

Murray–Darling Basin Compliance Compact

An agreement between

Australian Government
New South Wales
Victoria
Queensland
South Australia
Australian Capital Territory

A. Preamble

The Murray–Darling Basin (the Basin) is a large, complex, diverse and dynamic system that is home to about 2 million people, including more than 40 Indigenous nations. It generates 40% of Australia’s agricultural production, about one third of which is irrigated. Its water resources are relied upon and enjoyed by its inhabitants and also many more who live outside of the Basin. It contains both highly developed and natural rivers, floodplains and extensive groundwater resources, many of which are also heavily developed. These systems provide home and habitat to millions of fish, birds and other animals, many of them protected under Australian legislation and international agreements.

In 2012, the Australian Government, in consultation with the Basin States, developed the *Basin Plan 2012* (Cth) (Basin Plan) to achieve long-term sustainability for industries, communities and the environment of the Basin. The Basin Plan shares water among all users, including the environment, in a sustainable way, and is integrated across state boundaries. Implementing the Basin Plan and associated water reforms is a long-term investment to which the Australian Government and Basin States are committed. The Australian Government has put more than \$13 billion towards implementation, including \$10 billion to recover water to meet sustainable diversion limits (SDLs).

A sound and consistently applied approach to compliance and enforcement across the Basin from the development and implementation of Basin Plan-compliant water resource plans (WRPs) through to compliance by individuals with their water entitlements - is essential to achieving Basin Plan outcomes.

This Murray–Darling Basin Compliance Compact (Compact) is a collaborative, joint commitment by the Australian Government and Basin States. It aims to restore public confidence in water resource management in the Basin by providing transparency and accountability of surface and groundwater management and regulation, and a consistent approach to compliance and enforcement practices by governments across the Basin. Continuous improvement will be central to the management of Basin water resources.

The Compact sets priorities for action, and commits the Australian Government and Basin States (the Parties) to work plans that will be reported on regularly and publicly. The Compact provides a comprehensive response to recent and ongoing reviews into compliance and the integrity of Basin water management (Appendix 1), including:

- The Murray–Darling Basin Water Compliance Review (the MDB Compliance Review) (November 2017)
- The interim and final reports of the independent investigation into NSW water management and compliance by Ken Matthews AO (September and November 2017)
- The independent audit of Queensland non-urban water measurement and compliance (March 2018).

The Compact builds on existing agreements, in particular, the Council of Australian Governments’ *Intergovernmental Agreement on Implementing Water Reform in the Murray–Darling Basin* (June 2013) and the *National Framework for Compliance and Enforcement Systems for Water Resource Management* (2011).

B. Roles and responsibilities of the Parties

The Parties have different roles and responsibilities in water resource compliance and enforcement (Appendix 2). Basin States are responsible for developing WRPs for accreditation under the *Water Act 2007* (Cth) (Water Act), which include water sharing and management rules for their water resources. Basin States are also responsible for regulating water users within their jurisdictions, and enforcing compliance with Basin Plan and state water management rules.

The Murray–Darling Basin Authority (MDBA) is an Australian Government statutory authority responsible for developing, implementing and enforcing the Basin Plan. It advises on the accreditation of Basin Plan WRPs, and monitors and enforces Basin States' compliance with obligations under the Water Act and the Basin Plan. The MDBA may also regulate the compliance of individual water users with the Basin Plan, and intends to do so in the absence of action by a Basin State.

The Australian Government Department of Agriculture and Water Resources (DAWR) is responsible for the administration of the Water Act. DAWR also provides funding for the implementation of the Basin Plan through a National Partnership Agreement with each Basin State, and administers the Australian Government's water recovery programs (some of which are delivered by Basin States).

The Commonwealth Environmental Water Holder (CEWH) holds and manages the Australian Government's water entitlements and allocations. In collaboration with state and local water managers and river operators, the CEWH delivers environmental water to achieve environmental outcomes. In doing so the CEWH is guided by the Basin Plan, long- term environmental watering plans and annual watering priorities.

Each Party commits to undertaking the activities required by this Compact within its area of responsibility, in a spirit of continuous improvement, transparency, accountability, collaboration and consistency across the Basin. Each Party also commits to undertake additional actions as set out in the attached work programs (Appendix 3).

Actions under the Compact will be implemented in a way that is practical and proportionate to the risk being addressed, with a focus on achieving Basin Plan outcomes in the most effective way, and is consistent with the Council of Australian Governments (COAG) Principles for Best Practice Regulation.¹ The work programs will be flexible and will adapt to new knowledge and emerging technology.

To ensure continued consistency with the Principles for Best Practice Regulation over time, governments may need to refine the actions they take under this Compact. That will be done transparently and in a manner consistent with the regulatory processes that each jurisdiction has established to implement the Principles of Best Practice Regulation. It will be taken into account in the reporting and review processes set out in section D of this Compact.

C. Commitment to actions and work programs

Compliance and enforcement arrangements for water resources are effective when both water users and the general public are confident that the rules are suitable, fair and enforced appropriately.

Water sharing rules must protect all water users, be based on the best available information and developed through an open, consultative and trusted process. The Parties commit to greater transparency and accountability, and more effective communication, in developing these rules.

To ensure a strong culture of compliance amongst water users, and within responsible government agencies, the Parties will adopt consistent approaches for compliance arrangements and practices across the Basin. This will be supported by a network of compliance practitioners, who will share knowledge and experience.

The Parties also commit to building improved compliance and enforcement practices into their 'business as usual' management of Basin water resources.

This Compact focuses on five key themes for compliance and enforcement in the Basin.

¹ Source: COAG (2007) Best Practice Regulation: A guide for Ministerial Councils and National Standards Setting Bodies, October 2007.

1. Transparency and accountability

Transparency and accountability are essential elements of a successful compliance culture. They build public confidence in both the legitimacy and fairness of water sharing and extraction arrangements, and the consistent application of those arrangements.

Water sharing and extraction arrangements will be transparent and justified. Compliance with the arrangements will be measured, publicly reported on in a timely manner, and independently verified.

<p>1.1 Each Basin State and the MDBA will review their internal governance arrangements for non-urban water management to ensure a strong culture of compliance that is led ‘from the top’. Review outcomes may include publishing a statement of obligations, Ministerial letters of expectations or similar (including an expectation of regulatory best practice; a regulatory policy that is endorsed by the highest responsible body), compliance metrics as a performance indicator for executive staff and ethics training for compliance staff.</p>	<p>31 Dec 2018</p>
<p>1.2 Each Basin State will:</p> <ul style="list-style-type: none"> a) Publish a reporting framework for identified significant water management decisions involving discretion (e.g. the granting of exemptions to water take rules and retrospective approvals for unlicensed illegal works) and commence reporting in accordance with this framework. Decisions made should be published in an easy to access, searchable format (e.g. on a register) and in a timely manner as per timeframes in reporting frameworks. b) Publish a work program to improve the transparency of information about water take under entitlements,² to be implemented no later than 2025, that addresses: <ul style="list-style-type: none"> i. Real-time information on flows, extractions and related rules in unregulated river systems. ii. Location of take (e.g. pumps, bores or meters) and levels of take in all surface and groundwater systems. iii. Changes to water registers to ensure that information about water entitlements and trades can be easily accessed by the public. <p>The work program should be rolled out progressively, with a priority on high risk areas, it should respect relevant privacy laws, and include any exemptions made by the state should be supported by justification published on the website of the relevant state agency.</p> 	<p>30 Sept 2018</p> <p>30 Jun 2019</p>

² Note that use of terms varies in each jurisdiction. The term ‘take via entitlements’ is intended to apply to share- based, tradable water entitlements (or allocations in Queensland).

c) Publicly report on compliance and enforcement actions by location including the timeliness with which allegations are addressed.	Annually, starting 30 Sept 2018
1.3 The Australian Government will scope out with Basin States a proposal for a Basin-wide system to provide publicly accessible, real time advice on environmental watering.	30 Sept 2018
1.4 The Australian Government and Basin States will review joint governments' governance arrangements in the Basin. This review will take account of the governance recommendations in the <u><i>MDB Compliance Review</i></u> , and will seek to improve the efficiency and effectiveness of current arrangements.	31 Dec 2018

2. Compliance and enforcement frameworks

Compliance frameworks will demonstrate the principles of transparency, timeliness, risk- based use of resources, fairness, proportionality, impartiality, professionalism, accountability, and clarity of water user rights and responsibilities. These frameworks will benefit everyone in the Basin.

The approach to compliance across each jurisdiction and between Basin States will be consistent, noting that the legal frameworks and variable nature of the resource and its uses mean that local adaptation will be needed. Frameworks will clearly delineate responsibilities: States will regulate water users within their jurisdiction, including taking a prompt and visible response to allegations of compliance contraventions. The MDBA will regulate States' compliance with their obligations under the Water Act and Basin Plan and, in the absence of Basin State action, individual water users.

2.1 Each Basin State and the MDBA will publish a revised compliance framework addressing the requirements of recommendation 6 of the <u><i>MDB Compliance Review</i></u> .	31 Dec 2018 ³
2.2 Basin States and the MDBA will establish a network ⁴ of water compliance practitioners, co-ordinated by the MDBA , to promote best practice and innovation in water compliance. Initial topics will include training and certification for water compliance officers, development of compliance standards, and collaboration on the use of new technology in compliance (including remote sensing).	30 Sept 2018

³ The Queensland framework will be finalised by 1 July 2019, with a progress report by 31 Dec 2018.

⁴ It is intended that this will be a national network – with Western Australia, Northern Territory and Tasmania invited to participate.

<p>2.3 MDBA and Basin States will develop protocols in relation to MDBA’s Basin Plan compliance and enforcement actions with a view to ensuring effective, transparent and efficient outcomes on water theft. Protocols will:</p> <ul style="list-style-type: none"> a) cover how allegations of non-compliance by individual entitlement holders will be coordinated in each jurisdiction. b) explain arrangements both before and after accreditation of WRPs. c) be published on the MDBA website. 	31 Dec 2018
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3. Metering and measurement

Metering and measurement is essential for comprehensive water accounting. Parties commit to the effective measurement of non-urban water users’ diversions (metering take), and of the water resources themselves (hydrometrics and models).

The objectives of metering water take are to ensure that:

- (i) The take of water can be accurately and reliably determined
- (ii) Meters used to measure water take are auditable, verifiable and accurate
- (iii) Data from meters can be easily communicated to relevant authorities, and is able to be incorporated into state licensing systems (including compliance)
- (iv) Mandatory requirements and resources are targeted to higher risk users (that is those that have a greater capacity to take water) and high risk water systems
- (v) The benefits of water measurement outweigh the costs
- (vi) The framework is simple to understand, comply with, administer and enforce.

Consistent with the *National Framework for Non-urban Water Metering (2009)*, all water meters should comply with the national standard (AS4747). Additionally, telemetry should be utilised to improve the timeliness and efficiency of capturing and reporting water take data for compliance, and flag possible breaches of water management rules for immediate investigation.

