

Murray-Darling Basin National Partnership Agreement: milestone assessments for year ending 30 June 2015

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1 Background

The Intergovernmental Agreement on Implementing Water Reform in the Murray—Darling Basin (IGA) is an undertaking by the Australian Government and the Murray—Darling Basin state governments to build on existing achievements by implementing water reforms that further improve the Basin's health and secure a future for its communities.

Part 7 of the IGA commits the Australian Government to providing financial support to the Basin states via the *National Partnership Agreement on Implementing Water Reform in the Murray—Darling Basin* (the NPA).

As part of their responsibilities under the NPA, each Basin state has committed to implementing the agreement in accordance with milestones set out in the agreement, and reporting on milestone progress through an annual 'statement of assurance'.

1.1 Assessor's role

Using the statements of assurance and any supporting documentation provided by each participating Basin state, the Assessor is required to evaluate jurisdictional performance against milestones in Schedule A to the NPA (see Appendix 1), as described in Part 4 of the NPA.

This Assessor's report provides advice to the Commonwealth Minister with portfolio responsibility for water in relation to Basin state performance against milestones outlined in Schedule A, the extent to which they have been met and, where the state has not met a performance milestone, any steps and activities that it took to meet the milestone.

The Minister will decide whether payment should be made to a Basin state under the NPA.

The National Water Commission was initially tasked with the Assessor's role and completed the required assessments in 2013 and 2014. The *National Water Commission (Abolition) Act 2015* abolished the National Water Commission in June 2015. The Assessor's role has subsequently been transferred to the Department of Agriculture and Water Resources.

1.2 Assessment scope

This assessment is limited to the actions listed in Schedule A of the NPA. It addresses milestone progress made by the Basin states during the assessment period from 1 July 2014 to 30 June 2015.

1.3 Assessment approach

Each Basin state was required to provide a statement of assurance to the Department. The information provided in the statements of assurance and publicly available material was compared with milestones in Schedule A.

In conducting this assessment, the Department consulted with Australian Government agencies, including the Commonwealth Environmental Water Office (CEWO) and the Murray–Darling Basin Authority (MDBA). Basin states were given an opportunity to comment and provide feedback before the assessment was finalised.

2 Assessment for the Australian Capital Territory

2.1 Summary of findings

Findings for the Australian Capital Territory (ACT) are summarised below in the order they appear in the agreement. Full findings and details of the assessment follow in subsequent sections of this chapter.

Table 2.1: Summary of findings for the Australian Capital Territory

National Partnership commitments	Assessment summary	Finding
6) The state has supported the Commonwealth in bridging the gap.	 The ACT has made progress in removing volumetric or other barriers to permanent trade out of water irrigation areas that are inconsistent with the Basin Plan water trading rules. The ACT did not introduce any 	Commitment partially met. Steps and activities are underway to fully meet the milestone.
	restrictions on the trading of water access entitlements.	
	The ACT did not take any action to impede Commonwealth measures to acquire water.	
	The ACT has not been involved in Commonwealth applications for water trading.	
	The ACT entitlements in regulated surface water systems are consistent with the provisions of the National Water Initiative (NWI) clauses 28–32.	
7) Following publication of the Constraints Management Strategy by the MDBA, confirmation that any actions taken by the state to remove or address constraints are consistent with the measures agreed through the interjurisdictional governance procedure for the SDL adjustment mechanism.	Not applicable to the ACT.	Not applicable.
8) The state has cooperated in arrangements for Basin Plan environmental watering.	The ACT has participated where applicable in the arrangements for Basin Plan environmental watering.	Commitment met.

National Partnership commitments	Assessment summary	Finding
9) For New South Wales, Victoria and South Australia only, the state has provided a brief description of supply measure projects for which feasibility and business cases are being developed for consideration under the SDL adjustment mechanism.	Not applicable to the ACT.	Not applicable.

2.2 Bridging the gap

Removal of barriers

The Basin Plan Water Trading Rules came into effect on 1 July 2014. In June 2015 the MDBA provided its preliminary views on issues it considered to be high priority for the consistency of ACT's arrangements with the Basin Plan Trading Rules. Based on the MDBA's advice to date, the Department considers the ACT's interstate trading arrangements are inconsistent with the Basin Plan Water Trading Rules. The Department understands that the ACT has attempted to address this matter but has been unsuccessful to date in securing a commitment from New South Wales to progress the issue.

Given the ongoing obligations associated with Milestone 6, the Department anticipates that the ACT will work cooperatively with New South Wales and the MDBA during 2015-16 to agree a work program and timeframes to enable interstate trade to occur consistent with Basin Plan Water Trading Rules.

Restrictions on trade

The ACT's Statement of Assurance confirmed that during the assessment period the ACT has not introduced any restrictions or suspensions on the trading of water access entitlements (ACT Govt 2015). The MDBA has confirmed that it is not aware of any new restrictions that were introduced in 2014-15 in the ACT that are inconsistent with the Basin Plan.

Actions to impede Commonwealth water acquisitions

The ACT stated in its Statement of Assurance that it did not take any action to impede Commonwealth measures to acquire water for environmental purposes during 2014–15.

Processing times for trades

The ACT confirmed that the Commonwealth had not sought to acquire water within the ACT during the assessment period (ACT Govt 2015). However, it is noted that the Commonwealth did acquire general security entitlements from the water utility, Icon Water (previously ACTEW), for water held in the lower Murrumbidgee River system.

NWI-consistent entitlements

The ACT's water access entitlements in regulated surface water systems are consistent with the provisions of clauses 28–32 of the NWI (NWC 2014).

2.3 Implementation of the Constraints Management Strategy

Not applicable to the ACT.

2.4 Cooperation in environmental watering

Characteristics of licensed entitlements

The ACT has not taken any action to alter the characteristics of licensed entitlements held for environmental use. The ACT's Statement of Assurance confirmed that environmental watering from streams occurs before water is diverted for consumptive use (ACT Govt 2015).

Management of environmental water consistent with the Basin Plan

The ACT's Statement of Assurance confirmed that it has been working with the MDBA on a Water Resource Plan which includes the approach taken to account for how environmental watering occurs in the ACT.

Consultation on environmental watering

Not applicable to the ACT.

