MINISTER for LANDS, PLANNING and ENVIRONMENT

Many of our Northern Territory Government employees work tirelessly behind the scenes and at the coalface every day, often without recognition, whether they are Crown land officers from the Department of Lands, Planning and Environment responding to reports of illegal dumping and blocked drains or frontline staff across the Department of Corporate and Digital Development keeping government services running. Can you update the Assembly on the valuable contribution that these dedicated public servants make to our community and many Territorians?

ANSWER

Madam Speaker, the Member for Drysdale loves the public servants who are clearing out the drains across the Northern Territory.

I thank the thousands of NTG employees for all their work over the last year. We ask a lot of them, but they deliver every time. Our public servants are the people who keep the Territory running and support us in government. They respond to community concerns. When we hear concerns, we get into our departments and make sure that we are responding.

In DLPE (Department of Lands, Planning and Environment) I acknowledge the Crown Land Estate team headed by the magnificent Kerri O'Brien. Minister Boothby spoke about the Silkwood estate, and Kerri O'Brien was at the coalface making sure we got a good deal for the Territory.

I thank the Crown land management officers on the front line who are dealing with illegal dumping in Alice Springs. We have seen far too much illegal dumping and those teams have been setting up cameras to catch people who have been doing the wrong thing. For the first time in a long time we have fined people for illegal dumping in Alice Springs. I thank the teams that are heading up the DBAD (Don't be a dumper) campaign.

They also getting out to the blocked drains. Alice Springs has seen a lot of rain over the last years. I was on the front of a front-end loader recently and wanted to get into a drain and dig it myself, but I was told that I could do not that.

DRAFT

It was fantastic to see the investment that our government is driving to make sure that people's homes are safer and that we are mitigating the future risks of flooding. These are things that the Department of Lands, Planning and Environment is doing.

I spoke about being responsible for 31 of the 70 recommendations from the Approvals Fast-Track Taskforce. Along with the Department of Lands, Planning and Environment, we also have the team in DCDD (Department of Corporate and Digital Development) doing a lot of work. I think everyone would acknowledge that the payroll services in DCDD do a good job. We would all hear about if people were not being paid on time. I thank the payroll team which does a huge amount of work to ensure that all the public servants across all our portfolios are paid every fortnight. I thank Andrew Thomson and the payroll services team.

I thank the emergency response teams that worked when we had floods and needed to respond across the Territory. Donald Young and the telecommunications team not only have been delivering free-to-air TV across communities but also when telecommunications went down in some communities, if they could get in there they rolled out mobile telecommunications devices to keep people connected. That is what we are about on this side of the Chamber.

Merry Christmas and a big thank you to all the NTG public servants.

Fair Work Commission – Intractable Bargaining

Mr McGRATH to MINISTER for PUBLIC SERVICE

After more than a year of negotiations you have failed to reach agreement with the Territory Corrections officers and firefighters. With both disputes now before the Fair Work Commission, your decision to pursue intractable bargaining has put your government's own wages policy at risk with the potential for the commission to impose wage increases beyond the government's 3% policy. If the Fair Work Commission awards Corrections officers or firefighters wage increases that breach your government's own wage policy, will you resign?

ANSWER

Madam Speaker, I have not come across a new member of parliament who is quite so aggressive, as well as …

Members interjecting.

Mrs HERSEY: No, I will not resign …

Ms UIBO: A point of order, Madam Speaker! Standing Order 31A; that is quite offensive. It is talking about intimidation, and we heard from the Chief Minister this morning about how important it is to show bipartisan support in this place and our words matter. I ask that the Member for Katherine withdraw her silly comment.

Madam SPEAKER: Opposition Leader, calling someone aggressive does not really meet the threshold of being offensive.

Mrs HERSEY: On the last day we are a little touchy.

On this side of the Chamber we are making sure that we are getting on with the job. We did not freeze wages like the previous Labor government did. We are stable on this side of the House, as opposed to the eight reshuffles that we have seen on the other side.

We have been negotiating. There has been a lot of work happening with the commissioner of public service. We have been going at eight enterprise bargaining agreements through the year. In July this year the Commissioner for Public Employment lodged an application for intractable bargaining because all the bargaining that led up to that point—we have a wages policy of 3%, which the Treasurer has just been through. The previous government had a 2% wages policy, so we are better than what it was doing. However, after all the negotiations that happened, we have to be fiscally responsible. We are making sure that we are doing that.

Those enterprise bargaining agreements went on. We could not come to an agreement so, through the Public Employment Commissioner, it goes to intractable bargaining. That decision has not been made lightly. It

DRAFT

followed extensive good-faith bargaining and four fair and reasonable pay offers. We just heard from numerous ministers about being fiscally responsible, our 3% wages policy, the huge debt levels when we came into government and the 2% pay increase that the previous Labor government had. We have to be responsible on this side of the Chamber.

The Commissioner for Public Employment also accepted recommendations by the Fair Work Commissioner to go through that process in an effort to settle those negotiations. That process is going on at the moment. Our priority always has been to reach an agreement recognising and valuing the contribution of the firefighters and the Corrections officers. They do a fantastic job across the year. We, in fact, just heard from the Minister for Corrections that we just had an award for Agency of the Year. We value those people, but we are ensuring that our outcomes remain fiscally responsible.

Public Service – Update

Dr RAHMAN to MINISTER for PUBLIC SERVICE

A strong, accountable and effective public service is essential to delivering the services Territorians deserve wherever they live in the Territory. Addressing workforce shortages, retaining experienced public servants, improving service delivery and ensuring taxpayers receive value for money are all critical to strengthening the Northern Territory public service.

Can you update the Assembly on the policies, initiatives and measurable outcomes of the Finocchiaro CLP government to strengthen our public service and ensure the delivery of reliable and high-quality services for all Territorians, particularly those living in regional and in remote communities?

ANSWER

Madam Speaker, I reiterate that our government values our essential workers and recognises their contribution, which is exactly what we have done. Unlike our Labor colleagues who blew the budget and imposed a wage freeze, we backed our public sector workforce with a fair and sustainable wages policy, which we have spoken about at length. It includes a 3% pay rise for the public servants who keep our hospitals, schools, correctional facilities and essential services running. They deserve to be recognised for the hard work that they do every day, which is why we have successfully settled five enterprise agreements already, delivering pay increases and greater certainty for approximately 17,000 employees across the Territory.

Strong outcomes like that do not just happen by chance; they are achieved through the dedication and the expertise of public servants who work tirelessly behind the scenes to support our government and the workforce. One such person I give a shout-out to is Helena Glew from the Office of the Commissioner for Public Employment, who has been instrumental in the bargaining process for our dentists, Corrections officers and nurses. This year Helena will be recognised for 40 years of service. That is a long time. Well done, Helena, on 40 years in the public service.

Public servants play a vital role in strengthening the Territory and ensuring that Territorians continue to receive the services they rely on. By investing in our public service and workforce today, we are building a stronger, more resilient Northern Territory for our future.

To all the public servants across the Territory leading into the Christmas period, for the people who stay on in the shutdown or stand up over the Wet Season coming up—we do not want a Wet Season like we had last year. We have a group of public servants who, when those emergencies happen, stand up and move to wherever they are needed around the Territory. I thank them in advance, because I am sure something will happen—fingers crossed that it will not. I thank those public servants for the hard work they do.

Corrections – Children in Custody

J DAVIS to MINISTER for CORRECTIONS

You said that you make no apologies and will find a bed for everyone who commits a crime, but the majority of children in detention are on remand, not convicted of an offence. There are already 76 children at Holtze. The Central Australian Youth Justice Coalition reported today that youth detention numbers have reached an historic high. You answers to Written Questions 199 and 200 confirm that the approved capacity is 86, with no more than two children per cell.

DRAFT

What is the plan when Holtze reaches capacity? How many more boys can be accommodated within the approved limits? Will you guarantee that no child is put three to a cell or made to sleep on a mattress on the floor? Given that the government refused a UN human rights expert access to the centre, how will Territorians know that children are being kept safe while in custody?

ANSWER

Madam Speaker, I will guarantee community safety is our number one priority. I will guarantee that until the cows come home. We were clearly elected to make the community safe.

We know that the previous Labor government failed the community in community safety. Crime rates were through the roof. It failed not only the community but also some of the detainees. It locked them in watch houses. Members talk about no programs and no rehabilitation. Sitting in a square in a watch house there is none of that.

We looked at this and thought, 'Holy moly, what a shemozzle Corrections has been'. As I said earlier, in two years it has won Agency of the Year. That is how much reform Corrections has had.

When we first came to office, we made a Corrections master plan. That is unlike the Labor government which had not idea and no plan. It said, 'Let us try this. Let us try that. Let us try putting them in the watch house. We cannot be bothered doing anything else.' We came up with a plan and are working to make sure Corrections has a facility up and running that is suitable for adults and youths because we know it is important to break that cycle of reoffending.

Talking about youth specifically, remember that the previous Labor government built the Holtze detention centre two years late. Imagine how much …

J DAVIS: A point of order, Madam Speaker! Standing Order 110; relevance. It is a simple question: how many children can Holtze accommodate and where will the minister put the children when that number is exceeded?

Mr MALEY: I am getting to that question. I am on the master plan; I have not got to Alice Springs yet.

There will be a bail support facility in Alice Springs to give the courts more options, so they can put some of these young offenders into bail support, which is important because they get the wraparound services and the support they need which they may not be getting in the community. That is why they are in the court system. We try to identify those problems and give them that support to break the cycle of offending and stop them going into the facility.

Also, there will be a youth transfer facility, which is almost completed, in Alice Springs as part of our master plan. Unlike the previous Labor government which just dodged thing here and there, we have a plan. You have seen the plan. I can show it to you again if you like. That is in the plan because we want to make sure that youth offenders have the best opportunity to break that cycle.

We have the youth centre in Alice Springs, the new facility in Darwin and the boot camp running out of it to help break that cycle of reoffending.

We know …

Members interjecting.

Mr MALEY: We have the Barkly.

This is about making sure we keep the community safe, because we know …

J DAVIS: A point of order, Madam Speaker! Standing Order 110: relevance. Will you guarantee that no child is made to sleep three to a cell or on a mattress on the floor?

Mr MALEY: I will guarantee community safety. I have already said it. We will guarantee to keep any young offenders safe. We will guarantee to put them through programs, into education and diversion and give them the wraparound services they need to make their choices better as they get older.

DRAFT

Child Protection Workforce

Mr PATEL to MINISTER for CHILDREN and FAMILIES

Every day across the Northern Territory dedicated public servants work to support vulnerable children, young people and families. From youth outreach workers walking along the streets late at night to child protection practitioners, residential care workers and family support workers, these individuals make a difference in the lives of all Territorians. They often work in challenging circumstances across our regional and remote communities without seeking recognition.

Can you update the Assembly on these dedicated frontline workers, their important contribution to keeping Territory children safe and how the Finocchiaro CLP government is supporting and strengthening this vital workforce?

ANSWER

Madam Speaker, the Member for Casuarina represents an area where there are many families, young people and people who need support, so I know that understanding the people who are behind the scenes and having the opportunity to recognise and thank them is important to him.

It has been quite the year, with many workers within the Department of Children and Families in particular having to stand up and do work that we would hope they would never have to do in a year once, but this past 12 months they did it time after time. It is important that we thank those people for their service, for everything they do and for stepping up at times when I am sure the last thing you wanted to do was go out into the rain and start coordinating more evacuations rather than being at home with your family, particularly as we came into the holiday season.

I give a big shout-out to Kelly Hunter who heads up not just our welfare responses but also our homelessness service. She has been very busy this year. She oversaw the transition and development of the new transitional accommodation facility in Batchelor, the recovery centre. She did an extraordinary job with her team also backing her. I give a big thank you to Peter Mayo, Denis Mitrov, Khai Fam and Farhana Islam. They are extraordinary people who are there when Territorians need them most.

We all recognised that through the welfare response this year there was incredible work done. That welfare team is made up of people from across departments, so I give a big thank you to the people who made it possible for our Territorians in need to be looked after. We had Brendan Morrison who was from TeamHEALTH as part of the team. He was the regional manager for Katherine. We all know Katherine had hit after hit this year, so the work he did was extraordinary.

A big thank you as well to Sarah Zaichenko who led the evacuation centre at Wugularr as well as managing the payments to people who needed financial assistance. We all know that was a big job, and she did it well.

I also thank Barbara Kelly who looked after the evacuation centre at Mataranka. Jenny West from the Department of Logistics and Infrastructure oversaw the logistics and did a fantastic job. Freya Bartle did a big job in Katherine; thank you so much for everything you have done. I thank Michael McConnell as well, and we had interstate assistance as well from other departments. Katherine Harris, thank you for your help.

To the Children and Families teams who were on the streets every night looking after our kids, thank you so much for what you do.

Gamba Army

Mr YOUNG to MINISTER for PARKS and WILDLIFE

As the Territory stares down the barrel of a catastrophic fire season, will you commit to funding the gamba army?

ANSWER

Madam Speaker, gamba grass is a problem in the Northern Territory. It was a huge problem under the Labor government which let it run like wildfire and did not fund a whole heap of programs that were needed.

DRAFT

When we came to government we started working with Parks and Wildlife and the department of Environment, with Minister Burgoyne, to bring together a gamba coordinator who could look at everything that is needed when it comes to gamba.

Gamba does not discriminate. It does not grow only in a park, on Crown land or on pastoral land; it is everywhere you look. I have seen it firsthand when I have been to Litchfield National Park. You can stand at the top and see it. It has been like that for many years.

Under our government we have the gamba grass coordinator doing the work. We have extended that contract. They are consulting with everybody and making sure everyone is doing everything they need to do.

We also have the Gamba Grass Weed Advisory Committee which continues to meet and oversee the statutory weed management plan for gamba grass. That plan originated under Labor. I do not know what Labor did; we have had to pick it back up again to make sure it keeps going because nothing was happening and it was out of control.

Planning for the 2026–27 gamba action program is underway. It is due to run from 4 December to 30 April.

I do not know what Labor is talking about. Clearly, Labor members are not listening to Territorians because otherwise they would know the answer and would not have to come in here and ask the question.

People, Sport and Culture – Restoring the Territory Lifestyle

Mr KERLE to MINISTER for PEOPLE, SPORT and CULTURE

The Department of People, Sport and Culture plays a critical role in delivering the Finocchiaro CLP government's priorities, particularly our commitment to restoring the Territory lifestyle. This work stretches from supporting sporting organisations like the Palmerston Raiders, the Palmerston Rugby Union Crocs, the Palmerston Magpies and many other sporting organisations and artists to strengthening multicultural communities and celebrating our unique Territory identity. Can you explain how it contributes to the government's broader vision to restore the Territory lifestyle?

ANSWER

Madam Speaker, I thank the Department of People, Sport and Culture staff for the incredible work that they have been doing throughout this year. Their contribution is felt everywhere and they support local sporting clubs, help artists and deliver opportunity for young people. In the Seniors portfolio, they work closely with the seniors and provide all the supports that they need. Staff in the veterans area are working well to support our incredible veterans community. They do a wonderful job to work together with people with disability and raise issues that are valid to them with the Commonwealth. Work goes on to support community organisations, particularly multicultural groups.

The Department of People, Sport and Culture helps the Territory be a better place to live. It is a priority under the government's commitment to restoring the Territory lifestyle. Through Sport and Recreation, we help more Territorians participate; through Arts, Culture and Heritage, we celebrate the stories, traditions and creative talent that make our Territory unique; and through our work with community organisations and groups, multicultural communities, seniors, youths and veterans, we help strengthen connections. All this work supports our government's broader priorities and makes the Territory a more attractive place to live, work and visit.

None of this happens without the dedication of the public servants. I acknowledge their professionalism, commitment to the Territory and relationships with stakeholders. I thank the hardworking team at the Department of People, Sport and Culture.

I specifically mention Ricci McDonald, who recently received the Chief Minister's Public Service Medal, presented in recognition of outstanding service and significant contributions to the Northern Territory Public Sector. Ricci is working as the arts and culture asset manager with the Department of People, Sport and Culture. She has been a public servant for the last 37 years and is in charge of 24 government-owned sites, including heritage-listed buildings, museums, libraries, archives, theatres, dance studios and even a fossil site.

I thank CEO Sam Livesley, General Manager Deborah Butler and Francis Mills and all the staff members. This is an area of the Northern Territory Public Sector that never used to get the spotlight because it was

DRAFT

buried under bigger departments. For the last 26 months, they have demonstrated how the department can work together with people across the Territory and make the Territory a better place. I wish them all a great Christmas and a happy new year. I look forward to continuing the work in 2027.

Construction Snapshot

Mr SMELT to MINISTER for LOGISTICS and INFRASTRUCTURE

In your first budget speech you promised Territorians that your government would deliver projects on time, on budget and with integrity. It has now been almost six months since your government last released its Construction Snapshot, despite it being intended as a quarterly report. How many projects announced in your first budget are still on time and on budget? Why have you stopped publishing the report that allowed Territorians to check this critical information?

ANSWER

Madam Speaker, It is always great to get up and talk about logistics and infrastructure and the work that we are doing to build the Territory. Unlike those opposite, we are delivering on what we are say we will do. We are not doing government and infrastructure by press release. That is what those opposite did.

Let us look at the history. Labor said over $5bn was on its program, and when we came into government, we looked at that program. There was $300m cash against that program. That is part of the big black hole that we have seen in the budget, specifically within Logistics and Infrastructure.

They talked a huge game about the record infrastructure program. They said there was record infrastructure spend, and when we got in and looked at the books, it was $300m. What would that have delivered? I have said it in this Chamber a number of times, but I am happy to restate it. The $300m would have finished off the Mandorah Jetty, and I think there was enough money to finish off the State Square building. That is two projects. That was probably all that was in the budget to deliver on the $5bn-plus program that Labor was putting out to the public.

What are we doing? We are delivering on what we said we would deliver. We took to that program, and we had to because it was all press release—there was no planning alongside of it. It sends the wrong message to industry, because it says that Labor would fund all these things, but they certainly were not going to.

It provides a false expectation within the industry, so we have to pair that program back to what we can deliver and what matters most for Territorians.

Mr SMELT: A point of order, Madam Speaker! Standing Order 110; we still have not touched on how many projects announced in the first budget are still on time and on budget, or why the minister has stopped publishing the construction snapshot.

Mr YAN: I will continue talking about what we are doing.

We had a program that was never going to be delivered, so we cleaned it up. We put stuff on the program that we know would benefit Territorians and that we knew what we could deliver. We had to take some stuff off so that we did not send a false message and false expectation for the industry. That was what the previous government had done.

We cleaned up the program, looked at what we can deliver, and we have cashed it this financial year. We not only took the program and made it realistic; but we also cashed it appropriately. We provided the biggest cash allowance to that program in the history of government, something that Labor did not do. All they wanted to do was make announcements. There was $5bn-plus worth of announcements.

Chief Minister's Awards Recipients

Mrs CARLSON to MINISTER for HEALTH

Earlier this month, the Chief Minister's Awards recognised some outstanding Territory public servants behind every frontline service in our hospitals, housing offices, councils and remote communities—thousands of people who turn up every day and get the job done, often without any recognition. These are the people delivering on this government's commitment to restore the Territory lifestyle and make our communities safer and stronger.

DRAFT

Can you update the Assembly on some of the unsung heroes across your portfolio, the work they are doing quietly every day, and how the Finocchiaro CLP government is backing the public servants who keep the Territory running?

ANSWER

Madam Speaker, the Member for Wanguri respects and supports all of our public servants, unlike the members across the chamber. It was a privilege to attend the Chief Minister's Awards earlier this month. Across my portfolios of Health, Housing, Local Government, Community Development and Aboriginal Affairs, there are many public servants out there quietly achieving things across the board.

I take a moment to recognise their efforts during the year in Health. Dr Anna Holwell, Senior Staff Specialist at the Alice Springs Hospital, is the clinic's stroke-lead. She is doing an amazing job. She helped build one of Australia's top regional stroke services. Colleen Niland, senior pharmacist, wrote the treatment protocol during the recent diphtheria outbreak. Colleen and her team kept medicines flowing during the Palumpa floods. Rebecca Piper and Daniella Abela from my hometown in the Barkly region—Rebecca is the Nurse Management Coordinator for Disease Control and Daniella is the Emergency Manager and WHS Coordinator. Their roles have been critical in the Barkly during the diphtheria response.

Patricia Nundhirribala, Senior Aboriginal Health Practitioner at Numbulwar, translated a Hep B story into Wubuy and presented at the World Hepatitis Summit in Bangkok. Thank you, Patricia. That is fantastic work.

I acknowledge Raymond Anderson who is the Senior Aboriginal Health Practitioner at the Borraloola Clinic. I have known Raymond for a number of years, a Garawa leader. His role in working to prevent chronic disease, youth health, culturally safe care. He was also a *NT News* Territory Leader finalist in two categories. Great work, Raymond.

Monique Kiker is the acting Midwife Unit Manager at the East Arnhem maternity. She has stabilised the workforce there, requiring no further agency midwives. That is fantastic.

