

Department of Climate Change, Energy, the Environment and Water

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Annual statement on inter-jurisdictional participation and performance against interstate agreements – 2022-23

W06-07 Cross-border and national commitments

June 2024



Acknowledgement of Country

The Department of Climate Change, Energy, the Environment and Water acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Introduction

We have prepared this annual statement for 1 July 2022 to 30 June 2023 according to the Independent Pricing and Regulatory Tribunal (IPART) output measures and performance indicators set for the Water Administration Ministerial Corporation (WAMC) for the 2021 determination period.

IPART output measures 65 and 66 relating to WAMC activity ‘W06-07 Cross-border and national commitments’ require the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEE) to publish an annual statement on its inter-jurisdictional participation and performance against interstate agreements, including an IPART performance indicator annual statement (Table 1)¹.

Table 1. WAMC activity W06-07 output measures and performance indicators for the 2021 determination period

Activity	Activity description	Output measures	The rationale for output measures	The outcome the outputs will help deliver
W06-07 Cross-border and national commitments	The development of interstate water-sharing arrangements and the implementation of operational programs to meet national and interstate commitments.	Output measure OM65 The department publishes on its website an annual statement on inter-jurisdictional participation and performance against interstate agreements. Output measure OM66 Additional IPART performance indicator annual statement published.	Improved transparency for stakeholders	National and interstate agreements successfully negotiated and implemented.

¹ No performance indicators were set by IPART for the 2021-25 reporting period.

Participation against intergovernmental agreements: implementation through committees and working groups

The NSW Government must participate in several committees and working groups to implement cross-border water-sharing arrangements and targeted aspects of the Murray–Darling Basin Plan as well as manage the Great Artesian Basin and negotiate aspects of national water reform. NSW Government representation at these meetings is essential to meet the government’s obligations under intergovernmental legislation and agreements and ensure that the interests of NSW communities and stakeholders are protected.

Table 2 provides an overview of key intergovernmental forums that implement and operationalise the Basin Plan and other key agreements to support water management.

Table 2. NSW participation in key decision-making forums for the operationalisation of intergovernmental agreements for managing water

Committee	Key programs/outcomes/purpose	Participation in meetings
Murray–Darling Ministerial Council	<p>Top-tier governance group for Murray-Darling Basin water management established by the Murray-Darling Basin Agreement (Schedule 1 of the Commonwealth <u>Water Act 2007</u>).</p> <p>The key functions and powers of the Murray-Darling Ministerial Council are:</p> <ul style="list-style-type: none"> • Consideration and determination of policy outcomes and objectives. • Determination on matters specified in the Murray-Darling Basin Agreement. • Approval of the annual corporate plan, budget and asset management plan prepared by the Murray-Darling Basin Authority (MDBA). • Agree to amendments to the Murray-Darling Basin Agreement. 	<p>Participation: 100%</p> <p>Meetings held: 2</p> <p>Meetings attended: 2</p> <p>Workshops held: 0</p> <p>Workshops attended: N/A</p>

Committee	Key programs/outcomes/purpose	Participation in meetings
Basin Officials Committee (BOC)	<p>The BOC is established by the Murray-Darling Basin Agreement (Schedule 1 of the Water Act 2007).</p> <p>The BOC is responsible for implementing policies and decisions of the Murray-Darling Ministerial Council on matters such as state water shares and the funding and delivery of natural resource management programs.</p> <p>It has powers and duties conferred to it under the Murray-Darling Basin Agreement and the Water Act and sets objectives and outcomes to be achieved by MDBA in relation to river operations.</p> <p>In addition, the BOC facilitates cooperation and coordination between the federal authorities, the MDBA and the Basin states in managing the Basin water resources.</p>	<p>Participation: 100%</p> <p>Meetings held: 7</p> <p>Meetings attended: 7</p> <p>Workshops held: 5</p> <p>Workshops attended: 5</p> <p>Information on meeting discussions and outcomes in the publication Out of the BOCs where communiques have been agreed at the BOC meeting.</p>
BOC Alternates	<ul style="list-style-type: none"> • Tier 1 committee established by the BOC. • Provides support and advice to the BOC regarding joint government business and any relevant Basin Plan matters. 	<p>Participation: 100%</p> <p>Meetings held: 5</p> <p>Meetings attended: 5</p> <p>Workshops held: 6</p> <p>Workshops attended: 6</p>
BOC Principals	<ul style="list-style-type: none"> • Informal forum of BOC representatives for progressing discussion of emerging BOC issues. 	<p>Participation: 100%</p> <p>Meetings held: 5</p> <p>Meetings attended: 5</p> <p>Workshops held: 0</p> <p>Workshops attended: 0</p>
Environmental Watering Committee	<ul style="list-style-type: none"> • Tier 1 committee established by the BOC. • Provides support and advice to BOC regarding joint government business and any relevant Basin Plan matters related to managing environmental water. 	<p>Participation: 100%</p> <p>Meetings held: 3</p> <p>Meetings attended: 3</p> <p>Workshops held: 0</p> <p>Workshops attended: N/A</p>
River Murray Operations Committee	<ul style="list-style-type: none"> • Tier 1 committee established by the BOC. • Provides support and advice to BOC regarding River Murray operations. 	<p>Participation: 100%</p> <p>Meetings held: 8</p> <p>Meetings attended: 8</p> <p>Workshops held: 0</p> <p>Workshops attended: N/A</p>

