COLLABORATION PROTOCOL

for sharing information and coordinating water compliance and enforcement in the Basin

This Protocol is between:

Murray-Darling Basin Authority;
Department of Environment, Land, Water and Planning;
Goulburn-Murray Rural Water Corporation;
Lower Murray Urban and Rural Water Corporation;
Grampians Wimmera Mallee Water Corporation; and
Coliban Region Water Corporation.
Contents

1 Background 3
2 Commencement, review and cancellation 3
3 Parties to the Protocol 3
4 Purpose and application 3
5 Interpretation 4
6 Roles and Responsibilities 5
7 Confidentiality and Privacy of Information 6

EXECUTION PAGE 7
1 BACKGROUND

1. In December 2018, the First Ministers of the Australian Government and Basin States endorsed the Murray-Darling Basin Compliance Compact (the Compact). The Compact is a commitment by all Basin State governments to strengthen their approach to compliance and enforcement of water laws. These commitments also aim to improve collaboration, transparency and accountability for water compliance and enforcement across the Basin.

2. Developing and publishing this protocol was a commitment of the Compact.

2 COMMENCEMENT, REVIEW AND CANCELLATION

3. This Protocol commences on the date it is agreed by the parties.

4. This protocol will be reviewed after one year or as necessary by all parties.

5. The Protocol may be cancelled at any time with the written agreement of all Parties.

3 PARTIES TO THE PROTOCOL

6. The parties to this Protocol are:
   a. Murray-Darling Basin Authority (MDBA);
   b. Department of Environment, Land, Water and Planning (DELWP); and

4 PURPOSE AND APPLICATION

7. This Protocol expresses the intent of DELWP, Basin Rural Water Corporations and the MDBA to work collaboratively as far as the law permits and use their best endeavours to deliver effective, transparent and efficient compliance and enforcement actions in Victoria’s water resource plan areas prescribed under the Basin Plan:
   a. Wimmera-Mallee (surface water) water resource plan area
   b. Wimmera-Mallee (groundwater) water resource plan area
   c. Victorian Murray water resource plan area
   d. Northern Victoria water resource plan area
e. Goulburn-Murray water resource plan area.

8. This Protocol focuses on working together and exchanging information in respect of compliance with and enforcement of water laws. It does not apply to the exchange of information between the parties more generally.

9. This Protocol acknowledges that each jurisdiction must operate in accordance with their own legislation, functions, compliance policies and procedures for regulating water use and implementing the Basin Plan. As such, the arrangements established under this Protocol are not legally binding. However they are agreed to in a spirit of collaboration and goodwill, and with best endeavours to promote best practice compliance and effective working arrangements.

5 INTERPRETATION

In this Protocol:

"Basin" means the Murray-Darling Basin;

"Basin Rural Water Corporation(s)" refer to one or all of Coliban Water, Lower Murray Water, Grampians Wimmera Mallee Water and Goulburn-Murray Water;

"Basin States" means Queensland, New South Wales, Australian Capital Territory, Victoria or South Australia as the States or Territories who share the Murray-Darling Basin;

"Department of Environment, Land, Water and Planning" or "DELWP" refers to the Department established by Order under section 10 of the Public Administration Act 2004 (Vic) that is responsible to the Minister administering the Water Act 1989 (Vic);

"Protocol" means this Collaboration Protocol;

"Water Resource Plan" or "WRP" mean a water resource plan accredited under section 63 or adopted under section 69 of the Water Act 2007 (Cth);

"Water Act 1989 (Vic)" refers to and includes the associated regulations and relevant by-laws created pursuant to that Act;

"Water Act 2007 (Cth)" refers to and includes the associated regulations and relevant by-laws created pursuant to that Act; and

a reference to an Act or instrument made under an Act includes any future replacement of that Act or instrument as in force from time to time.
6 ROLES AND RESPONSIBILITIES

Roles

10. DELWP is responsible for water resource management policy and regulation to ensure Victoria has safe and sustainable water resources. DELWP works in partnership with water corporations, catchment management authorities and a range of other agencies to achieve this.

11. The Basin Rural Water Corporations are empowered to investigate and prosecute offences against the Water Act 1989 (Vic). Offences related to the Water Act 1989 (Vic) in Victoria’s WRP areas are investigated and prosecuted by the relevant Basin Rural Water Corporation.

12. Under the Water Act 2007 (Cth), the MDBA is the Commonwealth enforcement agency responsible for ensuring that Basin States do not use or manage water in a way that is inconsistent with the Basin Plan (sections 35 and 137).

13. Once Victoria’s WRPs are in place, the MDBA’s enforcement responsibilities extend to ensuring that Victoria does not act inconsistently with its WRP.

