



Australian Government



Policy for managing sensitive water market information 2022-2024

Office locations – *First Nations Country*

Adelaide – *Kaurna* | **Canberra** – *Ngunnawal* | **Goondiwindi** – *Bigambul* | **Griffith** – *Wiradjuri*

Mildura – *Latji Latji* | **Murray Bridge** – *Ngarrindjeri* | **Toowoomba** – *Jarowair and Wakka Wakka* | **Wodonga** – *Dhudhuroa*

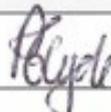
Document Governance

Version number	Date of issue	Responsible Area	Description of change	Review by
1.0	2014	Water Trade	Final Document	2015
2.0	May 2018	GRA	Update to document. Inclusion of procedures for information provision to 3 rd Parties	2020
3.00	November 2021	Risk and Audit ePMO and Governance	Review and update	2-24

Review Cycle

A review of the framework is undertaken biennially, or following any significant changes to the MDBA's broader environment.

Approval

Version number	Name	Position	Signature	Date
2.0	Phillip Glyde	Chief Executive		24/05/18

Version Number	Name	Position	Signature	Date
3.0	Andrew Reynolds	A/Chief Executive		25/3/2022

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Introduction

This policy establishes how sensitive water market information must be managed at the MDBA.

The MDBA is a policy maker, river operations manager and environmental water manager. These functions can create the potential for MDBA employees to know about water market decisions and policies before that information becomes generally available. That raises the potential for inadvertent or deliberate disclosure or use of that information, with adverse impacts on the MDBA and stakeholders.

The consequences of inappropriate information sharing/disclosure or use of the information may include breaches of the Water Act 2007 and the Basin Plan 2012, and, in particular a material effect on the price of water in the water market. That will raise legal and financial ramifications from entities disadvantaged by others' inappropriate access to *the information*. *There may also be significant stakeholder and reputational impacts.*

Sensitive water market information

Water market information is sensitive when it has not yet been made *generally available* and has the potential to have a *material effect* on the price or value of water access rights in the Murray–Darling Basin.

Information is *generally available* if it has been published in a manner that will, or will likely, bring it to the attention of interested members of the public (such as market participants). *Material effect* means that the water announcement is reasonably likely to influence market participants in deciding whether or not to acquire or dispose of such rights.

An announcement does not need to influence everyone in the water market - if some are likely to be influenced, the water announcement is taken to have a material effect (further information on material effect is in the [Guidelines](#) on p14).

Basin Plan Water Trading Rules

The [Basin Plan Water Trading Rules](#) prohibit people from trading relevant water access rights where they have knowledge of certain types of market sensitive information until the information is made generally available. For example, a person may become aware of sensitive water market information in the Southern Connected Basin that affects the value of Water Access Rights (WAR).

If they held a WAR in the Southern Connected Basin they would be unable to use this WAR in the water market until the information was made public. If the person held WAR in the NSW/QLD Border Rivers they would be able to trade these WAR as their value would likely not be affected by the information.

Roles and responsibilities

Management

The Chief Executive has overall responsibility for this policy and the allied [Declaration of Interest Policy](#) consistent with the obligations on accountable authorities under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

The Portfolio Lead of the Business Services Portfolio is responsible for:

- deciding the actions to be taken when there has been a breach of this policy
- notifying all workers when there has been a breach of this policy
- notifying relevant line areas when there has been a breach of this policy
- determining whether a review of the effectiveness of this policy and the information management procedures is required.

The Chief Risk Officer is responsible for conducting initial investigations into reported breaches of this policy

- making recommendations to the Portfolio Lead, Business Services Portfolio in relation to reported breaches
- maintaining the Register of Sensitive Water Market Information Incidents
- coordinating the annual update of Information Management Plans

APS employees and other MDBA workers

All APS employees and other MDBA workers must:

- sign a [Statement of Acknowledgement](#) (at Attachment A) on commencement of employment and then renew their declaration annually on the anniversary of their declaration or when asked to do so where they are identified in an Information Management Plan (IMP) need to know list (including when moving to a section with an established IMP)
- ensure they are familiar with any IMP that relates to their duties.
- be aware of circumstances where they are likely to receive knowledge of sensitive water market information
- be aware of circumstances where they are likely to receive knowledge of a water announcement (as defined under the water trading rules) that is not yet generally available
- take reasonable steps to prevent this information being shared
- comply with all requests for information in relation to investigation of a reported breach of this policy.