Long-term environmental watering plans

The Basin-wide environmental watering strategy was released on 24 November 2014. Therefore, there is no assessment of this milestone because the specified 12 month period has not yet elapsed.

2.5 Supply measures projects

Not applicable to the ACT.

3 Assessment for New South Wales

3.1 Summary of findings

Findings for New South Wales are summarised below in the order they appear in the agreement. Full findings and details of the assessment follow in subsequent sections of this chapter.

Table 3.1: Summary of findings for New South Wales

National Partnership commitments	Assessment summary	Finding
The state has supported the Commonwealth in bridging the gap.	New South Wales has made progress in removing volumetric or other barriers to permanent trade out of water irrigation areas that are inconsistent with the Basin Plan water trading rules.	Commitment partially met. Steps and activities are underway to fully meet the
	New South Wales did not introduce any restrictions on the trading of water access entitlements.	milestone.
	New South Wales did not take any action to impede Commonwealth measures to acquire water for environmental purposes.	
	Applications for water entitlement and allocation trades were processed consistent with the agreed service standards for trade processing times.	
	New South Wales entitlements in regulated surface water systems are consistent with the provisions of NWI clauses 28–32.	
7) Following publication of the Constraints Management Strategy by the MDBA, confirmation that any actions taken by the state to remove or address constraints are consistent with the measures agreed through the interjurisdictional governance procedure for the SDL adjustment mechanism.	New South Wales has supported development and implementation of the Constraints Management Strategy.	Commitment met.
8) The state has cooperated in arrangements for Basin Plan environmental watering.	New South Wales did not enhance or diminish licence entitlements held for environmental use relative	Commitment partially met. Steps and activities are

National Partnership commitments	Assessment summary	Finding
	 to like entitlements held and used for other purposes during 2014–15. New South Wales has made some progress to support measures to facilitate the use of environmental water. 	underway to fully meet the milestone.
	New South Wales provided its Annual Environmental Watering Priorities for 2015-16, consistent with the Basin Plan, to the MDBA.	
	New South Wales consistently applied the Basin Plan's <i>Principles</i> to be applied in environmental watering during 2014–15.	
	Environmental watering has occurred with regard to the views of local communities and persons materially affected by the management of environmental water.	
9) For New South Wales, Victoria and South Australia only, the State has provided a brief description of supply measure projects for which feasibility and business cases are being developed for consideration under the SDL adjustment mechanism.	New South Wales has provided a description of supply measure projects.	Commitment met.

3.2 Bridging the gap

Removal of barriers

The Basin Plan Water Trading Rules came into effect on 1 July 2014. In June 2015 the MDBA provided its preliminary views on issues it considered to be high priority for the consistency of New South Wales' arrangements with the Basin Plan Trading Rules. Based on the MDBA's advice to date, the Department considers some of the arrangements for interstate trading and trade closure dates are inconsistent with the Basin Plan Water Trading Rules. The Department understands that these matters remain the subject of discussions between New South Wales,

Queensland, the ACT and the MDBA. New South Wales has further advised that it is addressing barriers to trade as part of its Water Resource Plan development.

Given the ongoing obligations associated with Milestone 6, the Department anticipates that New South Wales will work cooperatively with the MDBA and other Basin States during 2015-16 to agree a work program and timeframes to resolve the issues identified in relation to interstate trading and trade closure dates.

Restrictions on trade

New South Wales' Statement of Assurance noted that no restrictions on water purchases for environmental purposes were introduced during the assessment period (NSW Govt 2015). The MDBA has confirmed that it is not aware of any new restrictions that were introduced in 2014-15 in New South Wales that are inconsistent with the Basin Plan.

Actions to impede Commonwealth water acquisitions

New South Wales' Statement of Assurance confirmed that no actions were taken to impede Commonwealth measures to acquire water for environmental purposes during the assessment period (NSW Govt 2015).

Processing times for trades

New South Wales' Statement of Assurance noted that the agreed service standards for water trades to which the Commonwealth was a party had been met (NSW Govt 2015). This is supported by publicly available data for the 2014-15 water year on New South Wales' online Water Register¹.

NWI-consistent entitlements

New South Wales' Statement of Assurance noted that all water access entitlements in the Murray-Darling Basin are subject to water sharing plans and are consistent with the provisions of clauses 28–32 of the NWI (NSW Govt 2015; also see NWC 2014).

3.3 Implementation of the Constraints Management Strategy

The Constraints Management Strategy was published by the MDBA in November 2013.

Schedule A requires that, following publication of the Strategy, any actions taken by the state to remove or address constraints are to be consistent with the measures agreed through the interjurisdictional governance procedure for the SDL adjustment mechanism.

New South Wales' Statement of Assurance noted it is actively participating in Phase 2 of the Constraints Management Strategy and developing business cases for the relaxation of constraints. To develop these business cases, New South Wales has requested funding from the Commonwealth and is following the process agreed through the inter-jurisdictional governance procedure for the Sustainable Diversion Limit adjustment mechanism (NSW Govt 2015).

http://www.water.nsw.gov.au/water-licensing/registers

3.4 Cooperation in environmental watering

Characteristics of licensed entitlements

New South Wales' Statement of Assurance confirmed that characteristics of licence entitlements held for environmental use were not enhanced or diminished relative to like entitlements held and used for other purposes during 2014–15 (NSW Govt 2015). The MDBA has confirmed that it has not been notified of any restrictions that would constitute discriminatory or preferential treatment for licensed entitlements held for environmental use.

Measures implemented to facilitate the use of environmental water

As part of the Nimmie-Caira Enhanced Environmental Water Delivery Project, an agreement between the Commonwealth and New South Wales governments for the Protection and Re-use of Commonwealth Environmental Water held in the Murrumbidgee Catchment was made on 20 June 2014. Although this project has commenced, New South Wales has advised that it will seek to re-negotiate the project agreement because it has formed the view that this work would duplicate its efforts to develop and implement prerequisite policy measures (PPMs). Under this approach, the work anticipated under the Nimmie-Caira Agreement would be completed as part of New South Wales' broader prerequisite policy measures implementation plan. New South Wales maintains that this approach will be more efficient in terms of modelling effort, and will ensure a consistent approach is applied to all valleys.

