

**Key**

MDBA - Murray-Darling Basin Authority action DAWR – Department of Agriculture and Water Resources action NSW – New South Government action NRAR – Natural Resources Access Regulator (NSW) VIC – Victorian Government action CEWO – Commonwealth Environmental Water Office QLD - Queensland Government action (Schedule 4 of Compact)	QR – Queensland Government response to Independent Audit of non-urban water measurement and compliance RWMP – Rural Water Management Program (QLD) DNRME – Department of Natural Resources, Mines and Energy (QLD) SA – South Australian Government action DEW – Department of Environment and Water (SA) ACT – Australian Capital Territory
--	---

**Commonwealth and Basin State responses to compliance reviews and investigations**

These tables show how commitments in the Murray-Darling Basin Compliance Compact<sup>1</sup> relate to the actions and recommendations in the various compliance reviews and investigations. They should be read in conjunction with the *Report of the Independent Reviewer: Basin Compliance Compact* and the Murray-Darling Basin Compliance Compact.

The Murray-Darling Basin Water Compliance Review actions	Commonwealth	NSW	VIC	QLD	SA	ACT
<p><b>MDBA Action 1.</b> The MDBA will:</p> <p>a. publish guidelines drawing on relevant standards for the requirements of hydrometric networks and hydrologic models for compliance and enforcement by 30 June 2018</p> <p>b. publish annually from 2018 a report on the data quality and assurance processes for hydrometric data for Basin Plan reporting and river operations in the River Murray System.</p>	<p>a. MDBA 3.1</p> <p>b. MDBA 3.2</p>	Not relevant				
<p><b>MDBA Action 2.</b> The MDBA will publish an improvement program for its hydrologic models, as per Recommendation 4, by 30 June 2018.</p>	MDBA 3.3	Not relevant				
<p><b>MDBA Action 3.</b> The MDBA will also:</p> <p>1. review its arrangements as per Recommendation 5:</p> <p>a. encouraging a strong culture of compliance that is led ‘from the top’</p> <p>b. clear assignment of decision making responsibilities at appropriate levels, with decisions made on the grounds set out in published compliance strategies</p> <p>c. a commitment to transparency</p> <p>d. compliance functions should preferably be undertaken by a single agency (with appropriate separation of enforcement and operational functions) or where this is not the case, the agencies should be well-aligned.</p> <p>2. and will prepare guidelines for consistent reporting of compliance activities by 31 March 2018.</p>	<p>1. a. 1.1, MDBA 1.7, MDBA 2.5</p> <p>1. b. 2.1 (completed)</p> <p>1. c. MDBA 1.3, MDBA 2.1-2.5</p> <p>1. d. MDBA 1.5, DAWR 2.6</p> <p>2. MDBA 1.3</p>	Not relevant				
<p><b>MDBA Action 4.</b> The MDBA will take a more proactive approach to compliance and enforcement by:</p> <p>a. immediately adopting the revised protocol for handling and escalating allegations of non-compliance at Attachment B <a href="#">[of the Basin Wide Compliance Review]</a></p> <p>b. seeking a change to the Water Regulations 2008 to ensure uniform application of its compliance powers during the transition period to 30 June 2019.</p>	<p>a. 2.3, MDBA 2.3</p> <p>b. DAWR 2.7</p>	Not relevant				

<sup>1</sup> Based on 8 June version of the Murray-Darling Basin Compliance approved by the Murray–Darling Basin Ministerial Council.