Committee	Key programs/outcomes/purpose	Participation in meetings
Joint Venture Budget and Performance Committee	<ul style="list-style-type: none"> • Tier 1 committee established by the BOC. • Provides advice to BOC on budget matters relating to joint programs. 	Participation: 100% Meetings held: 7 Meetings attended: 7 Workshops held: 1 Workshops attended: 1
Sustainable Diversion Limit Adjustment Mechanism Implementation Committee	<ul style="list-style-type: none"> • Tier 1 committee established by the BOC. • Time-bound committee providing support and advice to the BOC regarding joint government business on the implementation of supply, constraints and efficiency measures and any relevant Basin Plan matters. 	Participation: N/A Meetings held: 0 Meetings attended: N/A Workshops held: 0 Workshops attended: N/A
Northern Basin Project Committee	<ul style="list-style-type: none"> • Tier 1 committee established by the BOC. • Time-bound committee providing support and advice to the BOC on the implementation of the Northern Basin Toolkit measures under the Basin Plan. 	Participation: 100% Meetings held: 4 Meetings attended: 4 Workshops held: 1 Workshops attended: 1
Capacity Policy Working Group	<ul style="list-style-type: none"> • Tier 1 committee established by the BOC. • Time-bound committee overseeing the implementation of the Capacity and Delivery Shortfall Project and providing advice to the BOC on supply and demand options for the future management of delivery shortfalls and reporting progress against and outcomes of the project work program. 	Participation: 100% Meetings held: 4 Meetings attended: 4 Workshops held: 0 Workshops attended: N/A
National Water Reform Committee (NWRC)	<p>The NWRC considers and progresses national water reforms and promotes sustainable water use across Australia.</p> <p>It aims to enhance social, health, economic and environmental outcomes for current and future generations and achieve sustainable water management through inter-jurisdictional development, oversight, coordination, and implementation of water reform policy.</p>	Participation: 100% Meetings held: 4 Meetings attended: 4 Workshops held: 0 Workshops attended: N/A

Committee	Key programs/outcomes/purpose	Participation in meetings
<p>Dumaresq-Barwon Border Rivers Commission (BRC)</p>	<p>The BRC is established by the <u><i>New South Wales – Queensland Border Rivers Act 1947</i></u>.</p> <p>The BRC implements the agreement made between the NSW and Queensland governments in relation to:</p> <ul style="list-style-type: none"> • Sharing the waters of the rivers and streams that form or intersect the boundary between the 2 states and the associated groundwater resources. • Investigating, constructing, and operating works to conserve and regulate those waters where desirable. 	<p>Participation: 100%</p> <p>Meetings held: 4</p> <p>Meetings attended: 4</p> <p>Workshops held: 0</p> <p>Workshops attended: N/A</p>
<p>Great Artesian Basin (GAB) Senior Officials Committee</p>	<p>The committee is established under the heads of agreement to support the delivery of the <u>Great Artesian Basin Strategic Management Plan</u>.</p> <p>It provides information and advice to GAB Ministers so they are adequately informed when making decisions. The committee also oversees the development and implementation of policies and programs to help governments sustainably manage water resources through the implementation of the GAB Strategic Management Plan and other agreed measures.</p>	<p>Participation: 100%</p> <p>Meetings held: 3</p> <p>Meetings attended: 3</p> <p>Workshops held: 0</p> <p>Workshops attended: N/A</p>

Performance against interstate agreements: program implementation and reporting

NSW is a party to several national and interstate agreements² for water sharing that span a range of water management agencies, purposes, and geographical regions (see Appendix A – Examples of national and interstate agreements that involve NSW). For the 2022–23 reporting period, the department has worked with partner agencies to satisfy our commitments to implementing and operationalising these agreements. The following sections summarise this work.