While New South Wales has not delivered against the project commitments as per the Nimmie-Caira Project Agreement, it has undertaken other activities to cooperate in arrangements for Basin Plan environmental watering. For example, New South Wales has submitted its prerequisite policy measure implementation plan to the MDBA. The Nimmie-Caira also forms part of the proposed package of supply measures under the Sustainable Diversion Limit adjustment mechanism. New South Wales submitted a business case for the supply measure project titled 'Nimmie-Caira Infrastructure Modification Proposal' on 12 August 2015.

Annual environmental watering priorities

Consistent with this requirement, New South Wales submitted its Annual Environmental Watering Priorities for 2015–16 to the MDBA in May 2015 (NSW Govt 2015). The following annual watering priorities are available on the website of the New South Wales Office of Environment and Heritage²:

- Gwydir
- Macquarie
- Lachlan
- Murrumbidgee
- Murray and Lower Darling.

New South Wales' Statement of Assurance noted that the Annual Environmental Watering Priorities were developed through Environmental Water Advisory Groups (EWAGs) and were derived from annual environmental watering plans. The EWAGs include observers from all holders of environmental water, representatives of agencies responsible for planned environmental water, and representatives of holders of ecological assets (National Parks and

² See section titled 'Annual plans' http://www.environment.nsw.gov.au/environmentalwater/planning-reporting.htm

Wildlife Services, private Ramsar site managers), as well as a diversity of peak and local stakeholder groups.

Management of environmental water consistent with Basin Plan

New South Wales has provided a summary table that details the deliveries of both planned and held environmental water undertaken in the state during the 2014-15 assessment period.

As detailed in New South Wales' Statement of Assurance, held environmental water has contributed to environmental watering events in New South Wales during 2014-15 and has occurred in collaboration with Commonwealth agencies. Additional information on the environmental watering events undertaken in 2014-15 is provided by the MDBA's 2015–16 Basin Annual Environmental Watering Priorities report, including descriptions of ecological responses recorded in the Gwydir, Macquarie and Murrumbidgee systems (MDBA 2015).

Planned environmental water in New South Wales is an element of the state's existing statutory water sharing plans and within this context New South Wales' Statement of Assurance maintained that all environmental watering events have been consistently undertaken in line with the Basin Plan's *Principles to be applied in environmental watering* (NSW Govt 2015).

The Department is aware that in March 2015 New South Wales amended planned environmental water arrangements in the *Upper Namoi and Lower Namoi Regulated River Water Sharing Plan*. This matter has been the subject of discussions between New South Wales and the MDBA regarding the consistency of these changes with the Basin Plan, and New South Wales has provided further information to inform the MDBA's pending determination on the matter. The Commonwealth Environmental Water Holder has also expressed concern that these changes to supplementary access rules in the Namoi will result in Commonwealth environmental water substituting for the planned environmental water that existed prior to these amendments.

Within this context, New South Wales has advised that extractions within the Namoi regulated River will still be managed within the Long Term Average Annual Extraction Limit set within the water sharing plan, and that the total volume of Planned Environmental Water will remain protected by the plan limit. New South Wales further advised that the amendment has been made for a trial period only, (i.e. it may revert back to the original wording in 2019), and that during the trial, studies on fish response, primary production and food webs will be undertaken to inform future evaluation of the rule changes. In the event that the MDBA finds these changes to be inconsistent with the Basin Plan (milestone 8(d) refers), the Department would expect New South Wales will work cooperatively with the MDBA during 2015-16 to address any areas of inconsistency that are identified.

Consultation on environmental watering

New South Wales' Statement of Assurance noted that all approvals for environmental water releases are required to demonstrate adequate community consultation and communication, including notification to all affected landholders. All events have been endorsed by Environmental Water Advisory Groups and decisions to approve environmental watering events are based on demonstration of local community support for the event (NSW Govt 2015).

Environmental Watering Advisory Groups (EWAGs) are the primary collaborative forum to guide the use of environmental water in New South Wales. The objective of each EWAG is to combine the knowledge and experience of stakeholders, including regional community representatives, to provide advice on the use of managed environmental water in their catchment. Over time, EWAGs are also progressively influencing the focus of monitoring and other forms of scientific investigation.

At present there are three statutory EWAGs:

Gwydir Environmental Contingency Allowance Operations Advisory Committee

- Macquarie and Cudgegong Environmental Flow Reference Group
- Murrumbidgee Environmental Water Allowance Reference Group

and two non-statutory EWAGs:

- Lachlan Riverine Working Group
- Murray Lower Darling Environmental Water Advisory Group .

An independent review of EWAGs was commissioned by New South Wales to provide objective information on their performance, particularly from diverse stakeholder perspectives. Overall, the review found that EWAGs are a successful mechanism for public participation in environmental water management and reflect an effective localism approach (Lukasiewicz & Dare 2014).

Long-term environmental watering plans

The Basin-wide environmental watering strategy was released on 24 November 2014. Therefore, there is no assessment of this milestone because the specified 12 month period has not yet elapsed.

3.5 Supply measures projects

New South Wales' Statement of Assurance noted that descriptions of potential supply measure projects have been provided to the Sustainable Diversion Limit Adjustment Advisory Committee. A summary of SDL adjustment project proposals that have to date been agreed by the Committee to proceed to business case development is publicly available on the MDBA's website³.

³ http://www.mdba.gov.au/what-we-do/water-planning/sdl/proposals

4 Assessment for Queensland

4.1 Summary of findings

Findings for Queensland are summarised below in the order they appear in the agreement. Full findings and details of the assessment follow in subsequent sections of this chapter.

Table 4.1: Summary of findings for Queensland

National Partnership commitments	Assessment summary	Finding
6) The state has supported the Commonwealth in bridging the gap.	Queensland has made progress in removing volumetric or other barriers to permanent trade out of water irrigation areas that are inconsistent with the Basin Plan water trading rules.	Commitment partially met. Steps and activities are underway to fully meet the milestone.
	Queensland did not introduce any restrictions on the trading of water access entitlements.	
	Queensland did not take any action to impede Commonwealth measures to acquire water for environmental purposes.	
	Applications for water entitlement and allocation trades were processed consistent with the agreed service standards for trade processing times.	
	Queensland entitlements in supplemented (regulated) surface water systems are consistent with the provisions of NWI clauses 28–32.	
7) Following publication of the Constraints Management Strategy by the MDBA, confirmation that any actions taken by the state to remove or address constraints are consistent with the measures agreed through the interjurisdictional governance procedure for the SDL adjustment mechanism.	Not applicable to Queensland.	Not applicable.
8) The state has cooperated in arrangements for Basin Plan	The characteristics of licensed entitlements held for environmental water use in	Commitment met.