However, currently there are insufficient meters that meet the standard to suit every metering situation, and telemetry may not be cost effective for some water users. A risk- based approach will initially be taken, with the ultimate aim of achieving comprehensive coverage of compliant meters and telemetry across the Basin.

In terms of measuring non-metered take, modelling, and hydrometrics, the Parties will manage Basin water resources based on the best available data, and will take advantage of emerging technology.

<p>3.1 Each Basin State will publish a metering policy and implementation plan addressing 3.2-3.6 below.</p> <p>3.2 Meter accuracy:</p> <ul style="list-style-type: none"> (i) All new and replacement meters must comply with AS4747 including pattern approval and verification, by no later than June 2025. (ii) Commencing immediately, and until June 2025: <ul style="list-style-type: none"> a. All new and replacement meters to comply with AS4747 where available. 	31 Dec 2018
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<p>b. Where an AS4747 compliant meter is not available the use of an interim meter that has been verified with a manufacturer’s certificate of accuracy to within +/- 5% is acceptable.</p> <p>(iii) When an existing meter no longer meets +/- 5% accuracy in the field it must be repaired and validated so that it is accurate to within +/- 5% in the field, or replaced (see 3.2(i)).</p> <p>(iv) All meters to be periodically validated consistent with the requirements of AS4747.</p> <p>(v) Any exemptions to 3.2(i) to 3.2(iv) made by the state to be supported by a justification published on the relevant state agency website.</p> <p>3.3 Meter coverage:</p> <p>(i) All take via water entitlements⁵ to be metered by June 2025, and a plan for achieving this.</p> <p>(ii) Any exemptions to 3.3(i) made by the state to be supported by a justification, such as a regulatory impact assessment, published on the relevant state agency website.</p> <p>(iii) The basis upon which meter thresholds have been set.</p> <p>(iv) Basin States and the MDBA will agree guidelines for reviewing metering thresholds by 30 June 2019.</p> <p>(v) Once finalised, Basin States agree to have regard to the guidelines when reviewing meter thresholds.</p> <p>3.4 Transmission of data:</p> <p>(i) A program to progressively automate the reporting of water take, regardless of how that is measured, no later than 2025.</p> <p>(ii) Any exemptions to 3.4(i) made by the state to be supported by a justification published on the relevant state agency website.</p> <p>3.5 The highest risk take, including large users in the Barwon–Darling, to be accurately metered by December 2019⁶ and will publish what constitutes highest risk in their metering policies. High risk take should also be telemetered by December 2019 with any exemptions published.</p> <p>3.6 A timetable for the installation of new meters and telemetry, and auditing and maintenance of the metering fleet to meet the above requirements.</p>	
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⁵ Note that use of terms varies in each jurisdiction. The term ‘take via entitlements’ is intended to apply to share- based, tradable water entitlements (or allocations in Queensland).

⁶ Queensland to publish alternative dates for accurate metering and telemetry in their metering policy.

<p>3.7 Each Basin State will report annually on progress with the implementation plan, including the relative proportion of take via AS4747 meters, interim verified meters, unverified meters, and unmetered take.</p>	<p>Annually commencing 30 Sept 2019</p>
<p>3.8 The Australian Government and Basin States will work with other jurisdictions, testing laboratories, meter manufacturers and industry to set a timetable for delivering a comprehensive range of pattern approved meters.</p>	<p>31 Dec 2018</p>
<p>3.9 New South Wales and Queensland will publish their respective programs for improved measurement of floodplain harvesting and overland flow harvesting.</p>	<p>30 Jun 2019</p>
<p>3.10 To provide public assurance over the quality and coverage of water information for compliance and enforcement, including from hydrometric networks and hydrologic models, each Basin State will take the following actions having regard to the MDBA water information guidelines:</p> <ul style="list-style-type: none"> (i) publish a review of its water information requirements to identify any gaps (ii) publish a water information improvement program for addressing priority issues including maintenance backlogs. 	<p>30 Jun 2019</p>
<p>3.11 Each Basin State will report annually on their progress against their water information improvement program.</p>	<p>Annually commencing 30 Sept 2019</p>
<p>3.12 Each Basin State will conduct and publish a review every five years of their water information systems.</p>	<p>Every five years commencing as per state programs</p>

4. Finalising water resource plans

Accredited water resource plans that are in place by 1 July 2019 are essential to achieving Basin Plan outcomes, including Basin-wide SDLs.

<p>4.1 Each Basin State will submit individual WRPs for Commonwealth accreditation in accordance with the agreed timeline published by the MDBA.</p>	<p>To enable accreditation of all WRPs by 30 Jun 2019</p>
<p>4.2 Where necessary Basin States and the MDBA will increase resourcing for WRP development.</p>	<p>30 Jun 2019</p>
<p>4.3 The MDBA will publish quarterly reports on the progress of Basin States and the MDBA with WRP accreditation.</p>	<p>Commenced Feb 2018</p>

5. Protecting and managing environmental water

Water management rules and compliance efforts to enforce them will operate so that held and planned environmental water is protected and managed to achieve its intended environmental benefits.

Rules to protect environmental flows should be simple to understand, comply with, administer and enforce. Where existing water management rules are being revised, Basin States will undertake consultation with relevant parties.

<p>5.1 Each Basin State will implement measures (referred to as ‘prerequisite policy measures’) to better protect environmental water to deliver Basin Plan environmental outcomes in accordance with agreed, published implementation plans. These will be incorporated into Basin Plan WRPs where appropriate.</p>	<p>30 Jun 2019</p>
<p>5.2 In the unregulated systems of the northern Basin, the Queensland government will revise their Basin Plan WRPs to include more effective policies for the protection of environmental water to deliver Basin Plan environmental outcomes, particularly in the Lower Balonne.</p>	<p>30 Jun 2019</p>
<p>5.3 In the unregulated systems of the northern Basin, including the Barwon–Darling River and relevant unregulated tributaries, the New South Wales government will trial interim and develop enduring solutions for the better protection and management of environmental water, including held environmental water when left in-stream, to deliver Basin Plan environmental outcomes. Where appropriate, these policies will be implemented through amendments to NSW water sharing plans and incorporated into Basin Plan WRPs as part of the accreditation process.⁷</p>	<p>30 Jun 2019</p>
<p>5.4 The MDBA will publish and maintain a register of Basin State measures to better protect environmental water.</p>	<p>30 Jun 2018</p>

⁷ Refer to Appendix 4 for more information.

Schedules of Party-specific work programs

The Parties commit to implementing the work programs in Appendix 3 and Appendix 4. These programs are tailored to ensure a comprehensive response to the relevant compliance reviews in each jurisdiction. They will be implemented in a flexible way, adapting to new knowledge and technology.

Recognising that the MDBA and each Basin State has different issues to address to improve their compliance and enforcement framework and practices, schedules will be reviewed and updated where necessary to better ensure the outcomes of the Compact are achieved. A summary of any updates to work programs will be included in annual progress reports to Ministerial Council.

D. Reporting, assurance and review

Parties' progress, and the extent to which progress has been embedded into each jurisdiction's ongoing practices, will be verified and reported on annually.

An annual report on progress with implementing the commitments of this Compact will be prepared by MDBA and provided to the Council of Australian Governments and the Murray–Darling Basin Ministerial Council for noting, and will be published on the MDBA website by 31 December of each year, commencing with an interim report in 2018. The annual report will include:

- a report by each Basin State, DAWR and the MDBA using an agreed template
- an assurance report of Basin States' progress by the MDBA
- an assurance report of MDBA's progress by the Independent Assurance Committee.

The Parties will review this Compact by 30 June 2020.

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Appendix 1: Compliance reviews and investigations within the scope of the Murray–Darling Basin Compliance Compact

The Compact is a comprehensive response by Basin governments to the recommendations and findings in the following reviews:

- The Murray–Darling Basin Water Compliance Review (November 2017)
- The interim and final reports of the Independent investigation into NSW water management and compliance by Ken Matthews AO (September and November 2017)
- Reports from the NSW Ombudsman Investigation into water compliance and enforcement 2007-17 (November 2017 and March 2018)
- Assurance report regarding the Department of Agriculture and Water Resources' Assessment of New South Wales' Protection and use of Environmental Water under the National Partnership Agreement on Implementing Water Reform in the Murray–Darling Basin, Australian National Audit Office (November 2017)
- For the Queensland work program, the independent audit of Queensland non-urban water measurement and compliance arrangements, conducted by Mr Tim Waldron, Mr Ian Johnson and Professor Poh Ling Tan (March 2018). The audit report was not available to the other Parties, or the Independent Reviewer during the preparation of the Compact and the report of the Independent Reviewer.

In developing the Compact Basin governments have been cognisant of the:

- Senate Committee for Rural and Regional Affairs and Transport committee on the integrity of the water market in the Murray–Darling Basin; and
- New South Wales Independent Commission Against Corruption into allegations about misconduct and maladministration at the NSW Department of Industry, noting that there has been no publicly available information on the progress of the investigation during the preparation of the Compact and the report of the Independent Reviewer.

Appendix 2: Roles and responsibilities for water compliance in the Basin

Internal governance arrangements may change from time to time. The Parties commit to updating Appendix 2 as required.

Commonwealth

Murray–Darling Basin Authority

The *Water Act 2007* (Cth) (Water Act) established the **Murray–Darling Basin Authority** (MDBA) to, amongst other functions, prepare, implement, enforce and review the Basin Plan 2012 (Basin Plan). The Basin Plan sets sustainable diversion limits for the major water resources of the Basin, along with other Basin-scale arrangements for environmental water, water quality and salinity, and water trading.

Basin States are responsible for the detailed water planning and management within that framework, including developing water resource plans, determining seasonal water allocations, and issuing and managing water access entitlements.

Under section 137 of the Water Act, the MDBA is the ‘appropriate enforcement agency’ for contraventions relating to Part 2 of the Water Act (Management of Basin Water Resources, including the WRPs and the Basin Plan) and the information gathering provisions of Part 10 of the Water Act.

The way the MDBA undertakes regulatory, compliance, assurance and enforcement functions reflects its role and approach to implementing the Plan and draws on best practice approaches to regulation. The MDBA has the powers to seek injunctions, declarations, warrants to enter land and issue enforcement notices and enter into enforceable undertakings.

The MDBA’s approach to compliance and enforcement recognises that Basin States are responsible for ensuring compliance by water users with their water laws, however the MDBA will step in in cases on non-compliance by water users in the face of inaction by Basin States. It will also ensure Basin States’ compliance with the requirements of WRPs.

Department of Agriculture and Water Resources

The **Commonwealth Water Minister** has the pivotal role in administering the Water Act, including the accreditation of state water resource plans.

The **Department of Agriculture and Water Resources** (DAWR) assists the Minister in discharging their functions under the Act. This includes meeting the reporting requirements under the Water Act and the Basin Plan, and advising the Minister in relation to the MDBA’s recommendations about whether to accredit state-developed water resource plans.

