

QUESTION TIME BRIEF

Portfolio: Water, Energy and Emissions Reduction

Murray Darling Basin (MDB) Water Reforms within the ACT

Talking points:

ACT's water recovery commitment:

- The Basin Plan commits the ACT to 4.9 GL of water recovery for achieving shared environmental outcomes within the southern connected basin.
- On 14 March 2024, the ACT Government entered into an agreement with the Australian Government to provide 6.36 GL of water entitlement to the Commonwealth for supporting environmental outcomes in the Murray Darling Basin.
 - The volume of water will meet the shared reduction amount (4.9 GL) and contribute an additional 1.46 GL towards other water recovery targets.
 - This finalises the ACT's water recovery commitment under the Basin Plan.
- The Australian Government provided the ACT Government \$58.83 million in June 2024 after it received a water access entitlement for 6.36 GL. This agreement is made under the Commonwealth's water purchase framework.
 - The Commonwealth applied for the water access entitlement in March 2024 and, following assessment from the ACT Environment Protection Authority, the application was approved, and the entitlement granted in April 2024.
 - The Commonwealth payment was calculated based on the market value of similar water entitlements within the NSW Regulated Murrumbidgee River; that is \$9,250 per ML. The cost to the Australian Government was assessed as value for money by the Commonwealth Department.
- Through the 2024-25 Budget, the Government has provided \$2.425 million to progress the design of various initiatives under a new Water Efficiency Program.
 - The program will seek to recover water equivalent to 6.36 GL/year granted to the Commonwealth Environmental Water Holder under the Murray Darling Basin Plan.
 - This initiative will be led by the Office of Water and delivered in partnership by multiple agencies.
 - This program will be funded through a one-off payment of \$58.830 million from the Commonwealth to the Territory in 2023-24.
 - The program will improve the ACT's drought and climate resilience and support the ACT's long-term water security.
- The entitlement for the Commonwealth is a new water access entitlement specifically for environmental purposes. It will not affect the ACT's urban water supply or existing water access entitlement holders. The water is available downstream of the ACT's urban areas.

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Restoring Our River - Upper Murrumbidgee River

- The Australian Government has committed more than \$50m to improve the health of the Upper Murrumbidgee River. The Government is working with the Australian and NSW Government to design a program that delivers tangible on-ground outcomes in partnership with community.
- The funding commitment supports an expansion of current river health and monitoring programs, a review of the water management arrangements for Snowy Hydro, increased river flows during drought conditions and First Nations engagement in program delivery.

Key Information

- During 2021-2024, the Australian Government provided approximately \$2.6 million to support the implementation of Murray-Darling Basin (MDB) water reforms within the ACT. Funding provided to the ACT for MDB reforms supported:
 - a renewed policy on ‘Non-urban water metering’ to support water compliance
 - long-term environmental water planning
 - Basin Plan implementation monitoring, evaluation, and reporting
 - climate vulnerability and water security planning to build resilience in the environment and community of the ACT and surrounding region, and
 - delivering water for the environment by returning at least 4.9 GL to the basin.
- During 2014-2021, the Australian Government provided \$85m to fund water quality projects within the ACT that improve the health of urban waterways. This funding established the Healthy Waterways program. This funding is not associated with water recovery for meeting the Shared Reduction Amount.

Background Information

Basin Plan Evaluation and Review

- The Basin Plan must be evaluated every 5 years. This includes evaluating the effectiveness of the implementation of the Plan, as well evaluating the outcomes of the Plan.
- The next Basin Plan Evaluation will be completed in 2025 and will draw on multiple sources of evidence, including reporting conducted by Basin States. The Evaluation will then inform the Review of the Basin Plan in 2026.
- The ACT is currently finalising its annual and 5-year reporting, which highlights that the Basin Plan has had no discernible effect in the ACT and notes ongoing decline of the Upper Murrumbidgee River.
- Despite being heavily regulated by Tantangara Dam, in the context of the Basin Plan, the Upper Murrumbidgee River is primarily managed as an unregulated river as there is limited capacity to deliver environmental water into the system.

