

# Basin Plan Water Resource Plan Requirements Position Statement 1F Overall consistency

<b>POLICY ISSUE</b>	<b>What matters, beyond those set out in Chapter 10, will the MDBA consider when assessing overall consistency with the Basin Plan?</b>
<b>REFERENCES</b>	<i>Water Act 2007 (Cth)</i> (s4, s55(2) and (3), and s56); <i>Basin Plan (Cth)</i> (all chapters).

<b>MDBA POSITION STATEMENT</b>
<ol style="list-style-type: none"> <li>1. When assessing a proposed WRP for the purposes of making a recommendation to the Minister about accreditation, the MDBA will consider the Chapter 10 requirements and whether those requirements have been addressed in a manner that is consistent with the Basin Plan as a whole.</li> <li>2. The MDBA will also consider whether the proposed water resource plan is consistent with other chapters of the Basin Plan, so far as the water resource plan is relevant to them. Many Basin Plan provisions are directly reflected in the specific requirements in Chapter 10 and the question of overall consistency will be assessed in the course of assessing whether the water resource plan is consistent with those requirements. Generally speaking, it is the MDBA's position that a water resource plan that fulfils each of the requirements of Chapter 10 will also be consistent with the environmental watering plan (Chapter 8), the water quality and salinity management plan (Chapter 9), and the reporting program (Chapter 13). However, some chapters will require specific consideration, in particular:             <ol style="list-style-type: none"> <li>a. for water resource plans which cover part of the River Murray System, the provisions of Chapter 11</li> <li>b. where a water resource plan includes water trading rules, the provisions of the Basin Plan water trading rules (Chapter 12).</li> </ol> </li> <li>3. When assessing whether a proposed water resource plan is consistent with the Basin Plan, the MDBA will also have regard to the legislative framework within which the water resource plan operates (<i>Water Act 2007(Cth)</i> s 55(3)).</li> <li>4. Consistency with the Basin Plan is assessed against the relevant Basin Plan as outlined in Position Statement 1A.</li> <li>5. A WRP can be made up of documents, or parts of documents. See Position Statement 2A for more information about the documentation comprising the proposed WRP, supporting evidence and additional documentation.</li> </ol>

<b>MDBA Reference:</b>	D16/22005	<i>Accessed:</i>
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## **Rationale**

1. Section 56 of the Act sets out the general basis for accrediting and making water resource plans (WRPs). When the MDBA is performing its role in relation to assessing a WRP and providing a recommendation to the Minister, it must have regard to the Basin Plan and extent to which the WRP is consistent with the Basin Plan. This section also specifies the relevant Basin Plan for this requirement.
2. Matters that will be considered by the MDBA when assessing the overall consistency of the WRP with the Basin Plan include:

### ***Management objectives and outcomes***

- a. The relevant management objectives and outcomes to be achieved by the Basin Plan are set out in Chapter 5. It is the MDBA's general view that if a WRP meets the requirements of Chapter 10, it will be likely to reflect the management objectives set out in Chapter 5.

### ***Extreme Events***

- b. Chapter 11 sets out specific arrangements for managing periods of extremely low inflow for communities dependent on water from the River Murray System. It also references further details set out in the Murray-Darling Basin Agreement, including Schedule H.
- c. Where a WRP covers a part of the River Murray System, any matters relating to Part 13 and/or critical human water needs must be consistent with Chapter 11.

### ***Trading Rules:***

- d. WRPs must contain trading rules so far as required to fulfil part 8 of Chapter 10 (trade of water access rights). WRPs are not otherwise required to contain water trading rules.
- e. If the WRP includes water trading rules that have been submitted for accreditation for any Chapter 10 requirement, the MDBA will assess them for consistency with the Basin Plan water trading rules.
- f. In some cases a State may provide supporting information that is not being submitted for accreditation. If this supporting information includes reference to water trade rules, the MDBA will not assess them as part of the accreditation of the WRP, but will work with states during the accreditation process to identify possible inconsistencies with the Basin Plan water trading rules as per MDBA's normal approach to addressing inconsistencies with the water trading rules.
- g. Further detail on the MDBA's assessment of trade rules is provided in the groundwater trade guideline and the guideline for how MDBA will handle surface water trading rules in accrediting WRPs (in development).

### ***Legislative framework within which the WRP operates:***

- h. The legislative framework includes any relevant State and Territory laws (including subordinate legislation) that would apply to, or have any impact on, the proposed WRP, and may influence whether the WRP is consistent with the Basin Plan. The MDBA expects that the most relevant laws will be those pertaining to management of water resources, and that they will be identified by the State in supporting documentation.
  - i. MDBA will consider the effect of such laws (including subordinate legislation) as relevant to the WRP when assessing whether that WRP is consistent with the Basin Plan.
3. So long as the requirements of Chapter 10 have been met, generally MDBA will consider that the requirements of Chapters 8, 9 and 13 have also been met. As such MDBA will focus its assessment efforts on the Chapter 10 requirements. However, this does not

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remove MDBA's obligation to ensure that the WRP is consistent with Chapters 8, 9 and Basin States should not interpret this focus of effort as precluding MDBA from considering consistency with other parts of the Basin Plan, in the unlikely event that a WRP meets the Chapter 10 requirements but not the requirements of Chapters 8, 9 or 13.

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