Other MDBA workers include:

Office locations – First Nations Country

Adelaide – Kurna | Canberra – Ngunnawal | Goondiwindi – Bigambul | Griffith – Wiradjuri

Mildura – Latji Latji | Murray Bridge – Ngarrindjeri | Toowoomba – Jarowair and Wakka Wakka | Wodonga – Dhudhuroa

- volunteers, secondees, work experience, visiting fellows, and others who have access to MDBA information by virtue of special arrangements
- contractors
- employees and sub-contractors or companies engaged in contracts to undertake work for the MDBA.

Statement of Acknowledgement

The [Statement of Acknowledgement](#) ('statement') (Attachment A) is a confirmation that an individual understands their obligations in relation to dealing with sensitive water market information. Signed statements must be submitted to Risk and Audit

The Risk and Audit section will record details on the *MDBA Register of Sensitive Water Market Information Statements of Acknowledgement* and forward the declaration to People & Culture to place the statement to the employee's personnel file. Statements for other MDBA workers are stored by the Risk and Audit team.

All statements must be handled in accordance with the Australian Privacy Principles under the *Privacy Act 1988*. Statements must be held securely in electronic document management systems with access limited on a need-to-know basis and marked Official-Sensitive: Personal Privacy.

Business areas

Business areas may be a section or group of sections conducting an activity.

Business areas are responsible for identifying when they are dealing with sensitive water market information, including clearly defined water announcements under the Basin Plan or other highly sensitive water market information. See [Determining whether you work with sensitive water market information](#) on p12 for further information.

Information Management Plan

Business areas dealing with sensitive information must put in place an [Information Management Plan](#) ('IMP'; template at Appendix B) which confirms how the business area will manage risks associated with the sensitive information, including need to know arrangements (see [Need to Know](#) on p6).

IMPs must be approved by the General Manager of the Branch in which the activity is being undertaken and provided to Risk and Audit. Access to the IMP must be published to the MDBA intranet and all individuals on the need to know list must be provided with a copy of the IMP.

The Director of the business area responsible for the IMP must ensure that prior to exposure to sensitive information, all individuals identified on the need to know list of an IMP must have:

- read the IMP for that sensitive water market information
- signed a Statement of Acknowledgement.

IMPs must be reviewed by the business area at least annually.

Need to know

Need to know arrangements involve the deliberate identification of individuals who are permitted to have access to certain information, and strict control to ensure this is maintained (Chinese ‘wall’ arrangements – further information is in the [Guidelines](#) on p15).

Where a business area elects to bring staff inside the ‘wall’ temporarily (for example, if specific technical expertise is required from another area) the individual’s name and the period in which they will be inside the wall (‘access period’) must be added to the IMP. Individuals must not disclose any information gained while inside the wall until that information is generally available, including after expiry of the access period.

The need to know list must be provided to the Governance, Risk & Audit section to check against the MDBA Register of Personal Conflicts of Interest. Where an individual has a declared interest in relation to water access rights, that interest must be forwarded to the Portfolio Lead of the individual’s Division for assessment consistent with the MDBA [Declaration of Interest Policy](#).

Managing sensitive water market information

Document and email marking¹

Documents containing sensitive water market information must be marked ‘Sensitive’ in 5mm high, bold and preferably red text at the top and centre of every page. The following text must be included as a cover page on documents and at the top of an email containing sensitive water market information:

This document contains sensitive water market information, including water announcements as defined in the Basin Plan 2012. You should be aware of your obligations associated with knowledge and distribution of this information, including restrictions on undertaking activities and procuring others to trade.

This information will be made generally available: <enter date if known or ‘unconfirmed’>

Each document must contain a table that identifies the document type and the release date. The table also indicates which agencies are authorised to see the document, the status of the document and the clearance process that the document has been subject to.

¹ Further information on document marking may be found in the MDBA document control protocol.

