

Minister's Cabinet Brief

Cabinet Meeting Date: 20 November 2018
Title of Submission: Water Resources Amendment Bill 2018
Minister: Minister for the Environment and Heritage, Mick Gentleman

Submission recommendations

The proposed amendments to the Water Resources Act 2007 deal with water resource planning and management through the identification of the ACT's water resource planning instruments.

Two amendments are proposed:

1. Specify the ACT's water resource plan framework through the identification of the ACT's water resource planning and management instruments existing under the Water Resources Act 2007;
2. Specify that the amount of water able to be extracted for entitlement holders is limited by the net sustainable diversion limit (SDL) for surface water and groundwater as set under the Basin Plan.

Issues/comment

A possible issue is the need for the ACT to function under a sustainable diversion limit for surface water and groundwater as set under the Basin Plan. Currently, the total volume of net water take is well below the SDL set for the ACT for both surface water and groundwater.

Context and consultation

The need to make the proposed amendments is to meet the requirements under the Basin Plan, an instrument under the Commonwealth's Water Act.

The ACT, like all Basin States, is required to submit water resource plans by February 2019. The nature and framework of the ACT's water resource plan should be identified and the limit on the volume that can be taken should be specified to

Nil comments were received from all ACT Government directorates except the Environment Protection Authority (EPA), a statutory authority under CMTEDD which sought a regulatory impact statement on the proposed legislation on existing licence holders. In response to this request a substantive comment was provided stating that:

- a regulatory impact statement was already prepared by the Commonwealth for the Basin Plan;
- currently there is sufficient water available especially for Icon Water, which holds the greatest volume of water under licences to meet the needs of the ACT community.

EPA subsequently withdrew this request.

I point out that under 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 and in this case, the Water Act (Cwlth) and related Basin Plan.

Icon Water was consulted on the content of this cabinet submission.

In the future if licensees require an increase in water they will be able to acquire water entitlements. Currently there has not been a demand for water entitlements.

Groundwater use is currently well below the SDL for groundwater.

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