The Murray-Darling Basin Water Compliance Review actions	Commonwealth	NSW	VIC	QLD	SA	ACT
<p><b>MDBA Action 5.</b> By 30 June 2018 the MDBA will revise and publish its compliance and enforcement strategy to ensure compliance with the Basin Plan. The strategy will include:</p> <p>a. a clear statement of the MDBA’s expectations that compliance and enforcement is undertaken effectively by states, in line with best practice</p> <p>b. a risk-based audit program to check that Basin Plan obligations are being met, including state compliance arrangements</p> <p>c. guidelines or standards relevant to water measurement and compliance improvements to the system of assurance statements made by states and Australian Government agencies in meeting their Basin Plan obligations</p> <p>d. improved communication of the MBDA’s compliance activities.</p>	<p>a. 2.1 (completed)</p> <p>b. 2.1 (completed), MDBA 2.1</p> <p>c. 2.1 (completed), MDBA 3.1, MDBA 2.1</p> <p>d. 2.1 (completed), MDBA 1.3, MDBA 2.2, MDBA 2.4</p>	Not relevant	Not relevant	Aligns through QLD 1.4, QLD 3.2 QR 1 QR 3	Not relevant	Not relevant
<p><b>MDBA Action 6.</b> The MDBA will establish a dedicated compliance and enforcement branch, as well as an independent assurance committee to advise on the MDBA’s compliance and enforcement work.</p>	<p>MDBA 1.5.(completed), MDBA 1.6.(completed), DAWR 2.6</p>	Not relevant	Not relevant	Not relevant	Not relevant	Not relevant
<p><b>MDBA Action 7.</b> By 30 June 2018 the MDBA will prepare and publish an SDL reporting and compliance framework that includes:</p> <p>a. an explanation of how the ‘reasonable excuse’ and ‘make good’ provisions in the Basin Plan will be applied for SDL accounting purposes</p> <p>b. other lines of evidence, such as satellite data, crop returns and long term hydrologic models to complement self-reporting by states</p> <p>c. SDL compliance, accounting and reporting within its audit and assurance program</p> <p>d. improved public communication of SDL compliance and accounting arrangements.</p>	<p>a. MDBA 1.1</p> <p>b. 2.2, MDBA 1.1</p> <p>c. MDBA 1.1, MDBA 2.1</p> <p>d. MDBA 1.1, MDBA 3.5</p>	Not relevant	Not relevant	Aligns through QLD 1.6 QLD 1.5 QR 1 QR 6 QR 11	Not relevant	Not relevant
<p><b>MDBA Action 8.</b> To meet the 30 June 2019 deadline for water resource plans the MDBA will:</p> <p>a. develop and keep up to date a public register of progress with water resource plan development, including its assessment as to whether any replacements of or amendments to transitional water resource plans are ‘no less consistent’ than the Basin Plan</p> <p>b. continue to work with states to find ways to streamline the accreditation process</p> <p>c. increase its current level of resourcing for the assessment of state water resource plans</p> <p>d. actively consider whether it should advise the Commonwealth Minister to agree to initiate the step-in provisions of the Water Act if there is insufficient progress on some water resource plans.</p>	<p>a. 4.3 and MDBA 4.3</p> <p>b. MDBA 4.1</p> <p>c. 4.2</p> <p>d. Partially met through DAWR 2.7</p>	Not relevant	Not relevant	Aligns through QLD 4.1 QLD 4.2 QLD 4.3 QR 14	Not relevant	Not relevant
<p><b>MDBA Action 9.</b> The MDBA will maintain a public register of state measures to improve the protection of environmental water and report annually on progress towards meeting this important Basin Plan milestone.</p>	5.4	Not relevant	Not relevant	QLD 5.1	Not relevant	Not relevant

