



ACT
Government

Environment, Planning and
Sustainable Development

CABINET : SENSITIVE

MINISTERIAL BRIEF

To: Minister for the Environment and Heritage

Tracking No.: 18/14647

Cabinet No.: 18/384

Rec'd Minister's Office .../.../...

From: Executive Director, Environment

07 NOV 2018

Subject: Final Lodgement of Cabinet item 'Water Resources Amendment Bill 2018–
Policy Approval'

Critical Date: 13 November 2018

Critical Reason: The Cabinet submission must be lodged with Cabinet Office on or before 10am
Tuesday 13 November 2018 for final circulation.

- DG/..../.....
- DDG, Land Strategy & Environment .../.../.....

Purpose

To seek your approval to lodge Cabinet submission and associated documents (Attachment 1) for
final circulation.

Recommendations

That you:

1. **Note** the information contained in this brief; and

Noted / Please Discuss

2. **Agree** to lodge the Cabinet submission and associated documents at Attachment 1 for
final circulation.

Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA 13/11/18

Minister's Office Feedback

Background

- 1) For the ACT, the most critical component and requirement in the Murray-Darling Basin Plan (Basin Plan) is the preparation of a water resource plan for the Territory's surface water and groundwater resources. The ACT's *Water Resources Act 2007* (the Act) is the principal and overarching legislation for key aspects of the ACT's water resource plan. These include the following disallowable instruments made under the Act which set out in general how the ACT manages its water resources:
 - Environmental Flow Guidelines;
 - the determination of water management areas;
 - the determination of amounts of water available from areas; and
 - guidelines for the amounts of water reasonable for uses.
- 2) Under the Basin Plan, the ACT is required to manage and account for its water use on a net basis under the sustainable diversion limit (SDL) set for the ACT. This means that the ACT has a net diversion volume for water usage. The SDL is derived from the difference between gross water use (largely taken out for residential use in Canberra and Queanbeyan supplied by Icon Water) and the returns back into the Molonglo/Murrumbidgee River (as provided by region's sewage treatment plants i.e. the Lower Molonglo Water Quality Control Centre, operated by Icon Water and the Queanbeyan Sewage Treatment Plant).
- 3) The ACT has a net SDL of 42.7 GL for surface water and 3.16 GL for groundwater. Under the Basin Plan the ACT is required to demonstrate how it will conform to these SDLs.
- 4) Amendments to the *Water Resources Act 2007* are proposed to reflect the ACT's water resource planning commitment and management under the Basin Plan.

Issues

- 5) Two amendments to the legislation are proposed. The first relates to the identification of the ACT's water resource plan and the second relates to the means to ensure that the ACT does not exceed the sustainable diversion limit as set under the Basin Plan.
- 6) Two amendments are proposed to reflect how the ACT is complying with requirements under the Basin Plan. Specifically, it is proposed that:
 - a section be inserted to indicate the nature and framework of the ACT's water resource plan as already set out in the four disallowable instruments that in general are the basis for the ACT's water resource planning; and
 - a subsection be inserted into section 17 which deals with amounts of water available from the ACT's water management areas to reflect the total limit of water that can be made available as a result of the net sustainable diversion limit set for the ACT's surface water and groundwater.

Financial Implications

6. Nil

Consultation

Internal

7. There has been discussion and understanding within EPSDD for the proposed amendments.

Cross Directorate

8. The submission has undertaken exposure draft circulation to all Directorates. No comments were received except from the Environment Protection Authority, a statutory body under CMTEDD, whomade a written comment requesting a detailed regulatory impact statement; but following clarification of the regulatory context with the Commonwealth, this comment was subsequently withdrawn (via an email message).

External

9. Nil.

Benefits/Sensitivities

10. The proposed amendments should illustrate to the Murray-Darling Basin Authority the ACT's commitment to fulfilling its requirements under the Basin Plan.

Media Implications

11. Nil at this stage, perhaps when the legislation is passed by the Assembly.

Summary of Attachments

- 1 – Final Cabinet Submission
 - A – Table of Final Comments
 - B – Open Access Information release – decision summary
 - C – Triple Bottom Line Summary
 - D - Tri-fold summary of the ACT Water Resource Plan
- 2 – Exposure Comments Matrix
- 3 – Cabinet Brief

Signatory Name: Matt Kendall

Phone:57200

Action Officer: Stewart Chapman

Phone:70290

