



Shane Rattenbury MLA
Attorney-General
Minister for Consumer Affairs
Minister for Water, Energy and Emissions Reduction
Minister for Gaming

Member for Kurrajong

RESPONSE TO QUESTION ON NOTICE
Environment and Communications References Committee
Inquiry into the Water Amendment (Restoring Our Rivers) Bill 2023 [Provisions]

SENATOR DAVID POCOCK - Asked the Minister for Water, Energy and Emissions Reduction:

Do the ACT Government's water laws allow the sale of water to towns in NSW?

MR RATTENBURY MLA - The answer to the Senator's question is as follows:

There is no explicit provision within the *ACT Water Resources Act 2007* that allows the sale of water to towns in NSW. There are no systems currently in place that enable the trade (sale) of water to NSW. The ACT is conducting a review of its policies and legislation to identify amendments that may be required to enable interstate water trading.

The Murray Darling Basin Agreement, Schedule 1 of the Water Act (Cth), requires the Government of the ACT to ensure that no water or water entitlement that is used for urban purposes will be transferred for use outside of the ACT unless that water or water entitlement has been transferred for use within the ACT from another State (cl9(3) Schedule E – Cap on Diversions).

Approved for circulation to the Member and incorporation into Hansard.

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Minister for Water, Energy and Emissions Reduction

Date:..... 8/11/23.....



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Inquiry into the Water Amendment (Restoring Our Rivers) Bill 2023 [Provisions]

SENATOR DAVID POCOCK - Asked the Minister for Water, Energy and Emissions Reduction:

How many times has the ACT released untreated or partially treated sewage into the Molonglo River over the past 5 years?

MR RATTENBURY MLA - The answer to the Senator's question is as follows:

There have been eight overflows of partially treated sewerage from the Lower Molonglo Water Quality Control Centre in the last five years – these began at the onset of the three consecutive La Niña events in 2020:

- 8-10 August 2020
- 14-16 November 2021
- 4-6 September 2021
- 25-29 November 2021
- 7-10 October 2022
- 21-25 October 2022
- 4-6 August 2022
- 2 November 2022

The overflows from the Centre occurred during periods of high flow in the Murrumbidgee River. The high river flows dilute the outflow from the Centre, minimising environmental and public health risks to downstream areas.

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Inquiry into the Water Amendment (Restoring Our Rivers) Bill 2023 [Provisions]

SENATOR DAVID POCOCK - Asked the Minister for Water, Energy and Emissions Reduction:

What does the ACT consider to be the biggest opportunities and challenges facing our region? How can the Restoring our Rivers Bill assist/impact on these issues?

MR RATTENBURY MLA - The answer to the Senator's question is as follows:

Challenges facing the upper Murrumbidgee region.

The upper Murrumbidgee region has significant natural capital. The region is experiencing high demand for housing development from a growing population and the effects of climate change on the water resources are being observed earlier than previously projected. Sustainable development and building climate resilience within the environment is dependent upon the available water resources.

The operation of Snowy Hydro is an important contributor to Australia's energy generation and emissions reduction. Tantangara Dam, operated by Snowy Hydro, captures over 90 per cent of the Murrumbidgee River flows. Existing releases of water from the dam are insufficient to support a functioning river system, with reduced flows leading to problems including sedimentation, build-up of sand deposits and reduced quantity and quality of aquatic habitat. The low flows also compromises the water security of regional towns and the Nation's Capital. Annual average surface water flows in the region have been modelled to reduce by 30-45 per cent under climate projections. A sustainable future for the region requires increased release of water into the upper Murrumbidgee River from Tantangara Dam and protection of the environmental flows from extraction.

Optimising the social, economic and environmental outcomes arising from the use of the Basin water resources (Basin Plan objective, s5.02(1)(c)) could be improved if water diversion under the Snowy Hydro Water Licence is excluded from the Commonwealth Government's water

management framework, i.e. *Water Act 2007* and *Basin Plan 2012*. The Basin Plan cannot have an effect within the region unless all water resources are managed within this framework.

Opportunities

Creating a sustainable future for the upper Murrumbidgee region is not insurmountable. There are opportunities within existing Commonwealth Government programs and the Bill, that could support a program of improvement within the region and contribute towards achieving the Basin water recovery targets.

- Urban Rivers and Catchment Program funding could support activities led by the ACT and Region Catchment Coordination Group to rehabilitate riparian and riverine environments, promote improved catchment and land management practices, conduct monitoring and new science generation, and support First Nations participation in water resource management activities.
- Purchase of water for the environment, from the Snowy Required Annual Release into the regulated Murrumbidgee, for delivery from Tantangara Dam and shepherded through Burrinjuck Dam for system-wide benefits. Purchases could be made under current provisions for the Water for the Environment Special Account and could be acquired as “Additional Held Environmental Water” under the amendments within the Bill.
- Improving the effectiveness of the existing water (Snowy Montane Increased Flow) as an Efficiency measure under Chapter 7 of the Basin Plan. Improvements could be achieved through ‘minor’ amendments to operating rules within the Snowy Water Licence, installation of a hydrographic gauging station immediately downstream of Tantangara Dam, and upgraded flow control structures on Tantangara Dam and other montane rivers.
- The Snowy Montane Increased Flow is currently re-regulated within Burrinjuck Dam for consumptive use. Acquiring this water as “Additional Held Environmental Water” would extend its benefit downstream of Burrinjuck Dam. This could be funded under current provisions for the Water for the Environment Special Account.
- Funding commitments made under the Federation Funding Agreement – *Implementing Water Reforms in the Murray Darling Basin* could include new milestones for NSW, Victoria and ACT governments to work with the Commonwealth Government to: conduct a review of the Snowy Water Inquiry Outcomes Implementation Deed and Snowy Water Licence and make amendments that give effect to the objectives and outcomes of the Basin Plan; investigate options to optimise the Snowy Hydro operations aligned with a revised Statement of Expectations; and amendments to NSW water sharing plan to protect environmental water in the upper Murrumbidgee River (NSW only).

Affecting change through the Restoring our Rivers Bill

Section 21(6) of the Water Act requires that the Basin Plan must not be inconsistent with the Snowy Water Licence. Amendment could be made that requires the Snowy Water Licence to not be inconsistent with the Objects of the Water Act and Basin Plan. Subsequently, s1.08 of the Basin Plan could be amended such that the Snowy Water Licence is to give effect to the Objectives and Outcomes of the Basin Plan (specifically, s5.02).

Minor amendment to s68 of the Water Act could require the Minister to direct the Authority to prepare water resource plans where states are unable to meet this requirement. This section currently provides the option for the Minister to request the Authority to prepare water resource plans. A NSW water resource plan for the unregulated Murrumbidgee would require mechanisms that protect environmental water, promote sustainable use and management, include measures in response to extreme events, and for water management to have regard to the values and uses of First Nations.

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