

Changes to the Aboriginal water reserve 2025

Information paper

The NT Government is committed to removing barriers that prevent Aboriginal people from accessing the Aboriginal water reserve (water reserve). The water reserve is a portion of water set aside in water allocation plan areas for eligible Aboriginal people to apply for and use for economic development.

Issue

Amendments to the *Water Act 1992* in 2019 were intended to enshrine the water reserve in law and operationalise aspects of the NT's Strategic Aboriginal Water Reserve Policy Framework. In practice, extended consultations with land councils on the settings for the necessary consent regulations have been unable to reach an agreed conclusion. This prevents the water reserve from being activated through a water licence.

Objective

The *Water Amendment (Aboriginal Water Reserve) Bill 2025* aims to further simplify the process so that water can be used for Aboriginal economic development by:

- clarifying and streamlining consultation requirements, which are currently the cause of a deadlock holding up development and access to the water reserve
- subsequently activating the water reserve, providing Aboriginal people access to approximately 60 GL of water already set aside within six of the NT's existing water allocation plans for economic development purposes
- enabling the Controller of Water Resources to grant water extraction licences from the water reserve, which currently is not possible under the existing legislative framework.

Solution

The *Water Amendment (Aboriginal Water Reserve) Bill 2025* introduces three amendments to the *Water Act 1992*. This includes criteria for designating eligible land, requirement to consult, and consent provisions.

Criteria for designating eligible land

What will change:

- clarifies that for eligible land to be designated under a water allocation plan the water resource managed under the plan must be for:
 - surface water: immediately adjacent to on the eligible land
 - groundwater: beneath the eligible land.

Outcomes:

- makes clear government's position on criteria for designating eligible land (no change to current process)

- provides clarity by defining the relationship between the water being managed under a water allocation plan and the eligible land
- reflects the principle that underpins water resource management in the Territory, which is that water entitlements are tied to land.

Requirement to consult

What will change:

- removes the requirement to consult with land councils making better use of existing consultation practices ensuring all landowners have equal opportunity for consultation.

Outcomes:

- consultation on a draft water allocation plan occurs primarily through water planning practices and public consultation processes
- removes duplication of consultation efforts for both land councils and government
- identifying eligible land is largely an administrative task directed by the legislation.

Consent

What will change:

- removes the requirement for prescriptive consent regulations that may not suit all circumstances and do not provide space for traditional decision-making practices. The agreement must be to the satisfaction of the Controller of Water Resources as the decision maker on all water extraction licences.

Outcomes:

- provides Aboriginal landowners the autonomy and flexibility to determine how they provide consent on an application to access a water reserve
- the Controller of Water Resources must be satisfied that the application for a water extraction licence associated with the water reserve is a relevant eligible Aboriginal person or someone that has an agreement with the relevant eligible Aboriginal people.