In Housing—Ruth Lantzke, Regional Executive Director, Kirsty Webb, Senior Director Housing Partnerships and Bryce Becke, Director of Housing Safety. They have turned Victoria Gardens around. Neighbours say that it is the quietest in 20 years. That is fantastic.

Laura Annesley, Director of Housing Property Services in Central Australia, 14 remote communities, 191 inspections have been done in three months and 32 empty houses are now home to families in Central Australia. Ben Stirling in Tennant Creek, Executive Director, driving 'empowering the Bush'. Great work, Ben. Kelly Richards has also been doing an amazing job.

I give a final shout out to Shaneen Tilmouth in Aboriginal Affairs. She has done an amazing job providing advice and support to my office for the last two years. Her advice has been amazing. I thank you, Shaneen.

Madam Speaker, I move that any further questions be placed on the Written Question Paper.

REPLIES TO WRITTEN QUESTIONS
Written Questions 232, 233 and 328

Ms UIBO (Opposition Leader): Madam Speaker, pursuant to Standing Order 114(2), I draw your attention to written question 232 from me to the Chief Minister, which was written on 18 June 2026 regarding Fire and Emergency Services. It remains outstanding.

There is also written question 233 from 18 June, again to the Chief Minister, from me regarding police output from estimates remains unanswered.

Mr PAECH (Gwoja): Madam Speaker, pursuant to Standing Order 114(2), written question 328 from me to the Minister for Health in relation to the Royal Darwin Hospital specialist obstetrician and gynaecologist staffing submitted on 14 October still has not been answered.

Madam SPEAKER: My job is now to write to the ministers seeking reasons for the delay.

DRAFT

ENVIRONMENT AND WATER LEGISLATION AMENDMENT BILL
Serial 81

Continued from earlier this day.

Mr YOUNG (Daly): Madam Speaker, seven separate pieces of legislation have been rolled into one which we have talked about here, today, and which unfortunately did not get sent to the Legislative Scrutiny Committee. I am not sure why. There were no other pieces of legislation sent to that committee. It could have been a good body of work. It just shows that the CLP government is concerned about this Bill and is trying to hide certain parts of it, particularly when it comes to the *Water Act* and the amendments made to that Act.

I pick up on the disappointment of many rural constituents regarding the concerns that they have relating to a hyperscale AI data centre that is being proposed near Berry Springs. I speak on the hyperscale AI data centre because people are concerned, particularly regarding their water. Now that the minister is proposing to amend the *Water Act* to weaken the water allocation plans, meaning that government, minister or the water controller can sign off an allocation of water for a particular industry.

It is no coincidence that:

- the CLP government announced a hyperscale AI data centre proposed next to Berry Springs
- the CLP Minister for Lands, Planning and Environment and the Member for Nelson, signed an agreement with Beetaloo Digital
- the Member for Nelson, when asked in Question Time, could not name Beetaloo Digital in his answer but instead referred to Beetaloo Digital as proponents
- the CLP Minister for Lands, Planning and Environment has introduced a Bill to amend the *Water Act*, to weaken the water allocation plans, meaning industries such as Beetaloo Digital could lobby a minister and the minister could then sign off a water allocation that would be dangerous towards our environment
- three CLP members, including the Member for Nelson, were under the Beetaloo Digital tent at the Palmerston Markets, actively promoting the hyperscale AI data centre, proposed near Berry Springs, to get it up and running on their Facebook page
- the Chief Minister went on Sky News actively promoting the hyperscale AI data centre as the largest and I quote: ‘on Earth’.
- the two CLP government rural members, Members for Nelson and Goyder, who claim to keep rural rural, are not representing the concerns of their community.

I suggest to both members to get out and start listening to the community concerns about the hyperscale AI data centre and our water.

It is no coincidence that the Members for Goyder and Nelson will be supporting weakening this *Water Act.*

Mr SMELT: A point of order, Madam Speaker! Standing Order 9; lack of a quorum—but it may now be back.

Mr YOUNG: Madam Speaker, this is concerning regarding our environment and water, but particularly to the residents of Berry Springs who are concerned about the Berry Springs Nature Park, eight kilometres down the road from this proposed AI data centre.

Mr BURGOYNE (Lands, Planning and Environment)(in reply): Madam Speaker, I thank the members for their contributions to this debate and everyone who has examined the Environment Water Legislation Amendment Bill 2026, attended briefings and provided feedback. That includes people …

A member interjecting.

Madam SPEAKER: I did give him the call, I said minister in closing.

Mr BURGOYNE: …who support the reforms and those who opposed them. I acknowledge the time and effort people have put in the information themselves about the Bill and giving feedback about how these changes can be implemented and ways to strengthen public education about the changes.

DRAFT

As part of the work we are doing to inform the public about the Bill, the department has published information sheets, questions and answers and brief different stakeholders including Aboriginal organisations industry and peak bodies. This communication education work will continue and I encourage anyone who is interested in learning about the changes to access the reliable resources made available by the department.

The government supports responsible development that creates jobs and opportunities for Territorians. Businesses need decisions they can plan around and communities need confidence that environmental risk will be managed through strong but sensible regulation. This Bill delivers on these expectations in several ways.

For example: repetitive administrative processes are reduced by providing for ongoing container recycling, depot licences and waste licences. While these changes provide greater long-term certainty, they also come with appropriate checks and balances. The removal of mandatory expiration dates on waste licences is supported by expanded regulatory and review powers, allowing waste licences to be reviewed and amended in response to new information or where environmental impacts are not being appropriately managed, these changes prioritise environmental outcomes over repetitive administrative processes, improving business certainty and risk-based regulation. That is just one practical example to change the law, that is consistent with our work to rebuild the economy and restore the Territory lifestyle.

During its introduction, I outlined to the Assembly what this Bill represents and the reasons for the changes. I have since heard different claims about what this Bill does, and I will directly answer those claims. Let me be clear: we will listen to objections and answer them on their merits, but we will also challenge false claims. Some critics have taken a real change in the law and attached consequences that the Bill does not create. I will separate the two.

I turn first to the water reforms. Calling these reforms a water free-for-all misrepresents the Bill. These claims are fear mongering, and it is divisive. They are a disservice to Territorians seeking reliable information about their water resources. Currently, the Water Act has a term estimated sustainable yield, otherwise known as ESY. That does not have a definition but is actually the water available to take by people to use, whether it be for public water supply or economic development purposes. The current Act also requires an ESY to include an allocation for the environment. Already, all the water outside of the ESY is for the environment.

There has been some concern that we are removing the requirement to allocate water to the environment in developing a water allocation plan. There is no lessening of the prioritisation of the overwhelming majority of water in a resource being retained and protected for environmental purposes. That has to be made clear. It is the activists who would often point to the water set aside for environment as part of the ESY and knowingly say, ‘Why is there only a small amount?’ The reason is because it was poorly legislated. We know the majority of water is retained for the environment.

The prioritisation of water for environmental purposes, whether that is to maintain environmental flows, protect springs or support groundwater dependent ecosystems, remains unchanged from the current arrangements. This protective regime is the first principle of water management in the Territory.

The proposed amendments define the estimated sustainable yield. The estimated sustainable yield means the amount of water from the water resource that, having regard to the environment, may be allocated to beneficial users and taken by persons. The Bill removes a specific allocation from within the ESY for environment because as per the new definition, the ESY water for the environment is accounted for.

The renaming of the beneficial use environment to aquatic ecosystems has been undertaken to distinguish this beneficial use category from the broader-term environmental considerations that inform the ESY. The claims that removing a separate allocation to environment leaves no water for the environment fails to recognise that all the water outside of the ESY is for the environment.

It is also incorrect to suggest that allocations under a plan will no longer be constrained by the estimated sustainable yield. Those are false claims. The Bill does not alter the overarching relationship between water allocation plans and water management under the Act. As a whole, the Water Act provides for water resource management, and it must be complied with.

Water allocation plans remain integral to the water resource management framework. The obligation imposed on the independent controller of water resources to take a relevant water allocation plan into account when making licensing and permit decisions remains unchanged. Those are things that were set up by those opposite.

DRAFT

Water licence conditions remain enforceable, as do authorised extraction limits. To suggest that water allocation plans have become irrelevant, or to describe them as meaningless, is disingenuous and overlooks these strengthened requirements and continuing obligations.

The important scientific work that underpins water resource management in the Territory remains firmly in place. Departmental scientists and planners provide technical work, including monitoring and modelling. If scientific assumptions need revisiting or a spring is responding differently from the model, that evidence should inform the management of that water resource. It is important when we are talking water management in the Northern Territory. We are constantly monitoring resources and acting accordingly.

This Bill supports reviews based on science, not mandate by expiry dates, and provides a process to amend the water allocation plan that includes public consultation. Plans will truly become an adaptive management plan, which is what they should be.

It is incorrect to say that the Bill removes every opportunity for the public to have a say on draft water allocation plans and amendments, when the Bill actually strengthens this requirement. Public consultation on draft water allocation plans will now be guaranteed under the *Water Act*, rather than relying on departmental policy and practice.

The public will have at least 20 business days to comment and the minister must consider submissions before declaring a plan or amendment to a water allocation plan. It is important to understand this has already been happening, but we are now writing it into the Act to strengthen these processes.

It also modernises the role of water advisory committees. Establishing a water advisory committee is already discretionary. The Bill simplifies the existing provisions for the establishment and retains their function of advising the minister on matters referred to them. Existing committees will continue and the ability to establish them remains an important feature of the Territory's water management approach.

The Bill provides greater flexibility to establish skill-based committees or seek advice suited to a particular resource, locality or water issue.

I will also address Aboriginal water reserves. Claims that the Bill enables Aboriginal water reserves to be sold or permanently transferred are incorrect. Under the new arrangements we are ensuring that the trading of water entitlements relating to Aboriginal water reserves is temporary, not permanent. We are protecting it once again. A transfer from the reserve must end before the seller's water licence expires and the entitlement returns to the seller when the transfer ends. The seller and buyer must each qualify as an eligible Aboriginal person for the land covered by the reserve, or have the agreement of the eligible Aboriginal people for the land. This ensures ongoing Aboriginal involvement in decisions affecting their share of the water resource. Indeed, this reform was based directly on feedback from land councils. Who would have thought it?

Reasonable people can hold different views about these reforms to the *Water Act* and I get that. Some people just cannot be told. They will never agree that what we are doing here is the right thing. However, these reforms should be judged on what they do, not the misinformation that is out there in the public.

These amendments retain the estimated sustainable yield as the limit of how much water can be taken from a resource, maintain mandatory review of water allocation plans, strengthen consultation processes and requirements, clarify planning and licensing arrangements and strengthen safeguards for Aboriginal water reserves. These reforms are intended to improve the operation of the legislation while ensuring the Territory's water resources continue to be managed responsibly for current and future generations.

It is important for people like me who have grown up in the Territory and have family that I want to see grow up in the Territory. We want to be looking after this resource for future generations.

I turn from water to environmental assessment processes under the *Environmental Protection Act*. The NT environment protection legislation is modern, outcomes-focused and provides a comprehensive framework for assessing and managing environmental impacts. It is important that the assessment process works efficiently, that proponents have certainty in the assessment processes and that communities have confidence in the environmental protections under the Act.

The Environment Protection Regulations that sit under the *Environment Protection Act* also need to provide certainty and work as efficiently and effectively as they possibly can. The Bill provides certainty by expressly prescribing the powers available for particular assessment steps under the Act that are set out in the

DRAFT

regulations. These include the NT EPA's initial consideration of a referral, duties during assessment and the suspension or termination of an assessment. For example, the NT EPA can refuse to accept an incomplete referral in accordance with the regulations before substantive consideration begins.

The significant impact test for referral remains unchanged. This is not a new policy. The *Environment Protection Act* already contains broad powers to make the regulations needed to support the Act's operation and implementation. The Bill also confirms the statutory basis for the relevant existing regulations and for actions and decisions already made under them. This ensures the established assessment processes are preserved. Let me be clear that these changes do not diminish, remove or weaken the environmental protections established through the assessment process. They further strengthen existing processes so that the regulator can do their job.

To ensure that environmental approvals and mining licences remain fit for purpose, the Bill clarifies that during an amendment process requested by an approval or licence holder, the minister can review and make necessary additional amendments. This is necessary because amendments to one condition can offer required changes to another condition to ensure the approval of licences remain appropriate to manage environmental risks. The updated amendment power does not give the minister unrestricted scope to rewrite the approval or mining licence, and any additional changes must be necessary and subject to ordinary show cause processes.

I will also clarify the intention of the changes to mining securities. These securities, including money and financial guarantees, are held against an operator's environmental obligations. To correct the misinformation, the amendments in the Bill do not create a general release of mining security. When a new operator provides a replacement security of equal or greater value, the former operator's unused security can now be returned. This is consistent with how mining securities have been managed since they were first introduced and supports everyday business practices and the sale of mining activities.

The special circumstances pathway requires the minister to consider specified matters such as how long it has been since the mining operator was responsible for the site. This pathway is designed to deal with historical circumstances where government has continued to hold mining securities well past the time the operator that paid it had any remaining rights to access and rehabilitate the mineral title. The power to return securities below $4,000 recognises that administrative recovery can cost more than the security is worth and is targeted at historical authorisations.

To put this into perspective, the Territory currently holds $1.89bn in mining securities against 429 licences. Less than 6% of those licences have a mining security valued at less than $4,000. The key thing is that a refund does not cancel the rehabilitation duty. Where a permitted refund occurs before rehabilitation is complete, that obligation remains and is applied to the current mineral title holder or operator of the site.

I will also address the *Heritage Act* changes. These changes distinguish contributing to a decision through a public submission from having a statutory right to seek a review or appeal the decision. A heritage declaration can restrict an owner's use of the land. That owner has a direct legal connection to the decision, which is distinct from someone providing a submission through a general consultation process. The government considers that formal review and appeal rights should reflect the interest identified in the Act. Making a public submission alone should not create review rights. People still have the right to provide information and objections, and submitters must receive the decision and reasons.

I will now talk about the waste licences related to reforms under the *Waste Management and Pollution Control Act*. This Bill brings the commissioning of prescribed premises expressly into the environment protection approval process so that environmental risks during testing and start-up can be managed before operation. The reforms also modernise and strengthen the Act's compliance framework. Pollution abatement notices can now require continuous testing, monitoring and reporting to establish whether remedial work is effective, while underutilised performance agreements will be removed.

The reforms also modernise immunity provisions, removing protections for bodies corporate, while retaining them for individuals required to provide information or assistance. We are also putting in place enabling provisions to regulate dredging, which has been spoken about today. The *Waste Management and Pollution Control Act* manages pollution risk. Dredging is necessary for ports and navigation channels but disturbing sediment can create plumes and move contaminants and effect aquatic habitats. Repeated dredging can have cumulative effects even when an individual proposal does not require an environmental impact assessment. Currently there is no clear approvals pathway for dredging activities which potentially trigger provisions under the *Planning Act*, *Waste Management and Pollution Control Act* and *Environment Protection Act.*

DRAFT

The Bill establishes an approval pathway for capital dredging and a licensing pathway for maintenance dredging to manage these environmental risks through creating a head of power to establish a prescribed dredge management area.

To be clear, environmental impact assessment requirements continue to apply where standalone dredging or dredging as part of a larger project is to have or likely to have a significant impact on the environment. The claims that these reforms will bypass environmental impact assessments or provide a blanket approval to dredge are not true. Darwin Harbour is intended to be the first prescribed dredging management area, and further details on the dredging regulations will become available in the new year.

Finally, I will talk about enforcement under pollution and water laws. The government is introducing enforceable undertakings so regulators can secure a binding programme of corrective work or other commitment from a person alleged to have breached environmental or water laws. Enforceable undertakings are not new and are a feature of contemporary regulatory frameworks throughout the world, Australia and in the Northern Territory including the *Environment Protection Act, Petroleum Act* and the *Northern Territory Aboriginal Sacred Sites Act* to name a few.

Following an alleged breach, the commitments might require remediation, rectification, restoration and monitoring. All funds to be paid to a cause that benefits the community. That gives the regulator a defined set of obligations it can check and enforce where accepting those commitments serves the public interest.

Equally as important, the acceptance decision and reasons must be published, so the claims that the government can now enter into secret deals with corporate polluters is another false narrative. The new enforceable undertaking scheme under the *Waste Management Pollution Control Act* and the *Water Act* is expressly limited to contraventions occurring after commencement.

I have addressed many of the claims that have dominated the media and been raised during debates, some are false and downright wrong. Others identify a real change and then claim consequences that the Bill does not create. The Bill introduces modern and sensible reforms but does not abolish the protections critics say it does. As I have said in the beginning, this government will listen to objections and answer them on their merits.

The government's responsibility extends across the Territory. We support jobs and responsible development and we recognise that rebuilding the economy also depends on managing our water resources environment well.

I thank everyone who has provided feedback, and regarding that feedback I have a couple more things to say. There was a claim earlier on today—and I want to stamp it out—that this Bill will somehow help the Singleton licence. It is simply untrue. The Bill will not help the Singleton licence. That decision will be made under the *Water Act* that was in affect in 2024. I think it is important that people understand that.

The Bill will not allow minister to cancel plans, this Bill will not weaken water resource management and it does not remove transparency. It does not remove safeguards around Aboriginal water reserves and the Bill does put the environment first

This government will not shy away, from hard but sensible decisions that support the Territory's social and economic future. We will listen to objections but we will not allow misrepresentation in the public discourse to control whether necessary reform proceeds. Territorians deserve the opportunities that responsible development can bring an environmental regulation that deals effectively with real risks.

I ask the members to support this Bill and I commend it to the Assembly.

Motion agreed to; Bill read a second time.

Consideration in detail

Mr DEPUTY SPEAKER: Before we start, I appreciate that everyone has been working hard. We are getting towards the end of the last day, but this is important legislation and it needs to be considered properly. I am conscious that I make sure that the opposition and crossbenchers have their opportunities to raise the issues they think are important on a clause-by-clause basis. I would like them to be heard in silence when they do that; they are entitled to do it.

DRAFT

Similarly, the minister is entitled to give his response and be heard in silence as well. If we can do this with a bit of respect and civility—we are getting towards Christmas. It is important you need to be able to ask the questions you want. The minister is entitled to give the answer back as best they can.

If I have to make some judgement calls that we are getting some clauses where questions are becoming repetitive and are getting the same answer regardless of which way the question is asked, on behalf of the Assembly, I will say, 'Let us move forward'. I want people to appreciate what I am saying.

There are 112 clauses. There are a number of clauses that people have indicated they will want to oppose. I will restate how we do that. Where it has been opposed. I will say. 'The question is that the clause stands as printed. Are there any speakers?' The person looking to oppose it and any other speakers then get to have their commentary.

After that, I will repeat again, 'The question is that the clause stand as printed'. If you are opposing it, you will vote no. If you are for it, you will vote yes. I do not use the word 'oppose' in the final question. So there is clarification from the start.

Obviously, there are other amendments to a range of clauses, and there are certain clauses, around 110 and 101, where there are multiple amendments. Once again, we will step through those in a sequence, one by one, deal with each amendment as we go and look forward to progressing. I ask the forbearance of everyone. I know you can be tired, but this is important. As they say, when the going gets tough, the tough get going. Let us do this properly and get into this legislation.

I will briefly touch on the clauses so you might understand where I am batching them. If I do batch them and I have missed some, just say no and identify the one. I am looking to go straight to clauses 1 to 4. I think there are opposing on clauses 5 and 6. We might then jump up to clause 28, by what I have seen. We might then go to clause 32, clause 39, 41 and 43.

I am giving you an idea of where the script is telling me: 58, 59, 61, 63, 70, 74, 86. 91, 94, 98, 100. Then over the other side—I am losing track a bit here—101, 102, 109 and 110. If there are ones in between just let me know.

Clause 1, by leave, agreed to.

Clause 2:

Mr BROWN: When is the legislation expected to commence?

Mr BURGOYNE: It commences on the day after the Administrator's assent is formally declared.

Mr BROWN: When will you see the Administrator?

Mr BURGOYNE: When he is next available.

Mr BROWN: Have you spoken to the Administrator's office for an indication of when that legislation will go to the Administrator?

Mr BURGOYNE: Meetings happen regularly, so I am sure this will go to the next Exco should it pass today.

Mr BROWN: This Bill has 112 clauses amending seven Acts and two sets of regulations. It has implications for every Territorian. Why was this Bill not referred to the scrutiny committee?

Mr BURGOYNE: Because no-one in the Chamber sought to send it there. That does not go to the clause.

Mr PAECH: That is a lie.

Mr BURGOYNE: You did not say a thing.

Mr DEPUTY SPEAKER: Member for Gwoja, withdraw that comment.

Mr PAECH: I cannot withdraw. You did not provide people the opportunity to send it to the committee.

DRAFT

Mr BURGOYNE: This goes through the process. There is an opportunity for anyone in parliament to move that; they did not do that.