The Murray-Darling Basin Water Compliance Review recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p><b>Recommendation 1:</b> To deliver a 'no meter, no pump' policy, it is recommended that governments:</p> <ul style="list-style-type: none"> <li>a. mandate that all new meters on sale in Australia must meet AS4747 from 30 September 2018</li> <li>b. require that 95% of meterable take in each water resource area is metered using AS4747 compliant meters by 31 December 2022</li> <li>c. require the installation of telemetry for all entities with an average annual take of more than 100ML by 31 December 2022. For all others the requirement to install telemetry would be subject to a published risk assessment</li> <li>d. publish a mandatory protocol to be followed in the event of meter failure</li> <li>e. require installed meters to be validated by the compliance agency and then checked every five years</li> <li>f. require that all meters be easily identifiable by a unique reference number, and entitlement and pump details must be publicly accessible</li> <li>g. release a meter improvement plan by 1 July 2018 with annual reports on progress</li> <li>h. 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.</li> </ul>	Basin State responsibility.	<ul style="list-style-type: none"> <li>a. 3.1, 3.8,</li> <li>b. 3.1, 3.8,</li> <li>c. 3.1,</li> <li>d. NSW 2.4</li> <li>e. 3.1, NSW 3.1,</li> <li>f. 1.2, 2.1</li> <li>g. 3.1, 3.7, 3.8</li> <li>h. NSW 3.1</li> </ul>	<i>Content to be provided at a later date.</i>	<ul style="list-style-type: none"> <li>QLD 3.1</li> <li>QLD 3.4</li> <li>QLD 3.5</li> <li>QLD 3.6</li> <li>QLD 3.7</li> <li>QR 3</li> <li>QR 5</li> <li>QR 7</li> <li>QR 8</li> <li>QR 9</li> </ul>	<ul style="list-style-type: none"> <li>SA 3.1 (completed)</li> <li>a. SA 3.2 (completed)</li> <li>b. SA 3.3</li> <li>c. SA 3.4</li> <li>d. SA 3.5 (completed)</li> <li>e. SA 3.6 (completed)</li> <li>f. SA 3.7 (completed)</li> <li>g. SA 3.8</li> <li>h. 3.9 (completed)</li> </ul>	<ul style="list-style-type: none"> <li>a. ACT 3.1 (completed), ACT 3.2 (completed)</li> <li>b. ACT 3.3 (completed)</li> <li>c. ACT 3.4 (completed)</li> <li>d. ACT 3.5 (completed)</li> <li>e. ACT 3.6 (completed)</li> <li>f. ACT 3.7 (completed)</li> <li>g. ACT 3.9 (completed)</li> <li>h. ACT 3.10 (completed)</li> </ul>

<p><b>Recommendation 2:</b> To improve confidence in the measurement of take by floodplain harvesting in the northern Basin, it is recommended that NSW and Queensland:</p> <ul style="list-style-type: none"> <li>a. include an updated assessment of water take by floodplain harvesting in their annual water accounts commencing immediately</li> <li>b. require that 95% of take by non-metered floodplain harvesting is accurately measured, for example, by calibrated storage level recorders by 30 June 2022 and publish annual milestones towards this objective.</li> </ul>	<p>NSW and QLD responsibility.</p> <p>Supported by MDBA 3.4</p>	<p>a. 3.9, NSW 3.2</p> <p>b. 3.9, NSW 3.3</p>		<p>QLD 3.4 QLD 3.5 QLD 3.6 QLD 3.9 QR 15</p>	<p>Not relevant</p>	<p>Not relevant</p>
<p><b>Recommendation 3:</b> To achieve the coverage required to generate river flow data for compliance and enforcement purposes, it is recommended that each state review its hydrometric network to identify any gaps and maintenance backlogs and publish by 30 June 2019 a program for addressing any issues.</p>	<p>Basin State responsibility.</p> <p>Supported by MDBA 3.1 &amp; MDBA 3.2</p>	<p>3.10, 3.11, 3.12, NSW 3.4</p>		<p>QLD 3.2 QLD 3.3 QLD 3.8 QR 11</p>	<p>3.10, 3.11, 3.12, SA 3.9</p>	<p>Not relevant</p>
<p><b>Recommendation 4:</b> It is recommended that by 30 June 2018 states publish an improvement program for hydrologic models to account for water take including their plans for transitioning to eWater Source and ongoing improvement of model performance. If a decision is made not to transition to eWater Source, the reasons for this should be published.</p>	<p>Basin State responsibility.</p> <p>Supported by MDBA 3.3</p>	<p>3.10, 3.11, 3.12, NSW 3.5</p>		<p>TBA</p>	<p>3.10, 3.11, 3.12, SA 3.10</p>	<p>Not relevant.</p> <p>The ACT has a Source model.</p>
<p><b>Recommendation 5:</b> It is recommended that by 30 June 2018 each state review its arrangements for</p>	<p>Basin State responsibility.</p>					