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- The recent Australian Government funding commitment for the upper Murrumbidgee River includes:
 - \$15m over 3 years to address river health, water quality and habitat
 - \$5m over 5 years for new science and monitoring
 - \$5.3m over 5 years to support the review of the Snowy Water Deed
 - \$30m for additional river flows during extreme drought conditions
 - Improved annual reporting to improve transparency in Snowy Hydro water management.

Water recovery investment funding - water efficiency and demand management projects

- The water efficiency program was funded to conduct further program design and detailed investigation of water saving measures.
- Preliminary analysis conducted by the Office of Water has identified water saving projects that could offset the water recovery volume of 6.36 GL through a suite of measures including, for example:
 - water efficiency measures for public housing, schools, clubs and businesses
 - installation of smart meters in high water use businesses
 - stormwater harvest and reuse on sports grounds
 - water sensitive urban design upgrades
 - community education program.

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Non-Potable Water Pricing Review

Talking Points

- The Government is finalising its response to the non-potable water pricing review.
- The Government acknowledges that the timeframe to reach a final position to respond to the Non-potable Water Review has been protracted. However, this is reflective of the complexity of this matter and the need to adopt a considered and informed policy approach that considers the views of all stakeholders.
- ACT golf clubs and their peak bodies have been consulted. The Government is considering the issues they have raised in particular the removal of the Market Equity Scheme and subsequent costs for water.
- The Government is also considering options for short term non-ongoing financial assistance during very low rainfall drought-like scenarios, when there is most pressure for not-for-profit clubs to meet irrigation demands.

Belconnen Golf Club (Owned by Burns Club, formerly Magpies Golf Club):

- The situation with Belconnen Golf Club is unique. This club is established in an area that has limited access to cheaper sources of water.
- The club is reliant on treated wastewater provided by Icon Water under a confidential and commercial contract. The Government has no influence in relation to this contract but notes the Independent Competition and Regulatory Commission has reviewed the price of water supplied under this contract.

Key Information

- The Review and Government Response is restricted to non-potable water use only and will not affect potable water charges. For example, sportsgrounds that are irrigated 100% by treated drinking water are out of scope.
- Proposed policy is intended to support a nuanced approach to the application of charges for water consumption that seeks to balance the trade-off between affordability and promoting water conservation, and provide equity on policy application.
- Examples of licensed non-potable irrigators that provide community services, and pay full WAC:
 - Private schools: St Edmunds College, Canberra Grammar School, Brindabella Christian College, Canberra Rudolph Steiner School, via groundwater
 - Vikings Park sportsground Erindale, via groundwater
 - Royal Botanic Gardens, Commonwealth Park and Floriade, via Lake Burley Griffin.

- Approximately 20 ACT agricultural irrigators receive a 98 per cent discount of the WAC. This is in recognition of competition with other primary producers in NSW, for providing food and produce such as apples, lucerne and grapes.

Background Information

Non-potable Water Review

- The ACT Government committed through the Parliamentary and Governing Agreement to ensure that clubs continue to support the community while reducing harm from gaming.
- A review by ACT Treasury into water costs for high-intensity club users of non-potable water was published on the YourSay website in December 2021. The aim of the review was to consider the impact of water costs on the operation of clubs while not requiring cross-subsidisation by other ACT water users.
- The Office of Water contacted almost 200 entities, including all non-potable water licensees and significant stakeholders such as Clubs ACT, Canberra Community Clubs, ACT-Monaro District Golf Association and ACT Rural Landholders Association.
- Stakeholder consultation on the policy options for the Government response to the Non-Potable Water Review occurred in June and July 2023.
- Golf courses have expressed strong concern about any potential changes that may result in cost increases. They are highly protective of the Market Equity Scheme which gives golf clubs an exclusive 50% discount to the non-potable Water Abstraction Charge (WAC).
- The Listening Report from public consultation was sent to stakeholders in December 2023.