Members interjecting.

Mr DEPUTY SPEAKER: Order!

Ms Uibo: No there is not; read your standing orders.

Mr DEPUTY SPEAKER: Leader of the Opposition, I will put you on a warning straightaway. Stop the interjections. I will not take this any further; move on to the next question.

Mr YOUNG: A point of order, Mr Deputy Speaker! It is the government's responsibility to send it to the scrutiny committee. I do not know why he is getting so wound up about it. He could have sent it to the …

Mr DEPUTY SPEAKER: That is enough.

Dr RAHMAN: A point of order, Mr Deputy Speaker! I appreciate that you are trying to run this debate respectfully today. It would be worth clarifying this point from the Chair as to why the Bill was not sent to the scrutiny committee. At the moment there have been several bits of misinformation or misunderstanding. Could you clarify?

Mr DEPUTY SPEAKER: Is your point of order that you are seeking clarification?

Dr RAHMAN: I am seeking from the Chair a point of order.

Mr EDGINGTON: Calling another member a liar is highly disorderly and the Member for Gwoja should be asked to withdraw that comment.

Mr DEPUTY SPEAKER: I asked the Member for Gwoja. Take back the word 'liar' now, please, Member for Gwoja.

Mr PAECH: I withdraw 'a lie', but there is no avenue for a member of the opposition to refer a government member's Bill to a committee, other than the government doing it itself. I will withdraw because the minister for Environment is clearly upset about it.

Mr DEPUTY SPEAKER: Whether it has gone to the committee is not relevant to the clause, so let us stick to the clause.

Mr BROWN: Why did you undertake no community or stakeholder consultation before bringing this Bill to the House?

Mr BURGOYNE: It is not relevant to the clause. This is about the commencement.

Clause 2 agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5:

J DAVIS: Under new section 55AA(2)(b), are there any conditions that NT EPA must satisfy before refusing a referral?

Mr BURGOYNE: This clause deals with the initial consideration and provides a preliminary stage for dealing with matters such as an incomplete or improperly framed referral before substantive consideration can be made. If the NT EPA believes that a submission was incomplete, that gives them the ability to refuse.

J DAVIS: The NT EPA can refuse a referral if they believe it is incomplete. Could it be rejected because of a paperwork error?

Mr BURGOYNE: The whole reason for what we are trying to do through parts of this Bill is make it easier for people to amend their applications should there be simple errors like typos or one simple incorrect answer.

DRAFT

We are trying to make it simpler so that it is not just essentially a refusal, so that we can consider the application, and if there are small changes that need to be made, they can be made.

J DAVIS: Does the NT EPA give a reason for a rejection?

Mr BURGOYNE: Yes.

J DAVIS: If the NT EPA had an underdeclared conflict of interest and that interest remained undisclosed, what would stop them from exercising their discretion under this clause to refuse the referral for inappropriate reasons related to those interest?

Mr BURGOYNE: That is not relevant to this clause.

J DAVIS: This clause is about the NT EPA refusing referrals.

Mr BURGOYNE: That Is right. It does not go to matters of conflict of interest.

J DAVIS: If the NT EPA refused a referral because of a conflict of interest—I am not sure how this is not relevant to the clause; it is exactly about the clause.

Mr BURGOYNE: There is an entire board. Are you considering the entire NT EPA Board would all be conflicted over a decision?

J DAVIS: I am asking what protects against that?

Mr BURGOYNE: It is not relevant to the clause.

J DAVIS: The problem that I am trying to address is not that the NT EPA can refuse. It is not that there cannot ideally be a more efficient method to deal with things. It is that the Bill sets no tests that I can see for refusal. It seems it is unclear. A power without conditions cannot be reviewed or tested against anything. That is the purpose of my questions. That is the purpose of my amendment that I will—sorry, you may want to respond and then I will move my amendment.

Mr BURGOYNE: Try to think of this new section 55AA as a front door check before running a full considerate process. Under section 55, the NT EPA can conduct an initial check of the referral and either accept it or refuse it and accept to proceed with it.

J DAVIS: I am just looking for my script here. Lots of bits of paper. I move motion—sorry.

Mr DEPUTY SPEAKER: You do not have to move anything.

J DAVIS: Sorry, you explained that earlier.

Mr DEPUTY SPEAKER: You just vote no to the question if you are opposing it. It is not like you are putting an amendment.

Clause 5 agreed to.

Clause 6, by leave, agreed to.

Clauses 7 to 27, by leave, taken together and agreed to.

Clause 28:

Mr BROWN: What safeguards are in place to ensure that mining operators do not use these changes to avoid their responsibilities for full rehabilitation of the site by simply handing it over to someone else?

Mr BURGOYNE: This amends section 132F, Unused mining security refundable. If a new miner wants to come in, they will have to put forward their own security to ensure that mine is rehabilitated should they go bankrupt in the future. Then the existing mining security that is held by the former owner of the mine can be refunded.

DRAFT

Mr BROWN: What work is the government doing to ensure that we do not have another situation like Nathan River Resources?

Mr BURGOYNE: If any company goes into voluntary administration, that is not a matter for government. However, what is a matter for government is to make sure that they have paid their security so that should they be unable to remediate the area themselves, we have the money to do that.

Mr BROWN: Why does this legislation focus only on making it easier for mining operators to get security bond refunds, but does nothing to ensure those bonds are adequate in the first place?

Mr BURGOYNE: I would argue the exact opposite. This ensures that should someone be unable to remediate the area that they have been mining, there is money held in security for it to be remediated.

Ms UIBO: My colleague asked about Nathan River Resources. The mining security that was held was inadequate to cover the job. How does this change or improve that and provide further guarantee?

Mr BURGOYNE: There is no evidence that the current money held is insufficient. This ensures that the Territory taxpayers are 100% covered at all times. That is what we are seeking to do. Existing disturbances stay fully secured by the replacement bond. Any unpaid amounts owing to the Territory can still be deducted under section 132F(3). Returning a former operator's bond does not certify that rehabilitation is complete; they still have to complete the works.

Ms UIBO: Is it not the fact that when Nathan River Resources went into administration, there was inadequate funding to fulfil the rehabilitation obligation? Are you saying there was adequate funding?

Mr BURGOYNE: I have been lenient, but this does not go to the clause.

Ms UIBO: Does this provide a full and frank security position? If a company goes into administration and the mining security deposit is not adequate enough to cover rehabilitation, will this provide better coverage and guarantee?

Mr BURGOYNE: It is not about the calculation of securities. It is about ensuring that there is a security held and should a new miner come into place, the existing miner can be refunded their current security as long as the new miner has paid their security.

Ms UIBO: If they are at the rehabilitation stage, there will not necessarily be a new mining company coming in to take out that positioning. If they are at a rehabilitation stage, what guarantees do these changes make to ensure that rehabilitation can continue and will not be left inadequate for the environment?

Mr BURGOYNE: If there is no new mining operator, the security that is held is not released until remediation is completed.

Ms UIBO: Last question because I do not think the minister understands. If there is a bigger cost of rehabilitation than was held through that security deposit, how is that then boosted or protected by this change?

Mr BURGOYNE: We have the Mining Remediation Fund so if—and this is hypothetical question—for whatever reason there is money that is available from the Mining Remediation Fund.

Mr BROWN: Can you confirm that the Mining Remediation Fund levy will remain non-refundable?

Mr BURGOYNE: Yes.

Mr DEPUTY SPEAKER: Member for Johnston, are these general questions?

J DAVIS: This is a general question against this clause, yes.

Mr DEPUTY SPEAKER: The reason I ask that is I know the Member for Arafura and yourself both have amendments but we are just sticking to the general questions at this stage.

J DAVIS: Yes. Is it your plan to move to amendments in …

DRAFT

Mr DEPUTY SPEAKER: There are substantially the same so anyone can go forward and I was going to go to the Member for Arafura in my script.

J DAVIS: Yes, that is fine. We will move the amendments against the clause and not do all the questions and then come back to the amendments, is that right?

Mr DEPUTY SPEAKER: No. Do all the general questions now and then we can get on to the amendments.

J DAVIS: Sorry, I am not being clear. Will we do the general questions of each clause and then move the amendment of that clause?

Mr DEPUTY SPEAKER: Yes.

J DAVIS: Minister, my understanding, which may not be correct of this clause is that this allows unused mining security deposits to be refunded to a former mining operator. I want to clarify from what you have said here that will only happen where a new title holder or operator provides replacement security.

That is correct, thank you. Nothing in this clause gives the minister discretion to return bonds before a site is fully remediated.

Mr BURGOYNE: If it us under $4,000, Member for Johnston, but, otherwise no and I think that is important.

J DAVIS: Thank you. I have got some questions under clause 41 about this as well, which may be where they fit, I am not sure but in terms of the under $4000, whether there are any other circumstances, which sounds like there are in the clause that the minister can exercise your discretion to return a bond when the site is not fully remediated. Are there any circumstances where that could happen under this legislation?

Mr BURGOYNE: Under $4,000.

Ms UIBO: Excuse me, Mr Deputy Speaker, could the minister make sure that he stands up and provides the answer to the microphone and not mumble from his seat.

Mr DEPUTY SPEAKER: Minister, I ask that you speak through the microphone, particularly for Hansard.

Mr BURGOYNE: Thank you, Mr. Deputy Speaker. That goes to Clause 41.

Mr SMELT: Minister, I just want to confirm with this change to the holding and transfer of bonds, this applies to both bonds that are already held and any future ones.

Mr BURGOYNE: Yes, Mr. Deputy Speaker.

Mr SMELT: Minister, in making this retrospective to those current bonds, was there any risk assessment done around the current bonds that are held by the government?

Mr BURGOYNE: It is not relevant to the clause, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: I might go back to the Member for Arafura if you wish to progress your amendment.

Mr BROWN: I move amendment 1 in Schedule 81 OPP to clause 28. Mining has always in the Territory's economy. Territorians expect mining companies to do the right thing when it comes to environmental rehabilitation of mine sites. Territorians deserve certainty; they deserve clarity on whether mining operations have set aside enough funds to critical environmental rehabilitation work. On the face of it, transferring liability and rehabilitation work to a new operator seems reasonable. We are broadly supportive of this.

The problem is that the government cannot be trusted to do the right thing by Territorians when it comes to ensuring industry meet their environmental obligations. We have seen them water down environmental safeguards across a range of Bills. It is hard to believe this is not more of the same.

Nathan River Resources, which went into administration earlier this year, is a perfect example of why we should be strengthening laws around mining security bonds, not making it easier for mining operators to potentially avoid or escape their responsibilities. The Northern Territory only holds $6.2m security bond for the Nathan River Resources site, but independent reports suggest it will cost much more than that to rehabilitate, while creditors have been left out of pocket for $360m, including traditional owners.

DRAFT

Native title holders enter into agreements with mining companies on the basis that they will comply with regulations and obligations. That has not been the case with Nathan River Resources, yet we have seen nothing from this government about how this sort of situation will be prevented or addressed in the future so that Territorians are not paying the price for failed ventures for years to come.

What this legislation appears to do is to apply broad direct discretions to return security bonds to operators when they sell up. This could weaken the safeguards afforded by the mining security framework and allow mining companies to get away with fulfilling their remediation, rehabilitation and closure requirements.

With so many other amendments in this Bill, there is simply no clarity about the potential of impacts of this or whether it will allow operators to get away without fulfilling their environmental obligations.

We will be proposing that subsection (2)(e) be scrapped from this clause because allowing the transfer of the mining security for another circumstance prescribed by regulation is much too vague to provide an appropriate safeguard when it comes to the environment licences.

J DAVIS: I support this amendment. It goes specifically to what I was asking about. I had the same amendment which was to remove (e), which is the part of the amendment that says 'another circumstance prescribed by regulation'. We need to have clarity in the law. It is not there.

I heard the minister say that it would only ever be for bonds under $4,000. Other circumstances prescribed by regulation implied that may not be the case.

I strongly support this amendment to ensure that there is clarity in the law.

Mr DEPUTY SPEAKER: The question is that the amendment be agreed to.

The Assembly divided:

Ayes 7	Noes 17
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Ms Cahill
Mr Paech	Mrs Carlson
Mr Smelt	Mr Charls
Ms Uibo	Mr Edgington
Mr Young	Mrs Finocchiaro
	Mrs Hersey
	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Clause 28 agreed to.

Clauses 29 to 31, by leave, taken together and agreed to.

Clause 32:

J DAVIS: The amendment I am moving is relevant to other sections that I am proposing amendments to, so it is kind of a pre-consequential amendment. The amendment omits a retrospective validation of regulations concerning initial referral considerations under section 55AA. It goes back to my previous amendment ensuring that unconstrained referral rejection powers cannot be validated through regulation.

I move amendment 4 in schedule 81IND to clause 32.

DRAFT

Amendment not agreed to.

Clause 32 agreed to.

Clauses 33 to 38, by leave, taken together and agreed to.

Clause 39:

Mr BROWN: How many modified condition licences and how many tailored condition licences are applied for each year, and can you break this number down by exploration activities, fossicking and extractive operations.

Mr BURGOYNE: I appreciate the question, although it is not related to the clause. To be really clear for those listening along at home—the clause reduces the public consultation period for modified condition licences for exploration activities, fossicking and extractive licences from 15 business days to 10 days. We are trying to streamline processes. I understand you might want to know about all the other stuff, but it is not relevant.

Mr BROWN: How many submissions are received on average during a public consultation period?

Mr BURGOYNE: The average is zero, but that is because so few submissions are made. There are submissions made to some of these applications; it is just that across all the applications that are made, because there are so few, the average is zero. I hope that answers the question.

Mr BROWN: There are submissions, but still zero. That does not …

Mr BURGOYNE: Yes, I know. I had to ask the same question because there would be so many.

Mr BROWN: Can you give us an example of how many altogether?

Mr BURGOYNE: There were seven submissions.

Mr BROWN: Can you categorise who generally puts in a public submission for those types of licences that I mentioned earlier? Is it individuals in the area? Is it organisations? Is it traditional owners in that area, for example?

Mr BURGOYNE: I am being kind. It is not quite relevant to the clause. I am trying to give a little, get a little. It is not as though we are changing the law; we are just asking about who applies.

J DAVIS: While we are on numbers of submissions, how many modified condition licences have been delayed by the 15-day period?

Mr BURGOYNE: I understand people might be interested in these questions. They are more than welcome to put in written questions and we can answer it all. What we are doing here today is looking at how the changes we make to the legislation impact it, and questions about the actual amendment.

J DAVIS: That is what I am interested in. What is the purpose of this amendment? What evidence is it based on? How many licences have been delayed by the 15-day period?

Mr BURGOYNE: There is no cut to public consultation on major mines. Full mining operations keep their longer minimum public comment periods of 25 business days or, for modified conditional licences, 30 business days for tailored conditions. These timeframes are statutory minimums, so the regulator can always allow for longer if it is a complex proposal.

J DAVIS: I am still unclear about the reason for shortening the timeframe. Have any applications been affected by the 15-day timeframe?

Mr BURGOYNE: Think about it. Currently it takes a period of days to approve mining approval. We are trying to reduce that amount of time because business and everyone in the broader population is telling us that it takes too long. We are trying to compress the overall timeframe, acknowledging that the regulator can always allow for longer periods for complex proposals.

DRAFT

J DAVIS: When you just said this is for—sorry, I cannot remember the exact word you used, but not for big complex proposals. What is the correct framing of what this will apply to?

Mr BURGOYNE: For lower-risk exploration, fossicking and extractive licence applications, from 15 to 10 business days.

J DAVIS: What is the definition of 'lower risk' in this?

Mr BURGOYNE: We are now going into the risk criteria, which again is not necessarily relevant to this clause. There is risk criteria; if they meet that risk criteria, then there are low risks. If they are over that, then they are high risk. It is all stipulated.

J DAVIS: Is that matrix or evaluation publicly available?

Mr BURGOYNE: Yes.

Mr SMELT: From what you are saying in terms of trying to reduce overall timeframe to approve these licences, by reducing it from 15 days to 10 business days and from 25 business days to 20 business days, will you guarantee that licences will be approved five days earlier?

Mr BURGOYNE: That is the intent of the Bill.

Mr SMELT: Can you guarantee that?

Mr BURGOYNE: Once again, we acknowledge if there is a complex proposal it requires longer. We will do the work that is needed to make sure we are covering everything. That is the intent of what we are doing.

Mr BROWN: Similar to my earlier question—trying to streamline it—who has been sending in submissions?

Mr BURGOYNE: I will tell you what, Member for Arafura, I am feeling really generous. Five individuals and two environmental groups—that is who has been sending them in.

Mr BROWN: What is your evidence that these changes will reduce red tape?

Mr BURGOYNE: Previously, you had to wait 15 business days, and now it is 10, so we are making it faster.

Mr BROWN: Who did you consult about this change?

Mr BURGOYNE: Lots of people.

A member: Shitloads.

Mr BURGOYNE: I do not want to say that. I knew the consultation question would come up. The Minerals Council of Australia and the Association of Mining and Exploration Companies.

Mr BROWN: Has this been raised with you as an issue or, if not, on what basis are you making this change?

Mr BURGOYNE: Yes, it has been raised, and that is why we are doing it.

Mr SMELT: You did not meet with any environmental groups, like Arid Lands Environment Centre Northern Territory?

Mr BURGOYNE: I always meet with environmental groups, Member for Nightcliff; you know I love them.

Mr SMELT: I just need to clarify that, minister, because you did not mention it in that list of people you consulted with.

Mr BURGOYNE: Not on this specific Bill.

Mr SMELT: Sorry, minister, you did not consult with them on this Bill?

DRAFT

Mr BURGOYNE: Not on this specific part, no. It is important, because the Member for Nightcliff is trying to get a gotcha moment across this entire Bill—114 clauses or whatever it is. There has been extensive consultation with groups across the Northern Territory.

Mr SMELT: That is not what you were saying before. To be clear, did you or did you not consult with the Environment Centre on this bill?

Mr BURGOYNE: On the Bill, yes.

J DAVIS: Just to follow up from that question, did you consult, on this Bill, with AFANT, the land councils or water scientists?

Mr BURGOYNE: There has been extensive consultation.

J DAVIS: Can you outline when that consultation took place? The reason I am saying that—I know you are keen to make sure things are corrected when they are said in the public space that you believe are not true. There is a lot of commentary in the public space that there has been no consultation on this Bill with those groups. If that is not the case, that is great; let us correct it and get it on the record.

Mr BURGOYNE: Those who had concerns and sought a briefing have all been consulted in regard to this Bill.

Mr BROWN: Can you give us a list of who you consulted with?

Mr BURGOYNE: I have answered that question.

Mr BROWN: Is there no list?

Mr BURGOYNE: My Christmas cheer ends there.

Mr BROWN: How will you ensure the interests of community, stakeholders and Aboriginal Territorians are balanced against the interests of proponents, considering such short consultation timeframes?

Mr BURGOYNE: We do this through the risk criteria. For low-risk exploration there is a shorter timeframe, and for those that are more complex, there is a longer timeframe.

Mr BROWN: How will you ensure that the affected stakeholders are proactively notified and engaged in the process?

Mr BURGOYNE: Mining operators have obligations under the Act to consult before they proceed.

Clause 39 agreed to.

Clause 40:

J DAVIS: Similarly, can you confirm that this clause reduces the public comment window for substantial alterations to tailored mining licence conditions?

Mr BURGOYNE: For substantive alterations and mining operations, it increases from 20 days to 25 days.

J DAVIS: For substantial alterations it increases to 30 days and for fossicking extractive operations and exploration it decreases to 20 days; is that correct?

Mr BURGOYNE: I will read out the changes and hopefully that clarifies any concerns.

For exploration, fossicking and extractive operations, the prescribed minimum is 10 business days for a modified condition licence and 20 business days for a tailored condition licence. For mining operations, the respective periods are 25 and 30 business days.

J DAVIS: Has the consultation timeframe for an exploration activity, fossicking or extractive operations decreased from 25 days to 20 days?

Mr BURGOYNE: Yes.

DRAFT

Mr BROWN: What is your evidence that these changes will reduce red tape?

Mr BURGOYNE: If we have a low-risk activity, we are reducing the number of days, but if we have a high-risk activity, we are increasing it. We are making sure that we get the balance right.

Mr BROWN: Who did you consult about the change?

Mr BURGOYNE: I have answered the question in regard to that.

Mr SMELT: In terms of that consultation that we discussed in the previous clause with the environmental groups, did that occur before or after the legislation was tabled?

Mr BURGOYNE: I have answered the question.

Mr SMELT: It is a simple question. Did the consultation occur before or after the legislation was tabled?

Mr EDGINGTON: A point of order, Mr Deputy Speaker! It is becoming argumentative.

Mr DEPUTY SPEAKER: I have let the minister answer the question. He has addressed it in various ways. If he will not change his tune, I am sorry, but we will have to accept it.

J DAVIS: Can you explain for me the difference between a modified condition licence and a tailored condition licence?

