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27 OCT 2015
MDBA

To: Mr Russell James
A/g Chief Executive
Murray-Darling Basin Authority

From: Dorte Ekelund
Director-General, Environment and Planning Directorate
ACT Government

Statement of Assurance for the Australian Capital Territory for 2014-15

In order to maximise transparency and to provide assurance to other parties and the community that the obligations of the Basin Plan are being implemented appropriately and in line with agreed arrangements under the Basin Plan 2012 Implementation Agreement, the **ACT Government** has completed a self-assessment of performance against its obligations under the *Basin Plan 2012* (refer to Table 1 and 2 below).

I certify that to best of my knowledge, for the 2014-15 water accounting period the information provided in the self-assessment attached to this statement accurately reflects the extent to which the **ACT Government** is compliant with the its obligations under the *Basin Plan 2012*.

Where non-compliance or partial compliance has been detected, I have identified the measures the **ACT Government** has implemented, is implementing or plans to implement and any impediments that are outside the **ACT Government** control which may impact on compliance with particular provisions of the Basin Plan.

On behalf of the **ACT Government**

...Ms Dorte Ekelund
Name Signature

22 October 2015.....
Date

Table 1: Self-assessment checklist for Basin States (2014-15)

<p>Basin Plan Implementation Agreement Tasks (refer note 2)</p>	<p>Timing</p>	<p>Summary of standards and processes for delivering tasks</p>	<p>Compliance Status (Yes, No, Partial) (Refer note 3)</p>	<p>Commentary (refer note 4) (Summary of Note 4: For 'full compliance', may provide a good example or commentary; for 'no' or 'partial compliance', must explain the situation, actions taken or planned to ensure compliance at a specified future date, and describe any third party impediments that hindered compliance)</p>
<p>14: Constraints Management Strategy (Refers compliance status with section s7.08 of the Basin Plan).</p>				
<p>Task 14.1: Review and provide advice on measures recommended in the Constraints Management Strategy.</p>	<p>From December 2013.</p>	<p>The Basin States will review the recommendations of the Constraints Management Strategy having regard to benefits and costs, available funding, third party impacts and community views.</p> <p>Basin States will advise the MDBA of their proposed responses to the relevant Constraints Management Strategy recommendations.</p> <p>Note: Some recommendations will be progressed by a single basin state, others will be progressed bilaterally and multilaterally between the MDBA and Basin States.</p>	<p>N/a</p>	<p>The ACT is not directly involved in the Constraints Management Strategy. There are no projects proposed for the ACT and nor does the Strategy have any direct application to the ACT.</p>
<p>Task 14.2: Develop constraint management proposals.</p>	<p>From December 2013.</p>	<p>Basin States may develop proposals to address constraints, having regard to the Constraints Management Strategy.</p>	<p>N/a</p>	<p>The ACT has not developed any constraint management proposals because of the location and nature of the ACT in the Basin and the nature of constraints envisaged and intended.</p>

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15: Preparation of proposed measures for SDL adjustment (Refers compliance status with section s7.12 of the Basin Plan).				
Task 15.1: Prepare and assess proposals for supply measures.	Expected completion of Phase 2 by 30 June 2015.	<p>Proponents will prepare proposals in accordance with assessment guideline and informed by the method for calculation of supply contribution.</p> <p>SDLAAC and BOC will assess the proposals.</p> <p>Note: The MDBA will provide advice to SDLAAC in relation to its assessment of the feasibility of proposals.</p>	N/a	The ACT is not involved in the preparation of any SDL supply measures due to the hydrology, location and nature of the ACT's water resource use.
Task 19: Annual environmental watering priorities (Refers compliance status with sections 8.23 - 8.26 of the Basin Plan).				
Task 19.1: Identify annual environmental watering priorities for each water resource plan (WRP) area.	By 31 May each year or as agreed.	<p>Basin States will submit their annual environmental watering priorities (AEWP) or other relevant instrument as agreed with the MDBA, for the purposes of identifying the annual environmental watering priorities for the water resource plan areas.</p> <p>Please refer Note 6.</p>	Yes	<p>The ACT submitted its annual environmental watering priorities to the MDBA on Monday 1 June 2015. The ACT provides environmental watering through the primacy given to its legislated environmental flows framework. The ACT is presenting its approach to environmental watering in its water resource plan and has had discussions with the MDBA on this aspect.</p> <p>The ACT does not normally vary the LTWP unless high stages of temporary water restrictions are declared.</p> <p>See Attachment A for an overview on ACT annual environmental watering, monitoring undertaken and any related water management actions.</p>

