

Department of
Lands, Planning and Environment

REPORT CARD

Compliance and Enforcement Priorities 2023–24

Water Resources Division

ntg.gov.au/water



ABOUT COMPLIANCE AND ENFORCEMENT

Water is a critical component and driver of economic growth in the Territory. The misuse of water can have implications on the economy, the environment and culture.

The Controller of Water Resources (Controller) is responsible for the regulation of water extraction in the Northern Territory.

Water Resources supports the Controller in administering these duties, including ensuring compliance with the *Water Act 1992* and *Water Regulations 1992*. Some activities include checking compliance with water extraction licences, permits to interfere with a waterway, bore work permits and driller licensing.

This report card is a snapshot of the activities and outcomes achieved in 2023–2024.

Compliance and enforcement priorities 2021–2026

Broad issues fundamental to management of water resources under the Act. The priorities give us consistent direction for the medium term (5 years).

Compliance Plan (annual)

Specific activities, targets and performance outcomes to help us increase compliance and progress the priorities over 12 months.

Compliance Report Card (annual)

A snapshot of the progress against the priorities and plan over 12 months.



PRIORITY 1: Measuring and reporting water use

✓ Monthly reminders for reporting water use are sent to licence holders

Monthly email reminders were sent each month, with around 6,500 emails sent in total last financial year. Reminder emails help licence holders submit water use through the online MyMeter form or through another available option. In total 6,331 meter readings were received in the 2023–24 year.

✓ Quarterly audit of water use records and meter compliance

Water extraction audits were undertaken in the quarters ending September, December, March and June. The audits focused on addressing long-term non-compliance with water use reporting conditions by taking regulatory action where no meter readings had been provided in 3 consecutive months.

Compliance with licence conditions requiring licence holders to report water use fluctuated in each audit period, between 79% in September 2023 to 82% in June 2024. This is an overall reduction from the previous year where up to 94% of licence holders complied with the condition to report water use. This will be a focus for the 2024–2025 financial year to increase compliance.

By the end of 2023–24 financial year, 92% of licences had at least one registered and licensed extraction point fitted with a meter; a statistic remaining unchanged from the previous financial year. Better tools and data management now allow us to see how many licensed extraction points are metered. There are 1,127 licensed extraction points with 79% of those fitted with a meter.

Over 120 actions were taken in relation to licence holders not reporting water use including compliance advice, warning letters and infringement notices.

✓ Audit accuracy of meter entries quarterly and take actions where necessary

Of the 6,331 meter readings received this year, the majority of readings were accurately recorded. Currently with our internal reporting tools, it is difficult to identify how many meter entries were inaccurate. Often inaccuracies are the result of errors in entering the data into the MyMeter App. In response to the inaccuracies, Water Resources will correct the meter entries immediately when identified or where errors are noted the next time a licence holder uses the MyMeter App. In order to improve accuracy, Water Resources has been investing time into reviewing our public systems and implementing user-friendly upgrades.





PRIORITY 2: Registering bores and statement of bores

Audit of statement of bore to check driller licence restrictions and submission dates

In the 2023–24 year, it was found that 302 bores were drilled under bore work permits and 187 were drilled in areas where bore work permits are not required. Of all submitted statements of bore, only 52% were submitted within 28 days. This did not achieve the target set out in the compliance plan. More communication and consultation will be planned for the 2024–25 financial year.

Field verification of audit outcomes

Bore work permits help set site-specific requirements for bore construction, above national minimum standards. Permits help protect aquifers and water users from pollution and other risks. Bore work permits are only issued in areas of Water Control Districts or for the purpose of mining and petroleum activity.

It was found that 100% of bore work drilled under permits complied with driller licence restrictions. This exceeds the target of 95% set out in the 2023–24 Compliance Plan.

The number of bore work permits that comply with bore work permit conditions is difficult to quantify, as regular inspections of drilled bores are not conducted. Water Resources Division relies on information provided by the public to investigate allegations on non-compliance with bore work conditions such as inadequate setback distances. For the 2024–25 financial year, Water Resources will commence site inspections of a selection of constructed bores to assess compliance with bore work permits.





PRIORITY 3: **Interfering with a waterway**

✓ Improve public facing guidance for drilling and bore work

Water Resources updated the bore work and driller webpages to provide clear information to the public. Included in the website updates was a fact sheet regarding the roles and responsibilities of property owners, licensed drillers and drilling companies with regard to water bores in the Northern Territory.