Mr BURGOYNE: A modified meets the risk criteria and a tailored does not meet the risk criteria and therefore requires a tailored licence for the environmental risks around it.

J DAVIS: To clarify, there is a shortening of consultation periods for some activities that do not meet the low-risk requirement, which would be a tailored licence condition for an exploration activity, fossicking or extractive operations.

Mr BURGOYNE: Member for Johnston, if you could ask your question again, I will make sure I answer it to the best of my ability.

J DAVIS: My understanding from what you just said is that a modified condition licence is lower risk and a tailored condition licence is not categorised as low risk; did I understand that right?

Mr BURGOYNE: Yes. Modified conditions are designed for medium-risk activities. Tailored conditions are set particularly for mining activity or a site that has a high impact or risk.

J DAVIS: My specific question was that the consultation timeframe for higher-risk activities has now been shortened from 25 days to 20 days.

Mr BURGOYNE: It has increased from 20 to 25. I think that is what we were talking about before.

J DAVIS: For a tailored licence condition, my reading of the …

Mr BURGOYNE: Sorry, Member for Johnston; I will get this right. It is increased for mining and decreased for exploration. They are two different activities.

J DAVIS: Is there a reason for inconsistency across that?

Mr BURGOYNE: One is looking for rocks; one is digging up the rocks.

J DAVIS: Is there a reason for inconsistency in consultation timeframes, not are they different activities?

Mr BURGOYNE: They are different activities. That is the whole point.

J DAVIS: I understand that they are different activities. What means that there needs to be a lower consultation timeframe?

Mr BURGOYNE: Because there is less risk.

DRAFT

Mr BROWN: I am looking for examples of high and low risks.

Mr BURGOYNE: The risk criteria are benchmark rules set by the minister regarding scale, location, nature and activity. Examples of these are how many hectares can be cleared and how close to waterways works can be. They act as a test to determine which licence category a project falls into. Standard conditions apply to low-risk activities. Modified conditions are designed for medium-risk activities. Tailored conditions are set for particular mining activities that carry high impact or risk.

J DAVIS: I move amendment 6 in amendment schedule 81IND to clause 40 to omit paragraphs (a)(i), (ii) and (iii) and insert:

(i) for an exploration activity – 20 business days

(ii) for fossicking – 20 business days

(iii) for extractive operations – 20 business days.

This amendment seeks to establish a consistent baseline of at least 20 business days for public comment across all activities, retaining the 30 business days for mining operations.

Mr BROWN: I support the amendment moved by the Member for Johnston. Although we support increasing the time available for the community to comment on mining operations, I reiterate our opposition to shortening the public consultation period for exploration fossicking and extractive operations. These are all activities that have significant impact on our natural resources and Territorians should have the opportunity to raise any concerns they may have, and they should be given a reasonable amount of time to do so.

The Assembly divided:

Ayes 7	Noes 16
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Ms Cahill
Mr Paech	Mrs Carlson
Mr Smelt	Mr Charls
Ms Uibo	Mr Edgington
Mr Young	Mrs Finocchiaro
	Mrs Hersey
	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan

Amendment not agreed to.

Clause 40 agreed to.

Clause 41:

J DAVIS: Is the $4,000 threshold in proposed regulation 234B a cap on refunds or is it one of several circumstances?

Mr BURGOYNE: It is one of two. In special circumstances, the minister considers the level of environmental disturbance. An example of this is that the only site impacts might be access tracks and small water dams. We will not forgo and say that a mine does not have to clean up a massive remediation area. It is for those special circumstances when they have taken up a mineral release, put through an access track and put up a dam.

DRAFT

J DAVIS: Are there any objective environmental threshold guarantees that the minister has to follow before a refund is issued before you exercise your discretion?

Mr BURGOYNE: It would be a scientific assessment in regard to being safe, stable and non-polluting and on a pathway to ecosystem recovery.

J DAVIS: Who conducts that assessment?

Mr BURGOYNE: Mining officers—the department.

Mr BROWN: Please give an example of a special circumstance that would justify you, as minister, returning a mining security to an operator.

Mr BURGOYNE: One where the only disturbances are an access track or a small water dam.

Mr BROWN: Who will provide you with advice on allowing a special consideration case? What would that advice entail?

Mr BURGOYNE: The scientists in the department.

Mr BROWN: What sort of risk assessment will be done to ensure that you are not refunding a bond to a previous operator when the new operator does not have capacity to cover that security?

Mr BURGOYNE: They need a mining security if they are taking over. It will not be approved without the mining security being paid.

Mr BROWN: Did you consider or seek legal advice on the potential risk of doing this, particularly whether a mining operator could use this as a legal loophole to get a refund of their security bond without meeting their obligations?

Mr BURGOYNE: There is no legal loophole.

Mr BROWN: Who asked for these changes?

Mr BURGOYNE: It is important that we understand what we are trying to achieve, so I will explain. The department is dealing with legacy matters where it has an area which has barely been disturbed. You have people saying, 'We would like our money back, can we please get it back?' and essentially we are saying, in special circumstances when there is no impact to the environment—they might have put in an access track—that they can get back the money put up as security. We are not doing it in cases where there is massive environmental damage and we obviously need to use that security to remediate it.

J DAVIS: I think that is clear, and I appreciate your answer. I have been asked to ask the following. Is there anything in the law under section 132F(1)(e), which is about the cap, that would prevent a minister—any minister; there is no imputation on you—from returning a bond when a site has not been fully cleaned up? Is there anything in the legislation that guarantees against that? That is a concern people have.

Mr BURGOYNE: I 100% understand the premise of the question. It is a hypothetical. I have clearly articulated what we are attempting to do, which is deal with legacy issues, but we do not want to forgo the environmental cleanup and the remediation that has to happen after someone leaves.

J DAVIS: I am not sure that answered my question. Is there anything that guarantees a bond will not be returned if the site has not been cleaned up, in the law?

Mr BURGOYNE: I understand the question, and I have answered it.

Mr BROWN: We will not support this clause. Again, there is little detail and clarity on how this will operate or how special circumstances will be determined. Territorians deserve certainty that mining operators are meeting their rehabilitation and closure obligations. This does not provide them with any certainty or comfort, and we oppose this clause outright on that basis.

The Assembly divided:

Ayes 16 Noes 7

DRAFT

Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Ms Cahill	Mr McGrath
Mrs Carlson	Mr Paech
Mr Charls	Mr Smelt
Mr Edgington	Ms Uibo
Mrs Finocchiaro	Mr Young
Mrs Hersey	
Mr Howe	
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	

Clause 41 agreed to.

Clause 42, by leave, agreed to.

Clause 43:

Mr BROWN: I oppose this clause.

These are consequential transitional amendments relating to clauses 39 and 40. This is another way that the CLP government is using red-tape reduction as an excuse to silence the voices of Territorians. It is yet another example of governing for some and putting the interests of mining operations ahead of Territorians. Although there is no evidence this materially reduces red tape, it will make it harder for Territorians to have their say when it comes to certain mining licences. Reducing already short timeframes even further means that fewer people will have the time to make a considered submission, which appears to be the real rationale for making these changes. It is on this basis we will not be supporting this amendment.

My issues with this clause go to the reduced public consultation periods and limited scrutiny opportunities for the community. The Territory Labor opposition reiterates its strong position that reducing consultation opportunities will silence Territorian voices, not reduce red tape.

We propose to omit proposed regulations 284 and 285. Therefore, I move amendment 5 in amendment schedule 81OPP to clause 43.

Ms UIBO: I support the amendment moved by the Member for Arafura.

It has become a bad pattern of behaviour from the CLP government to not consult with Territorians. We are seeing that not just in one area or portfolio, but across the board. This has been raised with us as a huge concern. The Member for Arafura has captured it succinctly in his amendment and the reasons for that amendment.

We believe that Territorians should always have a say on regulations as well as legislation. That is important. When that is eroded, it is likened to a dictatorship rather than a democracy. That is why I support the amendment from the Member for Arafura.

The Assembly divided:

Ayes 7	Noes 16
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Ms Cahill
Mr Paech	Mrs Carlson
Mr Smelt	Mr Charls
Ms Uibo	Mr Edgington
Mr Young	Mrs Finocchiaro
	Mrs Hersey
	Mr Howe

DRAFT

Mr Kerle
Mr Mackay
Mr Maley
Mr O'Gallagher
Mr Patel
Dr Rahman
Mr Yan

Amendment not agreed to.

Mr DEPUTY SPEAKER: I ask the permission of the Assembly that if we have divisions on the same clause, can we reduce the time to one minute, but new clauses will return to three minutes? I will take that as a yes.

Mr BROWN: I move amendment 6 in amendment schedule 81OPP to clause 43.

The Assembly divided:

Ayes 7	Noes 16
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Ms Cahill
Mr Paech	Mrs Carlson
Mr Smelt	Mr Charls
Ms Uibo	Mr Edgington
Mr Young	Mrs Finocchiaro
	Mrs Hersey
	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan

Amendment not agreed to.

Clause 43 agreed to.

Clauses 44 to 57, by leave, taken together and agreed to.

Clause 58:

Mr BROWN: Can you table any specific data or case studies that demonstrate third-party merits reviews have caused unreasonable delays to projects as opposed to raising legitimate issues about flawed decisions?

Mr BURGOYNE: I understand the premise of the question. It is not quite relevant to the clause.

Mr BROWN: There is no answer for that.

NTCAT already has powers to dismiss merits reviews if they are deemed frivolous. Is this not more than adequate to deter any misuse of the system without removing Territorians' right to appeal a decision with good grounds?

Mr BURGOYNE: To be clear, this change is needed because with online campaigns we can get hundreds and hundreds of submitters generating large numbers of short public submissions from people with no connection to the property. Giving every submitter an automatic tribunal standing exposes landowners and councils to disproportionate litigation delays. We are making sure that those who have genuine direct legal interest in the property can do that, but those who do not are someone sitting in Melbourne on their laptop and saying, 'I do not like this', even though they have no idea or connection to the place.

Mr BROWN: Is this another example of your government wanting to look like you are doing something without achieving anything useful?

DRAFT

Mr BURGOYNE: Not at all. We are trying to make the job of the Heritage Council a lot easier. As I said, previously you would put a notice in the paper and a couple of people would write in about that local heritage matter. Now we have online portals to make it easier for everyone. That also means we can get hundreds of submissions as opposed to someone picking up the local paper, saying, 'I know that building, I will write in a submission about the old heritage place.'

We are making sure that people who have a genuine connection can have that legal standing in regards to it but others not.

Mr BROWN: What analysis have you done on the economic benefits of sidestepping due process in favour of uncertainty and poor community or cultural impacts? How do the economic benefits outweigh good community outcomes?

Mr BURGOYNE: I will be clear: the direct interest remains fully protected through this process.

Ms UIBO: Going to one of your early answers, can you table any specific data or case studies around those third-party merit reviews? You said there is frivolous or vexatious online campaigns, and it is kind of getting out of control, et cetera. Could you provide the reasoning or evidence of why this decision is being made and the proof to the parliament during this process?

Mr BURGOYNE: I think it is disappointing—to understand, we have seen an increase in the number of submissions in regard to these processes. We are making sure those that have direct interest remain fully protected and can have all the things, but those that are not, do not.

Ms UIBO: Minister, can you table any evidence to show us the reasoning about why those changes are being made?

Mr BURGOYNE: I answered the question.

Ms UIBO: So, no, you will not table any data or evidence of why this decision, or it does not exist?

Mr BURGOYNE: I have answered the question.

Mr DEPUTY SPEAKER: I think we need to move on.

J DAVIS: What is the definition of someone with direct interest?

Mr BURGOYNE: Good question. The person who nominated the place or object and every interested person defined in section 4 of the Act. Owners, occupiers, registered land title interest holders and mining or resource title holders.

J DAVIS: Anyone who does not fit one of those categories, who has put in a submission or has concerns, will no longer have standing. Is that correct?

Mr BURGOYNE: Yeah, they will not have a legal standpoint. It does not mean their submissions are not taken into consideration as part of the consultation process. I think that is what is often lost in these processes. That is the whole idea of the process to put out the recommendation or to say we are thinking about heritage listing this place and allow everyone to submit their submissions. That is part of the consultation process.

J DAVIS: To clarify, they will not have standing to seek review with NTCAT or appeal in the court?

Mr BURGOYNE: No.

J DAVIS: Can you give numbers of how often—what problem is this rule trying to solve, in a concrete way, not in a hypothetic way, if this does happen?

Mr BURGOYNE: Yes, it happens. This is what we are trying to fix. We have now seen a huge increase in the number of submissions relating to some of these applications.

J DAVIS: What kinds of delays has that caused?

DRAFT

Mr BURGOYNE: Through the processes that have been conducted by the Heritage Council, it has outlined the need to ensure those that have direct interest remain fully protected, while those outside of that definition, which I have just explained, do not.

J DAVIS: You said there has been a huge number of expanded submissions and public interest and that this seeks to cut red tape and make sure things happen more quickly. I am wondering what has been slowed down? Similar to the question I think that the Leader of the Opposition asked, what is the evidence base of having to bring this in?

You said in your second reading speech that the intention of this Bill is to retain public participation and access to decisions and reasons, but replacing simple written notices mean that public submitters—people with an interest who may not be defined under what you just outlined earlier—no longer have legal standing. I am curious about what the impact of that has been and what you are thinking it will be in removing that.

Mr BURGOYNE: Someone sitting in Victoria with no actual interest in a place can put in a one-word submission, 'object', and they technically have legal standing and can challenge any future decision. It is important that we are focusing on those who have direct interest in the matters that we are considering.

Ms UIBO: How exactly will these amendments distinguish between frivolous vexatious claims and third parties generally impacted by a decision that you or that the Heritage Council of the Northern Territory make?

Mr BURGOYNE: To be clear, that does not even come into it. What we are focusing on through this change is that those who have direct interest remain fully protected and have legal standing; those who are outside of that do not.

Mr BROWN: If post-decision merits reviews is removed, what sort of additional public participation or transparency measures will be put in place at the start of the process so that Territorians can have any concerns addressed before the final decision is made?

Mr BURGOYNE: We are trying to understand what you are getting at. Are you saying that because merits reviews are gone, what opportunity will people have? People will always have judicial review as part of this.

Mr BROWN: Yes, that is right.

I will now add my closing comments which relate specifically to clauses 58 to 62 because each of these clauses seeks to erode the rights of Territorians to have a say in decisions concerning their heritage. It is yet another example of the government placing the interests of a select few ahead of the rights and freedoms of many. This government refuses to listen to or genuinely consult with Territorians. This Bill is simply the latest in a long line of legislation designed to shut people out of decisions that affect their lives and silence those who dare to have a different view.

It is quite clear that this government does not want to hear what Territorians have to say. Meanwhile, the government has made grand promises about reducing red tape, and it has failed to deliver any meaningful or measurable outcomes. There has been plenty of talk and rhetoric, but little delivery. These amendments will restrict the ability for Territorians to participate in decisions that affect them, yet the minister cannot point to a shred of evidence demonstrating how these changes, or many of the other changes that he has introduced, will deliver any measurable reduction in red tape.

Over the past two years, the minister has repeatedly dressed up Bills and amendments as red-tape reduction measures, but where is the evidence? There is no proper measurement of their impact, no monitoring of their effectiveness and no statistics demonstrating where they have achieved what the government claims they would. I challenge the minister to identify even one of his so-called red-tape reduction initiatives that has made a demonstrable difference to one Territorian or Territory business. The reality is that Territorians are being asked to surrender their rights and voices, all in the name of a red-tape reduction agenda for which this government cannot demonstrate any meaningful results. We do not support it.

Mr DEPUTY SPEAKER: Member for Arafura, I note that your opposition related to several clauses, and I take that on board, but I will go through the clauses one by one just to make sure.

The question is that clause 58 stand as printed.

The Assembly divided:

DRAFT

Ayes 16	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Ms Cahill	Mr McGrath
Mrs Carlson	Mr Paech
Mr Charls	Mr Smelt
Mr Edgington	Ms Uibo
Mrs Finocchiaro	Mr Young
Mrs Hersey	
Mr Howe	
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	

Clause 58 agreed to.

Clause 59:

Mr DEPUTY SPEAKER: We agreed to do three-minute divisions for every new clause. There are back-to-back clauses coming up and opposition to them. Do you want to cut the division time down to one minute or do we stay on three minutes for each clause? Everyone is happy for one minute.

Mr BROWN: For the same reasons I outlined earlier, we will oppose this clause.

J DAVIS: I also will oppose a series of clauses. I will only speak once on it. I oppose clauses 59, 60, 61, 62 and 63 for the same reasons that the Member for Arafura outlined. This preserves the statutory rights of public submitters to receive formal review and information notices that give them legal standing to seek independent merits review. I believe that is important for making sure that we continue to protect our water and land.

The Assembly divided:

Ayes 16	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Ms Cahill	Mr McGrath
Mrs Carlson	Mr Paech
Mr Charls	Mr Smelt
Mr Edgington	Ms Uibo
Mrs Finocchiaro	Mr Young
Mrs Hersey	
Mr Howe	
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	
Mrs Zio	

Clause 59 agreed to.

Clause 60:

Mr BROWN: For the same reasons I outlined earlier, we will oppose this clause. This government refuses to listen or genuinely consult with Territorians. These amendments will restrict …

Mr EDGINGTON: Labor did over 20 years.

DRAFT

Mr DEPUTY SPEAKER: Please do not interrupt.

Mr BROWN: … the ability of Territorians to participate in decisions that affect them.

Mr SMELT: I support the Member for Arafura in opposing this clause.

While we are talking about consultation and engagement, I remind the minister for Environment that in the Sessional Orders of the 15th Assembly, sessional order 6.5, 'Bill's referral to the Legislative Scrutiny Committee, Urgency or Second Reading Debate after 28 days have elapsed', states:

(2) The member in charge of the bill may move either:

(a) a motion referring the bill to the scrutiny committee for report by a particular date, with the question to be put without amendment or debate; or

(b) 'that the bill be declared urgent', to which the mover or any other member may speak for 5 minutes.

Mr BURGOYNE: Thank you, Member for Nightcliff …

Mr YOUNG: He has not finished, sit down.

Mr DEPUTY SPEAKER: Member for Nightcliff, are you still going?

Mr SMELT: I am.

I am putting on the record that there is no opportunity for the opposition or the crossbench to refer any Bill in this House to the Legislative Scrutiny Committee.

Mr BURGOYNE: If the Member for Nightcliff had only been in here for five seconds and actually knew something, he could suspend standing orders and move by substantive motion if he wanted to.

Mr DEPUTY SPEAKER: Can we just stick to this CID and the clauses at hand?

Ms UIBO: It goes to this clause because we are talking about Territorians having a say and the government supposedly doing its job, but doing it in a poor and ill-informed way without going out to proper consultation and talking to affected members of the community, organisations, land councils, pastoralists, industry—all of the aforementioned and more. Not having a provision to scrutinise properly other than having hands tied in this parliament …

Mr MACKAY: Remember that time you scrapped it? That was good when you were in Cabinet. You scrapped it.

Mr PAECH: A point of order, Mr Deputy Speaker! Standing Order 20; you cannot hear for the interjections from the Member for Goyder. If he wants to speak, let him get up and speak, but let the Opposition Leader speak.

Mr MACKAY: I can speak louder if you cannot hear my interjections.

Mr DEPUTY SPEAKER: Member for Goyder, enough!

I remind people that this is not an opportunity to repeat what was in the second reading debate. This is about consideration in detail and it has to be relevant to this particular clause. Leader of the Opposition, I think you may be straying. Can we stick to the clause.

Ms UIBO: It is tough that the CLP does not like hearing the truth about its own processes. That is why processes …

Mr MACKAY: A point of order, Mr Deputy Speaker! Standing Order 155; this is clearly not relevant to the discussion of the clause.

DRAFT

Mr PAECH: A point of order, Mr Deputy Speaker! The Leader of the Opposition has ample time and her remarks can be broad, as has been the longstanding convention in consideration in detail ...

Mr MACKAY: You are not the Deputy Speaker; you do not answer the point of order.

Mr DEPUTY SPEAKER: Enough!

Mr PAECH: The Member for Goyder might not like what he is hearing, but the Leader of the Opposition has plenty of time.

Mr DEPUTY SPEAKER: I remind people that this is not a repeat of the second reading debate. Although I give a bit of leeway, I will focus people back on the clause. If they depart too far from it, we will move on.

Ms UIBO: Thank you, Mr Deputy Speaker, for your fairness and respect in the manner of this process.

It is unfortunate that the government did not go through any process of consultation when it comes to this …

Mr EDGINGTON: A point of order, Mr Deputy Speaker!

Ms UIBO: I have my question, if the Member for Barkly would like to let me ask it.

Mr EDGINGTON: Standing Order 155; discussion needs to be confined to the clause that is before us. It is not about who did what, when, where and how; it is about questions related to the clause.

Mr DEPUTY SPEAKER: I think you made your point, Leader of the Opposition, but that is enough. Can we move on. Is there a different line of questioning or are we happy to go through?