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<p>Task 20: Coordination of environmental water on an annual and long-term basis (Refers compliance status with sections ss8.11, 8.19, 8.24, 8.35, 8.44 of the Basin Plan).</p>				
<p>Task 20.1: Identify possible cooperative arrangements that will support the delivery of environmental water in accordance with the priorities identified in the annual environmental watering priorities.</p>	<p>From the commencement of the 2013-14 water year.</p>	<p>The parties agree to identify possible cooperative delivery arrangements where appropriate, noting that decisions about the use of environmental water are a matter to be determined by the holders of held environmental water and managers of planned environmental water.</p>	<p>Yes</p>	<p>Refer to comments in section 19.1 above.</p>
<p>Task 20.2: Report when the Basin annual environmental watering priorities are not followed.</p>	<p>By 31 October 2014 and annually thereafter.</p>	<p>Where Basin Annual Environmental Watering Priorities (BAEWP) are not followed, Basin States will provide the MDBA with a statement of reasons as to why environmental watering has not been undertaken in accordance with the BAEWP for the relevant water year in Table 2.</p>	<p>Yes</p>	<p>As outlined in section 19.1 above, the ACT does not normally vary the Long Term Watering Plan unless water restrictions are declared.</p>

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Task 21: Targets for managing water flows (Refers compliance status with section s9.14 of the Basin Plan).				
Task 21.1: Have regard to flow- related targets on dissolved oxygen, recreational water quality and levels of salinity when performing their functions and when making decisions about the use of environmental water.	From commencement of the Plan.	Schedule 12 of the Plan requires the parties to report on the extent to which they have had regard to the targets. (The <i>Basin Plan Schedule 12 Reporting Guideline</i> provides guidance on meeting the reporting requirements related to the obligations identified in Schedule 12). Please refer Note 7.	Yes	The ACT provides for the release of environmental flows as required under the Environmental Flow Guidelines in accordance with the targets on dissolved oxygen, recreational water and levels of salinity
Task 23: Application of salinity targets for the purposes of long-term salinity planning and management ((Refers compliance status with section s9.19 of the Basin Plan).				
Task 23.1: Apply salinity targets in the Murray–Darling Basin Agreement for salinity planning and management.	From commencement of the Plan.	The MDBA, the Basin Officials Committee, and Basin States are to undertake any long-term salinity planning and management functions in accordance with the targets in Appendix 1 of Schedule B of the Murray-Darling Basin Agreement (including the Basin	Yes	The ACT monitors and reports on its salinity concentration and salinity loads. The ACT monitors with respect to the targets that have set for Murrumbidgee River water entering and leaving the ACT border. For 2013-14 the loads were reported to the MDBA salinity audit program in November 2014.

