



Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

MEMBER FOR MOLONGLO

Mr Tony Burke, MP
Chair of the Murray-Darling Basin Ministerial Council
Minister for Sustainability, Environment, Water, Population and Communities
Parliament House
CANBERRA ACT 2600

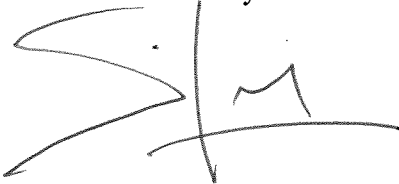
Dear Minister 

Please find enclosed the ACT's individual jurisdictional response on matters of concern and disagreement under Section 43A (4) of the Water Act 2007 (Commonwealth) regarding the proposed Basin Plan. These comments are provided as part of the consultation process between the Murray-Darling Basin Ministerial Council and Murray-darling basin Authority (the Authority).

I understand the response will be appended to the Council's overall response to the Authority in regard to the proposed Basin Plan and issues raised in Authority's Chair's 28 May 2012 letter of transmittal of the proposed Basin Plan.

The ACT looks forward to a productive working relationship with the Authority as it addresses the issues raises in the Council's response to the proposed Basin Plan and individual jurisdictions' particular issues.

Yours sincerely



Simon Corbell MLA
Minister for the Environment and Sustainable Development

9.7.12

ACT LEGISLATIVE ASSEMBLY

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Notice by the Australian Capital Territory of its jurisdictional response under section 43A sub section 4 of the Water Act 2007.

The Australian Capital Territory (ACT) supports the initiatives to reform the Murray-Darling Basin water allocations to return water to environmental use for improved sustainability of the Basin and the communities it supports.

The ACT draws the Authority's attention to the details of the ACT's submissions to the Authority on the Guide to the Basin Plan and the subsequent draft Basin Plan. In particular the ACT reminds the Authority of the advice provided on the ACT's water management framework and the ACT's historical use of water for urban purposes rather than irrigation or industrial uses. The constraints on ACT water diversions are underpinned by the Commonwealth National Capital Authority's authorisation of 108.3GL diversions under Appendix E of the Consolidated National Capital Plan (amended December 2011). The ACT notes that diversions of 108GL on a net basis exceed the expected water needs of the ACT and region to support population growth to 2059.

The proposed Basin Plan provided to the Ministerial Council for consideration and comment on 28 May 2012 set out significant steps to restore balance to the use of water within the Basin. That Plan however proposed real and damaging reductions in the ACT's rights to divert water for the National Capital and surrounding Queanbeyan region and its capacity to service the needs of a rapidly growing population. Those reductions would be supportable if:

- the overall outcomes from the proposed plan are effective in returning water to environmental use and improving the environmental, social and economic sustainability of the Basin;
- the Plan takes appropriate notice of jurisdictions' actions to reduce their take from the system both directly and relative to the water raised within the jurisdiction; and
- the trading and administrative systems support efficient, transparent use of the market to facilitate consumptive water moving to its highest value allocation.

If the Authority changes the proposed Basin Plan in response to jurisdictions' comments then the ACT proposes the whole of the Plan needs to be transparently reviewed to ensure equity and effectiveness across jurisdictions in returning water to the environment, as well as maximising the environmental outcomes of the Basin Plan.

In circumstances where the Authority is going to revise:

- Sustainable Diversion Limits (SDL);
- effective use of Commonwealth Environmental Water Holder entitlements to minimise SDL reductions and maximise environmental outcomes;
- operational practices;
- infrastructure upgrades; and
- revision of constraints;

then the provision of water rights in the ACT as a jurisdiction driven by urban water use based on population and future population growth rather than an agricultural-based water using jurisdiction, needs to be revised. Central to this, is the history of the ACT reducing its water diversions by 50 per cent on a per capita basis since the mid-1990s and having a jurisdictional commitment to a 25 per cent efficiency factor to 2023 and beyond. This ongoing efficiency dividend has already been incorporated into the ACT's Cap on extractions. The reduced water diversions based on these demand reductions have flowed to jurisdictions downstream where it has been melded with the existing over-allocations, counter the environmental objectives now being sought.

In regard to further work to be undertaken by the Authority, particularly with regard to the issue of apportionment, the ACT calls upon the Authority to work cooperatively with jurisdictions to

resolve its advice to the Council for consideration of adoption by the Council Chair in the final Basin Plan in accordance with the requirements of the Water Act 2007.