Ms UIBO: I did not even get to ask my question. I would like to ask it if the CLP government would allow that.

Mr DEPUTY SPEAKER: If you ask a specific question about the clause, I would be more than happy for you to do that.

Ms UIBO: Why has the government chosen to amend this section of the Act relating to the declaration of heritage places and objects? Why has this process been put forward? Is it best practice? What has the government modelled it on? Is it best practice in the country?

Mr BURGOYNE: Public submitters will still receive the decision and reasons. They are a part of the process and their concerns are heard through the submissions process.

Ms UIBO: Based on that answer, if there is no process for someone to submit, how are their concerns heard? If they are legally declared as not having an interest in that, who decides that?

Mr BURGOYNE: I do not think the Opposition Leader quite understands. We are having a process where submitters put in their concerns. That is compiled and listened to by the Heritage branch and all the rest of it in regard to this. This amendment strengthens the reasons-giving requirement without otherwise changing the declaration decision. There is a bit of confusion.

The Assembly divided:

Ayes 16	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Ms Cahill	Mr McGrath
Mrs Carlson	Mr Paech
Mr Charls	Mr Smelt
Mr Edgington	Ms Uibo
Mrs Finocchiaro	Mr Young
Mrs Hersey	
Mr Howe	
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	

DRAFT

Mr Patel
Dr Rahman
Mr Yan

Clause 60 agreed to.

Clause 61:

Mr BROWN: For the same reasons I had outlined earlier, we will be opposing this clause.

The Assembly divided:

Ayes 15	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Ms Cahill	Mr McGrath
Mrs Carlson	Mr Paech
Mr Charls	Mr Smelt
Mr Edgington	Ms Uibo
Mrs Hersey	Mr Young
Mr Howe	
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	

Clause 61 agreed to.

Clause 62:

Mr BROWN: For the same reason I outlined earlier, we will be opposing this clause.

The Assembly divided:

Ayes 15	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Ms Cahill	Mr McGrath
Mrs Carlson	Mr Paech
Mr Charls	Mr Smelt
Mr Edgington	Ms Uibo
Mrs Hersey	Mr Young
Mr Howe	
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	

Clause 62 agreed to.

Clause 63:

Mr BROWN: I move amendment 12 in amendment schedule 81OPP to clause 63.

This is for the same reasons as I outlined. We will oppose this clause as it relates to transitional arrangements and the erosion of opportunities for community members to have a say in heritage decisions.

DRAFT

The Assembly divided:

Ayes 7	Noes 14
Mr Brown	Mr Burgoyne
J Davis	Ms Cahill
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan

Amendment not agreed to.

Mr BROWN: I move amendment 13 in amendment schedule 81OPP to clause 63.

This is for the same reasons I outlined earlier.

The Assembly divided:

Ayes 7	Noes 17
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Ms Cahill
Mr Paech	Mrs Carlson
Mr Smelt	Mr Charls
Ms Uibo	Mr Edgington
Mr Young	Mrs Hersey
	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan

Amendment not agreed to.

Clause 63 agreed to.

Clauses 64 to 69, by leave, taken together and agreed to.

Clause 70:

J DAVIS: I understand no management areas have been prescribed yet. What will the process be for identifying prescribed dredging management areas?

Mr BURGOYNE: It will be set by the regulations.

J DAVIS: You indicated in your second reading speech that this will initially be focused on Darwin Harbour. Will dredging in estuaries in coastal waters also be covered by this framework?

Mr BURGOYNE: Not at this stage. It is important to understand that the risks are different in Darwin Harbour because of the cumulative impacts.

DRAFT

J DAVIS: So that I understand clearly, is there an intention, at this stage, to have any designated areas beyond Darwin Harbour?

Mr BURGOYNE: If they are outside of Darwin and it gets seen as a significant activity, then they must go through an environmental assessment and must comply with the *Environment Protection Act 2019.* It is important that we look at the dredging that is happening in the harbour—because this is something that is happening more frequently—the cumulative impacts and the risks, which is why we are putting this in place.

J DAVIS: I appreciate that and am sure many others do. I would like to be completely clear: is there no intention to extend beyond Darwin Harbour?

Mr BURGOYNE: Not at this stage because it can be covered under other parts of legislation rules.

J DAVIS: What is the minister's response to address the infrastructure issues in communities, such as Numbulwar and Milingimbi, where communities are receiving less barge deliveries due to channels not being maintained?

Mr BURGOYNE: They can still dredge in those areas, that is the whole intent. We are trying to make things simpler by managing the risks associated with dredging.

J DAVIS: You identified that things like sediment plumes, contaminant mobilisation and impacts on marine habitats are the intention of trying to put some protections in place. Those impacts do not stop at the edge of a prescribed area. The concern raised with me to raise with you is: how will other areas be protected from those things you have identified? You said that there are other protections. Can you can you explain them clearly?

Mr BURGOYNE: In regard to these activities, a number of Acts cover what is happening. Obviously, there is the *Water Act* with the waste discharge licences and you have the general environmental duty in the *Environment Protection Act* where anything seen as significant requires an EIA. There are multiple levels of regulation if it was to occur outside. We are seeing lots of dredging in the Darwin Harbour and are trying to make a more streamlined process so that people can comply with the rules and regulations, do the right thing and have less of an impact on the environment.

J DAVIS: What would be the process if there were concerns the existing pathways—I think you said in your speech existing pathways are not necessarily clear for this kind of dredging. You are focusing on Darwin Harbour. What are the processes for concerns about dredging in areas beyond Darwin Harbour? If people think that needs to be addressed, what is the process?

Mr BURGOYNE: If people are concerned that outside of the Darwin area whatever work being conducted is not looking after the environment, they can make a submission to the NT EPA through the general environmental duty that everyone has in regard to these activities.

J DAVIS: Could that submission be to establish a prescribed dredging management area?

Mr BURGOYNE: If you will have one instance of dredging, you do not need a prescribed area. What we are trying to achieve through this legislation and regulation is to clearly articulate the approvals required for dredging in a prescribed area. That is what we are doing. We are saying that if you want to come to the Darwin Harbour to dredge, these are the prescribed rules.

What is currently happening is each individual dredger is having to apply, then obviously we are looking at where it might be and what the impacts could be. We are setting a clear list of guidelines for when you come to Darwin Harbour, what you have to comply with. If there is dredging happening in other areas, they can be looked at in their individual capacities.

J DAVIS: I appreciate your explanation. I think having a clear framework for dredging is a welcome step. My concern about the ongoing risks in other areas remains. I am unclear about why you would not look at applying this beyond just Darwin Harbour.

Mr BURGOYNE: It is about putting in place a framework that is proportionate to risk. If you were to apply the same rules that will apply to Darwin Harbour to one dredging activity to clear a channel, the same approvals required for dredging in a harbour, where there is a cumulative impact, will be different from one dredging operation that might occur once every couple of years in a remote location.

DRAFT

J DAVIS: The amendment I will move does not say exactly that the same rules need to apply. I understand there are different circumstances in different areas. It just says that there needs to be a baseline threshold that applies across the whole Territory, to all our waterways. That is what I will argue for when I move my amendment.

Mr BROWN: When can we expect to see the Darwin Harbour dredge management plan?

Mr BURGOYNE: That is a good question. We are putting in environmental protections. It is another agency that actually deals with implementing it—essentially developing the management plan.

Mr BROWN: Which agency is that, to follow up?

Mr BURGOYNE: DLI.

J DAVIS: Did you say that there was a timeframe for that?

Mr BURGOYNE: The regulations or the management plan?

J DAVIS: The regulations.

Mr BURGOYNE: The middle of next year.

Mr BROWN: You have a timeframe for the regulations. Did we hear the timeframe for the management plan?

Mr BURGOYNE: It is not being overseen by this department, so I cannot answer that.

J DAVIS: I move amendment 15 in amendment schedule 81IND to clause 70(2) to omit the definition of 'dredging management area'.

This is for the reasons that I just explained. I believe that bringing dredging into the framework is a good step. The minister has described the risks clearly of sediment plumes and contaminant mobilisation impacts on marine habitats. These risks do not stop at the end of a prescribed area. The whole Territory deserves protection, not just Darwin Harbour. The minister called this a deliberately enabling and staged framework. These amendments keep that regulations can still set thresholds, exemptions and notification requirements, but this would make sure, as I said, that the whole Territory would be protected, not just an area that has been prescribed.

The Assembly divided:

Ayes 7	Noes 14
Mr Brown	Mr Burgoyne
J Davis	Ms Cahill
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan

Amendment not agreed to.

Clause 70 agreed to.

Clauses 71 to 73, by leave, taken together and agreed to.

Clause 74:

DRAFT

Mr BROWN: Who has asked for these changes?

Mr BURGOYNE: This amendment is based on best practice.

Mr BROWN: Who have you consulted about these changes?

Mr BURGOYNE: We have been through consultation about this Bill a number of times.

Mr SMELT: In terms of consultation on this Bill, this Bill amends seven different Acts. It is important that we understand the consultation and input that went into these changes. Who did you consult about the changes with regard to the *Waste Management and Pollution Control Act*?

Mr BURGOYNE: Consultation included the following. Environment and Heritage engaged with Darwin Port and Regional Harbourmaster; environment regulation presented to the Environment Institute of Australia and New Zealand; Environment and Heritage and Water Resources briefed NLC. I am reading over and again groups of people we have consulted with. It is important to acknowledge that we consulted on this. Obviously, we make decisions as a government to amend legislation. That is why we are here.

Mr BROWN: Obviously, each clause means something different to somebody, so you will get a question about consultation for every one.

Did you seek advice from the EPA before making these changes?

Mr BURGOYNE: We consulted the NT EPA.

Mr BROWN: What was its advice?

Mr BURGOYNE: It is important that when we consult with anyone, we get feedback, and changes to legislation can be based on that feedback.

Mr SMELT: When it came to those consultations, you started to read out a list with the Northern Land Council and others. Can you confirm whether that consultation occurred before or after the Bill was tabled?

Mr BURGOYNE: I have answered this question. Throughout this process we have consulted with people. We spoke about the NT EPA and all the rest of it. There has been a broad spectrum of consultation. That answers the question.

Mr SMELT: Was that before or after the Act?

Mr BURGOYNE: I have answered the question.

Madam SPEAKER: Move on, please.

J DAVIS: This clause means that environmental facility licences remain in force indefinitely until surrendered or cancelled; is that right?

Mr BURGOYNE: Clause 74 inserts a new section which provides that if a holder of a licence applies for renewal of a licence in accordance with section 40 before the expiry of the licence, that licence is taken to continue in force from the day it would have expired to the day the application is determined. We are trying to make sure that there is no lapse in between someone applying for a new licence and the existing licence expiring.

J DAVIS: Are there any fixed-term licence renewals, or any checks on licence renewals?

Mr BURGOYNE: There is continuing regulation—the statutory criteria. I think you are asking if they are checking to make sure that everyone is doing the right thing in regard to the new licence. That is part of the process.

J DAVIS: I am asking: are there any statutory timeframes for checking?

Mr BURGOYNE: If you have an environmental protection licence, it is allowed to remain in full force until surrendered or cancelled. Holders must comply with all rules and regulations, while preserving the NT EPA's

DRAFT

discretion to set a fixed period on a licence where appropriate. I think it is important that we allow that time until the new one kicks in.

J DAVIS: I think there are two separate points. I am interested in clarifying my understanding of this clause. It removes a set statutory time for a review of a renewal. That is now no longer there, so the licence will continue until it is surrendered; is that right?

Mr BURGOYNE: It is about making informed decisions. If for whatever reason the proponent puts in a new application for renewal of that licence, and it is taking longer than expected to assess that, this means that existing licence does not cease to exist even though the end date has arrived because they have put in the new application.

J DAVIS: Is this getting rid of fixed expiry dates for licences?

Mr BURGOYNE: No.

J DAVIS: Will mandatory expiry dates continue to exist?

Mr BURGOYNE: Are you asking about the fixed amount of time someone has to make a decision or the fixed time a licence runs to and then expires? I am trying to make sure we are answering the right question.

J DAVIS: My concern is that if there is no fixed amount of time that a licence runs for and then expires, there is no statutory requirement that a licence is reviewed. I think this is a different point to what you were explaining before about not wanting there to be this long gap and a bureaucratic thing about people waiting in between. I think that is a separate issue. I appreciate that. What I am interested in is—and you can correct me if I am wrong—my understanding is at the moment there is a fixed point when a licence will be reviewed, and that is now being removed.

Mr BURGOYNE: Where the EPA deems it necessary, there may still be the need for renewal.

J DAVIS: It is at the discretion of the EPA?

Mr BURGOYNE: To be clear, continuous licences apply, but it is at the discretion of the NTEPA. They can deem there be a fixed timeframe.

J DAVIS: They can, but there is no statutory requirement or compulsion for any kind of review.

Mr BURGOYNE: I understand the basis of your question now. We are seeking to improve the triggers for the NTEPA to review and amend in response to information and risks, meaning the regulator can respond immediately rather than waiting for a renewal period.

J DAVIS: That is welcome; I understand that. My concern is that, at the moment—I am kind of repeating myself, but I want to make sure I am understanding it. There is now no fixed term that gives the EPA a regular certain point to look at facilities, for example, Darwin LNG, so everyone has certainty about when a licence will be reassessed. That will no longer be in the law; is that right? It does not mean it will not happen. I am wondering about what might …

Mr BURGOYNE: I think that is an important thing. Of course, these things were obviously checked. You put a licence in place; it has to comply with all the rules and regulations. You are more worried about when it will actually be reviewed because now, under some of these instances, it is essentially like a perpetuity or a continuous licence.

J DAVIS: Exactly.

Mr BURGOYNE: The NTEPA takes all that into consideration when they are issuing the licences. Obviously, if they see it as being a licence that could pose a risk, they will set a review period as part of that. There is all the compliance activity that occurs, officer licences running and then if they deem it to have significant risk they will set review periods.

J DAVIS: So, that is a discretionary ‘may’, not ‘must’, under the law?

Mr BURGOYNE: Yes, it is discretionary.

DRAFT

Mr SMELT: I want to confirm with the minister, with these changes, is this retrospective or is this only going forward for new licences?

Mr BURGOYNE: It is going forward. They will have to apply. They will be reassessed as part of the process to make sure they are continuing to comply. Then the NTEPA will set the renewal and whether there is to be a review period or not.

Mr SMELT: Existing licences that have not expired and are currently in operation and have a fixed end date will have to go through that renewal process; they will not be automatically converted to continuous licences.

Mr BURGOYNE: Anyone with an existing licence will have to reapply to then get the perpetual continuous licence.

Mr BROWN: We support providing businesses and industry with certainty over their operations and reducing administrative burden. We acknowledge that there may be some benefits in allowing licences to continue until surrendered or cancelled; for example, the local council with the waste facility licence working with the EPA. However, we think there is an opportunity for a slight amendment that continues to embed the requirement for petrochemical facilities to retain a renewal period so that their licence must be re-examined at regular intervals. This is a reasonable amendment that provides some assurances to the community that the government is closely monitoring LNG facilities in our harbour. As we discussed last sittings, there have been two concerning incidents this year involving methane leaks and toxic emissions. It makes sense that regular licence renewals for LNG facilities are embedded in legislation, not treated as an optional extra.

Therefore, I move amendment 14 in amendment schedule 81OPP to clause 74.

J DAVIS: I support this amendment; it is in line with what I talked about before. This is a sensible amendment that says that major industrial and polluting facilities, including LNG plants, must remain subject to fixed-term licences to ensure that there are regular mandatory renewals. That is part of making sure that there is periodic public scrutiny, public confidence in what is happening and regulatory accountability and that the community knows that there will be environmental protection. Rather than holding open-ended indefinite licences, it is putting that guarantee into the law. It is not intention; it is making sure that it is there so that everyone can see it and trust it.

The Assembly divided:

Ayes 6	Noes 14
Mr Brown	Mr Burgoyne
J Davis	Ms Cahill
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Mr Young	Mrs Hersey
	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan

Amendment not agreed to.

Clause 74 agreed to.

Clauses 75 to 85, by leave, taken together and agreed to.

Clause 86:

J DAVIS: Why should a negotiated cleanup remove the power of regulators and police to prosecute a serious offence in the public interest?

DRAFT

Mr BURGOYNE: It does not, and that is important. If the outcome is to seek either compensation or to seek that they enter into an enforceable undertaking, they must show that they will do what they say they will do. In one instance it might be to clean up an area; in another instance it might be to pay compensation to an affected party. An enforceable undertaking is essentially something that stays the legal action that could be taken. If the enforceable undertaking is not completed, then legal action can be taken.

J DAVIS: I am glad to see enforceable undertakings. That is great, but my understanding is that accepting an enforceable undertaking permanently rules out any criminal prosecution once it has complied with.

Mr BURGOYNE: The point is that if someone does the wrong thing, they have to fix it under enforceable undertaking. If they do not, they can be liable and prosecuted.

J DAVIS: Can they be criminally prosecuted?

Mr BURGOYNE: Yes. This is the point. If someone has done the wrong thing, they either have to fix it under an enforceable undertaking or, if they do not, they can be held criminally responsible.

J DAVIS: Understood. Even if they fix it, they have still done the wrong thing then there can be no criminal prosecution—if they fixed it. Is that correct?

Mr BURGOYNE: Yes. The reason people accept an enforceable undertaking is to avoid the prosecution. This is the point. What we are trying to achieve here is get the outcome. We want whatever has occurred to be fixed. They either enter into an enforceable undertaking and fix the issue; if they do not, they can be taken to court.

J DAVIS: If they do, it is a bit of a get-out-of-jail-free card in terms of being criminally prosecuted?

Mr BURGOYNE: No. This is where it is frustrating. You have activists who would argue that we will give people a free run. That is not the case at all. The whole idea is outcomes-based legislation. If someone does the wrong thing, we want them to fix it. That can cost millions of dollars to rectify if there is a big issue, or if it is a small issue, they can fix the problem. That is the outcome we want. We do not want things getting stuck in the court process for years and the issue not being resolved. We want to look after the environment; that is the whole point. We are allowing proponents to enter into an enforceable undertaking if they wish to. If they do not, the NT EPA holds them criminally responsible and drags them through the court. That is an important thing. If the proponent offers to enter into an enforceable undertaking, the NT EPA can say no and prosecute.

J DAVIS: Thank you for the clear explanation. At the end of the day, though, someone has broken the law. I understand the intention is to get stuff done, to get it fixed up and to not have some kind of punitive accountability down the track—which is a little out of context with a lot of other things this government does. If someone has broken the law and they fix it up, they will not be held criminally accountable for breaking the law because they have repaired the damage; am I understanding that correctly?

Mr BURGOYNE: Let me put it another way. Litigation and prosecution do not always lead to remediation. We are trying to achieve remediation of the issue that has been caused. An enforceable undertaking is one way of doing that; litigation is another. We are trying to achieve the outcome.

J DAVIS: I am not arguing for an either/or; I am saying that this amendment precludes any kind of criminal prosecution. If someone has done an enforceable undertaking and completed it, there is no avenue for criminal prosecution. In my view, and in in the view of people who have raised this with me, that is not always appropriate. That should be an option.

Mr BURGOYNE: I want to be clear with people that the only way they avoid litigation and prosecution is by fixing the issue they have caused. That is the outcome we want. Litigation and prosecution do not always lead to that, so we are trying to get the outcome. It does not mean that people will not be prosecuted.

J DAVIS: I could keep asking this question, but I will not. I am sure people are tired. I support enforceable undertakings; I understand the intention to actually get stuff done, get it cleaned up and not to drag things out. However, I reiterate that for a serious offence, completing a cleanup does not undo the harm, and it should not take away the deterrent value of the criminal law for a serious offence. A cleanup should not be a get-out-of-jail free card; therefore, I oppose the clause.

Mr BROWN: We echo the Member for Johnston's concern that enforceable undertakings may have the effect of letting companies off the hook for prosecutions when they do the wrong thing. We do not fully oppose

DRAFT

enforceable undertakings, but we do not want to see companies get out of prosecution when they do the wrong thing.

Clause 86 agreed to.

Clauses 87 to 90, by leave, taken together and agreed to.

Clause 91:

J DAVIS: I have two amendments on this clause, but they are consequential to a previous amendment that did not pass, so I will not be moving them.

Clause 91 agreed to.

Clauses 92 and 93, by leave, taken together and agreed to.

Clause 94:

J DAVIS: I have a consequential amendment to a previous amendment that did not pass, so I will not move it.

Clause 94 agreed to.

Clause 95 to 97, by leave, taken together and agreed to.

Clause 98:

Mr BROWN: Under the National Water Initiative, the NT has a commitment to make sure water plans have an allocation for the environment, along with every other jurisdiction. Why are you going against that commitment by removing the environment as a beneficial use in the *Water Act*?