<p>compliance and governance to ensure they take account of the following principles:</p> <ul style="list-style-type: none"> <li>a. encouraging a strong culture of compliance that is led 'from the top'</li> <li>b. clear assignment of decision making responsibilities at appropriate levels, with decisions made on the grounds set out in published compliance strategies</li> <li>c. a commitment to transparency</li> <li>d. compliance functions should preferably be undertaken by a single agency (with appropriate separation of enforcement and operational functions) or where this is not the case, the agencies should be well-aligned.</li> </ul>		<ul style="list-style-type: none"> <li>a. 1.1, NSW 1.1 NSW 2.7</li> <li>b. NSW 1.2</li> <li>c. 1.2, NSW 1.1, NSW 1.7, NSW 1.8</li> <li>d. NSW 2.10</li> </ul>		<ul style="list-style-type: none"> <li>QLD 1.1</li> <li>QLD 1.2</li> <li>QLD 1.4</li> <li>QR 1</li> <li>QR 2</li> <li>QLD 1.3</li> <li>QLD 1.5</li> <li>QLD 1.6</li> <li>QR 4</li> <li>QR 6</li> <li>QR 11</li> </ul>	<ul style="list-style-type: none"> <li>a. 1.1, SA 1.1 (completed), SA 1.2 (completed)</li> <li>b. 1.2, 2.1, SA 1.1, SA 1.2 (completed)</li> <li>c. 1.2, 1.3, 2.3, SA 1.1, SA 1.3 (completed)</li> <li>d. 1.4, 2.1, 2.3, SA 1.2 (completed), SA 1.4 (completed)</li> </ul>	<ul style="list-style-type: none"> <li>a. 1.1, ACT 1.1(completed)</li> <li>b. 2.1 (completed), ACT 1.2 (completed)</li> <li>c. 1.2, 1.3, 2.1 (completed), 2.3, ACT 1.3 (completed), ACT 1.5 (completed)</li> <li>d. 1.4, 2.1 (completed), 2.3, ACT 1.1 (completed), ACT 1.2 (completed)</li> </ul>
<p><b>Recommendation 6:</b> It is recommended that by 30 June 2018 each state publish compliance strategies that include:</p> <ul style="list-style-type: none"> <li>a. a risk-based strategy for guiding compliance monitoring effort</li> <li>b. annual audit priorities</li> <li>c. an escalation pathway to apply once non-compliance is detected</li> <li>d. a mandatory protocol for entitlement holders to follow in the event of meter failure</li> <li>e. a statement of the penalties and sanctions regime, and any improvements required</li> <li>f. annual reporting of data on compliance activities by location including the timeliness with which allegations are addressed</li> <li>g. provisions to ensure compliance staff are adequately trained</li> </ul>	<p>Basin State responsibility.</p> <p>Supported by MDBA's policy developed to meet 2.1.</p>	<ul style="list-style-type: none"> <li>a. 2.1, NSW 2.1</li> <li>b. 2.1, NSW 2.2, NSW 3.1</li> <li>c. 2.1, 2.3, NSW 2.3, NSW 2.11</li> <li>d. 2.1, NSW 2.4</li> <li>e. 2.1, NSW 2.5</li> <li>f. 2.1, NSW 2.6</li> <li>g. 2.1, NSW 2.7</li> <li>h. 2.1, NSW 1.3</li> <li>i. 2.1,</li> </ul>		<ul style="list-style-type: none"> <li>QLD 3.4</li> <li>QR 3</li> <li>QLD 1.4</li> <li>QR 1</li> <li>QR 5</li> <li>QR 9</li> <li>QR 5</li> <li>QLD 2.3</li> <li>QR 4</li> <li>QR 5</li> <li>QLD 2.3</li> </ul>	<ul style="list-style-type: none"> <li>2.1</li> <li>a. SA 2.1 (completed)</li> <li>b. SA 2.2 (completed) and SA 1.1 (completed)</li> <li>c. SA 2.3 and SA 1.2 (completed)</li> <li>d. SA 2.4 (completed)</li> <li>e. SA 2.5 (completed)</li> <li>f. SA 2.6 (completed)</li> <li>g. SA 2.7 (completed) and SA 1.2</li> <li>h. SA 2.8 (completed)</li> </ul>	<ul style="list-style-type: none"> <li>2.1 (completed)</li> <li>a. ACT 1.2 (completed)</li> <li>b. ACT 2.3 (completed)</li> <li>c. ACT 2.4 (completed)</li> <li>d. ACT 3.5 (completed)</li> <li>e. ACT 2.6 (completed)</li> <li>f. ACT 2.5 (completed)</li> <li>g. ACT 2.1 (completed)</li> <li>h. ACT 1.4 (completed)</li> <li>i. ACT 1.3 (completed)</li> <li>j. ACT 3.7 (completed)</li> <li>k. ACT 3.11 (completed)</li> <li>l. ACT 3.8 (completed)</li> </ul>

