

Basin Plan Water Resource Plan Requirements Position Statement 6A Change in PEW protection

POLICY ISSUE	How is the protection of planned environmental water assessed and how is this test then used to assess no net reduction in protection clause 10.28
REFERENCES	Basin Plan s10.28, <i>Water Act 2007</i> (Cth) s6

MDBA POSITION STATEMENT
<p>A water resource plan must ensure that there is no <u>net</u> reduction in the protection of planned environmental water (PEW).</p> <p>This could be achieved by rules that are unchanged from those that were in place under state water management law on 23 November 2012.</p> <p>If there is a change in PEW arrangements, Basin States are encouraged to discuss these with the MDBA as early as possible. For accreditation purposes supporting documentation will need to demonstrate:</p> <ul style="list-style-type: none"> a. that the level of legal protection given to PEW is at least maintained by the net effect of the WRP; and b. that the quantity and effectiveness of PEW are at least maintained by the net effect of the WRP. <p>The MDBA will apply the principle that there should be no backsliding arising from the net effect of any changes in rules and that environmental outcomes should be the same or enhanced but not reduced.</p> <p>For a definition of PEW, please refer to position statement 3A 'Determining PEW'.</p>

Rationale

Section 10.28 of the Basin Plan reflects and is intended to give effect to the requirements of section 21(5) of the Water Act 2007.

Where there are change(s) in PEW arrangements, supporting documentation will need to demonstrate:

- a. that the level of legal protection given to PEW is at least maintained by the net effect of the WRP; and

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- b. that the quantity and effectiveness of PEW are at least maintained by the net effect of the WRP, including in terms of the range and frequency of different flow components¹.

The net protection of PEW must be determined based on the characteristics of the PEW, including what environmental outcomes it provides for. This may not include other matters such as offset(s) provided by non-flow based measures.

For groundwater resources, an example of the maintenance of environmental outcomes is no change in trigger levels that limit groundwater take in a groundwater resource. In this case if there is a change, the state would be required to demonstrate that there is no net reduction in the protection of PEW.

¹ See s 8.51 of the Basin Plan for appropriate categorisation of flow components

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