National Partnership commitments	Assessment summary	Finding
environmental watering.	Queensland have not been enhanced or diminished relative to like entitlements held and used for other purposes.	
	Queensland has provided annual environmental watering priorities, consistent with the Basin Plan, to the MDBA.	
	Queensland consistently applied the Basin Plan's Principles to be applied in environmental watering during 2014–15.	
	Environmental watering has occurred with regard to the views of local communities and persons materially affected by the management of environmental water.	
9) For New South Wales, Victoria and South Australia only, the state has provided a brief description of supply measure projects for which feasibility and business cases are being developed for consideration under the SDL adjustment mechanism.	Not applicable to Queensland.	Not applicable.

4.2 Bridging the gap

Removal of barriers

The Basin Plan Water Trading Rules came into effect on 1 July 2014. In June 2015 the MDBA provided its preliminary views on issues it considered to be high priority for the consistency of Queensland's arrangements with the Basin Plan Trading Rules. Based on the MDBA's advice to date, the Department considers Queensland's interstate trading arrangements and issues related to conjunctive storage conditions are inconsistent with the Basin Plan Water Trading Rules. The Department understands that these matters remain the subject of discussions between Queensland, New South Wales and the MDBA. Queensland has further advised that

agreement has not yet been reached regarding the materiality and extent of inconsistency associated with these issues.

Given the ongoing obligations associated with Milestone 6, the Department anticipates that Queensland will work cooperatively with the MDBA during 2015-16 to agree a work program and timeframes to resolve inconsistencies with Basin Plan Water Trading Rules.

Restrictions on trade

Queensland's Statement of Assurance stated that it did not introduce any restrictions or suspensions on the trading of water access entitlements during the assessment period (Qld Govt 2015). The MDBA has confirmed that it is not aware of any new restrictions that were introduced in 2014-15 in Queensland that are inconsistent with the Basin Plan.

Actions to impede Commonwealth water acquisitions

Queensland confirmed in its Statement of Assurance that it did not take any action to impede Commonwealth measures to acquire water for environmental purposes during 2014–15 (Qld Govt 2015).

Processing times for trades

Queensland stated it had processed all entitlement and allocation trades to which the Commonwealth was a party within the agreed service standard (Qld Govt 2015).

NWI-consistent entitlements

Trading has been facilitated in all regulated (supplemented) water supply schemes in Queensland and the specification of entitlements in these areas is consistent with the provisions of clauses 28–32 of the NWI (Qld Govt 2015).

4.3 Implementation of the Constraints Management Strategy

This milestone is not applicable to Queensland.

4.4 Cooperation in environmental watering

Characteristics of licensed entitlements

Queensland's Statement of Assurance confirmed that characteristics of licence entitlements held for environmental use were not enhanced or diminished relative to like entitlements held and used for other purposes during 2014–15 (Qld Govt 2015). The MDBA has confirmed that it has not been notified of any restrictions that would constitute discriminatory or preferential treatment for licensed entitlements held for environment.

Annual environmental watering priorities

Queensland's Statement of Assurance confirmed that the MDBA was provided with annual environmental watering priorities, consistent with the Basin Plan (Qld Govt 2015). Queensland's

2015-16 watering priorities for the Queensland component of the Murray-Darling Basin are publicly available on the Department of Natural Resources and Mines website⁴.

Management and delivery of environmental water consistent with Basin Plan

Queensland's Statement of Assurance noted that it managed and delivered both planned and held environmental water in the Queensland Murray–Darling Basin consistent with its existing water resource plans (WRPs) and resource operations plans (ROPs), which have transitional status under the Commonwealth *Water Act 2007* (Qld Govt 2015).

These water resource plans have provision for low flow event management, in the form of cease to pump rules, which support native fish and waterbird refuges, the identified priorities for 2014-15.

Consultation on environmental watering

Queensland's Statement of Assurance stated that environmental watering was undertaken in accordance with state-based WRPs and ROPs (Qld Govt 2015). Queensland has stated that, in developing these plans, extensive stakeholder consultation was undertaken. Community consultation reports are publicly available on the website of the Department of Natural Resources and Mines⁵

Queensland also noted that it consulted directly with the CEWO and the New South Wales Government in preparing its annual environmental watering priorities for 2015–16 (Qld Govt 2015). Further detail of the consultation undertaken is provided in the Queensland Annual Watering Priorities Report for 2015-16⁶.

Long-term environmental watering plans

The Basin-wide environmental watering strategy was released on 24 November 2014. Therefore, there is no assessment of this milestone because the specified 12 month period has not yet elapsed.

4.5 Supply measures projects

This milestone is not applicable to Queensland.

⁴ See: https://www.dnrm.qld.gov.au/__data/assets/pdf_file/0006/104838/environmental-water-2015-16.pdf

⁵ See for example the Condamine-Balonne report: https://www.dnrm.qld.gov.au/__data/assets/pdf_file/0018/234630/consultation-report.pdf.

⁶ See: https://www.dnrm.qld.gov.au/__data/assets/pdf_file/0006/104838/environmental-water-2015-16.pdf

5 Assessment for South Australia

5.1 Summary of findings

Findings for South Australia are summarised below in the order they appear in the agreement. Full findings and details of the assessment follow in subsequent sections of this chapter.