<ul style="list-style-type: none"> <li>h. a program of community awareness and education including a program to ensure that water plans, licences and management rules are expressed as simply as possible and guides for these instruments are published</li> <li>i. 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</li> <li>j. a program to ensure meters are identified by a unique reference number, and entitlement and pump details are publically accessible</li> <li>k. a commitment to effectiveness and efficiency, including the adoption of new technologies</li> <li>l. adequate resourcing based on a cost recovery pathway, with compliance budgets protected from the normal exigencies of government budgets.</li> </ul>		<p>PA 1.2</p> <p>j. 2.1, PA 1.2</p> <p>k. 2.1, NSW 2.8, NSW 3.6</p> <p>l. 2.1, NSW 2.9</p>		<p>QLD 1.3 QLD 1.5 QLD 1.6 QR 6 Existing</p> <p>QLD 3.6 QR11 QR 13</p>	<p>i. SA 2.9 (completed)</p> <p>j. SA 2.10 (completed)</p> <p>k. SA 2.11</p> <p>l.SA 2.12 (completed)</p>	
<p><b>Recommendation 7:</b> It is recommended that by 30 June 2018, states review their legislation and if needed propose any amendments necessary to ensure:</p> <ul style="list-style-type: none"> <li>a. strong penalties and greater consistency between states</li> <li>b. an appropriate range of administrative, civil and criminal sanctions and penalties.</li> </ul>	Basin State responsibility.	<p>a. NSW 2.6</p> <p>b. NSW 2.6</p>		<p>QLD 2.1 QLD 2.2 QR 5 QR9</p>	<p>a. SA 2.5 (completed)</p> <p>b. SA 2.3</p>	ACT 2.6 (completed)
<p><b>Recommendation 8:</b> It is recommended that Australian Government–state governance arrangements for implementing the Basin Plan are reviewed to ensure that all those</p>	1.4	1.4		<p>QLD 1.2 QLD 1.4 QLD 2.1 QLD 2.3</p>	<p>1.4</p> <p>SA 4.1</p>	1.4

with implementation obligations are engaged, statutory roles are respected, decisions are better integrated, and transparency is improved.				QR 1 QR 2 QR 4 QR 6		
<b>Recommendation 9:</b> It is recommended that COAG reiterates its commitment to the 30 June 2019 deadline for water resource plan accreditation because of concerns arising from this review. It is further recommended that NSW and Victoria accelerate their work on preparing Basin Plan-compliant water resource plans.	Refer to state commitments.  Supported by 4.1, 4.2, MDBA 4.1, DAWR 4.1, DAWR 4.2, DAWR 4.3	Not relevant as this is a matter for COAG. Note however PA 4.1 and NSW 4.1		QLD 4.1 QLD 4.2 QLD 4.3 QR 14	SA 4.1	4.1, 4.2
<b>Recommendation 10:</b> To improve protection of environmental water in the unregulated rivers of the northern Basin it is recommended that the NSW and Queensland governments revise their water resource plans to include effective policies for the protection of environmental water, particularly during low flows. These policies should include event-based management or other innovative policy tools capable of delivering equivalent environmental outcomes. In the Barwon-Darling it is recommended that immediate steps are taken to introduce Individual Daily Extraction Limits and voluntary mechanisms to protect individual low flow events.	NSW and QLD responsibility.  Supported by MDBA 5.1	5.3, NSW 5.1,		QLD 5.1  Qld water plans already include protection of environmental flows. Draft plans released for Condamine and Balonne and Border Rivers and Moonie catchments.	Not relevant	Not relevant
<b>Recommendation 11:</b> To improve the protection of environmental water in the southern-connected Basin it is recommended that governments fully implement the SDL adjustment mechanism including: a. state policies to improve protection of environmental water (also called	MDBA to support implementation of SDLAM as appropriate  DAWR 5.2	a. 5.1, NSW 5.2		Not relevant	5.1 and SA 4.1	Not relevant

