



Australian Government



QLD – Water Resource Plan Compliance reporting

Basin Plan Schedule 12, Matter 19 Report

Warrego Paroo Nebine Water Resources Plan

Reporting Year 2019–20

Published by the Murray–Darling Basin Authority
MDBA publication no: 28/21
ISBN (online): 978-1-922396-59-4



GPO Box 1801, Canberra ACT 2601
engagement@mdba.gov.au



1800 230 067
mdba.gov.au

© Murray–Darling Basin Authority 2021

Ownership of intellectual property rights



With the exception of the Commonwealth Coat of Arms, the MDBA logo, trademarks and any exempt photographs and graphics (these are identified), this publication is provided under a *Creative Commons Attribution 4.0* licence. (<https://creativecommons.org/licenses/by/4.0>)

The Australian Government acting through the Murray–Darling Basin Authority has exercised due care and skill in preparing and compiling the information and data in this publication. Notwithstanding, the Murray–Darling Basin Authority, its employees and advisers disclaim all liability, including liability for negligence and for any loss, damage, injury, expense or cost incurred by any person as a result of accessing, using or relying upon any of the information or data in this publication to the maximum extent permitted by law.

The Murray–Darling Basin Authority’s preference is that you attribute this publication (and any Murray–Darling Basin Authority material sourced from it) using the following wording within your work:

Cataloguing data

Title: QLD – Water Resource Plan Compliance reporting 2019–20, Murray–Darling Basin Authority Canberra, 2021. CC BY 4.0

Accessibility

The Murray–Darling Basin Authority makes its documents and information available in accessible formats. On some occasions the highly technical nature of the document means that we cannot make some sections fully accessible. If you encounter accessibility problems or the document is in a format that you cannot access, please contact us.

Acknowledgement of the Traditional Owners of the Murray–Darling Basin

The Murray–Darling Basin Authority pays respect to the Traditional Owners and their Nations of the Murray–Darling Basin.

We acknowledge their deep cultural, social, environmental, spiritual and economic connection to their lands and waters.

The guidance and support received from the Murray Lower Darling Rivers Indigenous Nations, the Northern Basin Aboriginal Nations and our many Traditional Owner friends and colleagues is very much valued and appreciated.

Aboriginal people should be aware that this publication may contain images, names or quotations of deceased persons.

Contents

Context 1

Part A: Core questions 2

Part B: Detailed questions 7

Context

In accordance with the requirements of the Basin Plan (2012) Section 13.14, Schedule 12, Matter 19, Basin States are required to produce an annual report to the Murray–Darling Basin Authority (MDBA), in relation to Compliance with Water Resource Plans. The MDBA must publish copies of all reports (Section 13.22).

The Matter 19 reporting assists in the monitoring and evaluating the effectiveness of the Basin Plan against the relevant objective and outcomes set in the Basin Plan.

The Queensland (QLD) Warrego Paroo Nebine Water Resource Plan (WRP) is the first accredited WRP under the Basin Plan. The 2019–2020 water year signalled the first complete operational year for this WRP.

The MDBA provided the QLD, Department of Natural Resources, Mines and Energy (DNRME), as the relevant Basin State reporter, with four core questions relating to the overall compliance with the Water Resource Plan and an additional targeted question.

Matter 19 reporting questions were provided to QLD by the end of June 2019, prior to the commencement of the reporting year, to allow QLD to plan how they collected the relevant information and data during the water year.

The Matter 19 report for the Warrego Paroo Nebine Water Resource Plan was provided to the MDBA on the 4th November 2020.

Reporting for Basin Plan Schedule 12 Matter 19

Part A: Core questions

These questions apply only to accredited water resource plans (WRPs) in operation during the entire 2019-2020 water year. For Queensland this is only the Warrego Paroo Nebine Water Resource Plan.

