



Australian Government



MURRAY-DARLING
BASIN AUTHORITY

Complying with the Basin Plan

Water is a scarce and precious resource. People who take water from our rivers must follow the rules.

The Murray-Darling Basin Authority (MDBA) has a key role to ensure water is used in a sustainable way and water laws are enforced.

Compliance is about making sure people do the right thing.

Complying with water laws and policies is important because Australians need to have faith and trust in the water rules and the organisations that manage water. The *Basin Plan 2012* and the *Water Act 2007* are key Australian Government legislation that give the MDBA responsibility and powers to enforce compliance with water rules.

The Basin Plan

The Basin Plan became law in 2012 and changes the way water is managed – it aims to ensure water is used sustainably across the Murray-Darling Basin as part of a single, integrated system.

Implementing the Basin Plan in full is critical to a healthy, sustainable Basin. Communities, industries and the environment all rely on a healthy, working Basin.

Key facts

Complying with water rules is important to ensure water use in the Murray-Darling Basin is sustainable, while leaving enough water to sustain natural ecosystems.



The MDBA enforces the Basin Plan to contribute to a **productive and healthy Basin**.



Compliance with the Basin Plan is critical to restoring health to the Basin.



The MDBA is an **active and independent regulator** across the Basin.



The MDBA regulates the **Basin state government water agencies who have the front-line responsibility** for water planning, river operations and water compliance.



If you have information about water theft or misuse **contact the relevant state government authority** or alternatively contact the MDBA.

Roles and responsibilities

Through the Basin Plan, the MDBA regulates water users and managers including Basin state governments across the Basin (New South Wales, Queensland, South Australia, Victoria and the Australian Capital Territory). Basin state governments are responsible for ensuring state compliance systems are effective, and for enforcing the rules. These states are the regulators and the frontline for ensuring compliance with water use rules in the Basin.

The MDBA's role

The MDBA has an overarching role to 'regulate the regulators'.

Under the Basin Plan, we oversee compliance for:

- state water resource plans
- sustainable diversion limits
- water markets and trade
- water taken illegally from waterways (if states do not take adequate action)
- water measurement and metering
- protecting water for the environment
- water quality and salinity.

The MDBA Office of Compliance was established in 2017 and conducts Basin-wide audits, investigates tip-offs of alleged non-compliance (usually in conjunction with Basin state governments although we can do this separately), and oversees water trade. We also work with communities to help water users understand relevant water laws.

To be an effective regulator, we commit to:

- being transparent and accountable
- addressing the highest risks first
- responding in proportion to the seriousness of the matter
- dealing with compliance matters fairly and equally across the Basin
- working collaboratively with Basin state governments
- listening to communities.

The MDBA's compliance responsibilities will increase as states' water resource plans are accredited. Water resource plans will determine the water rules at a local level.

An Independent Assurance Committee provides advice to the MDBA and ensures we perform our role. The committee has up to four members who are experts in compliance, enforcement and regulation.

Enforcement

The MDBA will use its enforcement powers to deter or address non-compliance and make good the harm caused when laws are broken. The enforcement options are:

- **Informal negotiations** – commencing negotiations early may avoid the need for more formal enforcement action.
- **Public statements of concern** – this is a public statement about conduct that inhibits or affects the achievement of the overarching objectives of the Water Act or the Basin Plan. These statements can also include statements about non-compliance.
- **Infringement notices** – for minor offences.
- **Enforcement notices** – these notices require a person to do or stop doing a specific action, and may require the person to make good.
- **Enforceable undertakings** – a voluntary and binding agreement where an entity agrees to make good their non-compliance.
- **Injunctions** – an application to the Federal Court to stop a person or entity from contravening the Water Act, Basin Plan, water trade rules or a water resource plan.
- **Declarations of contravention** – an application to the Federal Court for a declaration of contravention of the Water Act, Basin Plan or a water resource plan.
- **Civil penalty proceedings** – such proceedings seek to provide a financial penalty to the non-complaint entity through a court.

Reporting a breach of the rules

If you have information about water theft or misuse, please contact the relevant state government authority or contact the MDBA's Office of Compliance – you can do this anonymously if you prefer on the MDBA's Report a breach page on its website.

www.mdba.gov.au/compliance

1800 230 067

compliance@mdba.gov.au



The Murray-Darling Basin

Connect with us.

The MDBA has offices in Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray-Bridge, Toowoomba, and regional engagement officers around the Basin.

 1800 230 067

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