<p>prerequisite policy measures) as required under the Basin Plan by 30 June 2019</p> <p>b. completion of supply, efficiency and constraints projects by 2024.</p>		<p>b. NSW 5.2</p>				
<p><b>Recommendation 12:</b> It is recommended that the COAG commit to a Basin Compliance Compact to implement the recommendations of the review initiated by the Prime Minister. The Compact would commit governments to the actions required to restore public confidence in water management within the Basin. The Compact would be published by 30 June 2018 with annual progress reports thereafter and would address:</p> <p>a. progress with the roll out of improved metering and measurement arrangements outlined in this report</p> <p>b. an update on each state’s compliance strategy addressing the issues contained in this report</p> <p>c. a report on each state’s compliance activities including the timeliness of handling allegations</p> <p>d. the establishment of a network of water compliance practitioners to promote best practice approaches, to be coordinated by the MDBA</p> <p>e. steps within each Basin state to ensure that Basin Plan-compliant water resource plans will be ready for accreditation within the agreed timelines</p> <p>f. progress with measures to improve the protection of environmental water including the toolkit measures in the</p>	<p>a. Basin State responsibility</p> <p>b. Basin State responsibility</p> <p>c. Basin State responsibility supported by MDBA 1.2</p> <p>d. 2.2</p> <p>e. Basin State responsibility supported by 4.1, 4.2, MDBA 4.1, DAWR 4.1, DAWR 4.2, DAWR 4.3</p> <p>f. Basin State responsibility supported by MDBA 5.1</p>	<p>a. 3.1</p> <p>b. NSW 2.1</p> <p>c. 1.2</p> <p>d. 2.2</p> <p>e. 4.1, 4.2, NSW 4.1</p> <p>f. 5.1, 5.3, NSW 5.1, NSW 5.2</p>		<p>See QLD response to Compact.</p>	<p>a. 3.1 through 3.12 and SA 3.1 through SA3.10</p> <p>b. 2.1, SA 1.1 (completed), SA 1.3 (completed), SA 2.2 (completed), SA 2.3 and SA 2.6 (completed)</p> <p>c. 1.2(c), SA 1.1 (completed), SA 1.3 (completed), SA 2.2 (completed), SA 2.3 and SA 2.6 (completed)</p> <p>d. 2.2</p> <p>e. 4.1 and SA 4.1</p> <p>f. 5.1, SA 4.1</p>	<p>a. 3.1-3.12</p> <p>b. 2.1 (completed)</p> <p>c. 1.2(c), ACT 2.5</p> <p>d. 2.2</p> <p>e. 4.1, 4.2</p> <p>f. Not relevant</p>

northern Basin, and relevant components of the SDL adjustment mechanism.						
--	--	--	--	--	--	--