Sharing information

Information on how to share sensitive water market information with government and non-government meeting participants see [Meetings](#) on p11.

Government recipients

If it is proposed to release information containing sensitive water market information to a Government (Commonwealth or Basin State) recipient, the MDBA must first receive written confirmation from the receiving agency that it has in place appropriate arrangements for handling the information. This is to manage any risks associated with that information being accessed or disclosed inappropriately.

Where information is released regularly to a Government recipient (such as the monthly water resource assessment issued by River Murray Operations), this confirmation may be sought on the outset with an annual renewal of the confirmation.

The following should be issued to the recipient:

Water market information is sensitive when it has not yet been made generally available and has the potential to have a material effect on the price or value of water access rights in the Murray–Darling Basin. The MDBA will mark documents containing sensitive water market information as ‘sensitive’ and include a cover page notification.

To safeguard the confidentiality of sensitive water market information, the MDBA requires that your agency confirm:

- 1. that it has a Chinese wall arrangement in place to manage this information*
- 2. it will provide the name, position, contact phone and email for each officer identified on the ‘need to know’ list for the arrangement at (1) (the MDBA will only distribute information to the officers on this list)*
- 3. that it will maintain the ‘need to know list’ and advise the MDBA of any changes to that list*
- 4. that the officers identified at (2) have reviewed their conflict of interest declaration to account for sensitive water market information and that the agency has assessed any interests declared and put in place appropriate arrangements to manage any actual, perceived or potential conflict of interest.*

The checklist below may be of assistance:

<i>Do you hold / trade / administer water access rights (this includes water entitlements and water allocations)</i>	<i>Yes / No</i>
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<i>Does any member of your immediate family own / hold / trade / administer water access rights (this includes water access entitlements and water allocations)?</i>	<i>Yes / No</i>
<i>Do you provide advice to anyone who holds / trades / administers water access rights (this includes water access entitlements and water allocations)?</i>	<i>Yes / No</i>
<i>Do you participate in forums or committees or have any other exposure to water market sensitive information and / or water announcements as defined under the Basin Plan water trading rules, including through committees associated with the Murray-Darling Basin Authority?</i>	<i>Yes / No</i>

5. *that any information provided by the MDBA marked as containing sensitive water market information will be stored with:*
- a. access only to the officers identified at (2)*
 - b. a record of document access maintained which enables audit.*
6. *that the officers identified at (2) are aware that, until the information is made generally available, they may not share that information with any person not identified at (2).*

The confirmation must be stored in the secure HP Content Manager (TRIM) container for the business activity.

If confirmation of the above requirements is not provided or the intended recipient is unable to comply with those requirements the information cannot be provided.

Non-government recipients

When sharing sensitive information with non-government recipients (e.g. Regional Engagement Officers, committee members) the recipient must be contacted prior to issuing the information to confirm in writing, based on any conflicts of interest they may have, whether they wish to receive that information. The confirmation does not need to identify any conflict of interest the individual has (for privacy reasons), simply that they agree or do not agree to receive the sensitive information.

The purpose of this correspondence is to confirm whether you are willing to receive sensitive water market information in relation to the <catchment/region>. Sensitive water market information is information that has not yet been made generally available and has the potential to have a material effect on the price or value of water access rights in the Murray–Darling Basin.

In deciding whether you wish to receive this information, you should consider any conflicts of interest you have. Your confirmation must be in writing - you do not need to identify the conflict of interest; simply that you agree or do not agree to receive the sensitive information.

The document confirming the individual's willingness to receive or not receive the information must be stored in the secure HP Content Manager (TRIM) container for the business activity. Where an

individual has agreed to receive the sensitive water market information, the outgoing correspondence must also be stored in that container. This assists in evidencing that information was not distributed to an individual until after confirmation was received.

Information must not be forwarded to an individual where they have confirmed they do not wish to receive the information or if there has been no reply to the request to confirm willingness to receive the information.

MDBA workers

Sensitive information should only be distributed to individuals identified on the need to know list in the IMP.

Conversations

Telephone conversations and meetings must be managed so that information cannot be overheard.

Distribution of material

Documents containing sensitive water market information must be distributed via GovDex, BoardEffect, or to a business email.