Responsibilities

14. DELWP, Basin Rural Water Corporations and the MDBA will work collaboratively and use their best endeavours to deliver effective, transparent and efficient compliance and enforcement actions in Victoria’s WRP areas.

15. MDBA and Basin Rural Water Corporations may share information and intelligence about compliance, and request information from each other to carry out investigations of offences.

16. DELWP will coordinate requests for information between the MDBA and Basin Rural Water Corporations. The parties do not anticipate DELWP will have a role in requesting or reviewing information as it is the Basin Rural Water Corporations who are responsible for compliance activities in Victoria. However, DELWP will assist in identifying the relevant Basin Rural Water Corporation where required.

17. To help promote efficient and effective working arrangements, the parties will nominate Compliance Contact Officers for the purposes of sharing information and managing requests for information to support investigations. Each party will nominate its Compliance Contact Officer within 1 month of this Protocol taking effect and will do so in writing to each other party.

18. All requests for and sharing of information relating to alleged breaches of Commonwealth or State law will be made through the Compliance Contact Officers. Requested information will be provided as soon as practicable on a best endeavour basis.
19. If the MDBA or the Basin Rural Water Corporations require specific information about a matter, including personal information, they may exercise their powers of investigation to require information pursuant to their respective legislation.

20. Any party may refer a matter for investigation to Basin Rural Water Corporations or the MDBA. If the party that receives the referral accepts it, the referral will be made:
   a. in confidence to allow proper investigation of the matter;
   b. subject to an acknowledgement that the party that receives the referral has full ownership of the matter and is responsible for resolving the issue;
   c. subject to an acknowledgement that when the MDBA or Basin Rural Water Corporations receive a referral they retain their own discretion over decisions to pursue investigations, settle a matter administratively or take enforcement action.

21. If a party does not accept a referral, they will provide the referring agency with a reasonable explanation.

7 CONFIDENTIALITY AND PRIVACY OF INFORMATION

22. Information provided under this Protocol will be subject to any confidentiality obligations, relevant legal restrictions and internal arrangements (including those relating to privacy and information security) or conflicts of interest that may exist for either party.

23. The parties agree that information will only be provided to third parties (except a court or tribunal) so far as permitted by law.
SIGNED for and on behalf of the Murray-Darling Basin Authority by a duly authorised representative

Brent Williams
Name of authorised representative (print)

Tracy Kraljevic
Name of witness (print)

Signature of authorised representative

Signature of witness

18 October 2019
Date

18 October 2019
Date

SIGNED for and on behalf of Coliban Region Water Corporation by a duly authorised representative

DAMIAN WELLS
Managing Director
Name and position of authorised representative (print)

Steven Healy
Name of witness (print)

Signature of authorised representative

Signature of witness

18-2-2020
Date

18-2-2020
Date
SIGNED for and on behalf of **Grampians Wimmera Malhe Water Corporation** by a duly authorised representative

**Mark Williams**  
Managing Director  
Name and position of authorised representative (print)

Signature of authorised representative

**Amanda Collins**  
Name of witness (print)

Signature of witness

27-02-2020  
Date

SIGNED for and on behalf of **Goulburn-Murray Rural Water Corporation** by a duly authorised representative

Name and position of authorised representative (print)

Signature of authorised representative

Date

Name of witness (print)

Signature of witness

Date
SIGNED for and on behalf of Grampians Wimmera Mallee Water Corporation by a duly authorised representative

Name and position of authorised representative (print)  Name of witness (print)

Signature of authorised representative  Signature of witness

Date  Date

SIGNED for and on behalf of Goulburn-Murray Rural Water Corporation by a duly authorised representative

Charmaine Duck  Caryn Crawford
Name and position of authorised representative (print)

Signature of authorised representative  Signature of witness

17/2/2020  17/2/2020
Date  Date
SIGNED for and on behalf of Lower Murray Urban and Rural Water Corporation by a duly authorised representative

MANAGING DIRECTOR

Anthony Courrauds  Gloria Gilmore
Name and position of authorised representative (print)  Name of witness (print)

Signature of authorised representative  Signature of witness

16/03/2020  16/03/2020
Date  Date

SIGNED for and on behalf of the Department of Environment, Land, Water and Planning by a duly authorised representative

HELEN VAUGHAN
DEPUTY SECRETARY
WATER & CATCHMENTS
Name and position of authorised representative (print)

Signature of authorised representative  Signature of witness

8/12/20  08/02/2020
Date  Date

Collaboration protocol in relation to the sharing of information for compliance and enforcement activities