

Water Resources Environmental Flow Guidelines 2026

Disallowable instrument DI2026–11

made under the

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

EXPLANATORY STATEMENT

Overview

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 (the *Guidelines*).

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.

Section 13 of the Act requires that the Director-General must prepare draft guidelines. In preparing the draft guidelines, the Director-General must consider principally the ecological needs of aquatic ecosystems; and may consider the environmental, economic and social impact of the guidelines. The draft guidelines may also be informed by ACT laws and strategies, Commonwealth threatened species laws, the Murray–Darling Basin Plan, and current research.

This instrument revokes the *Water Resources Environmental Flow Guidelines 2019 (No 2)* (DI2019-190).

Updates to the Guidelines

Key updates to the Guidelines include:

- a. Terminology alignment – Language has been updated to reflect terminology commonly used across the Murray-Darling Basin.
- b. Minimum flow values – For most reaches, minimum flow values have been established based on the rules outlined in the previous version of the Guidelines.
- c. The Guideline's goals – The Guidelines introduce long-term ecological objectives, short-term ecological outcomes, targets and indicators building on the objectives and indicators included in the previous versions.

Consultation

Under section 13 (3) of the Act, the Director-General is required to consult with the Environment Protection Authority (EPA) in preparing the draft guidelines. The EPA was consulted on the draft guidelines.

In accordance with section 14 of the Act, the draft guidelines were released for public consultation from 24 October 2025 to 22 December 2025.

A range of stakeholders provided input into the draft of the Guidelines including ACT Government agencies, Icon Water, the ACT and Region Catchment Management Coordination Group, the Murray–Darling Basin Authority, the National Capital Authority, the NSW Department of Planning and Environment, Traditional Custodians, academic experts, and community groups. Feedback was considered and incorporated into the Guidelines where appropriate.

Human rights

Environmental flow guidelines in the ACT help fulfill the human right to a clean, healthy, and sustainable environment by ensuring rivers maintain ecological health, water quality, and biodiversity essential for that right.

Regulatory impact statement

Section 34 of the *Legislation Act 2001* (the ***Legislation Act***) 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 must arrange for a regulatory impact statement to be prepared for the proposed law.

In this case, 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 (section 34 (1) of the *Legislation Act*).