Mr BURGOYNE: I think this goes to the heart of the interpretation. This clause inserts a definition. It also replaces the beneficial use labelled 'environment' in section 43D with 'aquatic ecosystems'. The amendment distinguishes that specific use from the broader definition of the environment. You have everything that is around us, which can be described as the environment. Then you have aquatic ecosystems, which is what we are talking about when it comes to water, which includes physical, biological, economic, cultural and social aspects and surroundings. It removes the use of the same term for two different statutory concepts without changing the stated purpose of the beneficial use. Aquatic ecosystems are those that depend on surface or groundwater.

More broadly, this is something that has been argued in the media. Let us be clear: with a water allocation plan or when we are looking at how much water is available for use, we are always looking at the first instance of protecting water for the environment. That is the first thing that we look at in regard to any licensing of water. It has been a point of contention that previously you had to set aside water in the ESY for the environment. We have all the water for the environment outside of the estimated sustainable yield, which is what can be taken sustainably. Previously there was just a notional amount attached in the ESY. Activists used to attack governments past and present over this whole figure. We are being clear that we have the water for the environment. We have what can be taken sustainably and we are clearly articulating that through these changes.

Mr BROWN: Without an allocation to the environment in its broadest sense, what guarantee can you give Territorians that there will be adequate water retained in water systems to sustain them with long-term use?

Mr BURGOYNE: Whenever we are looking at any water allocation plan or issuing any water licence, we look at what water can be utilised sustainably whilst looking after and preserving the environment. That is how we work. There are 70 years of science that reinforces when we come to licensing any water for beneficial uses. We have got two things here. The environment itself is defined by the *Water Act* and covers a range of aspects. Then you have beneficial uses that are different. It is clearly defining what we are talking about here.

Mr BROWN: Please outline exactly who you consulted with before drafting these changes in the *Water Act*. Can you list key stakeholders, traditional owners, water scientists or any other experts that you spoke with before or during the drafting of this Bill?

DRAFT

Mr BURGOYNE: Throughout this process, I have spoken at length about lots of people who have been consulted. This is the same. I had lots of people who sought briefings and have wanted to be consulted in regard to this legislation. We have provided those briefings and consulted appropriately.

Mr YOUNG: Who are those people?

Mr BROWN: Minister, for *Heritage Act*, you consult with the same people. This is the same answer you are giving. Obviously, these are different sectors. You have to give us a list. We will ask you every time. It is bad news for you, but every section of this thing, we are asking about consultation to get some clarity on this …

Mr BURGOYNE: That is, Member for Arafura. You have the right to ask and I have the right to answer in the way I see fit. Obviously, different organisations wanted to be briefed on different sections of the Act. The Bill covers, as you stated, a range of pieces of legislation. We briefed and consulted with those who wanted to talk about the relevant parts.

Mr BROWN: Everyone relies on water—households, business, industry, communities and traditional owners. How do you justify not consulting with a single person or organisation before making these changes to this Act?

Mr BURGOYNE: I do not accept the premise of the question.

Madam SPEAKER: I think the minister has covered off what he intends to say about consultation. Please continue.

Mr BROWN: Can you articulate your long-term plan or vision for sustainable water management in the Northern Territory?

Mr BURGOYNE: Oh wow, what a broad question, Member for Arafura. I quite like that one. We want to ensure that in the future we are looking after and protecting the environment, but also enabling development throughout the Northern Territory through putting aside a nominal amount, the estimated sustainable yield of water, that can be used for development. We will not be putting at risk the environment because in any water allocation plan we are looking at what can be sustainably yielded, utilised for stock and domestic, for public consumption and other activities whilst ensuring that we are protecting the environment.

We have 70 years of science behind us, making sure that when we are making these decisions, they are with the best available knowledge and science.

We also monitor groundwater levels and all these things to make sure that if, for whatever reason, we see an aquifer, a water resource, reacting differently to what the science showed, then we can act accordingly.

Mr SMELT: Going back to the issues regarding the National Water Initiative. We understand the Northern Territory has a commitment to make sure those water plans have an allocation to the environment. Can you confirm that we are still compliant with that National Water Initiative as a result of these changes?

Mr BURGOYNE: Yes, Member for Nightcliff. We are consistent with the principles because we have the allocation to the environment and then we have essentially the estimated sustainable yield. When we are looking at a water resource, we look at it as a huge amount of water. We are only allocating what can be sustainably yielded from that.

J DAVIS: I will have some further questions about the ESY. On specific clause, minister, you started to say earlier—so I am clear, the Bill replaces the beneficial use of a environment with aquatic ecosystems?

Mr BURGOYNE: Yes.

J DAVIS: I think you said earlier that was for consistency?

Mr BURGOYNE: To be clear, the environment itself is defined in the *Water Act* and covers a range of aspects. However, the beneficial use environment has a different meaning that is specific to aquatic ecosystems.

J DAVIS: What is the purpose of that replacement?

Mr BURGOYNE: To differentiate between the two.

DRAFT

J DAVIS: What is the definition of 'aquatic ecosystems'?

Mr BURGOYNE: Aquatic ecosystems are those that depend on service or groundwater and include riparian vegetation, groundwater dependent ecosystems or floodplain ecosystems.

J DAVIS: Is that definition included in the Bill?

Mr BURGOYNE: 'Aquatic ecosystems' is a term that is nationally recognised. We are talking about the aquatic ecosystems, whereas when you are talking about the environment more broadly, it is taking into more things into account.

J DAVIS: What are those 'more things', for my interest? I note the minister is shaking his head, but I think it is relevant to understand definitions.

Mr BURGOYNE: Yes, absolutely, Member for Johnston. What we are talking about is we have water set aside for the environment. That is what people are concerned about and that water is set aside. We protect the environment and we have beneficial users: stock, domestic and public water supply development throughout the Northern Territory. These are all things that are part of the water allocation plans.

There was always this argument that we are already setting aside water for the environment, and that we must set aside more water for the environment. It is not achieving anything, it is just something that the activists used to attack us with and say, 'You have only set aside 100 megalitres'. No, that is incorrect. Everything outside of the estimated sustainable yield is for the environment. We have now changed 'environment' to 'aquatic ecosystems'. Let us just say there was a special aquatic ecosystem that we wanted to set some water aside for, that can then be implemented in the estimated sustainable yield. It is trying to better define what we are trying to protect in the beneficial users.

J DAVIS: In that definition, you have said that aquatic ecosystems—as you just defined—is not actually written in the Bill. Is that just correct?

Mr BURGOYNE: It is not defining, you are correct, but it is a generally accepted term.

J DAVIS: The Act also relies on sustainability. Is 'sustainable' defined in the Act?

Mr BURGOYNE: No.

J DAVIS: Can you explain how 'sustainable' is applied through this Bill?

Mr BURGOYNE: I am not quite sure about the premise of the question. We are managing water appropriately, looking after the environment, defining what 'aquatic ecosystem' is, setting aside water firstly for the environment and protecting it, and then we have an estimated sustainable yield; which we will go through later in the Act. The Bill that clearly articulates who those beneficial users are.

J DAVIS: With respect, you are not defining 'aquatic ecosystems' in the Bill, you are saying this is the general understanding of it. Once again—as I keep saying—this is the law. It is not intention and it is not what people generally understand. People look to the law for certainty; that is why I am asking these questions. It is not to impute any bad intentions. It is to make sure that what is in the law is clear and everyone understands it, and that there are consistent definitions that they can rely on and can be applied across the board. That is the purpose of my question. It is not trying to be tricky, say what is going on here or about the issues you were talking about earlier. It is about trying to say that this is the law, and people look to the law. They look to the text to find out what things mean. I believe those definitions should be in the law.

Mr BURGOYNE: To be clear, for a long time people have sought to be tricky. They have sought to use the definitions and the wording in the legislation to then essentially stop water allocation plans. They have used the definitions that are currently in the Act to challenge the water allocation plans that are there to protect the environment. We are seeking to ensure that we are protecting the environment, defining the users and clearly articulating what is for the environment, what is for an aquatic ecosystem and ensure that the Act does exactly what it is meant to do—set aside water for the environment and protect the environment, but also set aside water through the estimated sustainable yield for beneficial use.

J DAVIS: I heard you saying that this is about making sure that the environment is protected. I say all the time in this Chamber that I am not interested in hearing about what people have done in the past in terms of

DRAFT

people using things trickily. That is not what I am here to do. I am here to try to make sure that things are clear. I am not trying to do anything tricky. I am trying to say what this means and what people can rely on.

You said that the intention of this is to make sure that aquatic ecosystems are defined, clear and protected. If that is the case, why not just put the definition into the Bill?

Mr BURGOYNE: It is not required to get the achieved outcome.

J DAVIS: The achieved outcome is?

Mr BURGOYNE: To protect the environment and make sure that we have a sustainable amount of water that can be used for beneficial uses.

J DAVIS: Having clarity of definitions is not required for that; is that correct?

Mr BURGOYNE: This is why we are outlining what we are putting as part of the beneficial users. We are taking 'environment' out and putting in 'aquatic ecosystems'.

Mr SMELT: In terms again of the National Water Initiative, are aquatic ecosystems defined or referenced in that agreement?

Mr BURGOYNE: That is a different thing. It is not relevant to the current clause. What we are defining is the beneficial use, aquatic ecosystems and the environment which is defined in the Act. We are making sure that we are getting on with protecting the environment, allocating water sustainably and doing that through this legislation.

Mr SMELT: This is relevant because this particular clause is changing that definition from 'environment' to 'aquatic ecosystems'. Are aquatic ecosystems referenced, defined or attached to the National Water Initiative?

Mr BURGOYNE: It is not what this clause is about.

Mr SMELT: I will take that as a no then, minister?

Mr BURGOYNE: No, you do not take it as a no. It is not relevant to what we are talking about.

Mr DEPUTY SPEAKER: The answer the minister is saying is that it is not relevant to the clause. That stands on the record.

Mr BROWN: I move amendment 15 in amendment schedule 81OPP to clause 98.

From the outset I make it clear that the Territory Labor opposition will not be supporting any changes to this Act that diminish the importance of water for the environment, go against our commitments under the National Water Initiative and have not been through a thorough consultation process. Water is our most precious natural resource that sustains our environment, communities, industries and lifestyle. It is precious and sacred to Aboriginal people.

The fact that you have brought amendments to this House about how our water is managed without undertaking any consultation is inexcusable. The fact that you tried to sneak them in on the last sitting day of the year and bypass any scrutiny suggests that you have something to hide from Territorians. It is sneaky and arrogant and shows that your government cannot be trusted to act in the Territory's best interests when it comes to managing our water resources. This is incredibly poor decision-making and governance.

We will not be supporting amendments that seek to erode environmental protections and cut Territorians out of water management and decisions.

Mr BURGOYNE: Let us be clear: this does not diminish water for the environment. Those opposite know that. It is not sneaky. It is not tricky. What happened in the past is that environmentalists and activists have used what was formerly in the legislation to challenge water plans, knowing full well that outside of the estimated sustainable yield, there is water allocated for the environment. That is a fact.

Mr YOUNG: As the minister has just admitted, by not having a definition it creates a legal loophole.

DRAFT

Mr BURGOYNE: No, that is incorrect.

Mr SMELT: I put on the record our concern about the National Water Initiative that the NT signed up to. The minister has not answered the question about whether the change in definition from 'environment' to 'aquatic ecosystems' has implications. He has not addressed whether aquatic ecosystems are referenced or defined in the National Water Initiative.

The Assembly divided:

Ayes 7	Noes 16
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Ms Cahill
Mr Paech	Mrs Carlson
Mr Smelt	Mr Charls
Ms Uibo	Mr Edgington
Mr Young	Mrs Hersey
	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Clause 98 agreed to.

Clause 99, by leave, agreed to.

Clause 100:

Mr BROWN: Have you advised the federal government and all other state and territory ministers that you are walking away from the National Water Agreement to set aside water for the environment in water plans?

Mr BURGOYNE: We are not walking away from anything. We have clearly articulated we are preserving water for the environment as far as any licensing agreement is considered, and we are clearly defining what is the environment and what is now an aquatic ecosystem.

Mr BROWN: Why did you fail to consult with the vast majority of stakeholder groups across the Territory who have an interest or direct role in water management?

Mr BURGOYNE: I have answered all these questions. This is a consequential amendment as a result of clause 98 that renames the beneficial use environment as aquatic ecosystems.

Mr BROWN: Given you did not consult with anyone before making these changes, have you spoken to any stakeholders since about their concern with your changes? If so, who have you spoken to?

Mr BURGOYNE: I have outlined the answers to these questions. This maintains aquatic ecosystems as a beneficial use in a water control district.

Ms UIBO: Did you consider providing a briefing to an organisation as consultation?

Mr BURGOYNE: We have spoken about this time and again; I have answered the questions.

Ms UIBO: Speaking time and again does not necessarily answer the question. For the purpose of this clause, did you consider briefing to an organisation a consultation?

Mr BURGOYNE: I have answered the questions.

DRAFT

Ms UIBO: This is a new clause, and it deserves respect, unlike what the minister is providing.

Mr DEPUTY SPEAKER: The minister has answered a number of times. He claims he has already answered the question. Can we move on to another line of questioning?

Mr BROWN: If water plants only allocate notional amounts to the environment as a beneficial use, and it is not that big of a deal, then why did you feel the need to make the change, knowing it is in direct opposition to the NT's obligations through the National Water Initiative?

Mr BURGOYNE: No. Member for Arafura. There are activists out there that literally look at these, as you put it, notional amounts for the environment and say that is the only water that you are putting aside for the environment. That is an untrue statement.

When we have a water allocation plan, we first and foremost look at the environment. We look at the entire resource, we allocate what can be sustainably yielded for beneficial users, but we first and foremost protect the environment. That is important.

A member: A lot of activists in Braitling!

Mr DEPUTY SPEAKER: Member for Gwoja, let people speak in silence.

J DAVIS: In terms of the notional allocation, understanding all the commentary about the tiny amount of it and that it did not actually serve any purpose, was that the only place in the Bill where there was explicitly an amount of water dedicated to the environment?

Mr BURGOYNE: No. When we put any water allocation plan together—I have a big map in my office, maybe I could bring it here—all the water outside of the estimated sustainable yield is for the environment. The only water that can be taken is what can be sustainably utilised.

J DAVIS: How is 'sustainable' being defined?

Mr BURGOYNE: That is not relevant to the clause.

Mr YOUNG: It is relevant.

Mr PAECH: Yes, it is. You just do not want to answer.

Mr BROWN: It is relevant.

Mr YOUNG: He does not understand it.

Mr BURGOYNE: The estimated sustainable yield, which we will talk about further on, is what can be taken sustainably without impacting negatively on the water supply. That is part of the water allocation.

Ms UIBO: Could you outline how these amendments would have an impact on water allocation plans that have been contested, like the Mataranka Water Allocation Plan?

Mr BURGOYNE: I will not give a running commentary on what may or may not happen in the courts.

Ms UIBO: That is not what I am asking. I know better than to ask about a court decision that has not been handed down yet, but in the case of water allocation plans, what type of impact would this amendment have on the current structure?

Mr BURGOYNE: For this clause? Nil.

Mr PAECH: Nil what?

Mr DEPUTY SPEAKER: The minister has answered.

Mr BURGOYNE: Zero.

Mr PAECH: Is that how many votes you will get at the next election?

DRAFT

Mr DEPUTY SPEAKER: Member for Gwoja, desist, please.

Ms UIBO: What is the full purpose of this amendment?

Mr BURGOYNE: This clause replaces 'environment' with 'aquatic ecosystems' in section 22A(2)(a). The provision continues to identify that use as a beneficial use within a water-controlled district using the same terminology as amended in section 43D.

Ms UIBO: Why has this decision been made if it is not aligned with the National Water Initiative agreement, having a different definition as opposed to following what the national definition is? Why is the Northern Territory diverting from that?

Mr BURGOYNE: We are not. This is irrelevant to the clause.

Ms UIBO: Does this amendment have any impact on the national Close the Gap targets when it comes to Aboriginal water reserves that are part of the initiatives and Close the Gap?

Mr BURGOYNE: No.

Ms UIBO: Okay, that is good. I will make sure we quote that.

Mr BROWN: The Territory Labor opposition is largely not supporting this amendment because the CLP government cannot be trusted when it comes to the environment. It has removed third-party merits reviews for petroleum, planning and water; dismantled environmental protections across a range of laws; scrapped emission targets …

Mr EDGINGTON: I would not trust you with $10 to go shopping for my grandmother.

Mr DEPUTY SPEAKER: Member for Barkly!

Mr BROWN: It has scrapped renewable targets; introduced a toothless safe air Bill; scrapped funding to Aboriginal ranger groups; and sold out Aboriginal people by stripping back sacred site laws. With this Bill, it is attempting to slide in changes to our *Water Act* that will devalue the importance of water in our environment. The fact is that the CLP government failed to consult with anyone on this Bill, has tried to hide it by bringing it in during the last sittings of the year and has avoided talking about it. That says it all; the CLP knows that what it is doing is not in the best interests of Territorians. Meanwhile, the minister cannot articulate what his vision or plan is for sustainable water management.

We all want to see the Territory develop, but it must be done sustainably. That is exactly what Territorians expect from their government, not weakening environmental protections behind their back. The Territory's water belongs to Territorians, not the CLP government. We oppose this clause in full.

Ms UIBO: To support what the Member for Arafura said, when we are talking about the definition of estimated sustainable yield and only having regard for the environment and not compliance, is there any reasoning that makes sense for the Northern Territory to divert to this change, as opposed to what is already in the National Water Initiative?

Mr BURGOYNE: I am happy to speak further about the ESY when it comes up in the relevant clause.

Ms UIBO: I want to make sure that we do not miss the relevant clause. If you do not want me to ask it here, what clause would you suggest, minister?

Mr BURGOYNE: The next clause, 101.

Mr DEPUTY SPEAKER: The question is that clause 100 stand as printed.

The Assembly divided:

Ayes 16	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Ms Cahill	Mr McGrath
Mrs Carlson	Mr Paech

DRAFT

Mr Charls	Mr Smelt
Mr Edgington	Ms Uibo
Mrs Hersey	Mr Young
Mr Howe	
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	
Mrs Zio	

Clause 100 agreed to.

Clause 101:

Mr DEPUTY SPEAKER: I note there is a series of amendments on this clause for everyone.

J DAVIS: Can I ask questions first?

Mr DEPUTY SPEAKER: Ask general questions first, then we will step through the amendments.

J DAVIS: What is the purpose of a water allocation plan?

Mr BURGOYNE: The purpose of an allocation plan is obviously to identify its water resources, describe their style, scale, state estimated sustainable yield, explain allocations between beneficial uses and provide for management and use.

J DAVIS: With the removal under the Bill of section 22B(4), which I think states that water management in a water control district must accord with any water allocation plan declared in the district. Can the Water Controller issue licences that do not accord with water allocation plans?

Mr BURGOYNE: It is important to understand that the water allocation plan is the piece of work that the Water Controller uses when he is looking at allocating water. He looks at what is available under the ESY, at how much water is available for the environment and makes his decisions accordingly.

Mr YOUNG: Or she.

J DAVIS: Or she. Can the controller issue licences? I understand they look at the water allocation plan and it guides them. Is that what I heard you say? Is it possible for them to issue licences that have cumulative extraction volume greater than the total allocation for commercial use in the water allocation plan? In the law is that possible?

Mr BURGOYNE: What you are trying to get at is can the Water Controller over allocate. It is clear that the Water Controller needs to stay within the ESY in making those licensing decisions.

J DAVIS: Can you show me where in the law that is clear?

Mr BURGOYNE: Member for Johnston, I completely get what you are getting at. You are trying to look at the words that are used and say, 'Oh, he does not have to'—all the rest of it. It is clear. As part of the water allocation plan, the water that is available under the ESY is the water that can be licensed. That is how the controller makes his licensing decisions.

J DAVIS: In answer to my questions specifically, I will ask a separate question. Could more water be extracted by licences than is determined sustainable by the ESY? Is there anything to stop that happening under the law?

I appreciate that you understand why I am asking these questions. You have said frequently that you are committed to good environmental regulation to make sure people in the community know what is going on. That is exactly why I am asking them.

DRAFT

Mr BURGOYNE: I am being clear. Planned allocations must stay within the ESY under a water allocation plan which the controller must consider for each licensing decision.

Ms UIBO: A follow-up. Minister, in your Bill, the definition of estimated sustainable yield only requires regard for the environment. Do you agree that having regard for the environment is not legally enforceable—that is similar to what the Member for Johnston is pointing out—and does not guarantee enough water will be left in a river system for the environment as a holistic perspective rather than just the tunnel vision that you have been talking about?

Mr BURGOYNE: No, Leader of the Opposition, I do not accept that. Planned allocations must stay within the ESY under a water allocation plan, which the controller must consider for each licence.

Ms UIBO: Minister, you do understand the wording and the language around 'must consider'? The Water Controller must consider—think about, look at, but not necessarily legally enforceable or provided with perhaps a strict criteria in terms of any type of forward resolution when they are taking into consideration for the environment. What is the benefit if it is not enforceable?