National Water Reforms

- Micro economic reforms related to water pricing have been agreed by successive governments under the National Competition Policy, National Water Initiative (NWI, 2004), *Water Act 2007* (Cth) and the Murray-Darling Basin Plan (2012).
- The ACT is a signatory to inter-governmental agreements that give effect to these water reforms. Specifically, the ACT has agreed to implement water pricing and institutional arrangements that promote economically efficient and sustainable use of water resources, water infrastructure assets, and government resources devoted to the management of water.
- The NWI pricing principles promotes user-pays and pricing transparency, in respect of water supply systems and cost recovery for water planning and management.

ACT Water Strategy 2014-44 Striking the Balance

- The ACT Water Strategy aims to achieve ‘an integrated and efficient water supply system that provides for the optimal mix of supply options, encourages efficient use of water, is resilient to climate variability, and secures the social, economic and environmental needs of the ACT community’.

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Healthy Waterways Program

Healthy Waterways Asset Construction

Underway

- The Government continues to progress an ambitious program to construct new Healthy Waterway assets as one approach to improve the water quality of the ACT's lakes, ponds and waterways and address the scourge of blue-green algae.
- Work on the Belconnen Oval Wetland to improve water quality and catchment health commenced in November 2023. Civil works are now completed, and paperwork being prepared for handover of the works to TCCS. The majority of plantings are expected to be completed in July or early August, although 1,400 of the 28,000 seedlings are frost sensitive and will be planted in September.
- Stormwater re-use to irrigate sports fields from a water quality pond in Kambah (Kett Street) has been delivered and commissioned on 19 July 2024, ahead of schedule (originally August 2024).

Completed

- The \$3.7 million naturalisation of the Tuggeranong Creek drain near Calwell is complete, as are two new viewing platforms.
- A set of four bioretention swales at Kambah Playing Fields have been built and are fully accepted for initial handover.
- A pair of floating wetlands were deployed in Yerrabi Pond in February 2023.
- 45 roadside drain outlets to greenspace have been built in Kambah to improve infiltration and reduce stormwater runoff. 54 outlets were originally planned for construction however, due to challenges with installation 9 will not proceed.

Planned

- Additional assets are under consideration for construction throughout 2024-25 subject to final tender costs:
 - Reconnection of old creek line at Richardson (Tuggeranong Homestead; supported by many stakeholders)
 - Raingarden in Bevan St Park, Higgins (community consultation has also been very positive)

The order of delivery will depend on the priority of the project and the availability of funds (the Higgins project is cheaper than the Richardson project).

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ACT Budget

- Current funding includes commitments for the 2025/26 and 2026/27 financial years, and recurrent funds following that, for:
 - Operation and maintenance of Stage 2 water-sensitive urban design (WSUD) water quality assets; and
 - Ongoing development of an evidence base for managing water quality in the ACT.

Water Quality Monitoring Contract

- Contract water quality monitoring continues, comprising:
 - Water quality associated with different land uses in the ACT, which supports water quality modelling and provides insights into pollution levels in the ACT.
 - The water quality improvement performance of two wetlands (in Fyshwick adjacent to Eyre Street and in Melba) and two raingardens (in Isabella Plains and in Curtin near the flood memorial) built in Stage 1 of Healthy Waterways, which supports water quality modelling and catchment planning.
 - Stream flow in six tributaries to lake Tuggeranong, which will enable the loads of pollution entering Lake Tuggeranong from its tributaries to be calculated. Four of the six gauges have been installed.
 - Some samples are being analysed for faecal indicator bacteria (FIB) to help determine their source. All our urban lakes may be closed at times due to FIB, with Lake Ginninderra suffering the most from this problem.