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		<p>Salinity Management Strategy Operational Protocols).</p>		
<p>Task 26: Water quality and salinity trigger points (Refers compliance status with sections s11.05 of the Basin Plan).</p>				
<p>Task 26.1: Determine whether the trigger is reached.</p>	<p>Event based.</p>	<p>If New South Wales, Victoria or South Australia considers the triggers have been reached, its BOC member should advise the Executive Director, River Management Division, MDBA. Emergency response, if required, will be led by BOC and prepared by the MDBA for BOC to then action, with the process to be supported by the Water Liaison Working Group.</p> <p>The Guideline for the triggers and processes for changing water sharing Tiers provides guidance on how the MDBA and Basin States should communicate if the triggers are reached.</p> <p>Please refer Note 8</p>	<p>N/a</p>	<p>This task is not applicable to the ACT as it applies only to the River Murray system.</p>

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<p>27: Risk management approach for inter-annual planning for critical human water needs arrangements (Refers compliance status with section s11.08 of the Basin Plan).</p>				
<p>Task 27.1: Consider the water available for critical human water needs before allocating water to other uses.</p>	<p>By 31 May, each year.</p>	<p>The MDBA will provide the New South Wales, Victoria and South Australia with Water Resource Assessments, from which the States make decisions about allocations. Assessments will be provided at least monthly, and more frequently if conditions warrant.</p>	<p>N/a</p>	<p>This task is not applicable to the ACT as it applies to the River Murray system</p>
<p>Task 27.2: Make decisions on allocations.</p>	<p>Event based.</p>	<p>During periods of Tier 3 water sharing arrangements, the MDBA will provide the Ministerial Council with Water Resource Assessments, from which New South Wales, Victoria and South Australia make decisions about allocations when determining if water can be made available for uses other than critical human water. Assessments will be provided at least monthly, and more frequently if conditions warrant.</p> <p>A Basin State must have regard to advice from the Authority regarding the volume of water to be made available to it in a particular year, when making decisions about</p>	<p>N/a</p>	<p>This task is not applicable to the ACT.</p>

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		<p>whether water is made available for uses other than meeting critical human water needs (s11.08(3)).</p>		
<p>28: Commencement and cessation of Tier 3 water sharing arrangements (Refers compliance status with sections ss11.15, 11.16 of the Basin Plan).</p>				
<p>Task 28.1: Determine whether the trigger is reached and Tier 3 applies.</p>	<p>Event based.</p>	<p>The MDBA, through the preparation of the Water Resource Assessment will determine if the appropriate conditions apply. If New South Wales, Victoria or South Australia considers the triggers have been reached, its BOC member should advise the Executive Director, River Management Division, MDBA.</p> <p>The MDBA will publish a notice on its website declaring that:</p> <ul style="list-style-type: none"> • Tier 1 or Tier 2 water sharing arrangements cease and Tier 3 water sharing arrangements commence; or • Tier 3 water sharing arrangements cease and Tier 2 water sharing arrangements commence; or • Tier 3 water sharing arrangements cease and Tier 1 water sharing arrangements commence. 	<p>N/a</p>	<p>This task is not applicable to the ACT.</p>

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		<p>If conditions require water sharing arrangements to change from Tier 3 to Tier 1, the MDBA will declare that Tier 2 arrangements commenced when Tier 3 arrangements ended but ceased immediately afterwards.</p> <p>The Guideline for the triggers and processes for changing water sharing Tiers provides more information on how the MDBA will communicate a change in water sharing arrangements to the Basin States, the CEWH and the Department.</p>		
<p>29 and 31: “Restrictions on trade and their application” (Refers compliance status with sections ss12.02-12.27 of the Basin Plan) and “Information and reporting requirements (Refers compliance status with sections ss12.40-12.51 of the Basin Plan).</p>				
<p>Task 29.1, Task 31.1 and Task 31.3: Compliance with obligations associated with the water trading rules</p>	<p>From 1 July 2014.</p>	<p>Has (Basin State) exercised their best endeavours to ensure that the relevant water trading rules, policies and processes meet their obligations under the Implementation Agreement?</p> <p><i>The MDBA is interested in information related to compliance with the water trading rules. For reporting in 2014-15, the MDBA suggests that states focus on commentary around</i></p>	<p>Yes</p>	<p>The ACT has exercised its best endeavours to ensure that its water trading rules, policies and processes meet the obligations under the Implementation Agreement and the Basin Plan.</p> <p>The ACT has met its Basin Plan water trading rules requirements for internal water trading and ACT has endeavoured to pursue interstate water trading arrangements. The lack of any interstate water trading arrangements in place is the result of the inability of New South Wales to address and progress this matter (refer to</p>