Public email services such as Gmail or Hotmail, instant messaging and social media applications must not be used to transmit or store official information.

Sensitive water market information issued via email must be sent with email classification *DLM only - sensitive*. This classification must be added to the subject line when emails are issued using iPhone or iPad.

Managing files and documents

All files and documents must be stored, secured and retained in accordance with the MDBA [Recordkeeping Policy](#) and the [ICT and Protective Security Policy](#).

Key points from the *Recordkeeping Policy*:

- A record is any information, in any format, which is created, sent and received when undertaking the MDBA's business and which provides evidence of why something was done, supports the decision-making process and demonstrates the processes followed.
- Supervisors and managers must ensure the security of the information created by their team. They must also ensure that all members of their teams are aware of their record keeping responsibilities.
- All records must be stored in the MDBA's electronic document and records management system (HPE Content Manager/TRIM). Business records must not be kept in email folders, SharePoint team sites, shared or personal network drives such as the J: drive, G: drive or Desktop.

- Restricting access to information that requires extra protection is the responsibility of the person saving the record.

Access permissions must be set for all files and associated folders containing sensitive information, consistent with the need-to-know list in the IMP. File names must not identify the sensitive information.

Access permissions for containers must be updated when arrangements change (eg. departures / commencements / temporary access) and should be reviewed at least every six months.

USB sticks or hard drives storing sensitive information must be encrypted (see also [Transferring Sensitive information by USB and the ICT and Protective Security Policy](#)). All storage devices must be stored securely to maintain the confidentiality of MDBA information. If sensitive MDBA data is lost or stolen, even if it is stored on an encrypted device, the Agency Security Advisor (ASA) must be advised as soon as possible. ICT devices that are no longer required should be returned to the ICT Help Desk for sanitisation.

Computers

Protect screens on devices from being overlooked when working on sensitive material and use the screen lock when away from the workstation (Windows logo key + 'L' key).

Clear desk policy

Paper based documents and electronic devices containing sensitive information must be locked away when not required or where a desk is unattended and the keys secured.

Printing and scanning

Only print sensitive material when absolutely necessary using secure printing. Unclaimed documents left in or on photocopiers must be cleared.

Document disposal

Documents containing sensitive material must be disposed of using a secure bin.

Electronic equipment, remote access, and Outlook Web Access (OWA)

Electronic equipment, remote access and OWA must be managed in accordance with the MDBA [ICT and Protective Security Policy](#) and [Acceptable Use of Information and Communication Technology Resources](#).

Key points:

Office locations – First Nations Country

Adelaide – Kurna | Canberra – Ngunnawal | Goondiwindi – Bigambul | Griffith – Wiradjuri

Mildura – Latji Latji | Murray Bridge – Ngarrindjeri | Toowoomba – Jarowair and Wakka Wakka | Wodonga – Dhudhuroa

- Users must not download classified material to private computing devices when accessing the MDBA’s network remotely.
- Email must not be forwarded to any external system and staff must not forward any MDBA business emails to their personal email accounts.
- All email messages originating from the MDBA must include a protective security marking that complies with the Australian Government standard.

Meetings

Meetings may be formal or informal and may or may not include the distribution of agenda papers or other formal documentation.

Agenda setting

Officers responsible for clearing meeting agendas must identify whether any agenda item will or could contain sensitive water market information and advise the secretariat for that committee or meeting.

On confirmation that an agenda item will contain sensitive water market information, the secretariat for that committee or meeting must ensure that any paper identified is treated consistent with this policy (see [Managing files and documents](#) on p9).

Writing papers

Paper authors must ensure that draft papers are treated consistent with this policy (see [Document and email marking](#) on p5 and [Managing files and documents](#) on p9) and must advise the secretariat for that committee or meeting that their agenda paper contains sensitive water market information.

Distribution of material prior to and after meetings

Meeting agendas must identify agenda items containing sensitive water market information and must be provided to committee or meeting members prior to paper despatch so that they can identify whether they have a conflict of interest (see also [Sharing information](#) on p7).