Table 5.1: Summary of findings for South Australia

National Partnership commitments	Assessment summary	Finding
6) The state has supported the Commonwealth in bridging the gap.	South Australia has removed volumetric or other barriers to permanent trade out of water irrigation areas that are inconsistent with the Basin Plan water trading rules.	Commitment met.
	South Australia did not introduce any restrictions on the trading of water access entitlements.	
	South Australia did not take any action to impede Commonwealth measures to acquire water for environmental purposes.	
	Applications for water entitlement and allocation trades were processed consistent with the agreed service standards for trade processing times.	
	The River Murray Prescribed Water Course is the only regulated surface water system within the South Australian Murray–Darling Basin. Water access entitlements for this system are consistent with clauses 28–32 of the NWI.	
7) Following publication of the Constraints Management Strategy by the MDBA, confirmation that any actions taken by the state to remove or address constraints are consistent with the measures agreed through the interjurisdictional governance procedure for the SDL	South Australia has supported development and implementation of the Constraints Management Strategy.	Commitment met

National Partnership commitments	Assessment summary	Finding
adjustment mechanism		
8) The state has cooperated in arrangements for Basin Plan environmental watering.	South Australia did not enhance or diminish licence entitlements held for environmental use relative to like entitlements held and used for other purposes during 2014–15.	Commitment met.
	South Australia provided its annual environmental watering priorities for 2015–16, consistent with the Basin Plan, to the MDBA in May 2015.	
	South Australia consistently applied the Basin Plan's Principles to be applied in environmental watering during 2014–15.	
	Environmental watering in regulated catchments has occurred with regard to the views of local communities and persons materially affected by the management of environmental water.	
9) For New South Wales, Victoria and South Australia only, the state has provided a brief description of supply measure projects for which feasibility and business cases are being developed for consideration under the SDL adjustment mechanism.	South Australia has provided the Commonwealth with a description of supply measure projects for which business cases are being developed for consideration under the SDL adjustment mechanism.	Commitment met.

5.2 Bridging the gap

Removal of barriers

The Basin Plan Water Trading Rules came into effect on 1 July 2014. In June 2015 the MDBA provided its preliminary views on issues it considered to be high priority for the consistency of South Australia's arrangements with the Basin Plan Trading Rules. In particular, the restriction on trade in the Eastern Mount Lofty Ranges was highlighted. The MDBA is now satisfied that this matter has been resolved with the issueing of tradeable licences in the Eastern Mount Lofty Ranges. In considering the ongoing obligations associated with Milestone 6, the Department anticipates that discussions between South Australia and the MDBA will continue. If any further areas of inconsistency with the Trading Rules are identified, South Australia will need to work

cooperatively with the MDBA during 2015-16 to develop a work program and agree timeframes to address any inconsistencies.

Restrictions on trade

South Australia stated that in 2014–15 it did not introduce any restrictions or suspensions on the trade of water access entitlements (SA Govt 2015). The MDBA has confirmed that it is not aware of any new restrictions that were introduced in 2014-15 in South Australia that are inconsistent with the Basin Plan.

Actions to impede Commonwealth water acquisitions

South Australia confirmed in its Statement of Assurance that it did not take any action to impede Commonwealth measures to acquire water for environmental purposes during 2014–15 (SA Govt 2015).

Processing times for trades

South Australia stated that it had met the agreed processing times for each water entitlement and allocation trade to which the Commonwealth was a party during the reporting period (SA Govt 2015). These findings are supported by data publicly available from South Australia's water trade reporting website⁷.

NWI-consistent entitlements

The River Murray Prescribed Water Course is the only regulated surface water system within the South Australian Murray–Darling Basin. Water access entitlements for this system have been unbundled in line with clauses 28–32 of the NWI since 2009 (NWC 2014).

5.3 Implementation of the Constraints Management Strategy

The MDBA published the Constraints Management Strategy in November 2013.

Schedule A requires that, following publication of the strategy, any actions taken by the state to remove or address constraints are to be consistent with the measures agreed through the interjurisdictional governance procedure for the SDL adjustment mechanism.

The Department is aware that South Australia is developing business cases for the constraint focus areas for which it is the proponent. Under the revised assessment timeframes agreed by Ministerial Council 29 May 2015, States have until 30 November 2015 to prepare and submit constraint business cases.

5.4 Cooperation in environmental watering

Characteristics of licensed entitlements

South Australia's Statement of Assurance noted that characteristics of licence entitlements held for environmental use were not enhanced or diminished relative to like entitlements held and used for other purposes during 2014–15 (SA Govt 2015). The MDBA have not been notified of any restrictions that would constitute discriminatory or preferential treatment for licensed entitlements held for environmental use.

⁷ https://www.waterconnect.sa.gov.au/Systems/WTR/Pages/default.aspx

The Department is aware that South Australia has prepared a draft Water Allocation Plan for the River Murray Prescribed Watercourse. The Commonwealth Environmental Water Holder (CEWH) has expressed concern that the proposed principles for allocating water in dry conditions may result in the substitution of planned environmental water with held environmental water (specifically where there is a requirement for the Minister to give consideration to environmental water made available by the CEWH to South Australia, when determining the volume to be allocated to other users). The Department anticipates that South Australia will consider the issues raised by the CEWH when finalising the River Murray WAP during 2015-16.

Annual environmental watering priorities

South Australia's Statement of Assurance confirmed that the MDBA was provided with annual environmental watering priorities, consistent with the Basin Plan, prior to 31 May 2015. The annual watering priorities are also publicly available on the DEWNR's website⁸.

Management of environmental water consistent with Basin Plan

South Australia confirmed in its Statement of Assurance that management and delivery of both planned and held environmental water was undertaken consistent with the *Principles to be applied in environmental watering* (SA Govt 2015).

Each year South Australia prepares the Annual Environmental Watering Plan for the South Australian River Murray to guide planned and held environmental water delivery in the state. It documents the agreed program for environmental water delivery along the River Murray in South Australia, including the Lower Lakes, Coorong and Murray Mouth.

In the 2014-15 assessment period, annual environmental watering priorities were also developed for the Eastern Mount Lofty Ranges, and the South Australian Murray regions.

Environmental water arrangements for the management and delivery of environmental water differ between regions. In the River Murray held environmental water is available from four sources – the CEWH, The Living Murray, the South Australian Government and non-government organisations. There is no held environmental water in the Eastern Mount Lofty Ranges Water Resource Plan area. Rather, the management of water for the environment occurs primarily through planned environmental water. Environmental watering rules are set through the Eastern Mount Lofty Ranges WAP which came into effect on 17 December 2013.