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		<p><i>processes associated with 31.3 (the disclosure and management of water announcements)</i></p>		<p>discussions with the water trading group of the MDBA and minutes from related working group).</p>
<p>Task 32: Reporting requirements (Refers compliance status with sections 13.14 and 13.15 of the Basin Plan).</p>				
<p>Task 32.1 Produce a report on each Basin State’s Category B matter listed in Schedule 12.</p>	<p>By 31 October 2015.</p>	<p>2014-15 reporting year: Basin States will provide reports in line with Basin Plan reporting requirements as per Schedule 12 and the Chapter 13 guideline to the extent agreed in BPIC – Monitoring and Evaluation Working Group. The guideline sets out a transition process to full reporting.</p>	<p>Yes</p>	<p>The ACT is submitting its Schedule 12 for 2014-15 reporting as required by September 2015.</p>

Table 2: Statement of reasons why watering not undertaken complying Basin Environmental Watering Priorities (BAEWP) for 2014-15 (Refer IA Task 20.2)

Section 8.44 of the Basin Plan (2012) requires that: If a person undertakes environmental watering other than in accordance with the Basin annual environmental watering priorities accessible at <http://www.mdba.gov.au/what-we-do/environmental-water/environmental-watering-priorities/priorities-14-15> that person must give to the Authority a statement of reasons why environmental watering has not been undertaken in accordance with the Basin annual environmental watering priorities (8.44(1)). The person must give the statement to the Authority as soon as practicable, but in any event within 4 months after the end of the water accounting period in which the environmental watering was undertaken (8.44(2)).

	Basin annual environmental watering (BAEWP) priorities for 2014–15	Jurisdictions to consider reporting	Please tick (x), where BAEWP not complied with	Statement of reasons why BAEP not followed
	Connect rivers and floodplains			
1	Gwydir Wetlands: Improve the condition and maintain the extent of wetland vegetation communities in the Gwydir Wetlands (including Ramsar sites) by restoring hydrological connectivity and a flow regime that meets ecological requirements (relisted Priority).	NSW		
2	Mid-Murrumbidgee wetlands: Improve the condition of wetland vegetation communities in the mid-Murrumbidgee wetlands through a winter or spring fresh (relisted Priority).	NSW, ACT		Not relevant to the ACT
	Support in-stream functions			
3	3. Macquarie River: Improve native fish habitat within the Macquarie River below Burrendong Dam, by restoring a	NSW		

	Basin annual environmental watering (BAEWP) priorities for 2014–15	Jurisdictions to consider reporting	Please tick (x), where BAEWP not complied with	Statement of reasons why BAEP not followed
	more natural flow regime and managing cold water pollution.			
4	Connectivity in the River Murray System: Improve riparian, littoral and aquatic vegetation (e.g. <i>Ruppia tuberosa</i>) and native fish populations, by increasing ecosystem connectivity through coordinating water delivery in the River Murray system.	NSW, Vic, ACT		
5	Winter flows for fish in the southern Basin: Improve survival, recruitment and condition of native fish populations, by providing winter flows to tributaries and creeks of the River Murray and through the barrages to the Coorong.	NSW, Vic, ACT, SA		
	Enhance and protect refuge habitat			
6	Native fish in the northern Basin: Improve survival of native fish populations by enhancing and protecting dry period refuge habitat in the northern Basin.	Qld, NSW		
7	Waterbird refuge: Maintain waterbird habitat, including refuge sites and food sources, to support waterbird	NSW, Vic, SA, Qld, ACT		

	Basin annual environmental watering (BAEWP) priorities for 2014–15	Jurisdictions to consider reporting	Please tick (x), where BAEWP not complied with	Statement of reasons why BAEP not followed
	populations across the Murray–Darling Basin. Support waterbird breeding where feasible.			