Mr BURGOYNE: The independent statutory authority water controller must consider for each licensing decision.

Ms UIBO: Is there a methodology and science data that can be used when it comes to the ESY (estimated sustainable yield)?

Mr BURGOYNE: Absolutely, that is the whole point. We look at how fast or slow an aquifer recharges. These are all things that are taken into consideration when we are putting water allocation plans in place. It is why in some areas the water allocated is literally less than 1% because those aquifers take so long to recharge; whereas, in other aquifers that are more plentifully replenished, we are allowed to take more water because it is recharged every year. This is the premise behind water allocation plans.

Mr YOUNG: Can you can you point to a single provision in the Act that would prevent the government from setting an estimated sustainable yield at a level that would be harmful to the environment?

Mr BURGOYNE: There is 70 years of science that goes into making these water allocation plans. They are directed by the scientists in the department. I think this is what I really get frustrated with, and people in the department do; their whole lives and jobs are to make sure they are allocating water appropriately so that there is water for the future. That is what is so important about all of this.

Those opposite are trying to be tricky with their wording and denigrate the work that has been done. We want to ensure there is water now and for the future, and estimated sustainable yield is how we do that. We make sure we are protecting the environment, allocating a nominal amount of water that can be utilised for beneficial users, and monitor throughout the life of the plan to make sure that if there is more water being drawn down than we were expecting, we can change it appropriately.

Mr YOUNG: Does it align with the minimum standard of the estimated sustainable yield as set out in the Commonwealth *Water Act*?

Mr BURGOYNE: I do not really understand the premise of the question. We have our estimated sustainable yield in the Northern Territory clearly articulated. That is what can be utilised for beneficial users. We are making sure we allocate our water responsibly. I understand that other jurisdictions have had issues. That is not the Northern Territory; we are managing our water responsibly.

J DAVIS: Coming to the estimated sustainable yield, under proposed section 22B(7), we have been talking about this, it only requires a regard for the environment. That is not a statutory guarantee that remaining water will be adequate to sustain ecosystems. Do you agree it is not a legal guarantee?

Mr BURGOYNE: I do not accept the premise of the question.

J DAVIS: Do you agree that having regard to the environment is not legally enforceable?

Mr BURGOYNE: It is the whole premise upon which a water allocation plan is set up. We have regard, we are taking into consideration the environment because we want to continue to protect it now and into the future. It is why we still have all our free-flowing rivers. It is why areas like Mataranka, and all the rest of it,

DRAFT

still have their springs. It is because, despite what many might say, we are utilising water effectively, protecting that water and only using what can be sustainably yielded.

J DAVIS: Having regard to the environment is a duty to think about the environment; it is not a duty to act. Is there anywhere in the Act, as amended, that will have a ceiling on what can be allocated?

Mr BURGOYNE: We get the best available science to tell us how large the water resource is and what can be sustainably utilised, and we do that. Whilst we are doing that, we are monitoring to see whether there are any adverse effects so that if, for whatever reason, there was further drawdown than what we were expecting, we can go in and take water back that has been licensed. People look to the Northern Territory. We are managing our water resources extraordinarily effectively in the Northern Territory.

J DAVIS: It is can do that, but not must; is that correct? I note again that you are shaking your head. I am asking this question on behalf of Territorians who want to have certainty about what will happen. One of the things you said in the beginning, which I agree with, is that you are here for your children and you want them to grow up in a place that is sustainable and there is a future for them. That is what we all want; it is what I want, and it is why I am asking these questions. I would appreciate it if you did not shake your head when I ask them.

Mr BURGOYNE: It is because you are trying to be tricky with your wording. You are trying to align that what we are doing here will damage the environment; it is not. We are being custodians of this Act. We are making sure that we are managing our water appropriately and that is what is so important. The scientists that work in the Department of Water Resources, when they listen to these questions they will go, 'what do you seriously think we are trying to do here'.

We are trying to manage water responsibly and sustainably. We are setting aside water that can be utilised sustainably through the ESY, estimated sustainable yield. We are ensuring all the time that the first and foremost principle is that we are setting aside water for the environment and protecting the environment. That is what we are seeking to do.

J DAVIS: I am not arguing that is what you are seeking to do or that it is your commitment. I am saying that we are not making law for your good intentions right now. We are making law for the long-term future of the Territory to find any minister that might be in your position, that is what I am here for.

Mr BURGOYNE: If you believe you can make the law better, move your amendment, we will either agree to it or not and that is democracy.

Mr YOUNG: I pick up that the minister stated that we are trying to be 'tricky' with our words. We need to remember that the Consideration in detail is an important part of when Bills come before this House and the process that occurs. When it is tested in court, it could be referred back through Hansard to understand the definitions of each word. It is not trying to be tricky. It is getting an understanding from you for what your understanding of these clauses mean. That is why the definitions are so important. It would be considerate of you to take it seriously and respect the parliamentary processes, because you are being completely disrespectful to how parliament operates here.

Mr BURGOYNE: That coming from you is a joke.

Mr DEPUTY SPEAKER: Can we just move on, please.

Ms UIBO: How does this legislation guarantee that the estimated sustainable yield is actually sustainable?

Mr BURGOYNE: Through the best available science.

Ms UIBO: Does that mean that it is through the department scientists or are you going to take independent science advice or evidence? How will you analyse and scrutinise that element?

Mr BURGOYNE: It is 70 years of water management by the Department of Water Resources; I think these are the things that are often overlooked. We have a huge amount of work that is done every year: managing stream flows; looking at how environments are reacting; how water levels are rising or falling in relation to climactic events; how much water is being taken out. We are constantly refining and working to make sure that we have the best available science, which means that there is water for the environment and for beneficial users.

DRAFT

Ms UIBO: I am confident that the CLP has finally decided to look at data and evidence and listen to it as a government, because they do not do that for any other bills. Will you make any of that information publicly available, and will any of that information be independently verified? Which is the sentiment I was asking before.

Mr BURGOYNE: Much of the science that supports plans is publicly available. It is why water allocation plans go through public consultations, so that people can look at what is being considered, set aside and then make comments. When talking about water allocation plans, those comments are taken into consideration. If there are genuine community concerns, they can be taken into consideration, draft plans can then be amended.

Mr DEPUTY SPEAKER: Member for Johnston, I remind you that you have more amendments.

J DAVIS: I know. I am also keen to get home tonight, but I am doing my job, as we all are. In relation to talking about the best available science and the ESYs, is there anything in the Bill that requires the best available science? This speaks directly to one of my amendments which puts that directly into the Bill.

Mr BURGOYNE: That is fair enough. It is what happens in real life. It is the practice of the department. I do not sit down and just come up magically with an ESY. The best available science is worked through; all this is taken into consideration. That is how the estimated sustainable yield is come up with.

J DAVIS: What is the basis of adopting multiple ESYs?

Mr BURGOYNE: Multiple estimated sustainable yields within a water allocation plan may be required if it is managing multiple water resources. Mataranka is a good example. There are different water resources being managed. You might be able to take one amount of water from one area, so you have a big water allocation plan which takes in a large area that has multiple water resources—different areas that the water has been taken from—only certain amounts of water can be taken from, say, a northern area of a plan, whereas in the southern area of the plan, the rock formations and the way the water recharges will be different; therefore, more water can be taken from the southern area. Quite literally in plans, we have seen it around Mataranka where the springs are that less water can be taken from the northern area than can be taken from the southern area because it is impacting on two different water resources. That is how I think about it with the Cambrian ones and the aquifer.

J DAVIS: Is there an overall ESY cap for multiple ESYs over one water allocation plan?

Mr BURGOYNE: It all looks at what water can be taken sustainably from each individual water resource. You have a water allocation plan that takes in an area and then you are managing each individual water resource accordingly. This is important because you do not just want to set one large amount because all the water could be taken from one area. We are managing each individual water resource in the water allocation area. That is why multiple ESYs are sometimes put in place. You have on a map different areas from where the water can be taken and, therefore, different amounts that can be taken depending on where you are drilling your bore or extracting your water from.

J DAVIS: This is something that can already happen; is that right? What is the purpose of introducing this?

Mr BURGOYNE: It is clarity around once again those ESYs, just clearly articulating that there can be more than one estimated sustainable yield.

J DAVIS: Is having multiple estimated sustainable yields used anywhere else in Australia?

Mr BURGOYNE: I could not tell you that off the top of my head. This is the best practice in the Northern Territory so that we manage each water resource effectively.

J DAVIS: When you say it is best practice, what advice are you relying on for that?

Mr BURGOYNE: It goes to exactly what I said before. You would not want to have one large allocation of water across multiple water resources because then you could draw down on one water resource more than another. We are making sure that we are managing each water resource appropriately and sustainably.

Ms UIBO: If water allocation plans are about sustainable water management and allocation, can you explain the rationale for removing the requirement for water resource management decisions to comply with a water allocation plan?

DRAFT

Mr BURGOYNE: Are you talking about water resource management?

Ms UIBO: Yes.

Mr BURGOYNE: If you could just repeat your question again, sorry.

Ms UIBO: Yes, thank you. Minister, if water allocation plan is about sustainable water management and allocation, can you explain the rationale for removing the requirement for water resource management decisions to comply with a water allocation plan?

Mr BURGOYNE: It is often something that has been misinterpreted. We are trying to make clear that we have a water resource, we have an estimated sustainable yield and we are ensuring, as I have said previously, that the controller needs to stay within the ESY in making his licensing decision.

Ms UIBO: Section 90 says that the water controller must take into account a water allocation theme when deciding on a water licence. Do you agree that taking something into account versus complying with, are two different things?

Mr BURGOYNE: I think we have raised this issue previously. The new section now compels every plan to provide for the management and use of water and these must be considered in the controller's decision. Once again, we are clearly articulating it. The advice I have been provided is that by 'having regard to' in an ESY definition for the first time, it is now legally enforceable because it makes it a relevant licensing consideration for a water controller. I understand the wording and people are trying to say that it is not making that, but the advice I have is it actually makes it enforceable because of that word.

Ms UIBO: I guess that is why we are spending a bit of time asking this, to get that clarification. I appreciate the opportunity to ask you this. What would be the difference for the water controller, if they were just looking for the consideration versus compliance? If that system was not working, why has that been changed for the purpose of this clause?

Mr BURGOYNE: I will go back to what I just read out because it is the advice I have been provided. 'Having regard to' is in the estimated sustainable yield definition for the first time, it is legally enforceable because it makes it a relevant licensing consideration for the water controller. I think we could go over this 100 different times about how it could be worded. The whole intention of the legislation is that the controller needs to stay within the estimated sustainable yield in making the licensing decisions.

Ms UIBO: We could go through it 101 times because that is the clause number. The reason I think it is so important is that we are talking about the law. If you have regard to the law, it usually means you respect it and can think about it. However, if you are complying with the law, it means there are strict enforcements or limitations in that process. That has been one of the key areas of concern our team has heard, the regard reduces the need for enforcement if you were then to compare it to what it was, which was compliance.

There is a big concern that 'regard' just means 'listen to, respected, heard from', rather than enforceable through the terminology of having compliance. If there is a reason why it is being reduced to regard and consideration versus compliance? Is there an opportunity for you to explain why that change is being made through this amendment?

Mr BURGOYNE: I believe that is exactly what I have tried to do throughout the numerous answers I provided this evening. We are saying 'having regard to' is in the ESY definition for the first time. It is legally enforceable because it makes it a relevant licensing consideration for the water controller. Whilst I acknowledge the concerns that you have heard, I believe they are not warranted.

Ms UIBO: I can see and understand. Obviously this is a big concern we have had raised with us. Do you agree that by removing section 22B(4) from the Act, you are removing any requirement for the water controller to comply with the water allocation plan? If so, does that not mean they can hand out any size water licence they choose fit to?

Mr BURGOYNE: No, I do not accept that. I have said it many times before. Water allocation plans must ensure that water is allocated within the estimated sustainable yield and the controller needs to stay within that ESY in making the licensing decision.

DRAFT

Ms UIBO: Can you outline examples where the minister or water controller might depart from an active water allocation plan?

Mr BURGOYNE: No, I cannot, Opposition Leader.

Ms UIBO: Is there a concern under the amendments that this could occur?

Mr BURGOYNE: No.

Ms UIBO: Have you made the change at the request of any particular stakeholder?

Mr BURGOYNE: No. It is important. This is working through the best practice, the scientists and the department to make sure that we are trying to strengthen—we are strengthening—this Act to make sure that controller needs to stay within those estimated sustainable yields and water allocation plans in making his licensing decisions. We are trying to clearly articulate that estimate sustainable yield definition.

Ms UIBO: Will you give consideration to request from individual water licence applicants who go outside of the water allocation plan for their benefit?

Mr BURGOYNE: Just say that question again.

Ms UIBO: Of course. Will you give consideration to requests from individual water licence applicants to go outside of the water application plan for their benefit?

Mr BURGOYNE: I think you are getting confused. Are we going to give them more water than what they are entitled to? No.

Ms UIBO: In the proposed legislation, what legally binding mechanism prevents total water extraction from exceeding the sustainable limit that is set in the water allocation plan?

Mr BURGOYNE: It is the licensing conditions that are given to someone when they get a water allocation licence. They must be followed.

Ms UIBO: The licensing conditions cannot be amended or changed?

Mr BURGOYNE: The reason we have the independent statutory Water Controller is because he is the one who makes decisions in regard to these things. He needs to stay within the estimated sustainable yield in making those licensing decisions. If someone applies for more water and the water allocation has not been fully allocated, then obviously that is a decision for the controller because he is the one who licenses the water.

Ms UIBO: Can you guarantee that the role of a minister under the Act means that they cannot then change the decision of the Water Controller?

Mr BURGOYNE: No, Leader of the Opposition, I cannot direct the Water Controller over a single licensing situation.

Ms UIBO: I am comforted to hear that.

There is nothing in this legislation that prevents the minister's role from over-allocating water from a water resource above sustainable levels. Would that reliance then be on department advice—as you said, the science to make that decision—or is that something you just look at and then decide without necessarily going out and getting that independent or verified advice?

Mr BURGOYNE: It is all about managing the water resource sustainably. We have the estimated sustainable yield based on the best science. We then monitor the water resource. If, for whatever reason, we saw a greater drawdown than what was expected, the department would obviously advise to reduce allocations. That is the good thing about the Northern Territory licensing system. People do not own the water, they are licensed to utilise it for a period of time. Water can be taken back if it is deemed to be required.

Ms UIBO: If a water extraction licence is granted for an amount of water above what is in a water allocation plan, do the affected landholders, traditional owners or community members have any legal recourse to

DRAFT

object? Furthermore, would they be expected to pay for any legal action if they were going to reject or object to those over-allocations?

Mr BURGOYNE: That is essentially exactly what we are trying to avoid. By having the water resource, understanding the size of it, having an estimated sustainable yield and saying we will not make licensing decisions outside of that, we are ensuring that we are not over-allocating that resource.

Ms UIBO: The second part of that question was: would anyone looking to take any legal recourse to object be expected to pay the legal fees for any legal action if there was an over-allocation of water?

Mr BURGOYNE: People are allowed to challenge decisions through judicial review if they see fit. It is important that we always act in the best interests of the water resources and of Territorians, making sure that we manage it appropriately.

Mr BROWN: Given many stakeholders share the same concern about water allocation plans being able to remain in force until they are surrendered or revoked, why are you pushing ahead with the 10-year renewal process?

Mr BURGOYNE: One of the biggest things that we have heard through consultation is that people get concerned when a water plan is about to expire because they think, for some reason, the water will all evaporate. That does not occur. We are trying to give continuity of the water plan until a new plan is put in place. That might take time because there is new science available; they are looking at ways to do things better. It is important that we have continuity so that a plan stays until a new plan is put in place.

Mr BROWN: Will scientific data be taken into account in the proposed five-yearly reviews?

Mr BURGOYNE: Yes.

Mr BROWN: At these five-yearly reviews, will water allocation plans be updated to account for new and better scientific evidence about the water system to make sure it is being managed in the best way possible?

Mr BURGOYNE: Absolutely. This is a good example where the ESY could get larger or it could shrink, in which case the water controller will have to claw water off proponents that have been licensed. That is a good example of where that has happened in the past.

Mr BROWN: Will you commit to applying new scientific evidence about a water system at any stage to ensure you are following best practice when it comes to environmental protections?

Mr BURGOYNE: That is why we have those five-yearly reviews. We will look at the science over a long period to make sure we manage the resource appropriately. If there is new science available throughout those reviews that happen every five years, we enact that information.

Mr BROWN: If an issue comes up before the five-year period, is there anything in place?

Mr BURGOYNE: If through the monitoring there seems to be a drawdown that is inconsistent with the available science, the water controller can act and claw back water allocation. This has happened in other areas and the water controller has that option.

J DAVIS: Is the five-year review mandatory?

Mr BURGOYNE: Yes.

J DAVIS: Will it be made public?

Mr BURGOYNE: It is not mandatory to be made public.

J DAVIS: How does removing the 10-year cap compare? Does that happen anywhere else in Australia?

Mr BURGOYNE: The whole point of why we are doing that is because plans are in place for a long period, and there is a lot of work that goes into water allocation plans—a lot of consultation with traditional owners and stakeholders. We are ensuring that the existing plan stays in place whilst consultation on the new plan occurs. I do not know what happens in other jurisdictions.

DRAFT

J DAVIS: I can tell you that there is a 10-year cap in other jurisdictions.

Mr BROWN: Can you outline triggers, or give examples of triggers, that will make you step in during the five-year period?

Mr BURGOYNE: There is a good example that sort of goes to what we were talking about before. If there is new science available, then things can be updated in between that five-year review period.

Mr BROWN: I am just thinking about the Wet Season. Sometimes we have big ones; sometimes we have small ones, and you can have drought as well. Can the minister outline the types of circumstances where a water allocation plan will be revoked or amended now that the 10-year approval has been removed? For example, prolonged drought, falling aquifer levels, ecosystem degrade, degradation, natural disaster and other major impacts to the water system.

Mr BURGOYNE: I want to talk about the revoking of a plan because in practise, it is important that we understand when this will be utilised. If a plan is in existence, it can now continue in perpetuity, but when a new plan comes into place, you must revoke the old plan. That is how that will be used in practice. It is that you have an existing plan, you put a new plan in place and must revoke the old one.

Mr BROWN: Will you be seeking to revoke a water licence in order to grant a water licence over-allocation?

Mr BURGOYNE: No.

Mr BROWN: Can you point to specific safeguards in this clause that prevent you from over allocating water?

Mr BURGOYNE: I have spoken at length about the estimated sustainable yield and staying within that licensing, the statutory independent water controller; there are lots of things that protect against that.

Mr BROWN: Will the minister be legally compelled to revoke or amend a water allocation plan to any of the above reasons, or is it just at the minister's discretion?

Mr BURGOYNE: I think I understand the premise of the question. If new science was brought into regard and we wanted to remake the plan, we could remake it and then I can revoke the old one. It is important to understand that in practise, the only reason the plan is revoked is bringing in the replacement of a new plan. That is the only reason why you would revoke an existing plan in practise.

Mr BROWN: Under the Bill, draft plans and amendments require at least 20 business days of public consultation, except for administrative amendments. Can you please define on the record what will be classified as an ‘administrative amendment’?

Mr BURGOYNE: It is defined in legislation. Regarding the 20 business days, what I want to make clear is that previously in the legislation there was not a time set aside for community consultation. What we are doing is legislating and saying that 20 business days—or 4 weeks—has to be put out. We are trying to strengthen that as far as the community consultations concerned.

J DAVIS: Under proposed section 22BD, the minister can now revoke any water allocation plan at any time by Gazette notice without public consultation.

Mr BURGOYNE: Yes. I have said many times that in practice, when a new plan is put in place, you revoke the old one.

J DAVIS: Is that the only time that would happen?

Mr BURGOYNE: I tried to explain to the Member for Arafura in answer to one of his questions. Imagine you had that five-year review. You found that there is new science; you want to put in a new plan ahead of time. Once again, when you have a new plan ready to go, with new science and the new available information, you would revoke the old plan, put the new one in place.

Mr BROWN: On that last question about the definition of ‘administrative amendment’. I just want a definition there.

DRAFT

Mr BURGOYNE: Absolutely, Member for Arafura. Administrative amendment means an amendment correcting a clerical error or correcting an error arising from an omission; a material mistake or a calculation; description of any person, thing or matter; removing duplicate or conflicting material; or clarifying any matter.

Madam SPEAKER: Would you like to move your amendment now, Member for Johnston?

J DAVIS: I have several amendments on this clause, but I will speak overall.

I have gone through most of my concerns about it already, but this is the clause about which I had the most concern raised with me.

There is a high level of concern about the cumulative impact of these protections against what people perceive as potential overextraction and removal of legal safeguards against overextraction.

I have not heard anything that contradicts what I talked about in my speech earlier; that under this Bill there is no longer any water explicitly set aside under the law for the environment when water allocation plans are made. We do not require water allocation licences to strictly follow legislative water allocation plans to pay regard to. There is no requirement if the actual water used under a water allocation plan is less than the water allocated for use. We no longer have legal protections against environmental damage when water is allocated; simply that the minister must have regard for the environment, which is not a legal protection.