<b>Independent Panel Basin Wide Compliance Review recommendations</b>	<b>Commonwealth</b>	<b>NSW</b>	<b>VIC</b>	<b>QLD</b>	<b>SA</b>	<b>ACT</b>
<b>Recommendation 1:</b> MDBA to revise, and clearly and publicly communicate, its compliance and enforcement arrangements. Explicit guidance must be provided to all parties on their reporting obligations, how MDBA will assess compliance, and how it will report publicly.	2.1, 2.3. MDBA 1.1 – 1.4 MDBA 2.1 - 2.4	Not relevant		Aligns through QLD 1.2 QLD 1.4 QLD 2.1 QLD 2.3 QR 1 QR 2 QR 4 QR 6	Not relevant	Not relevant
<b>Recommendation 2:</b> Council of Australian Governments (COAG) to endorse a proposal to explicitly require BOC, as part of its Water Act function of facilitating cooperation and coordination between MDBA and all Basin governments, to assist in bringing about the timely development of water resource plans. An amendment of the Water Act is the most effective way to implement this proposal. MDBA’s authority as the relevant enforcement body for contraventions of the Water Act is to be maintained.	1.4	1.4		QLD supports	1.4 - Supported	1.4
<b>Recommendation 3:</b> COAG to endorse a revision to BOC membership to: a. require BOC members to bring a whole-of-government view to the forum, which includes representing the interests of state river operators and environmental water managers b. allow MDBA to participate as a full member for matters relating to Basin Plan implementation, and as a non-voting member for river operations.	1.4	1.4		Aligns through QLD 1.2 QLD 1.4 QR 1 QR 4	1.4	1.4
<b>Recommendation 4:</b> COAG to endorse an amendment to the Water Act to strengthen the standing of Authority members, restore public confidence and ensure greater transparency in and a bipartisan	DAWR 1.8	Not relevant. Though NSW supports COAG consideration of any changes that may be necessary to the Water Act to better facilitate Basin Plan implementation		Not relevant	Not relevant	Not relevant

<b>Independent Panel Basin Wide Compliance Review recommendations</b>	<b>Commonwealth</b>	<b>NSW</b>	<b>VIC</b>	<b>QLD</b>	<b>SA</b>	<b>ACT</b>
<p>approach to, the appointment of Authority members. Amendments should include:</p> <ul style="list-style-type: none"> <li>a. to be eligible for appointment, an individual must have a high level of expertise, and be widely recognised as having high standing in, one or more fields relevant to the Authority's functions (relevant fields are specified in Section 178 of the Act)</li> <li>b. in recommending members to the Governor-General for appointment, the Minister must endeavour to ensure that collectively among the members there is a high level of expertise across all the specified fields.</li> </ul>		<p>outcomes and support jurisdictional actions, and should be considered further when the Productivity Commission has completed its review.</p>				
<p><b>Recommendation 5:</b> COAG to endorse an amendment of the Water Act to provide a more comprehensive suite of sanctions and powers, such as appropriate evidentiary provisions and criminal sanctions.</p>	DAWR 2.7	<p>Not relevant. Though NSW supports COAG consideration of any changes that may be necessary to the Water Act to better facilitate basin plan implementation outcomes and support jurisdictional actions, and should be considered further when the Productivity Commission has completed its review.</p>		<p>Aligns through QLD 2.1 QLD 2.2 QR 5</p>	<p>Not relevant</p>	<p>Not relevant</p>
<p><b>Recommendation 6:</b> The Commonwealth Minister to direct the Commonwealth Department to take a more active role that reflects the significance of water resource plans to the administration of the Water Act.</p>	DAWR 4.2	<p>Not relevant</p>		<p>Not relevant</p>	<p>Not relevant</p>	<p>Not relevant</p>
<p><b>Recommendation 7:</b> MDBA, with states and the Bureau of Meteorology, to review the Basin's hydrometric network to improve water management for the environment.</p>	MDBA 3.1, 3.2	<p>3.10, 3.11, 3.12, NSW 3.4</p>		<p>QLD 3.2 QLD 3.3 QLD 3.8 QR 11</p>	<p>3.10, 3.11, 3.12, SA 3.9, SA 3.10</p>	<p>Not relevant</p>
<p><b>Recommendation 8:</b> COAG to endorse a revision to the membership of BOC to include CEWH in matters relating to the Basin Plan.</p>	1.4	<p>1.4</p>		<p>Not relevant</p>	<p>1.4</p>	<p>1.4</p>
<p><b>Recommendation 9:</b></p>	MDBA 4.2	<p>Not relevant</p>		<p>Aligns through</p>	<p>Agree</p>	<p>Not relevant</p>