South Australia's Basin Plan Schedule 12 reporting confirms that environmental watering undertaken in 2014-15 was consistent with the *Principles to be applied in environmental watering*, and provides a detailed account of the environmental watering events undertaken, the volumes used and the purpose of the watering.

Consultation on environmental watering

Schedule 12 reporting for the Basin Plan provided by South Australia stated that during 2014-15 the DEWNR consulted a large range of stakeholders regarding environmental watering decisions. Stakeholders engaged to inform the delivery of environment water during 2014-15 included:

- The Commonwealth Environmental Water Holder
- Local Action Planning (LAP) officers
- The First Peoples of the Murray and Mallee region

⁸ See http://www.environment.sa.gov.au/managing-natural-resources/river-murray/river-restoration-and-environmental-water

- Ngarrindjeri Regional Authority, including the Mannum Aboriginal Community Association Incorporated
- Chowilla Coordination Committee and the Chowilla Community Committee, First Peoples of the Murray and Mallee region, landowners, councils and SA Water staff regarding the potential impacts and outcomes of the first testing of the Chowilla Environmental Regulator in spring 2014
- The Community Advisory Panel (CAP) and the Scientific Advisory Group (SAG) for the Lower Lakes, Coorong and Murray Mouth and the Ngarrindjeri Regional Authority (through the Kungan Ngarrindjeri Yunnan Agreement (KNYA) Taskforce and Yarluwar Ruwe Committee) regarding the timing and delivery of environmental water for the Coorong, Lower Lakes and Murray Mouth
- The Barrage Operations Advisory Group, the Environmental Flows Reference Group, the Chowilla Operations Group and the River Murray Operations Working Group
- Local landholders
- Other key stakeholders including local government and SA Water.

Long-term environmental watering

The Basin-wide environmental watering strategy was released on 24 November 2014. Therefore, there is no assessment of this milestone because the specified 12 month period has not yet elapsed.

South Australia noted that it has commenced consultation on the proposed content of the long term environmental water plans during 2014-15 (SA Govt 2015).

5.5 Supply measures projects

Business cases for the Phase 2 assessment process have been submitted to the Sustainable Diversion Limit Adjustment Advisory Committee. A summary of each of the proposals is publicly available on the MDBA's website⁹.

⁹ http://www.mdba.gov.au/what-we-do/water-planning/sdl/proposals.

6 Assessment for Victoria

6.1 Summary of findings

Findings for Victoria are summarised below in the order they appear in the agreement. Full findings and details of the assessment follow in subsequent sections of this chapter.

Table 6.1: Summary of findings for Victoria

National Partnership commitments	Assessment summary	Finding
6) The state has supported the Commonwealth in bridging the gap.	 Victoria has removed volumetric or other barriers to permanent trade out of water irrigation areas that are inconsistent with the Basin Plan water trading rules. Victoria did not introduce any restrictions on the trading of water access entitlements. Victoria did not take any action to impede Commonwealth measures to acquire water for environmental purposes. Applications for water entitlement and allocation trades were processed consistent with the agreed service standards for trade processing times. Victorian entitlements in regulated surface water systems are consistent with the provisions of NWI clauses 28–32, with the exceptions of Coliban and Wimmera. 	Commitment met.
7) Following publication of the Constraints Management Strategy by the MDBA, confirmation that any actions taken by the state to remove or address constraints are consistent with the measures agreed through the interjurisdictional governance procedure for the SDL adjustment mechanism.	Victoria has supported development and implementation of the Constraints Management Strategy.	Commitment met.
8) The state has cooperated in arrangements for Basin Plan environmental watering.	The characteristics of licensed entitlements held for environmental water use in Victoria have not been enhanced or diminished	Commitment met.

National Partnership commitments	Assessment summary	Finding
	relative to like entitlements held and used for other purposes. Victoria has implemented measures to facilitate the use of environmental water.	
	Victoria has provided annual environmental watering priorities, consistent with the Basin Plan, to the MDBA.	
	Victoria consistently applied the Basin Plan's Principles to be applied in environmental watering to environmental water received from the CEWH, TLM and Victorian holdings.	
	Environmental watering in regulated catchments has occurred with regard to the views of local communities and persons materially affected by the management of environmental water.	
9) For New South Wales, Victoria and South Australia only, the state has provided a brief description of supply measure projects for which feasibility and business cases are being developed for consideration under the SDL adjustment mechanism.	Victoria has provided a description of supply measure projects for which business cases are being developed for consideration under the SDL adjustment mechanism.	Commitment met.

6.2 Bridging the Gap

Removal of barriers

Victoria has made progress towards consistency with the Basin Plan Water Trading Rules through the amendment of two Victorian trading rules, as follows:

- The four per cent limit on trade out of irrigation areas: this limit was removed by a
 Ministerial Order changing the Trading Rules for Declared Systems and came into
 effect on 1 July 2014.
- The requirement that a buyer of allocation, or a receiver of a limited-term transfer of a
 water share, be a landholder: this requirement was included in the Water Act 1989 (Vic)
 and the Trading Rules for Declared Systems, and was also built into the Water Register
 architecture. A Bill to amend the Act was passed by State Parliament on 3 April 2014

and a Ministerial Order changing the Trading Rules for Declared Systems came into effect on 1 July 2014. The new trading rules remove the requirement that the buyer must be the owner or occupier of land. The Water Register was changed on 1 July 2014.

The Basin Plan Water Trading Rules came into effect on 1 July 2014. In June 2015 the MDBA provided its preliminary views on issues it considered to be high priority for the consistency of Victoria's arrangements with the Basin Plan Trading Rules. In particular, Victoria's intrastate tagging arrangements were highlighted. Victoria has advised that the possible compliance issues with Chapter 12 (e.g. 12.23) do not affect permanent trade out of water irrigation areas in Victoria.

Given the ongoing obligations associated with Milestone 6, the Department anticipates that continuing discussions between Victoria and the MDBA will establish the nature and extent of any inconsistencies associated with current intrastate tagging arrangements. In the event of any inconsistency, Victoria will need to work cooperatively with the MDBA during 2015-16 to develop a work program and agree timeframes to address these issues.