The Commonwealth Water Minister is also responsible for decisions on Basin Plan implementation payments under the *National Partnerships Agreement on Implementing Water Reform in the Murray–Darling Basin* (NPA). All Basin States are required to report annually to the Department of Agriculture and Water Resources, who assesses Basin State performance against the NPA milestones and makes recommendations to the Commonwealth Water Minister.

Commonwealth Environmental Water Holder

The **Commonwealth Environmental Water Holder** (CEWH) is responsible under the Water Act for managing the Commonwealth environmental water holdings. Both the Water Act and Basin Plan impose reporting requirements on the CEWH in relation to the use of the holdings, in particular for monitoring the environmental outcomes achieved.

The CEWH must manage its water holdings to give effect to relevant international agreements to which

Australia is party, and in accordance with the Environmental Watering Plan (EWP) and the Basin-wide Watering Strategy made by MDBA under the EWP. It must also have regard to the Basin annual environmental watering priorities which are prepared by MDBA.

Basin States

Basin States are responsible for ensuring compliance with their water laws, and also for complying with their own obligations under the Water Act, the Basin Plan and WRPs. Basin State agencies' responsibilities for water compliance are as follows.

New South Wales

New South Wales (NSW) is committed to building a compliance and enforcement regime that ensures strong and certain regulation. This is just one of the goals set out in the NSW Government's Water Reform Action Plan that was published in December 2017.

The **Natural Resources Access Regulator (NRAR)** has recently been established under the *Natural Resources Access Regulator Act 2017* (NSW) to manage compliance and enforcement under NSW's *Water Management Act 2000* (NSW) and *Water Act 1912* (NSW). NRAR has powers for investigations and other strategies as part of providing effective and efficient regulation, and will determine when to commence prosecutions or use other enforcement tools in the event of non-compliance. The NRAR monitors compliance with water licence conditions and also monitors the compliance of works which could degrade a water source or impact other water users.

The **Department of Industry – Lands and Water** (the Department) is responsible for surface and groundwater management to ensure water security for NSW. Through planning, policy and regulation, the Department provides for the equitable sharing of surface and groundwater resources to support environmental, social cultural and economic needs and values and ensures that water entitlements and allocations are secure and tradeable.

WaterNSW is a state-owned corporation established under the *Water NSW Act 2014* (NSW) and is NSW's bulk water supplier and system operator for NSW's surface water and groundwater resources. WaterNSW also plans, develops, owns and operates infrastructure solutions for water supply security and reliability and conducts customer facing functions such as the issuing of licences, approvals, delivery of water and billing.

The **Office of Environment and Heritage** is responsible for the delivery of all water for the environment in NSW through the preparation of annual watering plans and the development of long term plans as required under the Basin Plan.

Victoria

Victoria has a robust water management framework that is designed to protect the environment and holders of rights to take water from the illegal take and use of water.

The *Water Act 1989* (Vic) is Victoria's primary piece of water legislation and provides the legal framework for water management and use in Victoria.

The **Department of Environment, Land, Water and Planning (DELWP)** is the main government department tasked with caring for and protecting Victoria's environment. DELWP's purpose is to shape and support liveable, inclusive and sustainable communities and thriving natural environments. Within DELWP the Water and Catchments group works to ensure Victoria has safe and sustainable water resources. The Water and Catchment group works in partnership with water corporations, catchment management authorities and a range of others to achieve a balance between the economic, environmental and social values of water.

Victoria has 19 state-owned **water corporations** constituted under the *Water Act 1989*. Water

corporations are responsible for managing compliance either in their own capacity as Authorities under the *Water Act 1989* or as delegates of the Victorian Minister for Water. Victorian water corporations are the most appropriate body for managing compliance matters relating to the take and use of water without authorisation or breach of condition of an authorisation to take.

Victoria is divided into 10 catchment regions, each with a **catchment management authority** (CMA). Under the *Water Act 1989*, CMAs have management powers over regional waterways, floodplains, drainage and environmental water.

The **Victorian Environmental Water Holder** (VEWH) is an independent statutory body responsible for holding and managing Victoria's environmental water entitlements. The VEWH was established in 2011 and a key part of its role is the preparation of annual seasonal watering plans. These are a state-wide plan that guides environmental water decisions in Victoria.

Queensland

The Department of Natural Resources Mines and Energy (DNRME) is the lead Queensland agency responsible for implementing the Basin Plan. It administers the *Water Act 2000* (Qld) (the Act) which provides for the sustainable allocation and management of water resources. The Act sets out the planning framework and the framework for water use compliance. DNRME is responsible for preparing statutory water plans and related instruments, monitoring water use and evaluating for water use compliance with the Act. Compliance activities are aimed at further securing water entitlements, and helping prevent and respond to illegal activities, such as the unlawful take of rural water.

Resource Operations Licence (ROL) holders operate water infrastructure in a water plan area and must comply with the conditions in the ROL including operating arrangements and water supply requirements. **SunWater**, a statutory Queensland-owned corporation, manages all water supply schemes in the Queensland Murray–Darling Basin area except for the Border Rivers Water Supply Scheme for which the DNRME is the ROL holder (SunWater manage this scheme under contract to the Dumaresq-Barwon Border Rivers Commission).

The following agencies have a role in managing works for the taking or interfering with water:

- **Department of State Development, Manufacturing, Infrastructure and Planning** administer the *Planning Act 2016* (the Planning Act). The Planning Act establishes a framework for development assessment to achieve ecological sustainability. Operational works are defined as 'accepted' development or 'assessable' development.
- The Director-General of the **Department of Local Government, Racing and Multicultural Affairs** is the assessment manager or referral agency for all development applications where Queensland has jurisdiction. Where development is deemed to be 'assessable', the State Assessment and Referral Agency delivers a coordinated whole-of-government approach to the state's assessment of development applications.
- **DNRME** administers the *Water Regulation 2016* (Qld) which defines the assessment category ('accepted' or 'assessable') for operational works for taking or interfering with water (including watercourse pumps, water bores and instream works). Development must meet requirements prescribed in the regulation to be deemed 'acceptable'.
- **Department of Agriculture and Fisheries** (DAF) administer the *Fisheries Regulation 2008* (Qld) which defines the assessment category ('accepted' or 'assessable') for operational works for constructing or raising a waterway barrier that would inhibit fish passage. Development must meet requirements prescribed in the regulation to be deemed 'acceptable'.

The **Department of Environment and Science** (DES) administers the *Environmental Protection Act 1994* (Qld) (EP Act) and is responsible for water quality policy and planning under the *Environmental Protection (Water) Policy 2009* (Qld) (EPP Water). Under the EPP Water, the Department is developing

Healthy Waters Management Plans which are the main instruments to achieve the Basin Plan water quality requirements. The Healthy Waters Management Plans set the values and uses and water quality targets for the Queensland Murray–Darling Basin that also inform environmental management decisions under the EP Act concerning releases of wastewater to receiving waters, and other Queensland legislation.

Where future releases of stored water from private storages are required to complement environmental flows in the Northern Unregulated Rivers of the Murray–Darling Basin, this is managed under a Store and Release Code of Practice under the EP Act. Water quality in urban areas is managed under the State Planning Policy 2017 (State Interest - Water Quality), which ensures development decisions involving urban stormwater and urban wastewater quality achieves the requirements of the EPP Water.

South Australia

The South Australian Government is responsible for the efficient and sustainable management of water resources across the State and aims to balance all demands for water. The *Natural Resources Management Act 2004 (SA)* (NRM Act) provides the legislative framework for the sustainable and integrated management of the State’s water resources, including surface water, groundwater and watercourse water. Where deemed appropriate, a water resource may be prescribed under the NRM Act to ensure that it is managed sustainably to provide security to all water users. The South Australian Murray–Darling Basin is made up of six prescribed water resources being the River Murray Prescribed Watercourse, Angas Bremer Prescribed Wells Area, Eastern Mount Lofty Ranges Prescribed Water Resources Area, Marne Saunders Prescribed Water Resources Area, Mallee Prescribed Wells Area and Peake Roby and Sherlock Prescribed Wells Area.

Water Licences are statutory instruments that authorise the take of water from a prescribed resource through an endorsed allocation. Water licences identify the use for which an allocation can be used, where it can be used and additional condition of take such as metering and reporting requirements. Some uses such as roadmaking and firefighting are exempt from requiring a licence via a state-wide authorisation under section 128 of the NRM Act.

The **Department for Environment and Water** (the Department) is responsible for enforcing compliance with the NRM Act (and other relevant water resource legislation applicable to South Australia, including the compliance with licenced water allocations and conditions of licence and other water management authorisations.

The Basin Plan establishes roles, responsibilities and obligations for Basin States, the MDBA and the Australian Government. The South Australian Government is responsible for ensuring water resources are managed consistently with the frameworks set out in the Basin Plan.

The MDBA is responsible for implementing various provisions of the Basin Plan, ensuring Basin states comply with the plan, undertaking monitoring and evaluation, reporting on the Plan’s effectiveness, and reviewing the Plan. The South Australian Government will contribute to this evaluation by collecting and analysing data and information related to the State’s obligations under the Basin Plan.

Australian Capital Territory

Water within the **Australian Capital Territory** is managed in an integrated manner by three pieces of legislation, the *Planning and Development Act 2007* (ACT) (Planning Act), the *Water Resources Act 2007* (ACT) (WR Act) and the *Environment Protection Act 1997* (ACT) (EP Act).

The Planning Act defines permitted use of water in each catchment and the values for each catchment.

The WR Act defines water rights in the ACT, including the provision of water for the environment.

The EP Act defines water quality standards for the ACT and controls pollution of waters.

The EP Act and WR Act are administered (licensing, compliance and enforcement) by the Environment Protection Authority.

The EP Act provides powers for compliance and enforcement to the WR Act and penalties for offences relating to water resources (e.g. illegal take, water works, over-use) are defined in the WR Act.

Protection of environmental flows is the guiding principle of ACT water management. Environmental flows are defined in the Environmental Flow Guidelines 2013, which is a subordinate instrument of the WR Act, and embody ecologically sustainable development and the precautionary principle.

The guidelines set out the volumes and timings of environmental flows which then allows for determination of water available for take.

In the ACT, water can only be used for other purposes once environmental flow requirements are met.

Appendix 3: Individual work programs for the Australian Government and the Basin States

In addition to the priority actions, the Australian Government and each Basin State have prepared work programs detailing their specific commitments in response to the compliance reviews within the scope of the Compact.

The work programs are focused on improvements to existing arrangements, or additional commitments necessary to meet relevant review recommendations. Where a jurisdiction already has adequate arrangements in place to address a review recommendation, these arrangements are referenced in their work program.