The minister said that he understands why these issues are raised. He said he understands why, when the government says, 'Just trust us to do the right thing', people might have doubts about that—you have not said this, but I am saying—particularly when all the safeguards in the law at the same time are being removed.

As we all know and you know, minister, because you said it, our waterways are deeply fragile ecosystems. They are incredibly precious and important to us. We need water. It is at risk. We need to do everything we can to protect it.

Because of the answers to these questions today, I still strongly believe that particularly this clause weakens our protections and our water laws in the Territory. We heard it reduces opportunities for consultation. It creates the legal possibility for overextraction, even if that is not the intention.

I am also concerned about—I have some further questions—the reliance on scientists. I know you were sent this letter earlier this year about concerns about how ESYs are calculated from 30 water hydrologists and scientists across Australia, talking about the way that we currently measure ESYs.

I am sure you have read it; I will not go through it in detail. It says clearly that the current ways of measuring ESYs are not sufficient to protect our water. The question I asked earlier—one of the amendments that I will move—is which scientists and what scientific evidence are you relying on? If it is the best science possible, what is that science? If so, why is that not embedded in the Act?

I seek leave to table this letter.

Leave granted.

J DAVIS: The first amendment I move is amendment 23.

This amendment says that water allocation plans must not run indefinitely without any legal expiry. There needs to be a maximum 10-year life span so that there is a regular reset point. That aligns the Northern Territory with national water planning standards in the rest of Australia. I appreciate the five-year review, I think that is useful, but I still think there needs to be a 10-year hard reset point that people know is there, in the law, and that gives certainty to industry and community.

Mr BROWN: We support the amendment put forward by the Member for Johnston. The Territory Labor opposition will not support changes that have significant impacts on water management in the Northern Territory that have not been developed in consultation with one stakeholder. This is poor lawmaking, poor governance and poor form from an arrogant CLP government which demonstrates time and again that it has no regard or respect for Territorians.

Madam SPEAKER: The question is that the amendment be agreed to?

The Assembly divided:

DRAFT

Ayes 7	Noes 16
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Ms Cahill
Mr Paech	Mrs Carlson
Mr Smelt	Mr Charls
Ms Uibo	Mr Edgington
Mr Young	Mrs Hersey
	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

J DAVIS: I move amendment 24 in amendment schedule 81IND to clause 101.

This amendment inserts after the proposed section 22B(3) that the estimated sustainable yield is to be calculated using the best available science and cultural knowledge of Aboriginal traditional custodians of the land and waters to which the water resource relates. Proposed subsection (3B) states that water resource management in a water control district is to be in accordance with any water allocation plan declared in respect of the district.

I have just talked about this briefly. We have talked about it a lot. The estimated sustainable yield must be grounded in the best available science. That is what we have heard the minister say. Let us put it in the law if that is what the government wants to do. Water management in a district must accord with declared water allocation plans, rather than treating plans as a merely optional guidance.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

J DAVIS: I move amendment 25.

This will put a statutory cap on total water extractions. After proposed section 22B(4)(a) it will insert proposed paragraph (ab):

> the total water use for all beneficial uses (including those provided through rural stock and domestic use and licences granted under sections 45 and 60) is less than the sum of the allocations to each beneficial use; and

DRAFT

This amendment restores the statutory cap that the Bill is removing and ensures that the total actual water extractions across all beneficial uses can never exceed the total volume of water allocated under the plan.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

J DAVIS: I move amendment 26 in amendment schedule 81IND to clause 101.

This amendment will omit proposed section 22B(5). Omitting the power to declare multiple sustainable yields ensures that there is one clear, scientifically consistent extraction limit for each water resource. I do not feel that was clearly defined in our consideration in detail questioning today. This would ensure that it would prevent artificial seasonal shifting that threatens Dry Season flows.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

J DAVIS: I move amendment 27 in amendment schedule 81IND to clause 101.

This amendment restores a mandatory environmental water allocation. The amendment inserts after proposed section 22B(6):

(6A) An allocation under subsection (4)(a) is to include an allocation to the environment.

This restores in the law a requirement that every water allocation plan must make a dedicated, legally enforceable water allocation, not just a goodwill one, to protect the health of the environment.

DRAFT

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

J DAVIS: I move amendment 28 in Schedule 81 IND to clause 101.

This amendment puts in a clear definition of the environmental sustainable yield. It says, 'The environmental sustainable yield in relation to a water resource means the amount of water from the water resource that may be allocated to beneficial uses a without causing changes to seasonal flow regimes that are above sustainable levels and adversely affect water dependent ecosystems.'

Members interjecting.

Madam SPEAKER: If everyone could refrain from speaking loudly. If you want to have a chat, you could always leave or perhaps leave it until later.

J DAVIS: For people who missed it, this amendment puts in a clear definition of estimated sustainable yield to ensure that the amount of water from the water resource that may be allocated to beneficial uses does so without causing changes to seasonal flow regimes that are above sustainable levels and adversely affect water dependent ecosystems, and without adversely affecting any Aboriginal cultural values related to the water resource. Just a note, seasonal flow regimes may include surface water flows and rates or volumes of recharge or discharge to an aquifer. This replaces the subjective duty to merely have regard to the environment with an objective science-based standard that prevents changes to seasonal flow regimes that harm water dependent ecosystems or Aboriginal cultural values. I note it is in line with the national water agreement.

Mr PAECH: The opposition supports the Member for Johnston's amendment. As the Member for Johnston has highlighted, the minister has been unable to clearly articulate what the definition of 'sustainable yield' is, and what he has provided us is subjective. This brings in an objective measure as it clearly articulates what it is. It is based on scientific work and best practice in line with the national standards, rather than being the only jurisdiction that stepped away from it. We support the amendment.

Madam SPEAKER: The question is now that the amendment be agreed to.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay

DRAFT

Mr Maley
Mr O'Gallagher
Mr Patel
Dr Rahman
Mr Yan
Mrs Zio

Amendment not agreed to.

J DAVIS: I move amendment 29 in amendment schedule 81IND to clause 101.

This amendment removes the minister's power to revoke a water allocation plan by simple gazette notice without public notice, ensuring that any revocation must follow rigorous, transparent public consultation.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Clause 101 agreed to.

Clause 102:

Mr BROWN: What is your understanding of the role that water advisory committees play in water governance?

Mr BURGOYNE: In regard to a water advisory committee, the minister appoints its members while the office administers (inaudible). The committee must consider and advise the minister on matters referred to it. They advise on the water allocation plans.

Mr BROWN: Have you met with any water advisory committees in your time as minister?

Mr BURGOYNE: Yes.

Mr BROWN: Have you spoken to them in regard to these changes?

Mr BURGOYNE: The question does not specifically go to the clause. This is what our government is doing. Do you want to support it or not?

Mr BROWN: Can you outline which advisory committees you have met with?

Mr BURGOYNE: I have met with water advisory committees.

Mr BROWN: Specifically which ones? Are there any lists that you can provide us?

DRAFT

Mr BURGOYNE: These questions do not go directly to the clause. You are asking questions for questions' sake. We are talking about section 23, which is being replaced. It is dealing with water advisory committees, but I do not believe which water advisory committees I have met with goes to the clause.

Mr BROWN: Obviously, you need to consult with them to make these changes.

Mr EDGINGTON: A point of order, Madam Speaker! Standing Order 155; discussion should be confined to the clause. He is bringing in all this extraneous information and he needs to stick to the clause and get on with it.

Mr BROWN: Water advisory committees are in the clause. I am asking questions about them.

Madam SPEAKER: I think you need to move on to another point. The minister has given an answer.

Mr BROWN: Why are you removing the ability of water advisory committees to advise you on the effectiveness of a water allocation plan in their own communities and the social, cultural and economic benefits within the ecological constraints?

Mr BURGOYNE: What we are seeking to do is to support a more targeted and effective use of advisory committees and allow committees to be tailored to the specific needs of the plan.

Mr BROWN: What are the specific needs?

Mr BURGOYNE: It will be dependent upon the plan that is put in place.

Mr BROWN: Does that mean consulting with them and then they will give you the needs?

Mr BURGOYNE: What we are doing allows flexible terms of reference across all water issues, not just one rigid formula. That is important because it is different depending on what sort of water resource we are looking at.

Mr BROWN: Do you not trust communities to have a say on how their water is shared?

Mr EDGINGTON: A point of order, Madam Speaker! Standing Order 155; this has nothing to do with the clause. He needs to get on with it and ask questions relevant to the clause.

Mr YOUNG: A point of order, Madam Speaker! We should let the Environment minister answer that. I do not think he needs the minister to speak on his behalf.

Madam SPEAKER: Member for Daly, I did not give you the call.

Mr YOUNG: I am sorry, Madam Speaker.

Madam SPEAKER: I take your point. You are asking another question about consultation and I think that is why there has been an objection to it. Can you move on from consultations. You can ask as many questions as you like, but not necessarily get the answer you want.

Mr BROWN: I will move on.

Given you are clearly moving away from giving people an active voice for their own region, what mechanism is in place for people to have their say to contribute to water planning?

Mr BURGOYNE: I disagree with the premise of that question. Water advisory committees will continue to be in place. Not only are we doing that through this, but we have also—through this legislation—locked in a minimum 20-business day public consultation requirement that was previously not in law. This is what is important. We will continue to rely on the best science advice from local water advisory committees, and we will continue to make sure that our water is sustainably utilised.

Mr BROWN: The former government committed to establishing a strategic water advisory council to ensure that Territorians have a voice in strategic water issues, as well as an Aboriginal water advisory council. Are you going forward with either of those initiatives?

Mr BURGOYNE: I do not believe that is relevant to the clause, but thank you for the comment.

DRAFT

Mr BROWN: Given the *Water Act 1992* is more than 30 years old, the former government committed to a new *Water Act* to better support sustainable development through contemporary water resource management. Are you intending to do this work or stick with the existing Act?

Mr BURGOYNE: What is clear from what the Member Arafura is stating is that the previous government committed to a lot of things but never did anything. This government is enacting real change which will support sustainable development whilst protecting the environment through sustainable water use.

J DAVIS: Why does clause 102 remove the explicit statutory duty for water advisory committees to advise you?

Mr BURGOYNE: With all due respect, I believe that is incorrect. It removes the mandatory function, but we will still seek to use water advisory committees into the future.

J DAVIS: You will seek to use them, but it is not in the law.

Mr BURGOYNE: I will give you a classic example of where this has occurred. In Alice Springs when you put out expressions of interest asking who would like to be a part of the water advisory committee, nobody gets back to you. We have been able to go out and have huge amounts of community consultation. I had all of it written down earlier about how many people got in touch with us regarding that community consultation in Alice Springs which then made up a plan. Although there was no water advisory committee, we had 95 interactions with stakeholders to capture the plan for the feedback, 12 written submissions, 18 online survey responses and 65 direct interactions.

Whilst there may be, in some cases, great interest with people putting up their hand to be a part of a water advisory committee, it can also be true that there is little interest. We do not make people do things, but in the case where there is interest, we have set up water advisory committees. In the case where there is no interest or little interest, the department goes out and interacts with many stakeholders to make sure that their views are still heard.

J DAVIS: That is great to hear. My question, however, was that there is now no statutory requirement.

Mr EDGINGTON: He just answered it.

Mr BURGOYNE: That is right, I have answered the question. In some instances there will not be that interest to put one in place. We will still do all the necessary consultation and make sure the views of the community are heard.

J DAVIS: Is the definition being changed because sometimes there is no interest? Why is the definition being changed?

Mr EDGINGTON: He answered that.

Mr BURGOYNE: To be clear, they were always discretionary. This allows the committee to be formed for a purpose other than currently prescribed. It increases the opportunity for committees to be formed for other reasons.

J DAVIS: They were always discretionary, but did they have an explicit statutory function?

Mr BURGOYNE: Only for water allocation.

J DAVIS: Is that incorrect, minister? They did not have an explicit statutory function?

Mr BURGOYNE: Only for water allocation plans.

J DAVIS: That is what I am specifically asking about.

Mr BURGOYNE: Yes.

J DAVIS: That has now been removed? Why is it being removed? What is the purpose of removing it?

Mr EDGINGTON: He answered that, twice.

DRAFT

J DAVIS: Thank you, Member for Barkly. I do not understand what the purpose is of removing it. What purpose does that serve? That will go specifically to my amendment which is to put it back in. Maybe we do not need to put it back in. I want to know what …

Mr BURGOYNE: There is a bit of confusion. The amendment removes the mandatory function. They were always discretionary as to whether you had to have one or not.

J DAVIS: I move amendment 30 in amendment schedule 81IND to clause 102.

This amendment omits clause 102 and replaces it with:

(1) Section 23(1A)

omit

If a water allocation plan is declared under section 22B

insert

Before preparing a draft water allocation plan for the purposes of section 22BA

(2) Section 23(2)

omit, insert

An Advisory Committee consists of the members appointed by the Minister.

For subsection (2):

(a) at least one member must be a regional stakeholder; and

(b) at least one member must be a scientist with expertise in the management of water resources; and

(c) at least one member must be a representative of the traditional Aboriginal owners of the part of the Territory to which the plan relates.

This amendment mandates the establishment of a water advisory committee prior to declaring any water allocation plan and guarantees representation from appropriate people on that committee.

Mr BROWN: I support the Member for Johnston's amendment.

Water advisory committees play a key role in ensuring all interested parties and stakeholders in a particular water district can have a say on how their water is managed sustainably. Any change to the *Water Act* should be used as an opportunity to strengthen the role of the water advisory committees, not weaken them, particularly at a time when there is growing demand for water from industry. That should require our water advisory committee to be established with an express function to advise on the establishment and ongoing application. Water advisory committees should consist of stakeholders relevant to the area, including traditional owners and representatives. Water does not belong to the CLP; it belongs to Territorians. They deserve to have a strong say in how it is managed for this and future generations.

Madam SPEAKER: The question is that the amendment be agreed to.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey

DRAFT

Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Madam SPEAKER: The question is that the clause stands as printed.

The Assembly divided:

Ayes 15	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Mrs Carlson	Mr McGrath
Mr Charls	Mr Paech
Mr Edgington	Mr Smelt
Mrs Hersey	Ms Uibo
Mr Howe	Mr Young
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	
Mrs Zio	

Clause 102 agreed to.

Clauses 103 to 108, by leave, taken together and agreed to.

Clause 109:

J DAVIS: I have an amendment to put forward in relation to enforceable undertakings and ensuring that if someone completes an enforceable undertaking, it does not suspend the fact that they could still be criminally prosecuted.

I move Amendment 31 in schedule 81IND that clause 109 proposed sections 105CF and 105CG be omitted because, as I talked about earlier, I support enforceable undertakings, but compliance with it must not bar or permanently extinguish criminal prosecution.

Madam SPEAKER: The question is that the amendment be agreed to.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher

DRAFT

Mr Patel
Dr Rahman
Mr Yan
Mrs Zio

Amendment not agreed to.

Madam SPEAKER: The question is that the clause stands as printed.

The Assembly divided:

Ayes 15	Noes 7
Ms Boothby	Mr Brown
Mr Burgoyne	J Davis
Mrs Carlson	Mr McGrath
Mr Charls	Mr Paech
Mr Edgington	Mr Smelt
Mrs Hersey	Ms Uibo
Mr Howe	Mr Young
Mr Kerle	
Mr Mackay	
Mr Maley	
Mr O'Gallagher	
Mr Patel	
Dr Rahman	
Mr Yan	
Mrs Zio	

Clause 109 agreed to.

Clause 110:

Mr BROWN: I oppose this clause on the back of my earlier comments regarding earlier clauses. These are consequential transitional amendments relating to those clauses.

I move amendment 19 in amendment schedule 81OPP to clause 110.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Mr BROWN: I rise to oppose the clause on the back of my earlier comments regarding earlier clauses. These are consequential transitional amendments relating to those clauses.

I move amendment 20 in amendment schedule 81OPP to clause 110.

DRAFT

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Madam SPEAKER: The question now is that clause 110 stand as printed.

J DAVIS: I have a couple of questions, then I will move the amendment. Section 136 deems existing water allocation plans, including the Mataranka plan, to be made under new section 22B; is that correct?

Mr BURGOYNE: To be clear, all existing plans will continue.

J DAVIS: I have had concerns raised with me that this potentially interferes with—I know we cannot comment on anything that is before the courts. This could interfere with things that are before the courts. I am not talking about anything specific, but I am asking whether the Bill changes any legal baseline for plans that are currently in place.

Mr BURGOYNE: No.

J DAVIS: I move amendment 33 in schedule 81IND to clause 110.

This amendment amends proposed section 136(b) by omitting 'or revoked under section 22BC or 22BD' and inserting 'under section 22BC'. What that does is removes the power summarily revoke existing water allocation plans under proposed section 22B and ensures that existing plans can only be amended following a statutory review under section 22BC.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

DRAFT

J DAVIS: Just to clarify, let me make sure I understood your last answer which, if I did, this amendment is not needed. Do existing water plans exist under the current law, or are they now governed by what the new law says? That is specifically my question.

Mr BURGOYNE: What exactly are you asking?

J DAVIS: A water allocation plan that was in in force immediately before the commencement of this Bill. I heard you say that it continues post this Bill. My question is: does it continue under section 22B which is the current Bill, or does it continue under the new sections which are the new Bill?

Mr BURGOYNE: Yes. They will continue to be in force under the new section.

J DAVIS: They will be enforced under the new section—not the existing section.

Mr BURGOYNE: They will continue.

J DAVIS: I am understanding they will continue. My amendment seeks to make sure that they continue under the existing law, not under the new law. I am just trying to clarify whether that is needed or not under the new law.

I move amendment 34 to clause 110 to omit proposed section 136 and replace it with:

Continuation of existing water allocation plans

A water allocation plan that was in force immediately before the commencement:

(a) continues in force after the commencement; and

(b) section 22B, as in force before the commencement, continues to apply in relation to the water allocation plan; and

(c) sections 22B to 228D, as in force after the commencement, do not apply in relation to the water allocation plan.

This is to make sure that existing water allocation plans, including any currently contested plans, remain governed by the environmental baseline of the former section rather than having what I am describing as weakened standards applied retrospectively.

Madam SPEAKER: The question is the amendment be agreed to.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Mr BROWN: I oppose this clause on the back of my earlier comments.

DRAFT

Madam Speaker, I move amendment 21 in amendment schedule 81OPP to clause 110.

Madam SPEAKER: The question is that the amendment be agreed to.

The Assembly divided:

Ayes 7	Noes 15
Mr Brown	Ms Boothby
J Davis	Mr Burgoyne
Mr McGrath	Mrs Carlson
Mr Paech	Mr Charls
Mr Smelt	Mr Edgington
Ms Uibo	Mrs Hersey
Mr Young	Mr Howe
	Mr Kerle
	Mr Mackay
	Mr Maley
	Mr O'Gallagher
	Mr Patel
	Dr Rahman
	Mr Yan
	Mrs Zio

Amendment not agreed to.

Madam SPEAKER: The question now is clause 110 stand as printed.

Mr MACKAY: A point of order, Madam Speaker! Standing Order 15: Respect for the Chair. Everyone should be bowing as we cross back and forth out of respect for the Chair. I noticed a lot of the opposition are not bowing anymore. It has been a long night, but I respect the Chair …

Ms UIBO: Rubbish!

Mr MACKAY: Madam Speaker, the Leader of the Opposition has been doing it; I give her credit. I just want draw that to your attention, Madam Speaker.

Madam SPEAKER: Member for Goyder, generally during consideration in detail stage, that is not required necessarily. It is nice and polite, but not an absolute as it is during normal parts of parliamentary proceeding. Thank you for raising it—very good.

Mr YOUNG: You get a gold star.

Madam SPEAKER: Member for Johnston, do you have an amendment?

J DAVIS: It is a consequential amendment. I will not be moving it.

Clause 110 agreed to.

Schedules 1 and 2, by leave, taken together and agreed to.

Remainder of the Bill, by leave, taken together and agreed to.

Madam SPEAKER: The question is that the Bill be agreed to.

J DAVIS: Division!

Members interjecting.

J DAVIS: Can I have my dissent noted?

Madam SPEAKER: You are calling a division, it is not supported and you would like your dissent noted?

DRAFT

J DAVIS: Yes.

Bill agreed to.

Mr BURGOYNE (Lands, Planning and Environment): Madam Speaker, I move that the Bill be now read a third time.

Motion agreed to; Bill read a third time.

RESPONSE TO PETITION
Petition No 24 – Immediate Action to Improve the Housing Quality for Mulligan Town Camp Residents

The CLERK: Honourable members, pursuant to Standing Order 123, I inform members that a response to Petition Number 24 has been received and circulated to members.

DRAFT TO 8.47 PM
Remainder of transcript will be delivered by close of business on Thursday 3 December 2026.

DRAFT