A committee member who has confirmed that they do not wish to receive information relating to water announcements must not be issued with material (including agenda and briefing papers) containing that information. When the minutes for the meeting are issued these members must be issued with a version with the item/s of concern redacted if the information has not yet been made generally available. If the information has been made generally available, the items do not need to be redacted.

Meeting papers containing sensitive water market information must be distributed via GovDex, BoardEffect, or to a business email.

During meetings

All information regarding identified water announcements must be discussed on a need to know basis.

At the commencement of each meeting where sensitive water market information will or could be discussed, the Chair must emphasise that water announcements or information in relation to water announcements that is not generally available must not be disclosed.

The Chair must invite committee members to identify which items are pertinent to a water announcement so that members who have a conflict of interest can absent themselves from the meeting on those items.

The Chair must halt discussion at an agenda item where that item was not identified as pertinent to a water announcement but where they make a judgement that the discussion has subsequently become sensitive. The Chair will ask members who have a conflict of interest to absent themselves from the meeting for that item.

Sensitive material must not be left in meeting rooms.

Accessing meeting documents

All meeting documents containing sensitive information must be locked down and accessible only to the committee’s secretariat and individuals identified on the need to know list in the IMP until that information is made generally available.

Internal requests

Requests to access committee papers containing sensitive water market information prior to that information being made generally available must be made to the committee’s secretariat. Access will only be given on a need to know basis.

External requests

Requests by committee members to access committee papers containing sensitive water market information must be made by the committee member or their contact officer to the committee’s secretariat. Access will only be given on a need-to-know basis.

Breaches of this policy

Reporting a breach

Non-compliance with this policy or the procedures in an Information Management Plan constitutes a breach. Examples of minor and serious breaches can be found in [Guidance on assessing breaches](#) on p15. Any known or suspected breach of this policy must be reported to Risk and Audit.

Investigating a breach

Risk and Audit must:

- take all reports seriously
- record the breach in the Register of Sensitive Water Market Information Incidents ('register')
- conduct an initial investigation into a reported breach
- gather any necessary information
- make recommendations to the Portfolio Lead, BSP
- ensure all steps taken and communications made are documented in the register.

Notification that a breach has occurred

The Basin Plan water trading rules restrict trading activities (including the transfer of entitlements and allocations) from occurring when the trader has access to sensitive water market information. Section 12.51 of the rules restrict a person (including a Commonwealth entity) that is aware of a water announcement that has not been made generally available, from entering into a contract to trade; or from applying to an approval authority or registration authority in relation to a trade; or from procuring another person to take these actions. The restriction on trading is relevant where the information about the decision or water announcement could reasonably be expected to materially affect the price or value of a water access right being traded (see [How to consider material effect](#) on p16 for further information).

When it has been confirmed that a breach has occurred, notification must be issued by the Portfolio Lead, BSP to:

1. All staff via an all staff email:

Notification #: Breach in relation to sensitive water market information

You are advised that there has been a breach of the MDBA's Policy for managing sensitive water market information. When a breach occurs, all staff are deemed aware of that sensitive information.

Individuals should be aware of their obligations, including restrictions on undertaking trading activities and procuring others to trade.

The MDBA must cease all water trading and provision of advice or information with regard to water trading in the <catchment/region> until this knowledge becomes generally available. If any section has conducted MDBA water trades or provided advice or information with regard to water trading since <enter date>, please contact Water Markets & Trade section.

The information will be made generally available on <enter date>.

2. Water Markets & Trade section:

Notification #: Breach in relation to sensitive water market information

You are advised that there has been a breach of the MDBA's Policy for managing sensitive water market information.

<insert breach details>

Can you please provide advice confirming whether there has been a breach of the Basin Plan Water Trading Rules.

Reporting investigation outcomes for breaches

Risk and Audit will report breaches of this policy to the Executive Board periodically.

Sanctions for breach

Non-compliance with the requirements of the *Water Act 2007 (Cth)* and the *Basin Plan 2012 (Cth)* may have legal or employment consequences.

If it is considered that a breach of the APS Code of Conduct has occurred it may be dealt with under the MDBA's [guidelines for handling misconduct](#).