The work programs are numbered as follows:

1. Australian Government
2. New South Wales
3. Victoria
4. Queensland
5. South Australia
6. Australian Capital Territory

Key

MDBA – Murray–Darling Basin Authority action

DAWR – Department of Agriculture and Water Resources action

Schedule 1 Australian Government**1. Transparency and accountability**

Action	Commitment	Date
MDBA 1.1	The Murray–Darling Basin Authority will publish a Sustainable Diversion Limit reporting and accounting framework.	30 Sept 2018
MDBA 1.2	The Murray–Darling Basin Authority will publish guidelines for the consistent reporting of compliance activities.	30 Sept 2018
MDBA 1.3	The Murray–Darling Basin Authority will report publicly on compliance and enforcement activities, in line with guidelines for the consistent reporting of compliance activities.	Annually from 30 Sept 2018
MDBA 1.4	The Murray–Darling Basin Authority has published information on how members of the public can make an allegation of non-compliance, such as water theft: https://www.mdba.gov.au/basin-plan-roll-out/basin-wide-compliance-review/report-breach-basin-plan .	Completed
MDBA 1.5	On 14 December 2017 the Murray–Darling Basin Authority established a dedicated Office of Compliance: https://www.mdba.gov.au/media/mr/compliance-improvements-track .	Completed
MDBA 1.6	On 12 February 2018 the Murray–Darling Basin Authority established an Independent Assurance Committee: https://www.mdba.gov.au/media/mr/independent-assurance-committee-strengthen-basin-wide-compliance .	Completed
MDBA 1.7	The Murray–Darling Basin Authority will implement a targeted APS Code of Conduct training. In addition to current ethics training as part of the implementation of the APS Code of Conduct training, the Australian Government will introduce integrity awareness training at the Department of Agriculture and Water Resources .	31 Dec 2018
DAWR 1.8	The Australian Government will review the current process to ensure that a broad range of experience is considered as part of the selection process to appoint Murray–Darling Basin Authority members.	31 Aug 2018

2. Compliance and enforcement frameworks

Action	Commitment	Date
MDBA 2.1	The Murray–Darling Basin Authority will commence an audit program to provide assurance of state reporting on Basin Plan compliance, and publish its audit reports and assurance reporting.	30 June 2018
MDBA 2.2	The Murray–Darling Basin Authority will review and revise its web site content with respect to its work on compliance.	30 June 2018
MDBA 2.3	On 14 December 2017 the Murray–Darling Basin Authority published its revised protocol for handling and escalating allegations of non-compliance: https://www.mdba.gov.au/basin-plan-roll-out/basin-wide-compliance-review/action-compliance-review .	Completed
MDBA 2.4	On 14 December 2017 the Murray–Darling Basin Authority published its online register to report on the handling and progress of compliance matters reported to the organisation: https://www.mdba.gov.au/basin-plan-roll-out/basin-wide-compliance-review/action-compliance-review .	Commenced Dec 2017
MDBA 2.5	The Murray–Darling Basin Authority will address the details of its review of internal governance arrangements as noted in action 1.1 when it publishes its revised compliance and enforcement policy.	30 Sept 2018
DAWR 2.6	The Department of Agriculture and Water Resources provided \$9.1 million to strengthen the Murray–Darling Basin Authority's compliance functions. The Murray–Darling Basin Authority will use these funds to increase capacity and resourcing in compliance and enforcement activities.	Completed
DAWR 2.7	The Australian Government will draft the legislative amendments required under the Water Act to give effect to the <i>Murray–Darling Basin Water Compliance Review</i> findings and recommendations regarding the Murray–Darling Basin Authority's compliance and enforcement powers.	31 Dec 2018

3. Metering and measurement

Action	Commitment	Date
MDBA 3.1	The Murray–Darling Basin Authority will publish guidelines for hydrometric networks and hydrological modelling.	30 June 2018
MDBA 3.2	The Murray–Darling Basin Authority will publish an annual quality assurance report on hydrometric data for the River Murray system.	Annually, by 31 Dec
MDBA 3.3	The Murray–Darling Basin Authority will publish a model improvement program for its hydrological models by 30 June 2018.	30 June 2018
MDBA 3.4	The Murray–Darling Basin Authority will publish a practice note on floodplain harvesting measurement.	30 Sept 2018
MDBA 3.5	The Murray–Darling Basin Authority will publish communication materials on sustainable diversion limit compliance and accounting arrangements.	31 Dec 2018

4. Finalising water resource plans

Action	Commitment	Date
4.2	On 1 April 2018 the Murray–Darling Basin Authority increased resourcing for water resource plan assessment.	Completed
4.3	The Murray–Darling Basin Authority will publish quarterly reports on progress with WRP accreditation: https://www.mdba.gov.au/publications/mdba-reports/water-resource-plan-quarterly-reports .	Commenced Feb 2018
MDBA 4.1	In October 2017 Murray–Darling Basin Authority published its water resource plan assessment framework: https://www.mdba.gov.au/sites/default/files/pubs/D17-25883-WRP-Assessment-Framework-16-Nov.pdf . The Murray–Darling Basin Authority is continuing to work with Basin States to implement the framework and streamlined water resource planning processes.	Completed
MDBA 4.2	In February 2018 the Murray–Darling Basin Authority and the Commonwealth Environmental Water Holder agreed on an approach to ensure that the Commonwealth Environmental Water Holder is consulted in relation to water resource plans.	Completed
MDBA 4.3	When the Commonwealth Water Minister is considering if the Minister will accredit state water resource plans based on the requirements of the Basin Plan, the Murray–Darling Basin Authority will provide contextual information to the Minister on compliance and enforcement arrangements in that state.	Ongoing

Action	Commitment	Date
DAWR 4.1	The Department of Agriculture and Water Resources provides funding for the implementation of the Basin Plan, including the development of water resource plans. This funding is provided under the National Partnership Agreement (NPA) on Implementing Water Reform in the Murray–Darling Basin. The Department of Agriculture and Water is considering the criteria used to assess progress against the NPA milestones based on the Australian National Audit Office findings and the recommendations of the mid-term review of the NPA completed in August 2017. The Department of Agriculture and Water will work with jurisdictions/states to establish arrangements as to how this will be implemented.	Commenced 2012-13 and finishes 2019-20
DAWR 4.2	The Department of Agriculture and Water Resources established a team to deal with water resource plan policy issues and liaise closely with the Murray–Darling Basin Authority on the accreditation process.	Completed
DAWR 4.3	The Department of Agriculture and Water Resources will link Basin Plan implementation payments to progress by Basin States in reforming compliance arrangements and make them conditional on the development and delivery of Basin Plan-compliant water resource plans for accreditation by 30 June 2019. The Department of Agriculture and Water will work with jurisdictions/states to establish arrangements as to how this will be implemented.	30 June 2018

5. Protecting and managing environmental water

Action	Commitment	Date
MDBA 5.1	As part of the water resource plan accreditation process, the Murray–Darling Basin Authority will confirm that Basin States have met the requirements of section 10.26 in the Basin Plan, to ensure that water resource plans are consistent with the relevant environmental watering plan and the Basin-wide environmental watering strategy. ⁸	30 June 2019
DAWR 5.2	In delivering the outcomes of the SDL adjustment mechanism, the Australian Government is committed to progress timely funding to relevant Basin States to deliver supply and constraint measures and the roll-out of an efficiency measures program consistent with the 2013 <i>IGA on Implementing Water Reform in the Murray–Darling Basin</i> .	2024

⁸ Noting that (where relevant) states will also implement prerequisite policy measures in the southern Basin (refer to action 5.1) and measures to protect and manage environmental water in the northern Basin (refer to actions 5.2 and 5.3).

Schedule 2: New South Wales

The New South Wales Government has already responded to the Murray–Darling Basin Authority and Matthews Compliance reviews through the Water Reform Action Plan (WRAP). As part of that, New South Wales committed to objectives, actions and timeframes, and we're delivering on those commitments.

The Department of Industry – Water has released a package of consultation papers, and is genuinely consulting with the NSW community to determine how best to implement the commitments and recommendations made in the various reports. The timing for delivery of a number of commitments below will depend on resolutions made under that process. Once those processes are complete, precise targets and timings can be identified.

The NSW Government intends to introduce a Bill into parliament in the first half of 2018 which will provide some of the legislative tools to implement the commitments in the WRAP.

1. Transparency and accountability

Action	New South Wales commitment	Date
NSW 1.1	<p>New South Wales has, through the Natural Resources Access Regulator (NRAR) Board, established a compliance and enforcement strategy and endorsed a NRAR Regulatory Policy that encourages a strong culture of compliance led from the top and a commitment to transparency.</p> <p>https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/144039/NRAR-Regulatory-Policy.pdf</p> <p>NRAR Board minutes are published on the NRAR website.</p> <p>https://www.industry.nsw.gov.au/natural-resources-access-regulator</p> <p>The Minister for Primary Industries, Regional Water and Trade and Industry issued a letter of expectations to the NRAR Board on 27 February 2018 which sets out a clear mandate from Government regarding NRAR's operations.</p> <p>https://www.industry.nsw.gov.au/_data/assets/pdf_file/0008/142793/Letter-of-expectations-to-the-NRAR-Chair.pdf</p> <p>New South Wales also published a Water Reform Action Plan in December 2017 that demonstrates a top level commitment to compliance and transparency across the New South Wales government.</p> <p>https://www.industry.nsw.gov.au/_data/assets/pdf_file/0016/136204/nsw-government-water-reform-action-plan.pdf</p>	Complete
NSW 1.2	<p>New South Wales will review its compliance strategies processes and procedures to ensure that decisions are made in accordance with NRAR Regulatory Policy and that assignment of decision- making responsibilities are clear and at the appropriate level.</p> <p>https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/144039/NRAR-Regulatory-Policy.pdf</p>	30 June 2018

Action	New South Wales commitment	Date
NSW 1.3	New South Wales will commence the development of a program of community awareness and education including work to ensure that water plans, licences and management rules are expressed as simply as possible.	June 2019
NSW 1.4	New South Wales will publish explanatory materials to inform the public on how environmental water is managed.	March 2019
NSW 1.5	New South Wales has established a statewide non-compliance reporting hotline and email reporting channel which includes a facility for anonymous reporting.	Complete
NSW 1.6	New South Wales has, through the NRAR Board, published a guideline document for reporting alleged breaches of the NSW Water Management Act. The document includes contact details and ‘who-is-responsible-for-what’ for compliance and enforcement in NSW and processes for timely feedback to informants throughout the course of an investigation. https://www.industry.nsw.gov.au/_data/assets/pdf_file/0008/156860/NRAR-Compliance-with-water-legislation.pdf	Complete
NSW 1.7	New South Wales will implement comprehensive public reporting on NSW compliance and enforcement activities, as already required under the National Framework for Compliance and Enforcement Systems. Reports will be published on the NRAR website.	To commence Sept 2018
NSW 1.8	New South Wales will implement public reporting of compliance and enforcement activities for each NSW Water Sharing Plan—and after 2019, each NSW Water Resource Plan under the Basin Plan. Reports will be published on the NRAR website.	To commence June 2019
NSW 1.9	New South Wales established and resourced a dedicated Taskforce and Oversight Committee to drive implementation of the NSW Water Reform Action Plan.	Complete
NSW 1.10	New South Wales will commission an annual independent review of progress on the Water Reform Action Plan and publish the results.	April 2019
NSW 1.11	New South Wales has reviewed the Code of Conduct of the Department of Industry, as well as the departmental guidance documents covering the handling of classified and sensitive government information.	Complete
NSW 1.12	New South Wales will review all ethics-related departmental policies, including: Code of Conduct Policy, Fraud and Corruption Prevention Policy, Gifts and Benefits Policy, Sponsorship Policy, ICAC Corruption Prevention Policy, Public Interest Disclosures Policy and processes.	30 June 2018