Healthy Waterways Plans

- A first draft of the Lake Tuggeranong Healthy Waterways Plan is well underway. Talking points will be ready in August with a first draft completed in September. Community engagement around this is scheduled for late 2024/early 2025.
- A project restoring parts of the rural/conservation catchment of the Naas/Gudgenby has been delivered. A catchment plan identifying areas of soil erosion and sediment supply to the channels has also been delivered. Follow-up projects continue that aim to reduce sediment supply and impacts to the Murrumbidgee River.

Fertiliser program design

- A program has been designed and trialled to target the 20% of households who are putting large amounts of fertilisers on their gardens. The concern is that fertiliser applied in this manner will be leaching into stormwater, polluting our waterways.
- The program was implemented in Autumn and will be ready for evaluation in Spring 2024.

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Sources of pollution in the ACT

- Contractors investigating fertiliser use by ACT residents and gardening businesses have delivered their final report.
- It is indicating large average rates of fertiliser application in the ACT, which is believed to be caused by a small proportion of gardeners applying high rates of fertiliser.
- Interim results from the University of Canberra suggest that leaves and grass clippings are another significant source of stormwater pollution in Canberra. This phase of their work is now expected to be finalised in mid-2024.
- Based on these interim results, the Healthy Waterways team partnered with TCCS over Summer to conduct a street sweeping trial in the Lake Tuggeranong catchment. The aim was to determine the amount of phosphorus that could be removed from the streets through increased street sweeping and how this may impact on phosphorus concentrations in the stormwater. The results will help shape recommendations in the Lake Tuggeranong Healthy Waterways Plan.
- Thereafter the University of Canberra will split their research between Tuggeranong, where they will seek to confirm some of the pollution matters established in earlier work, and Lake Burley Griffin, where they will make measurements of the in-lake environment to allow us to create a sound model of the response of the lake to potential nutrient inputs.

Rural river restoration

- ACT NRM have just completed a major upgrade to the Jeggaline Dam south of Point Hut, funded by Healthy Waterways, The Commonwealth and ACT NRM. It repairs an ACT Government dam that had been placed on a property to prevent sediments from reaching the Murrumbidgee River. The dam had failed and storm flows were significantly eroding the adjacent floodplain, delivering a large slug of sediment to the Murrumbidgee. This work will prevent further erosion and sediment delivery.

Background

- Stage 1 of ACT Healthy Waterways began in 2014 as a \$94 million joint initiative of the Australian and ACT Governments. It was completed in June 2021. Stage 1:
 - Designed and built 19 large water quality assets—raingardens, ponds, wetlands, and channel restorations—according to WSUD principles
 - Carried out a major riparian restoration
 - Conducted the *H2OK: Keeping our Waterways Healthy* public education program,
 - Performed research into pollution, blue-green algal blooms, and control methods.
- The ACT Government invested a further \$1 million to build a floating wetland in Lake Tuggeranong, to begin planning for the next stage of works, and to extend the research program.

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- Since February 2021, a total of \$29.65 million in initiative funding has been invested in 4 tranches of the Parliamentary and Governing Agreement commitment to *Expand Healthy Waterways: \$30 million over 4 years*.

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Regulatory and Compliance Action

Hot Issues

Fisheries Compliance and Patrols (Minister WEER)

- Recreational fishing is a pastime that is enjoyed by many Canberrans. No licence is required.
- The public waters of the ACT are divided into prohibited waters, open waters, and trout waters, each of which have special requirements regarding recreational fishing. Information about recreational fishing is available on the Environment ACT website, including a fact sheet.
- Where fishing is permitted, fishers are limited to two fishing rods or two handlines in Open Waters, and one fishing rod in Trout Waters.
- The ACT is home to several species of fish that are totally protected. This includes Trout Cod, Macquarie Perch, Two-spined Blackfish, Silver Perch and Murray River Crayfish.
- To protect the ACT's native fish and help educate Canberrans regarding legal and ethical fishing practices, the Government was pleased to fund a Fisheries Compliance Officer in the 2023-24 Budget.
- This officer is now out and about patrolling Canberra's lakes and waterways. They are distinguishable by a uniform, high-viz vest and an ID card.
- Whilst education is the priority, this officer does have the capability to issue fines under the *Fisheries Act 2000*.
- Anyone with information about illegal fishing is encouraged to contact Access Canberra on 13 22 81.

