

Response to Recommendations

Response to the recommendations made by the NRC as part of the annual assessment of the Department's implementation of recommendations in response to the 2023 Section 10 review

August 2025

Acknowledgement of Country



Department of Climate Change, Energy, the Environment and Water acknowledges the traditional custodians of the land and pays respect to Elders past, present and future.

We recognise Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

Artist and designer Nikita Ridgeway from Aboriginal design agency – Boss Lady Creative Designs, created the People and Community symbol.

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More information

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1. Introduction

The *Water Management Act 2000* (the Act) is the overarching legislation that guides water policy in NSW. Section 10 of the Act requires the Minister to undertake a review of the activities of the Department of Climate Change, Energy, the Environment and Water (the department) every five years to ensure its principles are being considered in the decision-making process.

Section 10 states:

- (1) *The Minister is to ensure that the work and activities of the department are reviewed at intervals not more than 5 years for the purpose of determining whether they have been effective in giving effect to the water management principles of the Act and the State Water Management Outcomes Plan.*

The last Section 10 review, completed in 2023, focused on the period of July 2017 to December 2022. The review identified successes and challenges in giving effect to the water management principles (the principles) of the Act. Whilst the department had made significant improvements to water management in NSW during the period of the review, including with respect to the principles, it was found that there remained significant areas for improvement, including clearly demonstrating how the principles have been given effect. The Minister committed to the Water Group providing an update relating to its progress against the recommendations annual to the Natural Resources Commission (NRC). The first report was provided to the NRC in October 2024.

In response to the October 2024 report, the NRC completed a full review of the Departments progress and issued a report of their findings in May 2025. This review was completed in collaboration with the Department and this report constitutes a response and update to the NRC findings and additional recommendations.

2. Response to Recommendations

#	NRC May 2025 Recommendation	Update
1	The Water Group should update the CAP, including the following steps: a) Review the actions and success measures in the CAP and update them, where necessary, to ensure that they fully address the relevant findings and recommendations. b) Update the CAP to reflect accurate timeframes required for the full delivery of each recommendation and complete project plans as a matter of urgency. c) Prioritise the additional and suggested actions consistent with the priorities identified in Table A1.1 of this report.	Agreed - The updated CAP will form a part of the annual report to the NRC due in Q2 2025/26 FY.
2	The Department should undertake workshops in collaboration with the Commission to develop clear guidance on how to implement the principles. Each relevant agency should then update guidance for staff, including the guide to remaking water sharing plans, to ensure that it: a) requires the implementation of all relevant principles and ensures that the prioritisation set out in Sections 5(3) and 9(1) is met – this should include discussion of how the principles are practically implemented in the procedural sections of the guides b) establishes clear criteria to assess whether the relevant principles have been given effect. Where possible, criteria should be specified quantitatively such as a requirement to meet specific environmental water requirements. The CPHR guidance document should be used as ‘good practice’ guide and basis for updated guidance. c) provides clear guidance for staff on how and when they are required to consider the principles and what is required to give them full effect.	Agreed - Initial workshops, including all relevant parties occurred in July 2025. Work continues in partnership with the NRC and CPHR to ensure that guidance developed by the Water Group is fit for purpose and establishes clear criteria for staff to work with to ensure that the principles are given full effect.
3	The Water Group should clearly document and make publicly available how adherence with the principles is assessed, including the data and evidence used to determine whether a water sharing plan has given effect to the principles. The Surface Water Science Group’s reports and issues papers provided to the regional working group should also be made publicly available.	Agreed - this is progress and will be updated in line with the outcomes of the workshops
4	The Water Group should revise the requirements for fact sheets provided to the Minister for Water to ensure they provide a transparent and objective assessment of the extent to which the principles have been given effect, including any remaining risks that have not been fully addressed, and which may impact achieving the principles.	Agreed – this is occurring and subject to ongoing improvement.
5	The Department should immediately implement Recommendation 1.4 of the CAP to provide interim guidance to staff as to expectations for implementing to the principles while the full guidance and training is developed.	Noted – the CSO is providing updated guidance material for the whole of DCCEEW. Noting that

#	NRC May 2025 Recommendation	Update
		the legal advice that was sought in partnership with the NRC has been briefed to staff.