Action	New South Wales commitment	Date
NSW 1.13	New South Wales will update staff induction processes to emphasise ethical and conduct obligations of staff.	30 June 2018
NSW 1.14	New South Wales has commenced a 'speak up' service to enable anonymous reporting of suspected unsatisfactory conduct.	Complete
NSW 1.15	New South Wales published on 28 March 2018 a new Water Stakeholder and Community Engagement Policy which sets out how the Department of Industry will actively and transparently engage with a wide range of stakeholders in development and implementation of the reforms as well as for future water management. https://www.industry.nsw.gov.au/_data/assets/pdf_file/0011/148529/IND-I-245-Water-Stakeholder-and-Engagement-Policy.pdf	Complete

2. Compliance and enforcement frameworks

Action	New South Wales commitment	Date
NSW 2.1	New South Wales has, through the NRAR Board, published a NRAR Regulatory Policy which commits the NRAR to a risk-based and outcome- focused regulatory strategy that guides regulatory effort including compliance monitoring. https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/144039/NRAR-Regulatory-Policy.pdf	Complete
NSW 2.2	New South Wales will, through the NRAR Board, develop and maintain annual audit priorities in accordance with the NRAR Regulatory Policy that requires an annual risk-based operational plan detailing audit priorities. The operational plan will be published on the NRAR website once finalised.	30 June 2018
NSW 2.3	New South Wales will, through the NRAR Board, will develop and publish process and procedure documents for an escalation pathway once non-compliance is detected that includes: <ul style="list-style-type: none"> • clear guidance for staff in responding to non-compliance and escalating a report of non-compliance • protocols for the engagement senior officers and the NRAR Board • the range of enforcement actions that can be taken in responding to non-compliance • publishing identities of water users who are found guilty of serious water management offences • the involvement of specialist investigators in appropriate NRAR enforcement work and improve the capability of existing staff 	30 June 2018

Action	New South Wales commitment	Date
	<ul style="list-style-type: none"> • how investigators can be supported by water experts and legal officers • post action audits of each major enforcement case to extract learnings and improve processes, procedures and practice. <p>An information publication containing a summary of the escalation process will also be developed and published.</p>	
NSW 2.4	New South Wales will develop rules for entitlement holders to follow in the event of meter failure.	30 June 2019
NSW 2.5	New South Wales will publish a statement of the penalties and sanctions regime under the NSW <i>Water Management Act 2000</i> .	30 Sept 2018
NSW 2.6	New South Wales will review its legislation and if needed propose any amendments necessary to ensure that the compliance and enforcement framework is robust.	30 June 2018
NSW 2.7	New South Wales will recruit specialist investigators and identify the training required to ensure that NRAR staff are adequately trained to competently and confidently undertake compliance activities safely, consistently, lawfully, fairly and in the public interest.	30 June 2018
NSW 2.8	<p>New South Wales, through the NRAR Regulatory Policy which was published in February 2018, has made a commitment to achieve regulator efficiency and effectiveness.</p> <p>https://www.industry.nsw.gov.au/_data/assets/pdf_file/0003/144039/NRAR-Regulatory-Policy.pdf</p> <p>The NRAR structure includes a branch dedicated to regulatory innovation and its Establishment Plan includes a pilot of new water monitoring, metering and measuring technology and the application of the successful technology to inform enforcement and strategic intelligence activity.</p> <p>https://www.industry.nsw.gov.au/_data/assets/pdf_file/0007/145546/NRAR-Establishment-Plan-2018.pdf</p> <p>In the Memorandum of Understanding between the MDBA and the NRAR, the parties agree to endeavour to share experience and opportunities that could enhance compliance and enforcement capacity in relation to, but not limited to:</p> <ul style="list-style-type: none"> • new technologies; • regulatory craft and strategy; • community of practice; • staff training and skills development; and • staff exchanges. 	Ongoing

Action	New South Wales commitment	Date
NSW 2.9	New South Wales will increase compliance and enforcement resourcing by \$9.5 million in the short term. Longer-term resourcing will be determined by the Independent Pricing and Regulatory Tribunal (IPART) pricing determinations.	Ongoing
NSW 2.10	<p>New South Wales has established the NRAR under the NRAR Act, which was assented to in November 2017. NRAR will carry out water compliance and enforcement functions and is governed by an independent Board.</p> <p>NRAR sits within the Department of Industry but is separate to and independent of the water policy, water planning, water delivery, environment and agriculture areas of the business. The Department of Industry is also a separate agency to WaterNSW which carries out customer service functions. The roles, responsibilities and accountabilities agreed to in the settlement will be made publicly available and all parties will continue to work together to ensure a constructive, collaborative working relationship.</p> <p>Details, policies, Board minutes and other documentation are available on the NRAR website. https://www.industry.nsw.gov.au/natural-resources-access-regulator</p>	Complete
NSW 2.11	<p>New South Wales, through a Memorandum of Understanding (MOU) between NRAR and the Murray–Darling Basin Authority, has established a coordinated response to non-compliance and an appropriate escalation pathway for non-compliance to ensure effective and efficient regulation of water management laws.</p> <p>https://www.industry.nsw.gov.au/_data/assets/pdf_file/0008/157049/NRAR-MDBA-signed-memorandum-of-understanding.pdf</p>	Complete
NSW 2.12	<p>New South Wales will develop and publish a process and procedure document for NRAR officers to follow when working with:</p> <ol style="list-style-type: none"> Lands & Forestry officers on overlapping regulatory issues, Other agencies when non-water legislation is involved. 	31 Dec 2018

3. Metering and measurement

Action	New South Wales commitment	Date
NSW 3.1	<p>New South Wales will, through the NRAR, develop and maintain annual audit priorities in accordance with the NRAR Regulatory Policy that requires an annual risk-based operational plan detailing audit priorities. The operational plan and its associated compliance procedures will include:</p> <ul style="list-style-type: none"> • validation processes for required installed meters, • audits of water take by stock and domestic and other rights holders when the potential impact on the environment and other users is assessed as sufficiently high. 	31 Dec 2018
NSW 3.2	<p>New South Wales is in the process of bringing floodplain harvesting into its licensing framework through implementation of the NSW Floodplain Harvesting Policy. The approach to updating the assessment of annual permitted water take by floodplain harvesting will be confirmed following consultation and finalisation of a revised Policy.</p>	30 June 2019
NSW 3.3	<p>New South Wales has been consulting on the proposal to use a staged approach for monitoring floodplain harvesting extractions. NSW will confirm the requirements for the monitoring and measuring of floodplain harvesting diversions and the associated timeframes following the finalisation of a refined NSW Floodplain Harvesting Policy.</p>	30 June 2019
NSW 3.4	<p>New South Wales will work with the Murray–Darling Basin Authority in the development of a guideline for hydrometric data collection and hydrologic modelling for planning and compliance activities to improve Basin Plan compliance and will undertake any subsequent reviews of our hydrometric program in accordance with the Guidelines, noting that any improvements are contingent on funding.</p>	30 June 2019
NSW 3.5	<p>New South Wales will undertake an improvement program to develop hydrologic models of all seven major NSW Murray–Darling Basin river systems using the eWater Source software which will over time displace existing models of the same rivers developed using existing in-house software.</p>	31 Dec 2020
NSW 3.6	<p>New South Wales called for proposals under a Water Pilot Technology Program to support development of new technologies to assist with water regulation, and support compliance and better protection of environmental water in the state’s river systems.</p>	June 2018

4. Finalising water resource plans

Action	New South Wales commitment	Date
NSW 4.1	New South Wales will continue to work closely with the Murray–Darling Basin Authority to complete the NSW WRPs on time.	30 June 2019

5. Protecting and managing environmental water

Action	New South Wales commitment	Date
NSW 5.1	<p>New South Wales has established an Interagency Working Group (IWG) for Better Managing Environmental Water to develop and recommend solutions to improve the management of environmental water.</p> <p>This IWG has prepared advice in its report “Better Management of Environmental Water – Interim solutions package” in May 2018. This package includes interim solution and a roadmap to further investigate a package of enduring solutions to better manage environmental water to deliver Basin Plan environmental outcomes in the unregulated systems of the northern Basin, including the Barwon–Darling River and relevant unregulated tributaries. Enduring solutions will be implemented through the regulatory framework where appropriate, including amendment to water sharing plans as part of the water resource plan development process.</p>	Advice from IWG provided in May 2018
NSW 5.2	<p>To better manage environmental water in the southern-connected Basin, New South Wales is committed to implementing the SDL adjustment mechanism including:</p> <ul style="list-style-type: none"> a) state policies to improve protection of environmental water (also called prerequisite policy measures) as required under the Basin Plan. b) completion of supply and constraints projects, subject to timely funding consistent with the 2013 <i>IGA on Implementing Water Reform in the Murray–Darling Basin</i>. 	<p>30 June 2019</p> <p>June 2024</p>
NSW 5.3	New South Wales through the NRAR will conduct a post-case review after the resolution of cases of allegedly non-compliant extraction of water for irrigation from the Barwon–Darling River system.	Within 3 months of case resolution

Schedule 3: Victoria

Assurance of best practice regulation

Victoria will implement the Compact in accordance with principles of best practice regulation that have been agreed by all Australian Governments. This means Victoria will identify actions in the Compact where there is potential for inconsistency with the principles or unintended consequences and for these actions:

- identify a range of feasible options consistent with the Compact action and assess their costs and benefits in consultation with stakeholders; and
- adopt the option that is effective and proportional to the issue being addressed, and results in the greatest improvement in compliance at the least cost.