✓ Finalise guidelines and standards for work that interferes with a waterway, in accordance with Cabinet policy

In January 2023, the Interference with a Waterway Guideline was approved and subsequently published online on the Water Resources webpage. The guideline provides clarity on what is material change and when to apply for a permit. The guideline is scheduled for review in 5 years.

✓ Undertake proactive inspections of permitted interference with a waterway

The annual target was to inspect 5 permitted interferences. In the 2023–2024 financial year, 5 permitted interferences were inspected and approximately 10 reports of alleged interference were investigated with some investigations still ongoing.

Water Resources will continue to build on the publicly available resources including finalising an improved application form as well as reviewing our permit terms and conditions.

Establishing if offences have occurred is often complex, sometimes requiring specialist technical advice. The Water Resource Division will continue to build the capability to investigate alleged offences to ensure investigations are completed with increased efficiency.





PRIORITY 4: Unlawful water extraction

✓ Mid-water-year water use updates sent to licence holders

Water Resources sent out 503 mid-water-year water use updates to water licence holders in both Top End and Arid zones of the Territory. Of those 503 updates, 86.88% were sent to licence holders using less than 50% of their licensed entitlement, 10.74% were for licence holders using between 50–75% of their entitlement and 2.38% of updates were for licence holders using more than 75% of their entitlement.

Of all water licence holders, 4.7% had exceeded their licensed entitlement in the 2023–24 financial year. In almost all cases, this was due to lawful extraction for stock and domestic use. Taking into account the use of water for lawful rural stock and domestic use, over 98% of licences holders were compliant with their licence conditions and did not exceed their entitlement for the purpose of the licensed activity.

Water Resources will continue to monitor water extractions to ensure licensed entitlements are not exceeded.



PRIORITY 5: Recovery of unused licensed water entitlements

✓ Run a regional campaign about unused licence allocations in 2 water allocation plan areas

Where water users consistently fail to use their licence entitlements for beneficial use, water can be recovered for allocation to other users through the Recovery of Unused Water policy.

Two regional campaigns were run to recover unused licensed water entitlements. The Katherine Tindall Limestone water allocation plan area was selected for recovery as only 32% of licensed water was used and no water was available for allocation. All licence holders underusing their entitlement were informed of the recovery process. Ten licences were targeted for recovery based on the lowest percentage of use and the largest amount of recoverable water. 5,737 ML of water was recovered from nine groundwater extraction licences. Of this recovered amount, 127 ML was returned to support environmental and cultural values, 3,235 ML was allocated to the aboriginal water reserve and the remaining amount of 2,375 ML may be available for economic development.

The second campaign commenced in the proposed Mataranka water allocation plan area. Very few licence holders met the criteria to recover water. Recovery of unused water in this area has continued into the 2024–2025 financial year.

✓ Make the process for recovery more transparent by updating and publishing out internal procedure for recovering water

In August 2023, the Recovery of Unused Licensed Water Entitlements procedure was published online for public access to increase the transparency of the process. The procedure is scheduled for review annually to ensure it remains accurate and up to date as the procedure changes following new learnings and feedback.

FOUNDATIONAL ACTIVITIES RELEVANT TO ALL COMPLIANCE AND ENFORCEMENT PRIORITIES

120 licence inspections

Water Resources are committed to inspecting at least 20% of water extraction licences annually. This year 133 inspections were undertaken. Officers prioritised sites based on the Compliance Plan and high priority licences. High priority licences include but are not limited to new water licence holders, no metered extraction points, no report of water use, mining and petroleum. In 2023-2024, inspections were mostly focused on the Top End due to recent legislative changes, which provides a streamlined licensing pathway for previously exempt water uses in Darwin Rural who commenced water extraction pre-2016.

Undertake 2 campaigns to check compliance on licences with tailored conditions

Each year we conduct an annual report review to follow up with licence holders who have conditions to submit annual reports at the end of each financial year. Last financial year 23 follow-ups were undertaken to review submitted annual reports.

Entry of data from licence holders into central systems

To improve record keeping and compliance and enforcement targets, Water Resources have been investing in system improvements in order to make internal data systems more effective and to improve customer-facing systems such as MyMeter to make reporting water use easier for licence holders and to improve the accuracy of water use reports. These projects are ongoing and will continue into the 2024-2025 financial year.