Notes for Basin State SoA compliance

Note 1 – Statements of Assurance are at jurisdictional rather than agency level. This means that where assurance is provided by the lead agency of a Basin State, it is provided as a single response covering all relevant agencies within that State.

Note 2 – There are only a small number of obligations on Basin States for 2014-15. Coverage of assurance reporting will increase over time as further obligations arise. For example the Water Trading Rules commence on 1 July 2014 and will be reported in assurance statements for 2014-15 and beyond, the obligation on Basin States to develop long term environmental watering plans for each surface water resource plan area will be included in assurance statements for the in 2015-16. Water resource plans and Sustainable Diversion Limits become enforceable from 1 July 2019 and would be included in Statements of Assurance for 2019-20.

Note 3 - An obligation may require action at one of three levels, Basin Plan level, water resource plan area level or at the SDL resource unit level. The obligation level will impact on the assessment as, for example, a Basin State may have more than one water resource plan area and have differing compliance status between these areas, meaning that a Basin State is fully compliant where the obligations relevant to all water resource plan areas are met.

Where, in the opinion of the Basin State, an obligation has been fully met (for example, where an obligation is required to be met for all water resource plan areas and it has been met for all as discussed above) the answer is ‘**Yes**’. Where, in the opinion of the Basin State, an obligation has not been met to any degree (for example, where an obligation is required to be met for all water resource plan areas and it has not been met in any) the answer is ‘**No**’. Where, in the opinion of the Basin State, an obligation has not been fully met but has been met to some degree (for example, where an obligation is required to be met for all water resource plan areas and it has been met for some but not all) the answer is ‘**Partial**’.

Note 4 - Commentary is not required where the Compliance status is ‘**Yes**’; however, Basin States may provide commentary in these circumstances if desired. Where the ‘Compliance status’ is ‘**No**’ or ‘**Partial**’, Basin States are asked to provide commentary on the details of the situation, the actions it has taken or plans to take that will ensure compliance at a future date and the date that compliance is expected to be achieved. The reporter should also describe any third party impediments out of their control which impact on their ability to comply with the obligation.

Note 5 - Statements of Assurance are voluntary reports to the community and other stakeholders provided to the MDBA by agreement, to enhance the transparency of the implementation of the Basin Plan and further promote voluntary compliance. There is no statutory requirement on a Basin State to produce a Statement of Assurance (SOA) and SOA do not underpin the application of statutory enforcement action that the MDBA may elect to take from time to time. To ensure the ongoing integrity of the assurance

process, the MDBA may undertake random audits of Statements of Assurance, either as specific audits or as elements of other audits. Audits will be undertaken in accordance with the MDBA's Audit Policy.

Note 6 – Annual environmental watering priorities (AEWP) for each of the 20 surface WRP area:

1. must have regard to the Basin- wide Environmental Watering Strategy (BEWS) (s8.25 (2) (a).
2. Number of AEWP are: Qld- four; NSW- Nine; ACT- one; Vic- three; and SA- three;
3. must apply the principles: and method outlined in Part 6 of Chapter 9.

Note 7:

1. Always Dissolved oxygen of at least 50% saturation at 25⁰C and 1 atmosphere pressure (s9.14 (5) (a));
2. Recreational water quality: refer Table 6.2, 6.3, 6.4, 6.5 of Chapter 6 of the Guidelines for Managing Risks in Recreational Water at http://www.nhmrc.gov.au/_files_nhmrc/publications/attachments/eh38.pdf.

Note 8 - Trigger point for taking raw water from the River Murray system at or upstream of Wellington for treatment and supply for human consumption for:

1. Salinity: $\geq 1,400 \mu\text{s/cm}$;
2. Water quality not being able to meet Australian Drinking Water Guidelines 6, 2011, 2.0 Updated December 2013.