Matter 19 reporting question	State agency response
<p>1. Is the state agency aware of non-compliance with the rules and/or obligations created by the Warrego Paroo Nebine water resource plan (WRP)?</p>	<p>There are three elements to this:</p> <ol style="list-style-type: none">1. Compliance by Queensland Department of Natural Resources, Mines and Energy (DNRME), which administers the water resource plan, with their obligations under the water resource plan, including under state-based water plans and water planning instruments such as water management protocols. Queensland is not aware of any instances of non-compliance with the rules and obligations created for Queensland by the Warrego Paroo Nebine WRP. In 2020 the Murray–Darling Basin Authority (MDBA) commenced its first audit on water resource plan compliance in Queensland, focussing on an issue identified by MDBA as high priority in the Warrego Paroo Nebine water resource plan area. The scope of the audit included:<ul style="list-style-type: none">• The process for determining an announced period during which water may be taken.• Measuring and monitoring compliance strategies and activities undertaken for announced periods.• Water allocation holder data collection and data transfer during an announced period.The progress of the audit was delayed and has not yet been finalised. The final audit report will be published on the MDBA website as required under section 13.20 of the Basin Plan. <ol style="list-style-type: none">2. Compliance by entitlement holders with rules in the state-based water plans and water management protocols and with any conditions on their water entitlements. Queensland references their 2019-20 Compliance and Enforcement action with regards to illegal water take or metering non-compliance. This data is published annually on the DNRME website.

3. Compliance by Resource Operations Licence (ROL) holders in accordance with their conditions of their licence for water supply schemes. Within the Warrego, Paroo and Nebine water resource plan area there is only one water supply scheme which is based on the Warrego River at Cunnamulla. Under the ROL the licence holder is required to submit operational, emergency and annual reports under the monitoring and reporting requirements of the Warrego, Paroo, Bulloo and Nebine Resource Operations Plan (Feb 2016):
- due to changes to infrastructure or the operation of the infrastructure that may impact on compliance with a rule (section 68(g))
 - becoming aware of any operational incident of non-compliance with a rule (section 69(1)(a)(i))
 - as a result of the emergency, not being able to comply with a rule (69(2)(d)).

The ROL holder Annual Report 19-20 for the Cunnamulla Water Supply Scheme was received by DNRME on 30 September 2020. The annual report did identify a minor inconsistency with section 69(1)(a)(i) during the 19-20 water year. The inconsistency was in relation to the operating rule which requires stored stock and domestic water to be released within one month of the inflow; on one occasion the stored water was not released until 2 days after the end of required period. While DNRME will follow up this reported inconsistency up with the ROL holder, it is expected that the ROL Holder will be able to demonstrate reasonable explanation due to the remoteness of the water supply scheme and the associated logistical challenges.

2. What level of confidence does the state agency have in compliance with the rules and obligations contained in the Warrego Paroo Nebine WRP?

- Queensland monitors water compliance with the rules and obligations contained in Water Resource Plans across the state. This is achieved through:
- public notification of non-compliant activity
 - desktop audits of self-read meter notifications provided by metered entitlement holders including overuse data
 - Annual compliance planning where activities are targeted in high risk catchments and resources are allocated accordingly.
- Accordingly, the state has a high level of confidence in compliance with the rules and obligations contained in the Warrego Paroo Nebine WRP.

3. How is the state agency ensuring there is compliance with the rules and obligations contained in the Warrego Paroo Nebine WRP?

Queensland's compliance approach in 2019-20 included a Natural Resources Compliance Framework which was published on the DNRME website. This framework set out DNRME's overarching approach to compliance and establishes principles for how we undertake our regulatory functions.

DNRME's Natural Resources Compliance Plan set out the targeted activities the department would undertake including desktop audits of water use and driller activities. In the 2019-20 financial year, desktop audits were undertaken on all self-read meter notifications provided by metered entitlement holders. These were audited to ensure that water was taken in accordance with entitlement conditions and for any notified faults. In this time period field based metered entitlement audits were also undertaken in high risk catchment areas across the state. As part of this, entitlement holders were informed of the audit outcomes and provided education on their obligations under the Queensland *Water Act 2000*.

Further to this a number of changes have been made to improve Queensland's compliance approach under the MDB Compliance Compact and as part of the Rural Water Management Program.

Queensland has:

In 2020, developed a whole of department compliance framework and compliance strategy, which incorporates natural resources. Both these documents are available on the DNRME website - [DNRME - role as a regulator](#).

