Willem Westra van Holthe
Minister for Land Resource Management

STATEMENT – The Environment Centre NT v The Minister for Land Resource Management

29 May 2015

I accept the decision made today by the Supreme Court that clarifies the interpretation of s30 of the Water Act in relation to the process that I or any other Minister must adhere to in consideration of a review of the Water Controller’s decision.

I have requested the Department of Land Resource Management to provide me with a comprehensive briefing on the implications of the Court’s decision. However at this time, I am able to state that the Court’s decision relates to the operation of only one section of the Water Act. The decision does not call into legal question the broader operation of the Act, the means in which water licences are granted under the Water Act or the application of government policy in respect to water resources via the Water Act.

It is important to reassure the 18 licensees that they have some certainty in this process. The Court’s decision today simply places the licensees back into the position they were in prior to my review which was previously undertaken. I will now need to reconsider and review the decisions of the Water Controller again in accordance with the Court’s ruling.

The Court’s decision today only relates to the process which I must undertake, it did not and does not relate to consideration of broader issues associated with water allocation policy.

This decision relates solely to an administrative process used by the Minister in reviewing the decision of the Water Controller after the issue of a water extraction licence. Since the inception of the Act in 1992, this same process has been consistently applied by all Ministers with responsibility under this section of the Water Act. This is the first time this particular process has been the subject of a judicial review.

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