



Australian Government



Compliance Priorities 2018–19

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The MDBA sets compliance priorities for each water year (July – June) based on a horizon scan and a detailed risk assessment of Basin Plan non-compliance for each of the MDBA’s key compliance areas, as set out in the MDBA’s Compliance and Enforcement Policy.

Risk Assessment for 2018–19

This year’s Compliance Priorities respond to the following high level threats to Basin Plan compliance as identified by the MDBA:

- A continued decline in current and future organisational capacity and capability of some Basin agencies in water compliance and water planning functions.
- Lack of community trust in compliance and enforcement systems. Specifically, the Matthews Review found that the Four Corners program prompted significant concern about the effectiveness of the current NSW compliance and enforcement arrangements for water.
- Delay in the development and implementation of Water Resource Plans.
- Inability to protect environmental water in the Northern Basin. The current management arrangements do not adequately allow for both extractive and environmental use.
- The availability of resources and technology for monitoring activities may affect the capacity of the MDBA and other agencies, to effectively monitor Basin Plan compliance. An inability to monitor and measure compliance would limit agencies’ ability to demonstrate compliance (regardless of whether they have actually complied or not) and provides an incentive for non-compliant behaviour (if it is known that non-compliance cannot be proven).

Compliance priority	Why it's a problem	What will the MDBA do?
 Adequacy of compliance and enforcement of unauthorised take in the northern Basin (particularly the Barwon-Darling)	<p>The Matthews Review found significant weaknesses in NSW compliance and enforcement, particularly in relation to the Barwon-Darling. Following the Four Corners program, the findings have resonated deeply with the community and other entitlement holders. The MDBA has an important role to restore confidence.</p>	<p>Audit the compliance and enforcement framework for unauthorised water take in the Barwon-Darling. The findings of the audit and any investigations will be published.</p>
 Protection of environmental water	<p>Environmental water in the northern Basin is not adequately protected by the current water sharing rules.</p>	<ul style="list-style-type: none"> • Work with NSW to ensure that the Barwon-Darling Water Resource Plan incorporates effective rules to protect environmental water • Publish a register of state measures to protect environmental water • Investigate the use of real-time usage reporting.
 WRP assessment and development	<p>Water Resource Plans (WRPs) are the primary vehicle for the MDBA to exercise its compliance powers. A delay in meeting the June 2019 WRP accreditation deadline will result in a delay in:</p> <ul style="list-style-type: none"> • the MDBA's ability to exercise its powers to protect environmental water • ensuring compliance with the sustainable diversion limits (SDLs) • acting against unauthorised water take. 	<ul style="list-style-type: none"> • The MDBA provides assistance and advice to ensure that Basin States understand their requirements • Publish assessment guidance documents • Adopt a streamlined accreditation framework • Increase accountability through public WRP Progress Register, updated quarterly.
 Accurate reporting of water trade prices	<p>Water trading prices must be made available to relevant authorities under the Basin Plan Water Trading Rules. In the 2016-2017 water year, 68 percent of trades were reported at zero value. Access to price information is fundamental to a competitive market, so increasing price disclosure is important.</p>	<p>Audit of compliance with the requirement to report prices of all trades, focusing on water sellers and water brokers.</p>
 Accurate measurement of water take and use	<p>The accuracy of water measurement and metering of water take is critical to be able to monitor Basin Plan compliance.</p>	<ul style="list-style-type: none"> • Work with Basin States to develop the <i>Basin Compliance Compact</i>, and establish reporting arrangements to check progress with implementation. • Implement the MDBA's commitments from the Basin wide Compliance Review and the proposed Compact, including: <ul style="list-style-type: none"> – Guidelines on hydrometric networks and hydrological models – Improved measurement of floodplain or overland flow harvesting – Develop remote sensing capabilities and other technologies to monitor water use.