- In 2020, developed a whole of department compliance plan, which is available on the DNRME website
https://www.dnrme.qld.gov.au/data/assets/pdf_file/0007/1512169/dnrme-compliance-plan-2020-21.pdf
- Developed a new external facing [compliance page](#) which includes information on the department's approach to compliance. <https://www.dnrme.qld.gov.au/home/about-us/regulatory-role>
- Two new compliance governance groups created in 2018:
 - Major Investigations Group - oversees significant investigations and ensures investigations are progressed in a timely manner
 - Compliance Review Group - reviews compliance related processes and develops fit-for-purpose procedures and guidelines.
- In 2020 established the Compliance Resolution team which centralises DNRME's response to significant compliance breaches.
- In 20-21, in line with our commitment to continuous improvement the department will be conducting a review of our existing compliance governance groups.
- Developed a new authorised officer training program and refined our authorised officer appointment pathway.

The Natural Resources division is also developing a new compliance management system. The current system supports the administration of compliance in natural resources, and the new system will include improvements in business and operational planning, performance measurement and management, data analysis and business intelligence activities and case management and workflows.

The department publicly reports compliance and enforcement actions undertaken in the QMDB. The 2019–20 report to MDBA is available here
https://www.dnrme.qld.gov.au/data/assets/pdf_file/0010/1458379/qmdb-compliance-enforcement.pdf.

	<p>The department continues to use a range of tools to achieve the required outcome for a non-compliance. The actions taken over the past 3 years include client education, advisory letters, warning notices, statutory notices, penalty infringement notices and prosecution.</p>
<p>4. Have there been any amendments to the state instruments that affect the operation of the Warrego Paroo Nebine WRP or are referenced in the accredited text of the Warrego Paroo Nebine WRP, and are any anticipated for the near future? If yes and the Murray–Darling Basin Authority (MDBA) has not been notified, please outline these amendments.</p>	<p>There were no amendments to the state instruments in 2019-20 that affect the operation of the Warrego Paroo Nebine WRP or are referenced in the accredited text of the water resource plan, and there are none anticipated in the near future.</p>

Part B: Detailed questions

Applicable WRP		Warrego-Paroo-Nebine	
Relevant Basin Plan provision	Instrument or text supporting Basin Plan requirement	Matter 19 reporting question	State agency response
Section 10.13 Limits on certain forms of take	<p>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016 Section 26: Limitation on taking overland flow water—Queensland Water Act 2000, s 20(2)(b)</p> <p>A person may take overland flow water in the plan area—</p> <p>(a) under a water licence; or</p> <p>(b) for stock or domestic purposes; or</p> <p>(c) for prescribed activities for general authorisations to take water under the Water Regulation; or</p> <p>(d) to comply with an environmental authority, if the person takes no more than the volume of water necessary to comply with the authority; or</p> <p>(e) to comply with a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, under the Environmental Protection Act, if the person takes no more than the volume of water necessary to comply with the authority; or</p> <p>(f) if the water contains, or is likely to contain, excess nutrients or farm chemicals at levels that are harmful or potentially harmful to the quality of water in a watercourse; or</p> <p>(g) if the works that are used to take the water are existing overland flow works.</p>	<p><i>[Purpose of questions: To determine the extent to which the limitation on taking overland flow is being complied with in the Warrego Catchment Area. [Numbering is continued from Part A.]]</i></p> <p>5. What specific compliance monitoring is there in place for detecting the construction of unauthorised works or structures in the Warrego Catchment Area?</p> <p>6. In the reporting year, how many water licenses to take overland flow water in the Warrego Catchment Area were granted?</p> <p>7. In the reporting year, were any compliance activities conducted to determine compliance with volumetric limits contained in overland flow licences in the Warrego Catchment Area?</p>	<p>5. Specific compliance monitoring by which construction of unauthorised works can be detected:</p> <ul style="list-style-type: none"> In the Lower Warrego Water Management Area, flow event based scan of Planet Imagery to identify overland flow take and compare with previous years’ imagery was undertaken; this was considered an appropriate surveillance method for this low risk low development catchment. Annual compliance planning where activities are targeted in high risk catchments and resources are allocated accordingly. The Warrego catchment was not identified as at high risk by Queensland for the 2019-20 water year and an audit was not scheduled. Public notification of the activity. <p>6. There were no water licences granted to take overland flow water in the Warrego catchment area during the reporting period.</p> <p>7. There are no water licences to take overland flow water in the Warrego catchment area and therefore no avenue to conduct any compliance activities in relation to any volumetric limits contained in overland flow licences.</p>

Office locations

Adelaide

Albury–Wodonga

Canberra

Goondiwindi

Griffith

Mildura

Murray Bridge

Toowoomba

 mdba.gov.au

 1800 230 067

 engagement@mdba.gov.au