Restrictions on trade

Victoria's Statement of Assurance indicated that it did not introduce any restrictions or suspensions on the trading of water access entitlements during the assessment period (Vic Govt 2015). The MDBA has confirmed that it is not aware of any new restrictions that were introduced in 2014-15 in Victoria that are inconsistent with the Basin Plan.

Actions to impede Commonwealth water acquisitions

Victoria reported that it has not taken any action to impede Commonwealth measures to acquire water for environmental purposes during the assessment period (Vic Govt 2015).

Processing times for trades

Victoria provided the processing times for water entitlement and allocation trades completed during 2014–15 to which the Commonwealth was a party. This demonstrated that the standards for entitlement and allocation trade processing times had been met (Vic Govt 2015).

NWI-consistent entitlements

Victorian entitlements in regulated surface water systems are consistent with the provisions of clauses 28–32 of the NWI, with the exception of the Coliban and Wimmera systems.

In regard to the Coliban and Wimmera systems, Victoria's Statement of Assurance noted that the specification of entitlements for consistency with NWI clauses 28 to 32 has not been undertaken. In view of the possible reconfiguration in the Coliban and the results of the review in the Wimmera, and given the timeframe agreed in the IGA for specification of entitlements (i.e. within three years of the agreement), this commitment has been met for 2014-15.

Coliban - In the Coliban system, entitlements are held by individuals and companies in the form of take-and-use licences under section 51 of the *Water Act 1989* (Vic). The licences are tradeable. The Coliban regulated water system is relatively small and isolated and is being significantly remodelled. There is no current plan to unbundle entitlements due to the small volume of existing licences, the isolated nature of the system and the likelihood of further significant reconfiguration work (Vic Govt 2015).

Wimmera - The Wimmera system mainly supplies small customers of Grampians Wimmera Mallee Water, which holds the primary rights on behalf of its customers. Customers have the ability to trade within the existing supply system. The entitlement structure in the Wimmera system has been reviewed. The review recommended no changes to the current domestic and stock supply system as the costs of unbundling greatly exceed the benefits (Vic Govt 2015).

6.3 Implementation of the Constraints Management Strategy

The MDBA published the Constraints Management Strategy in November 2013.

Schedule A requires that, following publication of the strategy, any actions taken by Victoria to remove or address constraints are to be consistent with the measures agreed through the interjurisdictional governance procedure for the SDL adjustment mechanism.

The Department is aware that Victoria is developing business cases for the constraint focus areas for which it is the proponent or joint proponent with New South Wales. Under the revised assessment timeframes agreed by Ministerial Council 29 May 2015, States have until 30 November 2015 to prepare and submit constraint business cases.

6.4 Cooperation in environmental watering

Characteristics of licensed entitlements

Victoria's Statement of Assurance confirmed that characteristics of licence entitlements held for environmental water use were not enhanced or diminished relative to like entitlements held and used for other purposes during the assessment period (Vic Govt 2015). The MDBA have not been notified of any restrictions that would constitute discriminatory or preferential treatment for licensed entitlements held for environmental use.

Measures implemented to facilitate the use of environmental water

Schedule A requires that – where feasible and agreed by Victoria, and where associated thirdparty impacts have been considered – measures will be implemented to facilitate the use of environmental water by protecting environmental water in-stream and on land through:

- the delivery of held environmental water in-stream though arrangements such as water shepherding to facilitate environmental flows
- further use of environmental water at multiple locations along the river, such as through return-flow provisions.

Within this context, Victorian, Commonwealth and TLM environmental water is generally delivered through entitlements held by the Victorian Environmental Water Holder (VEWH). Victoria makes use of return flows to enable environmental watering to be achieved at multiple sites¹⁰.

Annual environmental watering priorities

Victoria's Statement of Assurance confirmed that the MDBA was provided with annual environmental watering priorities, consistent with the Basin Plan (Vic Govt 2015). The 2015–16 seasonal watering plan of the VEWH has also been made publicly available (VEWH 2015)¹¹.

Management and delivery of environmental water consistent with Basin Plan

Victoria's Statement of Assurance indicated that management and delivery of planned and held environmental water has been undertaken consistent with the Basin Plan, including the *Principles to be applied in environmental watering* (Vic Govt 2015).

¹⁰ See: http://www.vewh.vic.gov.au/__data/assets/pdf_file/0011/305687/Seasonal-Watering-Plan-15_16_Northern_Region.pdf)

http://www.vewh.vic.gov.au/news-and-resources/resource-library/seasonal-watering-plan

Held environmental water is managed by the VEWH in collaboration with Commonwealth agencies, such as the CEWH. Publicly available information from the VEWH and MDBA websites confirm that environmental watering that occurred during 2014–15 was broadly consistent with the Victorian Seasonal Watering Plan and with the 2014–15 Basin annual environmental watering priorities¹².

Consultation on environmental watering

Victoria's Statement of Assurance indicated that environmental watering has occurred with regard to the views of local communities and persons materially affected by the management of environmental water.

The VEWH's seasonal watering plan details the key stakeholders consulted in the development of environmental watering priorities (e.g. the Goulburn Broken Catchment Management Authority, the Yorta Yorta Nation Aboriginal Corporation and the Gunbower Island Community Reference Group)¹³.

Long-term environmental watering plans

The Basin-wide environmental watering strategy was released on 24 November 2014. Therefore, there is no assessment of this milestone because the specified 12 month period has not yet elapsed.

6.5 Supply measures projects

Victoria's Statement of Assurance noted that proposals for supply measure projects have been submitted to the Sustainable Diversion Limit Adjustment Advisory Committee (Vic Govt 2015). Business cases for the Phase 2 assessment process have also been submitted to the Commonwealth. A summary of each of the proposals is publicly available on the MDBA's website¹⁴.

¹² See Watering Updates at http://www.vewh.vic.gov.au/news-and-resources/resource-library/watering-update and http://www.mdba.gov.au/media-pubs/publications/basin-annual-environmental-watering-priorities-2015-16)

¹³ See: http://www.vewh.vic.gov.au/__data/assets/pdf_file/0011/305687/Seasonal-Watering-Plan-15_16_Northern_Region.pdf

¹⁴ http://www.mdba.gov.au/what-we-do/water-planning/sdl/proposals.

