

**TABLE OF COMMENTS RECEIVED DURING EXPOSURE DRAFT –
18/384 – Water Resources Amendment Bill 2018 – Policy Approval**

Directorate /Other	Comment	Response
CMTEDD	CMTEDD offers the following comments for your consideration. The Environment Protection Authority, being the Statutory Office Holder, requests that a detailed Regulatory Impact Statement be prepared for the proposed changes, specifically addressing impacts on exiting Licence holders. Subsequently, the Environment Protection Authority withdraw by email (date 1 November 2018) their comment requesting a detailed regulatory impact statement.	It is EPSDD's understanding that a Regulatory Impact Statement is not required in relation to this matter, as it relates to the ACT implementation of requirements under the Commonwealth Water Act (2007) and the Murray-Darling Basin Plan (2012). (A regulatory impact statement need not be prepared...for a matter arising under a territory law that is part of a uniform scheme of legislation or complementary with legislation of the Commonwealth... Legislation Act 36 (1) (g)) In addition a detailed regulatory impact statement was prepared by the Commonwealth in relation to the Murray-Darling Basin Plan and is available at the link: https://www.mdba.gov.au/sites/default/files/pubs/Basin-Plan-RIS-Nov2012.pdf (A regulatory impact statement need not be prepared...for a matter involving the adoption of and Australian or international protocol, standard, code or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, the ACT; Legislation Act 36 (1) (h)) Discussions following the receipt of their comments identified that in light of the above, EPA will withdraw their comments. Impact of the proposed amendment on existing licence holders

SENSITIVE: CABINET

Directorate /Other	Comment	Response
		With respect to water resource plans and their related impact on water use, the Commonwealth Government in 2012 prepared a regulatory impact statement (RIS) for the Basin Plan, an instrument under the Water Act 2007. The RIS described in detail the environmental, social and economic implications (costs and benefits) of the implementation of the Basin Plan, particularly with respect to the implementation of sustainable diversion limits set across the Basin. In addition, under section 36 of the Legislation Act 2000 a regulatory impact statement is not required for a matter arising under a territory law that is part of a uniform scheme of legislation or complementary with legislation of the Commonwealth, a State or New Zealand; in this case the Basin Plan and the Commonwealth Water Act to which Basin States are subject to with respect to the Murray-Darling Basin management. The Basin Plan (through the <i>Commonwealth Water Act 2007</i>) requires the ACT to develop a water resource plan. The ACT water resource plan (ACT WRP) sets out how the ACT manages its water resources to comply with the sustainable diversion limit (SDL) for surface water set by the Basin Plan for the ACT. The SDL for the ACT's surface water resource is 42.7 GL. Under the Basin Plan (BP), the ACT SDL is a net take, rather than a gross take. That is, it includes the water returned to the Murrumbidgee river system from all sewage treatment plants in the ACT, that is, Icon Water's Lower Molonglo Water Quality Control Centre and the Queanbeyan-Palerang Regional Council (QPRC) sewage treatment plant. A critical requirement of the Basin Plan is for the ACT's WRP to have adequate controls in place, in order to demonstrate that the ACT is meeting those statutory requirements (eg Basin Plan cl.10.11 and Schedules 2 and 3).

SENSITIVE: CABINET

SENSITIVE: CABINET

Directorate /Other	Comment	Response
		To operate under a net water take basis it was considered that an amendment to the Water Resources Act 2007 be enacted to demonstrate and ensure that the ACT operates under its net SDL. Icon Water holds the greatest volume of water under its entitlements/licences. These licences are to meet the water supply needs of the ACT community. Icon Water currently takes 48 GL for this purpose and returns about 25 GL to the Murrumbidgee River. The ACT's average current net abstraction is about 21 GL which is well under the ACT's SDL volume of 42.7 GL. Based on the volume of water for abstraction issued under the ACT entitlement/licence system the current volume of water abstracted is under the net SDL volume of 42.7 GL. Moreover, there is sufficient unallocated water available that could become entitlements. Further, there has not been any significant demand for water entitlements in the ACT. Ultimately if in the future there was an increase in demand for water entitlements a potential buyer could acquire, through interstate trade, a water right from elsewhere in the Southern Basin. The situation for groundwater is that water use under the licences (1.4 GL) is well under the SDL groundwater (3.16 GL).
JACSD	Nil comment	
HD	Supported	
EDU	Supported	
TCCS	Supported	
CSD	Supported	

SENSITIVE: CABINET

SENSITIVE: CABINET

Directorate /Other	Comment	Response
CIT	Nil comment	

SENSITIVE: CABINET