

Environment and Communications Legislation
Answers to questions on notice
Climate Change, Energy, the Environment and Water Portfolio

Inquiry: Inquiry into the Water Amendment (Restoring Our Rivers) Bill 2023
Question No: IQ23-000295
Hearing Date: 01 November 2023
Division/Agency: Water Infrastructure and Investment Division
Topic: Additional accountability for SDLAM projects
Question Date: 31 October 2023
Question Type: Written

Senator Grogan asked:

1. On 22 August 2023, the Commonwealth and Basin States, except Victoria, reached agreement to deliver the plan in full with greater flexibility and more time. One component of the 12-point agreement is that 'Basin states will provide additional assurances and accountabilities for delivery of supply and constraints projects. The Commonwealth must be satisfied that the assurances and accountabilities provide sufficient certainty before it extends funding'. Are you able to detail what these additional assurances and accountabilities might involve?

Answer:

Constraints

1. The Bill requires the Murray-Darling Basin Authority prepare a roadmap by the end of 2024, following public consultation:

“... to assist the Commonwealth and Basin States to identify measures to relax constraints, and develop and implement them in a way that:
 (a) maximises the benefits of the constraint measures to deliver environmental outcomes, including but not limited to enhanced environmental outcomes and outcomes identified by the Constraints Management Strategy; and
 (b) provides, as far as practicable, a common approach across river systems and jurisdictions including, but not limited to, in relation to:
 (i) reporting, transparency and public accountability; and
 (ii) program implementation and governance including regulatory approvals; and
 (iii) supporting the acceleration of constraint measures by 31 December 2026; and
 (iv) managing impacts on third parties.”

The Authority must publish the roadmap on its website.

2. The Australian Government will also appoint an independent constraints facilitator to improve community and landholder consultation.

Increased Accountability and Transparency

- Ms Rebekha Sharkie MP, member for Mayo, moved amendments in the House of Representative that were supported by the Government. These amendments require the Secretary of the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to prepare an annual progress report relating to water recovery targets.
- This will include reporting progress towards:

- a. Increasing the volume of Basin water resources that is available for environmental use by 450 gigalitres,
 - b. The Commonwealth's water recovery target (known as the 'Bridging the Gap target'),
 - c. Projects that relate to adjustment of the SDLs (SDLAM projects),
 - d. Any other matter specified by the Minister in writing.
- This report must be prepared for the financial years between 1 July 2023 and 1 July 2028 and provided to the Minister by 30 October each year, who must table it in Parliament within 15 sitting days.

Project Delivery

3. In addition, the following measures are being developed to improve assurance and accountability for supply and constraints projects:
 - a. streamlining state submission and the Australian Government's approval of project proposals to reduce project delays
 - b. improving the reliability of cost and delivery time estimates, including through independent review
 - c. improving cost sharing arrangements between the Australian Government and states in relation to costs associated with delivery time overruns
 - d. increasing transparency of state application of Commonwealth-funded staffing on projects to ensure projects are adequately resourced
 - e. states providing the Australian Government access to their monthly project progress reports and project governance meetings to improve visibility of progress and better manage emerging risks.

4. The measures being considered are consistent with the industry best practice of 'four lines of defence model' assurance framework which identifies improvements through:
 - a. improved project management/project delivery controls
 - b. organisational policies and systems and management oversight
 - c. internal reviews, audits and reporting, and
 - d. external reviews, audits and reporting

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Inquiry: Inquiry into the Water Amendment (Restoring Our Rivers) Bill 2023
Question No: IQ23-000300
Hearing Date: 01 November 2023
Division/Agency: Environmental Water and Aquatic Ecosystems Division (EWAED)
Topic: Modelling of impact on the environment of the cut of 70 gigalitres in the north
Hansard Page: 59
Question Date: 01 November 2023
Question Type: Spoken

Senator Hanson-Young asked:

Senator HANSON-YOUNG: Was the CEHW ever given access to modelling that showed what the impact of the cut of 70 gigalitres in the north would mean for the environment?

Dr Banks: I'll check with my colleague, but not that I'm aware of. I've been in the role for 12 months, so I just—

Senator HANSON-YOUNG: I realise that. Perhaps Mr Johnson will have an answer. I know what the answer is, but I'd like to know that you know what the answer is.

Mr Johnson: We would have to take it on notice—

Dr Banks: Sorry, Senator.

Senator HANSON-YOUNG: I think it's zilch. I don't think there's any advice, but I'm happy to be corrected.

Answer:

The Murray–Darling Basin Authority (MDBA) undertook the Northern Basin Review in 2016.

Representatives of the Commonwealth Environmental Water Holder participated in the MDBA's multijurisdictional Northern Basin Intergovernmental Working Group where modelling results were shared, and advice provided by the group on a range of matters including environmental and social/economic science, modelling and policy.

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Inquiry: Inquiry into the Water Amendment (Restoring Our Rivers) Bill 2023
Question No: IQ23-000303
Hearing Date: 01 November 2023
Division/Agency: Environmental Water and Aquatic Ecosystems Division (EWAED)
Topic: Increased streamflows
Hansard Page: 70
Question Date: 01 November 2023
Question Type: Spoken

Senator Davey asked:

Senator DAVEY: Another thing, and I probably should have raised it with CEWH, we keep hearing that the Basin Plan hasn't led to the increased streamflows that were envisaged, but that is entirely dependent on the Environmental Water Holder order. Because of the way it is not incidental, it is not left in the river system and it is handed back to the CEWH to manage, it is entirely dependent on the CEWH then putting an order in for those streamflows.

Ms Connell: That's correct. I'm not in a position to talk about how Dr Banks orders his water, but we can take that on notice.

Answer:

Depending on the entitlement type, some water held by the Commonwealth Water Holder is stored in a dam. In other circumstances, the entitlement is activated following rainfall runoff into rivers.

By ordering or activating licences, Commonwealth environmental water has increased streamflows. For example, the science program Flow-MER has shown that in the seven years between 2014 and 2021 Commonwealth environmental water supported:

- a 30 per cent increase in flows in the Murray River in three years out of the seven years to support the Nationally Vulnerable Murray cod.
- accounted for 100 per cent of the flows into the Coorong, which is a listed Ramsar site, in three out of the seven years to support connectivity between the Coorong and the Lower Lakes.
- a 10 per cent increase in flows in the Barwon Darling River in five out of the seven years to improve water quality for native fish.

In 2017-18 Commonwealth environmental water contributed over 90% of the flow in the Darling River (at Louth) to improve water quality for native fish.

The extent to which the Commonwealth environmental water holdings can influence streamflows is limited by the volume of water held and limits on flow heights (for example river operation rules).