Under Division 3 of the *Public Governance, Performance and Accountability Act 2013*, officials have certain duties – including to disclose interests, act in good faith and not misuse their position. Contravention of these duties can lead to sanctions including termination of appointment.

Section 70 of the *Crimes Act 1914 (Cth)* creates an offence where a current or former Commonwealth officer publishes any fact or document that they came into possession or knowledge of because they are or were a Commonwealth officer, where they have a duty not to disclose that fact or document.

Guidelines

Determining whether you work with sensitive water market information

You are working with sensitive water market information if your business area:

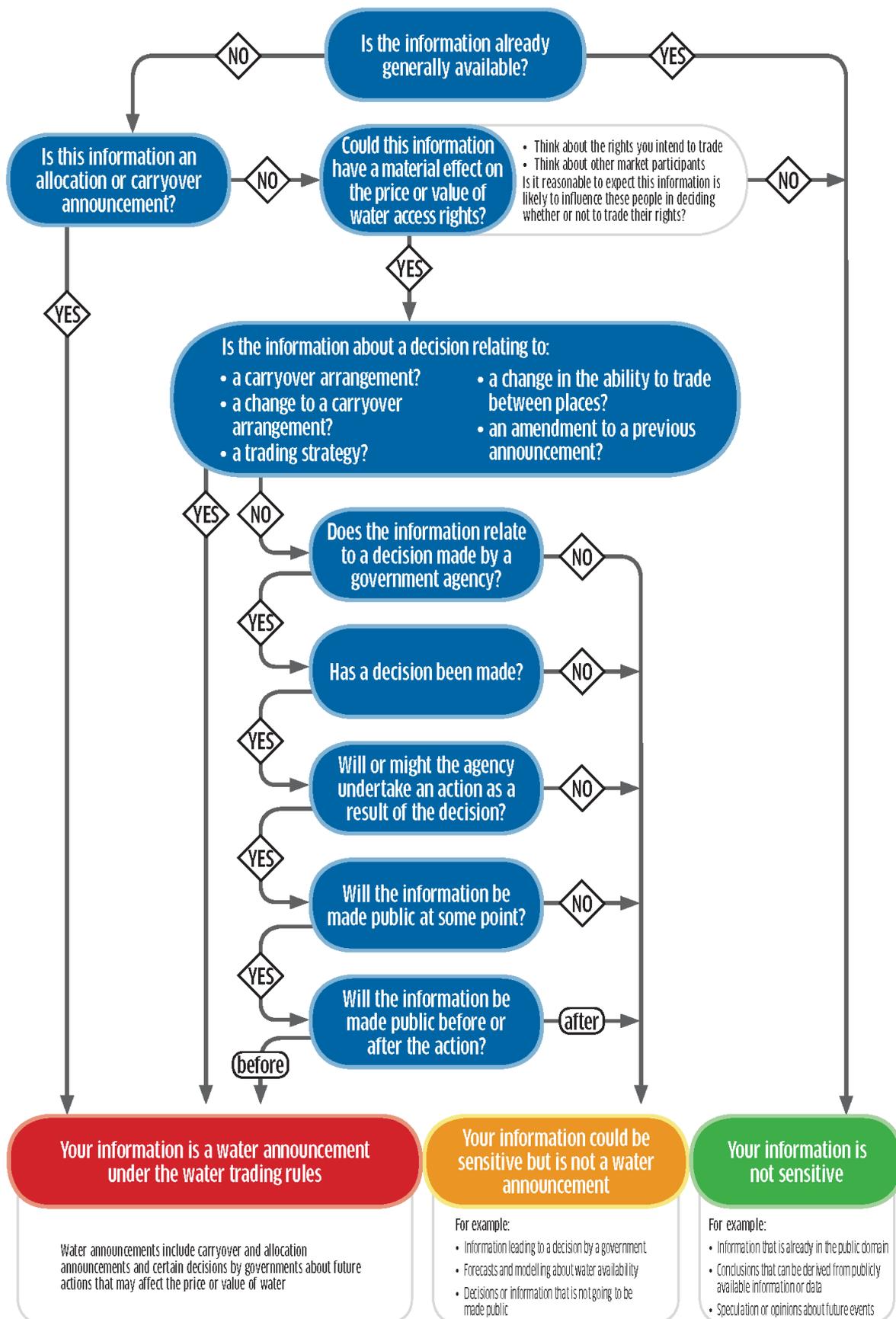
- holds / trades / administers water access rights
- provides advice to anyone who holds / trades / administers water access rights
- undertakes activities where water market sensitive information and/or water announcements as defined under the Basin Plan water trading rules are considered
- manages or participates in forums or committees in which water market sensitive information and/or water announcements as defined under the Basin Plan water trading rules, may be discussed.