Disclaimer

The publication of a Basin State's Statement of Assurance on the MDBA's website does not in any way indicate or imply that the MDBA agrees in part or whole with the statement. Nor does it mean that the MDBA has found the Basin State to be fully compliant with their obligations under the Basin Plan. The statement does not in any way act to reduce or alter the authority of the MDBA to enforce the Basin Plan where deemed appropriate.

ACT Annual Environmental Watering

The ACT Environmental Flow Guidelines (EFG, DI2013-44) specify the ACT objectives for the ACT's priority environmental assets and priority ecosystem functions (Table 2) and the annual environmental watering requirements of the ACT (Table 3). The environmental watering requirements are the same each year, except when the water utility, Icon Water (formerly ACTEW) introduces temporary water restrictions. The ACT therefore consider the EFG to be the Long-term Watering Plan (LTWP) and hence to be consistent with the LTWP, and to specify the annual environmental watering priorities.

The ACT has a comprehensive flow, water quality, ecological (including fish, macro-invertebrate, etc.) monitoring program. This is reported annually at www.environment.act.gov.au/water/act_water_reports (note the 2013/14 report is due out soon). The report also outlines research activities and community engagement programs. In addition, a number of programs are undertaken by the ACT to manage, for example, fish and riparian vegetation, and these are reported annually at www.environment.act.gov.au/about/annual_reports.

The water utility reports annually on environmental watering from the Cotter Dam, Googong Dam and the two Murrumbidgee pump stations, at www.iconwater.com.au/Sustainability-and-Environment/Environmental-compliance/Operational%20compliance%20reports.aspx.

Environmental flows released by Icon Water were in compliance with the Environmental Flow Guidelines.

Summaries of outcomes from the year are given in Appendices A to D attached.

For 2015/16, on advice from the water utility, temporary water restrictions should not be imposed.

The ACT does not hold any Held Environmental Water (HEW) and currently there are no arrangements that provide for the Commonwealth Environmental Water Holder (CEWH) to use any of its portfolio in the ACT.

The Environment and Planning Directorate of the ACT Government (EPD) manages a water monitoring and assessment program for the Australian Capital Territory that includes water quality, stream flow, and biological monitoring. This program is part of maintaining up to date information on the water resources of the ACT, a statutory requirement of the *Water Resources Act 2007*. Additionally, this information is used to assist in determining whether management strategies used to achieve or maintain the aquatic values set for ACT waters are appropriate.

This report provides collated information on the quality and quantity of water resource management in the ACT for the period July 2012 to June 2014.

The assessment approach adopted is designed to move towards a more holistic ecosystem health monitoring system as advocated by the Murray-Darling Basin Authority's Sustainable Rivers Audit. It uses biological data to ascertain ecosystem diversity, and water quality data to determine trends that may be present, and compares these results with the designated environmental and use values and standards set in the Territory Plan and the *Environment Protection Act 1997*, *Environment Protection Regulation 2005* and the *Water Resources Act 2007*.

Streamflow monitoring provides contextual information and is used to gauge the impact of removing water from the environment for other uses. Water quality is monitored in the major urban lakes and Burrinjuck Reservoir (a NSW responsibility), the first major water body downstream of the ACT.

The major rivers and some urban streams are also monitored. River flow is measured at a number of sites throughout the ACT. The Report uses AUSRIVAS biological information to report on the biodiversity in the rivers and streams. The individual data points and mean values of water quality parameters for the reporting period are considered with reference to the standards set out in the Territory Plan and *Environment Protection Regulation 2005*.

Icon Water, formerly ACTEW Water, also undertakes an adaptive management review of the Murrumbidgee Ecological Monitoring Program of the section of the Murrumbidgee River from near Tantangara Dam to Halls Crossing on the northern ACT/NSW border.