1. Transparency and accountability

Action	Commitment	Date
VIC 1.1	To implement 1.1, Victoria will undertake a review of governance arrangements for non-urban water compliance and enforcement to ensure Victoria's strong compliance culture is maintained.	31 December 2018
VIC 1.2	Victoria will continue to maintain a public Water Register website that provides detailed information on entitlements, water availability and use and water trading http://waterregister.vic.gov.au/ Victoria also produces annual water accounts, which provide comprehensive statements of entitlements and usage for surface and groundwater catchments in Victoria http://waterregister.vic.gov.au/water-availability-and-use/victorian-water-accounts	Completed

2. Compliance and enforcement frameworks

Action	Commitment	Date
VIC 2.1	Victoria will publish risk-based compliance strategy guidelines to support the development of consistent compliance strategies by rural water corporations. The guidelines will include requirements for: <ol style="list-style-type: none"> a commitment to transparency; a risk-based approach for guiding compliance monitoring effort; clear assignment of decision making responsibilities; annual audit priorities; and an escalation pathway to apply once non-compliance is detected; and vi. consideration of education, communications and engagement. 	31 December 2018

Action	Commitment	Date
VIC 2.2	Victoria will publish compliance strategies in accordance with compliance strategy guidelines prepared in the above action.	31 December 2019
VIC 2.3	Victoria will publish a Statement of Penalties and Sanctions under the Victorian Water Act.	31 December 2018
VIC 2.4	Victoria will continue to review the Victorian Water Act to: <ul style="list-style-type: none"> i. find opportunities to improve regulatory frameworks to meet best practice and support effective compliance and enforcement; and ii. make best efforts to seek legislative amendment, including penalties and sanctions, where appropriate. 	As needed
VIC 2.5	Victoria applies standard conditions for works licences that require entitlement holders to notify the water corporation within one business day if the meter ceases to function or operate properly http://waterregister.vic.gov.au/images/documents/Policies%20for%20Managing%20Works%20Licences_SIGNED_20160902.pdf	Completed
VIC 2.6	Victoria's water corporations report annually on their compliance and enforcement statistics to the Secretary, Department of Environment, Land, Water and Planning https://www.water.vic.gov.au/water-for-agriculture/taking-and-using-water/water-compliance-report-2016-17	Completed
VIC 2.7	Victoria's water corporations will continue to report on their compliance with the Victorian Water Act.	Completed
VIC 2.8	Victoria will continue to seek ways to improve its annual reporting on compliance activities to ensure improved transparency.	As needed
VIC 2.9	Victoria will develop training manuals for compliance with the Victorian Water Act consistent with new compliance strategies.	31 December 2019
VIC 2.10	Victoria promotes compliance with the Victorian Water Act through public education programs and information.	Completed
VIC 2.11	Victoria will continue to promote innovation in the water sector, which may include the adoption of new technologies where it is cost effective to do so.	Ongoing, as per Victorian Government policy

3. Metering and measurement

Action	Commitment	Date
VIC 3.1	Victoria will publish:	
	<ul style="list-style-type: none"> (a) guidelines to support the development of Implementation Plans for Metering by rural water corporations; and (b) Implementation Plans in accordance with the guidelines prepared in VIC 3.1(a). 	<p>30 March 2019</p> <p>30 June 2019</p>
VIC 3.2	Victoria estimates water use, in the event of meter failure, as provided for in section 142(2) of the Victorian Water Act and section 3.7 of the Customer Service Code for Rural Water Corporations.	Completed
VIC 3.3	Victoria accounts for water use from small catchment dams and domestic and stock bores, uses best endeavours to improve these accounting methods over time, and periodically reviews the long-term risks to Victoria's water resources through mechanisms such as long-term water resource assessments and sustainable water strategies http://waterregister.vic.gov.au/water-availability-and-use/victorian-water-accounts	Completed
VIC 3.4	Victoria operates its flow monitoring network in line with best practice, including minimisation of data loss.	Completed
VIC 3.5	Victoria will undertake an audit of its monitoring network control structure condition and prepare a prioritised work program.	30 June 2019
VIC 3.6	Victoria will document water resource assessment tools and models to meet Basin Plan compliance obligations, and will submit the relevant documentation to the Commonwealth as part of the existing water resource plan accreditation process.	In progress
VIC 3.7	Victoria works closely with other members of the National Hydrology and Modelling Partnership to implement eWater Source https://www.water.vic.gov.au/water-reporting/surface-water-modelling/hydrological-modelling-using-ewater-source	Completed

Schedule 4: Queensland

Key

QLD – Queensland

DNRME – Department of Natural Resources, Mines and Energy

Overview: Murray–Darling Basin Compliance Compact – Queensland Work Program

The Queensland Government Response to the findings of the Independent Expert Panel audit of Queensland’s non-urban water measurement and compliance and to the Murray–Darling Basin Compliance Compact (including the Murray–Darling Basin water Compliance Review) (the compact) is available www.dnrme.qld.gov.au.

The Department of Natural Resources Mines and Energy (DNRME) is responsible for implementing the Queensland Government Response. The DNRME has developed and commenced implementation through the Rural Water Management Program, available www.dnrme.qld.gov.au.

The Rural Water Management Program will deliver a comprehensive response across four themes that underpin the successful implementation of Queensland’s rural water management. The program will deliver:

- Transparent water information
- Strengthened metering
- Appropriate regulatory frameworks are in place
- Robust compliance that build community confidence

The Queensland’s strong water planning program, delivered by DNRME, addresses the compact’s themes of Finalising water resource plans and Protecting and managing environmental water. For further information on water planning in Queensland visit <https://www.business.qld.gov.au/industries/mining-energy-water/water/catchments-planning/planning> and for further detail on Queensland Murray–Darling water plans <https://www.business.qld.gov.au/industries/mining-energy-water/water/catchments-planning/qld-murray-darling-basin>.

In addition to the actions and timeframes committed to in the Compliance Compact, the key deliverables for Queensland are set out in the following work program.

1. Transparency and accountability

Action	Commitment	Date
QLD 1.1	The Queensland Government Response and the Rural Water Management Program demonstrates Queensland's commitment to Action 1.1	Commenced at June 2018
QLD 1.2	The Queensland Government has established a new Water Markets and Supply Division within DNRME to improve the transparency of water management, allocation and use. The new Division will provide greater separation between operational and compliance responsibilities within DNRME and provide a regulatory framework assurance role.	Commenced at May 2018
QLD 1.3	DNRME released a trial version of its new water dashboard for two water management areas to provide water users with information on their entitlements, water availability and their usage.	Commenced at March 2018
QLD 1.4	As part of delivering the Queensland Government's response, DNRME will develop and implement a formalised management framework and associated governance arrangements for its rural water management water business. This framework will include assurance and audit processes.	December 2018
QLD 1.5	DNRME will also release an online tool to help the community identify available water throughout Queensland.	December 2018
QLD 1.6	DNRME will consider the need for investment in water information and accounting systems once it has completed its review of its existing systems.	Commenced – June 2019

2. Compliance and enforcement frameworks

Action	Commitment	Date
QLD 2.1	The Queensland Government will review existing legislation and policies and identify enhancements in relation to its water compliance arrangements.	July 2018
QLD 2.2	DNRME will build on existing systems and processes to deliver a robust approach to water plan implementation and compliance that is consistent with other natural resource operational activities undertaken by DNRME . This will include finalising compliance policies, procedures and guidelines to support compliance activity	Ongoing
QLD 2.3	The Queensland Government will publish an annual review of water regulatory activities, governance and achievements and set regulatory strategies for the coming business year.	Commencing -mid 2019

3. Metering and measurement

Action	Commitment	Date
QLD 3.1	DNRME already has a metering policy which is consistent with AS4747. DNRME will focus resources on implementing this policy in high risk areas.	Ongoing
QLD 3.2	DNRME's Water Monitoring Network is quality assured to ISO 9001 and is widely recognised as best practice. Annual reviews will continue to assess the adequacy and scope of the network and innovation opportunities.	Ongoing
QLD 3.3	DNRME is currently undertaking a state-wide review and audit of Queensland's hydrometric network and the development of a risk-based program to implement corrective actions and ensure the state's monitoring networks are fit-for-purpose	Commenced at March 2018
QLD 3.4	Based on the pressure on the water resource in each catchment, DNRME will undertake a state-wide risk assessment of its water measurement (including metering) and monitoring activities. Future compliance and metering activities will focus on highest priorities identified.	October 2018
QLD 3.5	In future, water plans will consider on a risk basis appropriate metering and measurement priorities as they are developed or updated.	Ongoing – whole of Qld
QLD 3.6	DNRME , as the lead agency with responsibility for water measurement and metering, will review its metering policy and where necessary, provide recommendations to government for improved measurement and metering arrangements.	February 2019
QLD 3.7	DNRME will review its existing metering policy to ensure it delivers a comprehensive validation, maintenance and assurance regime, consistent with Australian Standard 4747.	February 2019
QLD 3.8	DNRME will require Resource Operations Licence (ROL) holders to provide an independent report on the condition and quality of the Hydrometric monitoring networks.	December 2019
QLD 3.9	The draft Border Rivers and Moonie Water Plan proposes that large volume overland flow water take is measured in high priority areas. Note that the existing Water Plan (Condamine-Balonne) Water Plan currently regulates overland flow take in the Lower Balonne near St George.	June 2020

4. Finalising water resource plans

Action	Commitment	Date
QLD 4.1	Queensland has continually committed to and has been delivering its basin plan commitments in full and on time. Queensland has delivered the only accredited water resources plan.	Ongoing
QLD 4.2	In April 2018, Anthony Lynham Minister for Natural Resources, Mines and Energy released the draft water plans for the Condamine-Balonne and Border Rivers and Moonie catchments.	See Qld 4.3
QLD 4.3	Queensland is on track in meet its commitments to enable the Commonwealth to accredit these remaining water plans by 30 June 2019.	