Review the flowchart below to see whether the activities you undertake could involve sensitive information.

Office locations – First Nations Country

Adelaide – Kurna | Canberra – Ngunnawal | Goondiwindi – Bigambul | Griffith – Wiradjuri

Mildura – Latji Latji | Murray Bridge – Ngarrindjeri | Toowoomba – Jarowair and Wakka Wakka | Wodonga – Dhudhuroa



How to consider material effect

Under the Basin Plan water trading rules:

- *water announcement* means a public announcement by an entity of the Commonwealth or of a Basin State that is of a decision that relates to actions that the entity is undertaking, or may or will undertake; and can reasonably be expected, if made generally available, to have a *material effect* on the price or value of water access rights.
- a water announcement is taken to have a *material effect* on the price or value of water access rights if the announcement is reasonably likely to influence persons who commonly acquire water access rights in deciding whether or not to acquire or dispose of such rights.

For the announcement to have a material effect, the announcement is not required to influence everyone in the water market - if some are likely to be influenced, the water announcement is taken to have a material effect. This could include irrigators, environmental water holders and irrigation infrastructure operators. Relevant factors in assessing materiality may include:

- the likely response or impact on other market participants if they were aware of the information
- whether it is reasonable to expect this information to influence/change people’s decisions, including whether a person might make a different decision
- whether the decision regarding the water announcement was made in accordance with a generally available policy
- whether there was information available indicating the likely outcome of the decision or broad consultation before the decision was made
- whether the decision is easily predicted from past practice or other indicators
- whether the timing of when the information is made public could change its impact, e.g. a decision made before the year’s first allocation announcement versus one made just as the market is about to close for the year
- whether the impact of the information has a specific geographical relevance.

Example 1	Example 2
<p>A holder of tradeable water entitlements hears about a decision to make carryover available that is not yet public.</p> <p>If the licence holder has a water access right affected by the carryover they would not be permitted to trade, because this information could be reasonably likely to influence persons who commonly acquire water access rights in the relevant area: this information may have a material effect on water access rights.</p>	<p>An unexpected announcement of a suspension of interstate trade would affect the market as it would significantly reduce available trading options available.</p> <p>If a holder of entitlements was aware of this decision before it was made generally available, they would not be permitted to trade any water access rights as this announcement would be reasonably likely to influence persons who commonly acquire water access rights: the water announcement would have a material effect</p>

	on the price or value of water access rights
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Chinese wall arrangements

The Basin Plan provides the option for an entity to establish ‘Chinese walls’ as a form of protection for entities to undertake trading activity, despite other parts of the entity having knowledge of market sensitive information. These arrangements involve the strict adoption of information management procedures and can include:

- a recurring educational program
- physical separation
- separation of relevant IT access
- separation of reporting lines
- strict and carefully defined procedures for ‘crossing the wall’
- monitoring by internal compliance officers of the effectiveness of the arrangements
- disciplinary sanctions where there has been a breach of the ‘wall’.

Where there is a breach of Chinese wall arrangements, where one worker is aware of a water announcement before it has been made generally available, all workers are deemed to be aware. To be aware, it is enough if a person knows the gist of a water announcement without knowing the details.

A breach of a Chinese wall arrangement means that employees of the entity may be restricted from trading before water announcements are generally available.

Guidance on assessing breaches

When making a preliminary assessment of the reported breach consider the following:

- is a water announcement involved?
- what is the nature of the breach?
- what is the extent of the breach?
- what are the types of harms that could potentially be caused by the breach? (e.g. to individuals, to the MDBA, to Basin States, to the market)
- how can the breach be contained?