General

- Regulating the ACT's environmental legislation including the Nature Conservation Act (NCA) and the Fisheries Act is necessary to ensure the environment remains protected from actions that may cause harm or be in breach of legislation.
- Regulation is undertaken by Conservation Officers appointed under the Act and may involve audits of licence holders and patrols of the ACT's natural areas.
- The government is strengthening its environment regulation capabilities to ensure the environment is protected and breaches of the Act are subject to penalties.
- The most common approach to regulation is to educate, warn then enforce. Enforcement may include fines or prosecution in Court.

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- Infringement notices under the NCA range from \$30 to \$1,500. A person who receives an infringement notice remains innocent of any alleged offence until proven guilty in court; and has the option of paying the infringement penalty. If a person takes the option of paying the infringement penalty, under section 122 of the Magistrates Court Act:
 - any liability of the person for the offence is discharged; and
 - the person will not be prosecuted in court for the offence; and
 - the person will not be taken to have been convicted of the offence.

Current compliance matters

Issue	Date of offence	Status	Comments
Drive motor vehicle in reserve	December 2023	Completed	Formal warning issued for driving a motor vehicle in a reserve (prohibited activity).
Unlicensed taking of native animals	Multiple	Ongoing	Current investigation relating to commercial organisations trapping possums without appropriate licences. Social media posts to advise members of public to check licence status before engaging services pending. Social media posts published
Multiple matters relating to unauthorised entry to reserve, camping, fishing and dog offences	December 2023	Ongoing	Current investigation relating to numerous offences after alleged offenders used a vehicle to enter reserves beyond a locked gate, drove vehicle in a reserve, set up a campsite, had fishing and hunting equipment and dogs in the reserve. ACT Policing assisting. Seven infringement notices issued to identified offender on 8 August 2024.
Information Direction	February 2024	Ongoing	Information direction issued to licence holder in relation to licence they hold under the Nature Conservation Act 2014. Some information has been provided. Further direction issued to provide additional information.
Unlicensed keeping of native animal	January 2024	Ongoing	Snake seized from premises subject to police investigation. No licence to keep held by any resident at the premises. Matter is being progressed by ACT Policing.
Repair damage direction	January 2024	Ongoing	Direction issued to resident to repair damage to reserve area behind their house which was damaged during construction work. Restoration work yet to be completed.
Hunting dogs in Lower Cotter Catchment reserve	March 2024	Completed	Males located within reserve with dogs and hunting equipment. Investigation ongoing. Formal warning issued 5 August 2024. Matter complete.
Information direction issued	May 2024	Completed	Information direction under <i>Nature Conservation Act 2014</i> issued to registered owner of vehicle to provide details of occupants of vehicle, which gained entry to a management trail within reserves late at night (Namadgi National Park and Bimberi Wilderness Area).

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			Dogs and hunting equipment in vehicle. Still within period allowed for information direction to be complied with. Infringement notice issued for fail to comply with information direction. Infringement notice has been paid. Matter complete
Drive motor vehicle in reserve	March 2024	Ongoing	Two vehicles entering reserve (Bimberi Wilderness and Namadgi National Park) and potential property damage. Investigation ongoing. ACT Policing assisting.
Take fallen timber	May 2024	Ongoing	Person observed using chainsaw to cut fallen timber in Aranda Bushland. Investigation ongoing.
Kill native animal	July 2024	Ongoing	Male offender identified deliberately running over kangaroos with a vehicle. Investigation ongoing with assistance from ACT policing.

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