

Basin Plan Water Resource Plan Requirements Position Statement 1K Publishing WRP information

POLICY ISSUE	Will the MDBA publish and maintain a clear and accurate record of each accredited WRP? If so, how will MDBA work with Basin States to ensure that a clear and accurate record of the accredited WRP is maintained and publicly available?
REFERENCES	<i>Water Act 2007 (Cth)</i> (Part 7, ss 58, 59, 63, 65); <i>Basin Plan 2012 (Cth)</i> (all chapters).

MDBA POSITION STATEMENT

1. The MDBA will publish and maintain the following records on the MDBA's website:
 - a. *Accreditation decision*: The Minister's accreditation decision¹ and related explanatory statement is required to be published on the Australian Government's Federal Register of Legislation². For each WRP area, the MDBA website will provide a link to the relevant accreditation decision and explanatory statement.
 - b. *Documentation comprising the accredited WRP and relevant supporting evidence*: Subject to 2. below, this will include material that constitutes the accredited WRP and may include evidence provided by a Basin State to the MDBA to support the Basin State's request for accreditation (see also Position Statement 2A – Accredited WRP and evidence).
2. The MDBA will work with the Basin State to ensure that the information published under 1.b:
 - a. contains no confidential information (including market sensitive information)
 - b. has no copyright restrictions which would prevent the Australian Government from publishing the documentation (the MDBA's preference is for publication under CC-BY license³), and
 - c. as far as practicable, is in formats that comply with the Web Content Accessibility Guidelines⁴.

¹ A reference to an 'accreditation decision' includes a decision to accredit a water resource plan under s 63 of the *Water Act 2007 (Cth)* and a decision to accredit an amendment to the water resource plan under s 65 or s 66 of the *Water Act 2007 (Cth)*.

² www.legislation.gov.au

³ <http://creativecommons.org/licenses/>

⁴ www.w3.org/tr/wcag20/ - the Commonwealth and States have agreed to adopt these guidelines

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Rationale

1. Sections 58 and 59 of the Water Act requires the persons that are covered by those sections to comply with certain obligations that are informed by the content of a WRP.⁵ Given this, it is important to publish and maintain an accurate record of a WRP.
2. As the Minister's accreditation decision⁶ involves the Minister accrediting a WRP, the Minister will need to clearly identify what is being accredited. The accreditation decision may identify the WRP that is accredited by either:
 - attaching the WRP to the accreditation decision and indicating that the attachment is the accredited WRP, or
 - identifying the WRP that is accredited in some other way (eg identifying the WRP that is accredited as a particular instrument or text that is located at a particular place (such as the MDBA's website) on a particular day).
3. The option chosen will depend on the size and complexity of the WRP that is submitted by a Basin State and the preferences of the Minister.
4. The *Legislation Act 2003 (Cth)* requires the accreditation decision and related explanatory statement to be published on the Australian Government's Federal Register of Legislation⁷ (the Register). If a WRP is attached to the accreditation decision, the WRP will be published on the Register with the accreditation decision. But a WRP that is not attached to an accreditation decision, or an instrument or text that is incorporated in the WRP by reference, will not be published on this Register.
5. A Basin State may also provide supporting evidence to the MDBA to explain how a WRP requirement has been met (see also Position Statement 2A – Accredited WRP and evidence). If this supporting evidence is not a part of the attachment to the accreditation decision, it will not be published on the Register.
6. To enhance transparency and accessibility in relation to the accredited WRP, the MDBA will publish and maintain the following on the MDBA's website for each WRP area:
 - a. a link to the part of the Register that records the accreditation decision and related explanatory statement
 - b. all of the instruments and texts that constitute the accredited WRP (if these instruments and texts are attached to the accreditation decision, a link to the relevant part of the Register may be provided instead)
 - c. evidence provided by a Basin State to the MDBA that supports the Basin State's request for accreditation (see also Position Statement 2A – Accredited WRP and evidence).
7. Material provided by a Basin State to the MDBA during the course of preparing a WRP for accreditation, or at the time of submitting a WRP for accreditation, may contain confidential information or material with copyright restrictions. Basin States should identify such information at the time the material is provided to the MDBA. In these circumstances, the MDBA will work with the Basin State to manage issues relating to the publication of the material and the satisfaction of WRP requirements. In addition to these considerations, the material submitted by a Basin State may also contain sensitive information that is not publically available (eg models or modelling reports). Such material should be identified if a Basin State does not want it to be published.

⁵ The content of a WRP is required to be identified by the WRP (see s 10.04 of the Basin Plan).

⁶ A reference to an 'accreditation decision' includes a decision to accredit a water resource plan under s 63 of the *Water Act 2007 (Cth)* and a decision to accredit an amendment to the water resource plan under s 65 or s 66 of the *Water Act 2007 (Cth)*.

⁷ www.legislation.gov.au

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8. Most government information is published under a Creative Commons (CC-BY) License, which is the default condition recommended by the *Intellectual Property Principles for Australian Government Agencies*. The MDBA's preference is for the content of a WRP to be published under CC-BY license.

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