Minor breaches

Minor breaches include, but are not limited to:

- a person having a conflict of interest that was not declared as soon as possible after they became aware of it
- an isolated breach of the clean desk policy or electronic and physical file security requirements (but not involving a water announcement not generally available).

Serious breaches

Serious breaches must be contained immediately. They include, but are not limited to:

- a breach of the Basin Plan water trading rules (ie. entry into a contract to trade by a person in the MDBA who is aware of a water announcement that is not generally available)
- access to a water announcement that is not generally available by a person who does not have need-to-know requirements
- repeated behaviour which is inconsistent with the arrangements put in place by an area of the MDBA as set out in their information management plan.

Legislation

Public Governance, Performance and Accountability Act 2013

Public Service Act 1999

Crimes Act 1914 (Cth)

Further advice and information

Contact Governance, Risk and Audi

Attachment A

Statement of Acknowledgement

As a member of the <Program/Portfolio name>, I have read and understood the MDBA Policy for managing sensitive water market information and the MDBA [Declaration of Interest Policy](#).

I understand that:

1. I may be exposed to sensitive water market information that has the potential to have a material effect on the price or value of water access rights in the Murray–Darling Basin in the course of my duties
2. I am obliged to ensure I manage my knowledge of sensitive water market information in accordance with the *MDBA Policy for managing sensitive water market information* and to otherwise comply with the policy
3. I am obliged to ensure I am familiar with any Information Management Plan that relates to my duties.
4. I must declare any interests that do or may give rise to a conflict of interest that exist or may arise in the course of performing my duties
5. I must not make improper use of information that I obtain in the course of performing my duties at the MDBA in order to gain a benefit for myself, my immediate family or any other person
6. this statement of acknowledgement will be provided to Risk and Audit for recording on the *MDBA Register of Sensitive Water Market Information Statements of acknowledgement* and to People & Culture for retention on my personal file.

I declare that:

1. I have disclosed all interests that I have which are relevant to my ability, or my perceived ability, to comply with the MDBA Policy on managing sensitive water market information
2. to the best of my knowledge, no conflict of interest exists which may hinder or impact on my ability, or my perceived ability, to comply with the *Policy for managing sensitive water market information*
3. I will use my best endeavours to ensure that a situation does not arise that may result in a conflict of interest
4. I will immediately report any conflict or potential conflict of interest that arises and will comply with all directions given for dealing with that conflict
5. I acknowledge my ongoing obligations for managing knowledge of any sensitive water market information and maintaining confidentiality regarding that information if I leave my work area.

	Declaration made by	Witnessed by
Name		
AGS Number	APS employees only	
Position		
Signature		
Date		

Information Management Plan :Team/Program/Portfolio (replace this text)

Reasons for using the information		
Owner		
Decision maker		
Use		
Consultation		
Evaluation of sensitivity		
Is this a water announcement under the water trading rules?		
Could this information be sensitive, even though it is not a water announcement under the water trading rules?		
Is it feasible to make this information public?		
Should this information only be distributed to persons who have a need to know?		
These MDBA staff have a Statement of Acknowledgement in place and this information may be distributed to them:		
MDBA staff		
[Name of staff member]	Duration: [Ongoing or specify period]	
[Name of staff member]	Duration: [Ongoing or specify period]	
This/these Commonwealth entities have arrangements in place to manage sensitive water market information and have nominated the workers below to receive this information. The confirmation is stored in HPE Content Manager reference D18/.		
Other Commonwealth Government staff		
[Commonwealth Government Entity name]	[Name]	[Position]
	[Email contact details]	Duration: [Ongoing or specify period or specify any other limitations]
Treatment and Management		
Current:		
<ul style="list-style-type: none"> The following text will be included as a cover page on documents and at the top of an email containing sensitive water market information: 		

This document may contain sensitive water market information, including water announcements as defined in the Basin Plan 2012. You should be aware of your obligations associated with knowledge and distribution of this information, including restrictions on undertaking activities and procuring others to trade.

This information will be made generally available: <enter date if known or 'unconfirmed'>

- Sensitive water market information issued via email will be sent with email classification ***DLM only - sensitive.***

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To be finalised:

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