Appendix 1 Schedule A to the National Partnership Agreement on Implementing Water Reform in the Murray–Darling Basin

The Parties agree to meet the performance milestones set out in Schedule A – Table A.

Schedule A - Table A: Performance Milestones

Date due	Milestones	Proportion of annual payment			
2013–14 on	ly				
By 28 February 2014 (or first working day thereafter)	For New South Wales, Victoria and South Australia only, the State has provided a brief description of supply measure projects for which feasibility and business cases are being developed for consideration under the SDL adjustment mechanism.	100% of Payment 1 for 2013– 14 (Table 1 refers)			
2013–14 on	2013–14 only				
By 28 February 2014 (or first working day thereafter)	 2. The State has supported the Commonwealth in Bridging the Gap, as measured by: (a) confirmation that no restrictions were introduced on the trade of water access entitlement, except where consistent with the Basin Plan water trading rules; and (b) confirmation that no action has been taken to impede Commonwealth measures to acquire water for environmental purposes; and (c) confirmation that applications for water entitlement and allocation trades, to which the Commonwealth is a party, were processed consistent with the agreed service standards relating to trade processing times for State approval agencies; and (d) specification of entitlements in regulated surface water systems, consistent with clauses 28 to 32 of the National Water Initiative in the timeframe agreed in the IGA, unless where otherwise agreed; and 3. Following publication of the Constraints Management Strategy by the Authority, confirmation that any actions taken by the state to remove or address constraints are consistent with the measures agreed through the inter-jurisdictional governance procedure for the SDL adjustment mechanism; and 	100% of Payment 2 for 2013– 14 (Table 1 refers)			
	4. The State has cooperated in arrangements for Basin Plan environmental watering, as measured by: (a) Except as otherwise agreed between the Commonwealth and the relevant State(s) to facilitate improved environmental watering, confirmation that the characteristics of licensed entitlements held for environmental use have not been enhanced or diminished relative to like entitlements held and used for other purposes; and				

Date due	Milestones	Proportion of annual payment
	 (b) Where feasible and agreed by the relevant Basin State, and where associated third party impacts have been considered, confirmation that measures have been implemented to facilitate the use of environmental water by protecting environmental water in-stream and on land through: (i) the delivery of held environmental water in-stream though arrangements such as water shepherding to facilitate environmental flows; and (ii) further use of environmental water at multiple locations along the river, such as through return flow provisions; and (c) confirmation that the Authority has been provided with annual environmental watering priorities, consistent with the Basin Plan; and (d) confirmation that the management and delivery of planned and held environmental water is consistent with the Basin Plan; including: a. the environmental watering plan's Principles to be applied to environmental watering; and b. that a statement of reasons has been provided to the Authority for any environmental watering undertaken that was not in accordance with the Basin annual environmental watering priorities; and (e) confirmation that environmental watering in regulated catchments has occurred having regard to the views of local communities and persons materially affected by the management of environmental water; and (f) 12 months after the Authority has made the Basin-wide Environmental Watering Strategy, or within another timeframe agreed between the Authority and Basin State, confirmation that long-term environmental watering plans for surface water resource plan areas have been developed consistent with the requirements of the Basin Plan; and 5. For New South Wales, Victoria and South Australia only, the State has provided a brief description of supply measure projects for which feasibility and business cases are being developed for consideration under the SDL adjustment mechanism. 	
2014–15 to 2		4000/
By 31 August 2014, 2015, 2016, 2017,	 6. The State has supported the Commonwealth in Bridging the Gap, as measured by: (a) after the Basin Plan Trade Rules come into effect, confirmation of the removal of volumetric or other barriers to permanent trade out of water irrigation areas that are inconsistent with the Basin Plan water trading rules; and (b) confirmation that no restrictions were introduced on the trade of water access entitlements, except where consistent with the Basin Plan water trading rules; and 	100%
2018 and 2019 (or first working day thereafter)	 (c) confirmation that no action has been taken to impede Commonwealth measures to acquire water for environmental purposes, except where consistent with the Basin Plan water trading rules; and (d) confirmation that applications for water entitlement and allocation trades, to which the Commonwealth is a party, were processed consistent with the agreed service standards relating to trade processing times for State approval agencies; and (e) specification of entitlements in regulated surface water systems, consistent 	
	with clauses 28 to 32 of the National Water Initiative in the timeframe agreed in the IGA, unless where otherwise agreed; and	

Date due	Milestones	Proportion of annual payment
	7. Following publication of the Constraints Management Strategy by the Authority, confirmation that any actions taken by the state to remove or address constraints are consistent with the measures agreed through the inter-jurisdictional governance procedure for the SDL adjustment mechanism.	
	8. The State has cooperated in arrangements for Basin Plan environmental watering, as measured by:	
	(a) Except as otherwise agreed between the Commonwealth and the relevant State(s) to facilitate improved environmental watering, confirmation that the characteristics of licensed entitlements held for environmental use have not been enhanced or diminished relative to like entitlements held and used for other purposes (b) Where feasible and agreed by the relevant Basin State, and where associated third party impacts have been considered, confirmation that measures have been implemented to facilitate the use of environmental water by protecting environmental water in-stream and on land through: • (i) the delivery of held environmental water in-stream though arrangements such as water shepherding to facilitate environmental flows; and • (ii) further use of environmental water at multiple locations along the river, such as through return flow provisions; and (c) confirmation that the Authority has been provided with annual environmental watering priorities, consistent with the Basin Plan; and (d) confirmation that the management and delivery of planned and held environmental water is consistent with the Basin Plan; including: a. the environmental watering; and b. that a statement of reasons has been provided to the Authority for any environmental watering undertaken that was not in accordance with the Basin annual environmental watering priorities; and (e) confirmation that environmental watering in regulated catchments has occurred having regard to the views of local communities and persons materially affected by the management of environmental water; and (f) 12 months after the Authority has made the Basin-wide Environmental Watering Strategy, or within another timeframe agreed between the Authority and Basin State, confirmation that long-term environmental watering plans for surface water resource plan areas have been developed consistent with the requirements of the Basin Plan. 9. For New South Wales, Victoria and South Australia only, and for 2014–15 and 2015–16 only, the State has provided a brief d	
	adjustment mechanism.	

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