5. Protecting and managing environmental water

Action	Commitment	Date
QLD 5.1	Queensland catchment MDB water plans already provide protection and management mechanisms for environmental water held by the Commonwealth. There are also provisions to enable the Commonwealth to relocate its purchased entitlements to enable active management.	Ongoing
QLD 5.2	Queensland's existing water plans already provide protection and management of environmental water. The Condamine Balonne Water Plan reflects the specific management strategies and address high risks in the Lower Balonne.	Ongoing
QLD 5.3	The draft Queensland MDB plans released for community consultation in April 2018 further expand and deliver on the protection of environmental flows.	See QLD 4.3

Schedule 5: South Australia

1. Transparency and accountability

Action	Commitment	Date
SA 1.1	Department of Environment and Water (DEW) has established a comprehensive compliance framework as detailed in the MDBA and independent panel reviews. Through publication of compliance Web pages and annual public reporting, DEW demonstrates and leads a strong compliance culture in South Australia.	Completed
SA 1.2	DEW has clearly documented delegated powers at the position level for each section of the NRM Act, which are maintained centrally. In addition, all breaches under the NRM Act have been documented with an extensive list of compliance actions for each. A framework has also been developed which includes consideration of discretionary factors to guide which action is selected. Furthermore, a series of compliance escalation pathways have been documented for a number of breaches. Collectively, these documents clearly define decision making processes and assigned responsibilities.	Completed
SA 1.3	<p>South Australia has undertaken a number of actions which demonstrate a commitment to transparency, including but not limited to:</p> <ul style="list-style-type: none"> • Annual public compliance reporting online; • Explanatory information online (links provided throughout table); • Public database of licences and permits; and • Accessible/live tools for customers. <p>DEW has a Report an offence web page and all pages of the Department's website provides the option for members of the public to provide general feedback or raise concerns. All water compliance concerns are investigated and actioned where appropriate. The Department works directly with licence holders/alleged offenders on compliance issues and specific compliance action and the name of offending parties are publicly released when a successful prosecution has been made. The Department also publishes annual statistics on compliance action undertaken. Feedback/concerns are also considered in annual compliance planning.</p> <p>To ensure that SA remains self-reflective, transparent and accountable in its compliance actions, DEW recently (end of 2017) undertook a Water Compliance Review which was independently audited. This internal review process (with potential external audit) and report will be undertaken by South Australia on an annual basis with findings reported to the Minister.</p>	Completed
SA 1.4	All water compliance functions are within DEW (with support from the Crown Solicitor's Office within the Attorney General's Department). Whilst all water compliance functions are within DEW , there is an appropriate separation and stability of functions for appropriate governance.	Completed

Action	Commitment	Date
	<p>The majority of compliance issues are dealt with and resolved within the Water Licensing Branch. Complex, protracted and/or high level compliance issues are referred by the programme to the Department's Compliance Unit for formal investigation and prosecution where appropriate. In addition, the Prosecutions Steering Committee (PSC) has been established within DEW to assist the Chief Executive in making routine prosecution/enforcement determinations related to alleged breaches of legislation administered by DEW.</p> <p>The PSC includes representation from the Water Licensing Branch, Compliance Unit and Crown Solicitor's Office. The role of the PSC is to make consistent and transparent recommendations to the Chief Executive and the Minister on whether to prosecute an alleged offender(s) and to make decisions throughout court proceedings on prosecution and civil enforcement proceedings referred to the Crown Solicitor's Office.</p>	

2. Compliance and enforcement frameworks

Action	Commitment	Date
SA 2.1	Under the National Framework for Compliance and Enforcement (NFCE) South Australia made a commitment to undertake on-ground water compliance monitoring that is risk based, focussing closely on water theft from the State's water resources that are categorised at the highest level of risk. The Department for Environment and Water (DEW) undertakes an annual review of water theft risk categories and published this resulting data by updating an interactive map on the ' WaterConnect ' Web page annually. DEW's metering strategy is also risk-based where all sources are required to metered except in low-risk situations as identified in the relevant meter implementation plan.	Completed
SA 2.2	Under the NFCE, DEW implemented and continues to undertake annual compliance planning with consideration of water theft risk categories to determine audit priorities. The targeted compliance monitoring programmes and results are published on the Department's ' Water compliance reporting ' Web page within the first quarter of each water use year.	Completed
SA 2.3	Under the NFCE, DEW developed Water Compliance Escalation Pathway Guidelines and associated resources which outline water related breaches and the applicable compliance options for each breach. The guidelines provide a consistent framework for choosing compliance actions through consideration of a set of discretionary factors and documented decision pathways. Whilst completed and in use, these guidelines have not been published.	Publication by 30 June 2018

Action	Commitment	Date
SA 2.4	<p>Water licence customers are advised of the mandatory protocol to follow in the event of meter failure (immediate notification to Department) through a condition of water licence. In addition the South Australian Licensed Water Use Meter Specifications, published on DEW's 'Metering water use' Web page, requires 48 hours' notice to DEW prior to any works on a meter and that certain details are provided to the Department within 14 days of a repair, relocation or replacement of a meter. An online Water Meter Notification Form is available to all customers on DEW's 'Water meter notification' Web page, as a tool to assist them to complete these requirements.</p>	Completed
SA 2.5	<p>DEW reviews the penalties for excess and unauthorised take of water on an annual bases. Penalty rates are published in the South Australian Government Gazette annually, once approved by the Minister for Sustainability, Environment and Conservation. In addition, DEW publishes penalty rates on its 'Fees, charges and penalties' Web page. Customers are further reminded of their water entitlement obligations, including the obligation to ensure that they do not take water in excess of their allocation, on DEW's 'Water compliance reporting' Web page.</p>	Completed
SA 2.6	<p>DEW publishes data on compliance actions undertaken in the previous year annually on the 'Water compliance reporting' Web page, including the number of investigations underway, prosecutions underway and successfully completed. In addition, the Department issues a media release where a successful prosecution has been made and details of prosecutions are publically available on the Court's website.</p> <p>This data does not currently make reference to the timeliness of addressing allegations, nor is all data presented on a resource scale. These amendments will be considered in future reports. Notwithstanding this, the Compliance Unit of DEW tracks progress of cases (prosecutions) and provides regular updates on how cases are progressing through the Prosecutions Steering Committee. Whilst the statute of limitations is considered for all offences, the Compliance Unit has a target of 180 days (self-imposed) to resolve cases. This target is less than the statute of limitations.</p>	Completed (next update due October 2018)

Action	Commitment	Date
SA 2.7	<p>DEW's Compliance Unit includes a position titled Coordinator, Authorised Officer Training and Governance. This position conducts and monitors the training requirements of all compliance staff across DEW. All compliance staff have access to documents (such as procedures and guidelines) and tools which enable them to effectively undertake their roles and are notified of any relevant changes to these documents, often represented on working groups developed to review and implement changes.</p> <p>The following compliance training specific to water is offered through the Compliance Unit:</p> <ul style="list-style-type: none"> • General Regulators Training Course (3 days) ; • NRM Authorised Officer workshop – Water (2 days), includes interpreting legislation as well as exhibit management and reporting of offences; • Expiation of Offences Act – Training/refresher Workshop (1 day); • Gathering Information through interviews (1 day); and • Assessment Compliance Officer - Expiation and note taking refresher course (1 day) <p>All compliance staff within the Water Licensing Branch of DEW have at least completed the training requirements to become State Authorised Officers under the NRM Act.</p>	Completed
SA 2.8	<p>Community education programs, which encourage voluntary compliance through enhanced understanding, are included as a consideration in annual compliance planning (and are considered to be a targeted compliance monitoring programme) and are advertised each water use year. Where necessary DEW develops fact sheets and information guides which are published on DEW's website and/or provided direct to regular customers. Some recent examples are the 'How to Read Your Meter' fact sheet and the 'Guide to water licences and water allocations in the Western Mount Lofty Ranges'.</p>	Completed
SA 2.9	<p>DEW maintains a publically accessible Water Licence and Permit Register of information in relation to water rights and their ownership. Additional water account information is available to water account holders when submitting a meter reading online. Account balances and water usage information is not supplied to third parties as it is considered private information and DEW is not obligated to provide this information publically by law. In addition, South Australia is currently undertaking a project to develop an enhanced water register. Accessibility to data will be considered through this development process.</p>	Completed
SA 2.10	<p>A meter is identified by DEW using the unique serial number, most commonly located on the face of the meter. This is referred to as the meter number which is also featured on a customer's instrument documents (i.e. works approval). The Water Licence and Permit Register includes publically available information on entitlements and limited information with regard to source</p>	Completed

Action	Commitment	Date
	details. Meter/pump details, such as location, do not feature on this public register. South Australia is currently undertaking a project to develop an enhanced water register. Accessibility to data will be considered through this development process.	
SA 2.11	DEW is currently exploring the potential benefits of utilising satellite technology (such as the internet of things or virtual water meter technology) to enhance compliance monitoring programmes as well as gain insight into crop/industry based irrigation practices.	In progress
SA 2.12	Partial cost recovery in place with opportunities being reviewed for full cost recovery. Funding for Murray–Darling Basin water licensing and compliance activities are currently segmented from other state funding, in a project costing model. This ensures transparency and accountability of South Australian Murray–Darling Basin responsibilities under state funding.	Completed

3. Metering and measurement

Action	Commitment	Date
SA 3.1	<p>The South Australian Licensed Water Use Meter Policy (the Meter Policy) requires that all licensed water use shall be metered. The Meter Policy further defines that implementation of the policy will be sufficiently flexible to recognise on-ground implementation issues.</p> <p>Meter implementation plans developed for prescribed resources may define and document situations where flexible provisions are to be utilised. Flexibility applies in limited low risk situations in the South Australian Murray–Darling Basin, as defined in the Meter Implementation Plan for the River Murray Prescribed Watercourse. South Australia commits to reviewing its metering framework to require that AS4747 meters be used where a suitable meter is available for all new and replacement meters, to be implemented from 1 July 2019.</p>	Completed
SA 3.2	South Australia commits to reviewing its metering framework to require that AS4747 meters be used where a suitable meter is available for all new and replacement meters, to be implemented from 1 July 2019. It is hoped that this will help foster demand for manufacturers to market compliant meters.	In Progress
SA 3.3	<p>DEW agrees that all take via water entitlements must be metered unless exempted by government policy and to publish circumstances where a meter may not be required with justification through a risk or cost benefit assessment. South Australia does this through publication of meter implementation plan for each prescribed resource.</p> <p>DEW to review metering framework by 30 June 2019 with a view to all new and replacement meters installed being AS4747</p>	30 June 2019

Action	Commitment	Date
	compliant where a suitable meter is available.	
SA 3.4	South Australia is committed to exploring opportunities to mandate telemetry for high risk extractions.	In Progress
SA 3.5	As per SA 2.4.	Completed
SA 3.6	<p>Meter installations in South Australia are either validated by DEW or by an accredited validator. An accredited validator is a person in the private sector who has undertaken the appropriate training and has been supplied with validator ID by DEW, allowing them to sign off on a meter installation. Accordingly, DEW suggests the words ‘compliance agency’ be replaced by an accredited validator.</p> <p>Further, the South Australian Licensed Water Use Meter Specification requires that all meters are serviced at least every five years to ensure they continue to operate within acceptable accuracy limits.</p>	Completed
SA 3.7	As per Action SA2.10.	Completed
SA 3.8	DEW to review South Australian metering framework, including a metering improvement plan.	30 June 2019
SA 3.9	<p>DEW undertakes both random and targeted compliance monitoring programmes for the South Australian River Murray Prescribed Watercourse. DEW will continue to monitor compliance through a risk based approach, which considers water theft risk based on based on the level of availability and use of water, current and future demand and the impact of unlawful or unauthorised use. Further information can be found on DEW’s Risk-based water compliance’ Web page.</p> <p>South Australia is undertaking a project to determine the level of unlicensed take from SA’s portion of the River Murray. DEW also has oversight over water related development for non-licensed used through the issue of water affecting activity permits (e.g. for well or dam construction). In addition, DEW has a groundwater monitoring network across both prescribed and non-prescribed areas of the state which monitors the status and trends of groundwater resources.</p>	Completed
SA 3.10	DEW is currently undertaking a review and business improvement of hydrological modelling activities. This external review is expected to be completed by 30 June 2018. DEW are also preparing a stock take of hydrological models, which includes the consideration of future maintenance and improvement requirement, and application benefits for each model.	30 June 2018

