

# Water Resources Environmental Flow Guidelines 2019 (No 2)

## Disallowable instrument DI2019–190

made under the

Water Resources Act 2007, s 12 (Environmental flow guidelines)

## EXPLANATORY STATEMENT

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Section 12 of the *Water Resources Act 2007* (the *Act*), provides that the Minister may approve guidelines for working out the flow of water that is needed to maintain aquatic ecosystems. These are known as Environmental Flow Guidelines.

Section 13 of the Act requires the Environment Protection Authority (the *Authority*) to prepare Environmental Flow Guidelines (the *Guidelines*) for the Minister's approval. The purpose of the Guidelines is to manage the water flow in the ACT's streams, rivers and impoundments necessary to maintain aquatic ecosystems. The Guidelines support the legislative framework to ensure that ecological processes in ACT water bodies are protected.

Under section 13 (2) of the Act, in preparing the Guidelines, the Authority's primary consideration is the ecological needs of aquatic ecosystems. The Authority bases its consideration on various sources including the Territory Plan, ACT legislation, Commonwealth threatened species legislation, ACT Government policies and knowledge gained from research to ensure that the Guidelines are current and comprehensive. The Authority also takes into account the environmental, economic and social impact of the Guidelines.

The 2019 draft Guidelines were prepared by the Authority and released for public comment on 25 June 2018. The Authority targeted consultation with a range of stakeholders in the development of the Guidelines, including Government agencies, the Commissioner for Sustainability and the Environment, the Conservation Council and community groups. The Guidelines have been amended to incorporate comments received where possible and appropriate.

The Minister's approval of the Guidelines is a disallowable instrument. This instrument revokes the *Water Resources Environmental Flow Guidelines 2019* (DI2109-37).

**Regulatory impact statement**

Section 34 of the *Legislation Act 2001* provides that if a proposed subordinate law or disallowable instrument (the proposed law) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law (the administering Minister) must arrange for a regulatory impact statement to be prepared for the proposed law.

A regulatory impact statement is not required for this instrument as it is not expected to impose appreciable costs on the community or part of the community.