Reporting

- Annual and 5-yearly monitoring, evaluation and reporting on Basin Plan implementation.
- Water take reports under the Basin Plan Sustainable Diversion Limits (s 71 of the *Water Act 2007*)³.
- Milestone reporting as required by federation funding agreements to implement national and interstate commitments.

Project and program delivery

- Submission and accreditation of water resource plans.
- Water recovery to meet Bridging the Gap targets.
- Sustainable Diversion Limit Adjustment Mechanism projects in the Murray, Murrumbidgee and Darling valleys - for further information on project progress, see annual assurance reporting.
- Recovery of 450 GL of additional environmental water through the NSW Off-farm Efficiency Program.
- Northern Basin Toolkit measures.
- Working to mitigate delivery risks in the lower Murray system through the Capacity and Delivery Shortfall Program - see the MDBA website and Barmah–Millewa Feasibility Study.
- Environmental water delivery.

² Including intergovernmental agreements, deeds, memorandum of understanding, protocols, and plans

³ At the time of writing, the water take report for 2022–23 had not yet been published

Miscellaneous

- Responding to requests for information from the Inspector-General of Water Compliance (IGWC) - for IGWC publications see the [IGWC website](#).
- Using [science, data and modelling](#).
- Investigating reform to Murray-Darling Basin water markets - see [Water market reform: final roadmap report](#).
- Delivering water [stakeholder and community engagement](#).
- The [Healthy Floodplains Project](#).
- Contributing content and reviewing the [Basin Plan Annual Report](#)⁴ (section 52A of the *Water Act 2007*).
- Contributing content and reviewing the MDBA Basin Plan [report card for June 2023](#) and [report card for December 2022](#).

⁴ At the time of writing, the Basin Plan Annual Report 2022-23 had not yet been published.

Appendix A – Examples of national and interstate agreements that involve NSW

Australian Government

- Intergovernmental Agreement on a National Water Initiative (2004).
- Healthy Floodplains Project – Project Schedule (of the Water Management Partnership Agreement).
- Partnership Agreement between the Australian Government and the NSW DCCEE in relation to planning and managing the transfer, delivery and monitoring of environmental water within NSW.

Murray-Darling Basin jurisdictions

- Murray-Darling Basin Agreement (Schedule 1 of the *Water Act 2007*).
- Intergovernmental Agreement on Murray–Darling Basin Reform July 2008.
- Murray-Darling Basin Plan 2012.
- Murray-Darling Basin Plan 2012 Implementation Agreement.
- Intergovernmental Agreement on Implementing Water Reform in the Murray–Darling Basin June 2013.
- Murray-Darling Basin Compliance Compact.

Murray-Darling Basin Authority

- A bilateral agreement with MDBA on Basin Plan commitments (Deed of amendment No. 2).
- NSW-MDBA agreement about updated, new or improved methods.
- Collaboration protocol with the NSW DCCEE.

Queensland

- NSW-Queensland Border Rivers Intergovernmental Agreement 2008.
- NSW-Queensland Border Rivers Agreement (1946) (Schedule to the *New South Wales - Queensland Border Rivers Act 1947* (NSW)).
- Intergovernmental Agreement for the Paroo River between NSW and Queensland 2003.

Australian and ACT governments

- Memorandum of understanding between the ACT and NSW on cross-border water resources (2006).
- Queanbeyan Water Supply Agreement (2008).

Australian and Victorian governments

- Snowy Water Inquiry Outcomes Implementation Deed (2002).

Australian, Queensland, South Australian, and Northern Territory governments

- Great Artesian Basin Strategic Management Plan (2019).

Funding agreements

During 2022-23, NSW was party to several funding agreements that helped resource the implementation of our national and interstate commitments. The Australian Government sets milestones detailing how each Basin state should implement the agreements.

Key agreements under the Federation Funding Agreements – environment include:

- Implementing Water Reform in the Murray-Darling Basin (2021/22 - 2023/24).
- Stage 1 Funding for Sustainable Diversion Limits Adjustment Supply and Constraints Measures in the Murray-Darling Basin.
- Accelerated funding - NSW supply and constraints projects.
- Murray-Darling Basin water infrastructure NSW-led efficiency projects
- Off-farm Efficiency Program NSW-led Murrumbidgee Irrigation Automation Finalisation Project.
- Delivery of Environmental Measures in Northern Murray-Darling Basin.
- NSW Toolkit projects - streamlined delivery.
- Wilcannia Weir Refurbishment Project.
- Northern Murray-Darling Basin Metering Program.
- Local Engagement Facilitator for Collarenebri and Warren.
- Phase 1 Funding for the Lower Darling Fish Passage Program.