4. Protecting and managing environmental water

Action	Commitment	Date
SA 4.1	South Australia is committed to implementation of the Basin Plan on time and in full.	In Progress

Schedule 6: Australian Capital Territory

1. Transparency and accountability

Action	Commitment	Date
ACT 1.1	<p>The ACT Environment Protection Authority (EPA), encourages strong culture of compliance that is led from the top, and resides within Access Canberra which is a consolidated regulatory agency that has a number of statutory roles that operate independent of bureaucratic influence or direction; but receive the full support of Access Canberra staff and executive as required.</p> <p>The ACT EPA only has water regulation functions (licence, audit, compliance and enforcement). It does not perform operational functions (supply, releases etc).</p>	Complete
ACT 1.2	<p>Within the ACT, there is a clear assignment of decision making responsibilities at appropriate levels, with decisions made on the grounds set out in published compliance strategies, for example the Environment protection compliance framework.</p>	Complete
ACT 1.3	<p>The ACT supports a transparent water management system. The ACT has a program to ensure information about entitlements, allocations, licence conditions, meter readings, account balances and so on are easily accessible to the public in real-time. The ACT EPA maintains a public register for Entitlements and Licenses issued under the <i>Water Resources Act 2007</i> (Cth).</p>	Complete
ACT 1.4	<p>Awareness is raised, and information is provided, about water plans, licences and management rules through the licence administration process and through the ACT government Environment Directorate website. The ACT will continue to ensure fact sheets and information guides are published online and/or provided to licence holders.</p>	Complete
ACT 1.5	<p>The ACT is committed to transparency. The ACT EPA has undertaken a number of actions which demonstrate a commitment to transparency, including but not limited to:</p> <ol style="list-style-type: none"> Publishing annual public compliance reporting; Public database of licences and permits; and Using the Access Canberra customer relationship management system that provides for rapid response on any regulatory topic. 	Complete

2. Compliance and enforcement frameworks

Action	Commitment	Date
ACT 2.1	The ACT EPA will continue to ensure that compliance staff are adequately trained as required https://www.cmtedd.act.gov.au/_data/assets/pdf_file/0020/1181117/Core-learning-policy.pdf	Complete
ACT 2.2	In line with the National Framework for Compliance and Enforcement (NFCE) the ACT EPA undertakes risk based compliance monitoring, focusing on water resources that are categorised at the highest level of risk.	Complete
ACT 2.3	The ACT EPA continues to undertake annual compliance planning for all its regulatory activities according to risk assessments.	Complete
ACT 2.4	Compliance escalation pathways and associated resources which outline breaches and the applicable compliance options through consideration of a set of discretionary factors are outlined in the ACT EPA compliance framework: https://www.accesscanberra.act.gov.au/ci/fattach/get/160507/1501544552/redirect/1/filename/Environment+protection+compliance+framework.pdf	Complete
ACT 2.5	The ACT EPA publishes its water resources regulation activities (including compliance actions) undertaken during the previous year in the Directorate's annual report .	Complete
ACT 2.6	In line with the requirements of the NFCE, the Water Resources Act 2007 (ACT) was reviewed ensure its sanctions and penalties aligned with other states. Amendments were made in 2013 and included specific provisions for meter tampering, submission of bore reports and unauthorised bore work. An outline of the ACT's penalties and sanctions regime is included in the ACT EPA compliance framework. The regime was reviewed under the NCFE: https://www.accesscanberra.act.gov.au/ci/fattach/get/160507/1501544552/redirect/1/filename/Environment+protection+compliance+framework.pdf	Complete

3. Metering and measurement

Action	Commitment	Date
ACT 3.1	In line with the 'No meter, no pump' policy, in the ACT it is a standard condition on all licences to take water.	Complete
ACT 3.2	The ACT will continue to implement the policy that an AS4747 meter must be installed where there is an appropriate pattern-approved meter on the market. The implementation of AS4747 meters is problematic in the ACT as currently there are insufficient meters available on the market suitable for all field situations. Jurisdictions have suggested that this recommendation be re-framed to be that an AS4747 meter must be installed where there is an appropriate pattern-approved meter on the market. The ACT EPA Water Meter Installation, Maintenance and Replacement Guideline reflects that intent.	Complete
ACT 3.3	The ACT will continue to ensure that 95% of meterable take in each water resource area is metered using AS4747 compliant meters by 31 December 2022. This is part of licence conditions and detailed in the March 2015 Water Meter Installation, Maintenance and Replacement Guideline .	Complete
ACT 3.4	Telemetry is not required for the ACT's spatial scale. It would introduce costs and regulatory burden on licensees without significant improvement in data collection.	N/A
ACT 3.5	The ACT has published a mandatory protocol to be followed in the event of meter failure, as detailed in the March 2015 Water Meter Installation, Maintenance and Replacement Guideline and as a condition of a licence.	Complete
ACT 3.6	The ACT will continue to follow its risk assessment program for licences, which results in a meter being inspected once every three years.	Complete
ACT 3.7	For transparency and to assist compliance, the ACT will continue to ensure that meters are identified using a unique serial number, most commonly located on the face of the meter. This is referred to as the meter number which is also kept on a customer's licence file. The information is available upon specific request.	Complete
ACT 3.8	The ACT Government achieves cost recovery through fees under the Water Resources Act 2007 (ACT).	Partial
ACT 3.9	The ACT will continue to report on metering stock in the ACT annual reports. Given the characteristics of the ACT's metering stock (age, quality and variety), the ACT does not require an improvement plan (ie except the Utility, all meters are off the shelf commercial retail units).	N/A

Action	Commitment	Date
ACT 3.10	The ACT has completed an audit water take by stock and domestic and other rights holders, to identify areas of stress on water resources from the exercise of these rights, and put in place measures to monitor compliance, performed during the ACT component of the NFCE project.	Complete
ACT 3.11	The ACT EPA trials new technology and where appropriate implements it, to achieve greater customer outcomes.	Ongoing

Appendix 4: Barwon–Darling catchment, New South Wales

Overview

New South Wales is implementing a suite of reform measures to restore public confidence in water management across NSW. This started with the establishment of the independent Natural Resources Access Regulator and the release of the Water Reform Action Plan in December 2017 that sets out key commitments to implement the recommendations of the Matthew’s Investigation and the Murray–Darling Basin Water Compliance Review over a two-year period.

While these reforms will improve water regulation and management across the whole state, a number of these initiatives will have particular benefits in the Barwon–Darling system.

The NSW Government has been consulting with the community about three key reform areas – improving transparency of water information, better management of environmental water, and water take measurement and metering. The feedback from this consultation process informed the legislation introduced to NSW Parliament in June 2018 and consultation will continue as regulations and further policy positions are developed.

Metering and measurement

New South Wales has committed to implement a robust framework to measure and meter water take, that meets the objective of ‘no meter, no pump’.

It is proposed that the future metering requirements are implemented through a staged process based on risk. The first stage of the roll out will include large water users, including those within the Barwon–Darling system.

In the Barwon–Darling, it is proposed that all large water users with pumps over 500 mm will be required to have accurate meters by December 2019. This is expected to cover approximately 94% of licensed water take capacity in the Barwon–Darling system. By December 2020, it is proposed that all other users in the Barwon–Darling with pumps over 100 mm will be required to have accurate meters.

Staging the implementation of the roll out of the new metering policy is critical as a number of market barriers need to be overcome. For example, correct installation is critical to making sure that meters are accurate and perform properly. Accordingly, it is important that meters are installed by duly qualified people. Currently there aren’t sufficient numbers of certified installers to meet the projected demand. We intend to work with the market to increase the number of installers available in NSW.

Managing environmental water and finalising water resource plans

New South Wales is committed to improving the management of environmental water across the state, including in the unregulated systems of the northern Basin.

In May 2018, a specially-formed Interagency Working Group delivered advice to the Minister for Regional Water setting out proposed ‘interim solutions’ to manage environmental water better.⁹ These are solutions that can be implemented quickly to address immediate issues, until revised water sharing plans

⁹ *Better Management of environmental water – Interim Solutions Package*, Advice from the Interagency Working Group for Better Managing Environmental Water, published 5 June 2018. <https://www.industry.nsw.gov.au/water-reform/better-management-of-environmental-water>

come into effect as part of the roll out of water resource plans.

The Working Group's advice included a roadmap to deliver the interim solutions, as well as to progress enduring solutions for the longer-term. Development of enduring solutions to better manage environmental water includes identification of options to better manage flows that are at the lower end of the flow regime. This includes options to manage resumption of flows after an extended dry period and whole of river connectivity. Analysis of these options will provide an evidence base for implementing a balanced enduring solution.

Before the revised water sharing plans take effect in July 2019, the NSW Government has committed to the following measures in the Barwon–Darling to support environmental, social, cultural and economic outcomes:

- continue current trial using temporary water restrictions to protect held environmental water (HEW) in the Northern Connectivity Event while HEW is instream
- where both HEW and other flows are present, establish event protocols to balance the protection of instream HEW and extractive use, and trial active management to share flows
- establish event protocols to manage resumption of flow following a cease-to-flow event and trial in the Barwon–Darling through use of temporary water restrictions (made through a s.324 order) if climatic conditions arise.

Legislation introduced to NSW Parliament in June 2018 also amends the *Water Sharing Plan for the Barwon–Darling Unregulated and Alluvial Water Sources 2012* to allow for:

- active management to share flows between the environment and other users¹⁰
- review, definition and implementation of total daily extraction limits and individual daily extraction limits, and to clarify individual annual take limits for water access licences.

Over the next 12 months a package of enduring solutions for improved management of environmental water will be developed, informed by lessons from implementing the interim solutions described above and further engagement with stakeholders. Many of these solutions will be implemented through water resource plans.

Improved compliance and enforcement frameworks

As part of the Natural Resource Access Regulator's (NRAR) Regulatory Policy, annual audit priorities are required to be identified and strategic audits in the Barwon–Darling has been identified as a compliance priority between June and August 2018.

Specifically NRAR will be focusing its compliance monitoring activities and seeking to improve compliance in the Barwon–Darling in relation to:

- installation and maintenance of metering equipment;
- failure to keep a log book when required to do so; and
- the protection of environmental water.

¹⁰ Changes to facilitate active management of flows also apply to the Macquarie-Bogan and the Gwydir Unregulated and Alluvial Water Sources water sharing plans.

Future compliance priorities will be determined based on any identified ongoing risk.

The Memorandum of Understanding between the Murray–Darling Basin Authority and NRAR dated 20 February 2018 will also be used to support information sharing, co-ordination, capacity building and development of a joint work program for activities and operations in the Barwon–Darling.

NRAR has committed through the Compact to publicly report on compliance and enforcement activities and will identify activities by region including the Barwon–Darling. NRAR has also committed through the Compact to conduct a post case review after the resolution of cases of alleged non-compliant extraction of water for irrigation from the Barwon–Darling.