



**To:** Minister for the Environment and Heritage

Cabinet No.: 19/163

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

**cc:** Minister for Climate Change and Sustainability

**From:** Ian Walker, Executive Group Manager, Environment

**Subject:** Final lodgement of 'Government response to the Office of the Commissioner for Sustainability and the Environment report 'The Heroic and the Dammed- Lower Cotter Catchment Restoration Evaluation'

**Critical Date:** 20 May 2019

**Critical Reason:** The Cabinet submission must be lodged with Cabinet Office on or before 10am 20 May 2019 for Final Agency Comments.

- DG .../.../...
- DDG, Land Strategy and Environment 08/05/2019

**Purpose**

To seek approval to the final Cabinet submission outlining the Government responses to the 14 recommendations in the Office of the Commissioner for Sustainability and the Environment (OCSE) Report on the Lower Cotter Catchment.

**Recommendations**

That you:

1. **Sign** the Cabinet submission (Attachment 1) and associated documents for final agency circulation.

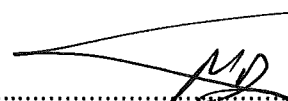
Signed / Not Signed / Please Discuss

2. **Note** if approved by Cabinet, it will be formally tabled by you, as Manager of Government Business; and

Noted / Please Discuss

3. **Note** tabling will be listed on the sitting week program under Minister Rattenbury as Minister for Climate Change and Sustainability.

Noted / Please Discuss

Mick Gentleman MLA .....  ..... 16/5/19

Minister's Office Feedback

## Background

1. This Cabinet submission (Attachment 1) provides the Government response to the OCSE report evaluating the restoration of the Lower Cotter Catchment Restoration titled *The Heroic and the Dammed – Lower Cotter Catchment Restoration Evaluation* (the Report). The Report was tabled in the Legislative Assembly on 21 February 2019.
2. The OCSE has outlined 14 recommendations, and as noted in the Report, almost all of which are contingent on additional funding being made available for the restoration of the Lower Cotter Catchment.
3. The proposed Government response agrees or agrees in-principle to 13 of the 14 recommendations. One recommendation, 2.1 is noted, namely:
  - Recommendation 2.1 – *Allocate annual funding from the Water Abstraction Charge directly to catchment management for the life of the Reserve Management Plan 2018*. ACT Treasury has advised that this would not be suitable and that additional funding should instead be through established annual budget processes.
4. If approved by Cabinet, the tabling will be listed on the sitting week program under the Minister for Climate Change and Sustainability, Shane Rattenbury MLA. Given the new standing orders, it will be formally tabled by you, as Manager of Government Business.
5. In anticipation of a debate on the paper, EPSDD have prepared speaking points (Attachment 3). Under the new standing orders, any MLA can request that a debate occur on a paper tabled by the executive.
6. The ACT Auditor-General conducted a performance audit of the restoration of the Lower Cotter Catchment (LCC) in 2015 and made 12 recommendations, one of which was for the Commissioner to evaluate restoration against the statutory management plan. The Government agreed to all recommendations. Updates on the implementation status of the Auditor-General's recommendations are included in the response.

## Issues

### Exposure draft comments

7. Comments were received when this submission undertook exposure draft circulation to all agencies from:
  - a. Treasury (CMTEDD) regarding the discussion of resourcing required to implement recommendation within the OCSE Report; and
  - b. the Justice and Community Safety Directorate regarding the discussion surrounding the consideration of amendment to the *Road Transport (Safety and Traffic Management) Act 1999* to allow for the removal of abandoned vehicles.
8. These comments have been incorporated and within the body of the submission and responded to at the table of comments at Attachment A of the Submission.
9. Treasury (CMTEDD) may make Final Agency Comments, to re-prosecute the comments made during exposure circulation. As the Commissioner recommended both additional funding, and a funding source, it is expected that this will be an item of discussion at Cabinet.

**Financial Implications**

10. To implement the government response to the recommendations will require significant additional funding.
11. The Commissioner has made one recommendation, (2.1) that discrete annual funding should be allocated from the Water Abstraction Charge directly to catchment management for the life of the Reserve Management Plan 2018. This is in addition to existing recurrent funding. ACT Treasury have advised that this is not supported and any additional funding should be sought through existing budget processes. Accordingly, the Government response will record a "Noted" position against this recommendation.

**Consultation**

Internal

12. The Submission was developed with Catchment Management and Water Policy and Conservation Research within EPSDD.

Cross Directorate

13. The Rural Fire Service within JACS was consulted in the development of the submission. The Economic and Financial Analysis branch within ACT Treasury provided the advice related to the Water Abstraction Charge.
14. Exposure draft comments were received from CMTEDD and JACS.

External

15. Icon Water supports the position outlined in the submission.

**Benefits/Sensitivities**

12. Most of the recommendations will require significant additional funding, which the Report recommends be directed from the Water Abstraction Charge. Without additional funding, the recommendations are agreed in-principle and the restoration of the catchment will proceed at a significantly slower rate, potentially impacting on the environmental integrity of the LCC.

**Media Implications**

16. Tabling of the Government response as is proposed is likely to attract considerable media attention. In particular, Government not agreeing to identify funding for the LCC directly through the Water Abstraction Charge will generate considerable media interest. A Communications Plan will be developed in consultation with your office.

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Action Officer: Nicholas Daines

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**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 – Government response to OCSE Report, *The Heroic and the Dammed*
  - E – OCSE Report, *The Heroic and the Dammed*
- 2 – Cabinet brief – will be provided closer to Cabinet meeting
- 3 – Speaking points for debate - will be provided before Assembly