<b>Independent Panel Basin Wide Compliance Review recommendations</b>	<b>Commonwealth</b>	<b>NSW</b>	<b>VIC</b>	<b>QLD</b>	<b>SA</b>	<b>ACT</b>
MDBA to seek the formal advice of CEWH when assessing relevant provisions of water resource plans.				QLD 4.1 QLD 4.2 QLD 4.3 QR 14		
<b>Recommendation 10:</b> MDBA to ensure that accredited water resource plans include policies essential for the protection of environmental water, particularly low flows in the northern Basin, and the 'pre-requisite policy measures' for the southern connected Basin.	MDBA 5.1	Not relevant		QLD 5.1	Primarily an MDBA responsibility supported by SA 4.1.	Not relevant

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<b>Structural reforms:</b> Reconsolidate and significantly augment all compliance and enforcement functions now dispersed between WaterNSW and DPI-Water, into the Department of Industry.	n/a	NSW 2.10	<i>Content to be provided at a later date.</i>	Aligns through QLD 1.1 QLD 1.2 QLD 1.4 QR 1 QR 2	Not relevant	Not relevant
To house the consolidated functions, legislate to establish a NSW Natural Resources Access Regulator.	n/a	NSW 2.10	Not relevant	Not relevant	Not relevant	Not relevant
The regulator would comprise a board, appointed by the applicable portfolio minister(s) but not subsequently subject to ministerial direction.	n/a	NSW 2.10		Not relevant	Not relevant	Not relevant
Pending advice to IPART from the board on longer-term resourcing requirements, interim resourcing levels for the first two years should be set and announced as part of the package.	n/a	NSW 2.10		Not relevant	Not relevant	Not relevant
Confer at least the following functions on the board: i. require the department to produce and publish, for each category of resource access right, a two-year strategic compliance assurance plan ii. approve an internal operations protocol that documents the processes for commencing, progressing and decision-making on compliance actions	n/a	NSW 2.10		Aligns through QLD 1.2 QLD 1.4 QLD 2.2 QLD 2.3	Not relevant	Not relevant

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>iii. oversight the delivery of compliance and enforcement activities, with authority to give directions to the department where improvement or corrective action is required</p> <p>iv. make decisions on whether to commence (or not commence) proceedings for serious offences based on information and proposals prepared by the department</p> <p>v. require regular twice-yearly reporting by the department on activities and results to the board, and thence the minister and the public Independent investigation into NSW water management and compliance</p> <p>vi. provide an annual stand-alone report to the minister, for public release, attesting to the adequacy of the department's regulatory activities, and information on areas that is has recommended or directed improvement</p> <p>vii. to ensure adequate resourcing, empower the board to advise IPART on the minimum necessary funding that should be recovered from access rights holders in order (in its opinion) to provide a high level of confidence that the subject resources are being accessed in accordance with lawful entitlements.</p>						

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
The recommended ministerial package also envisages a letter from the Premier to the Chair of the MDBA proposing a range of Basin-wide initiatives to ensure all States are engaged alongside NSW in improving their compliance and enforcement efforts.	n/a – NSW to lead	Not included – superseded by the Compact		Not relevant	Not relevant	Not relevant
Public consultation on proposed measures.	n/a	Consultation undertaken			Not relevant	Not relevant
<b>Transparency - Improve access to information</b> a) Enable the public to readily access from a single source, all details of entitlements, including: name of holder; licence number; licence conditions; water entitlement; water allocations; meter readings; real time water account balance; and all trading activities. b) Enable the public to readily identify any specific pump, off-take, or works.	n/a	a. 1.2  b. 1.2		QLD 1.3 QLD 1.5 QLD 1.6 QR 6 QR 11	1.2 a. SA 1.3 (completed), SA 2.9 (completed) b. SA 1.3 (completed), SA 2.10 (completed)	ACT 1.3 (completed) Public enquiries can be made through the ACT government customer portal. The ACT Environment Protection Authority will provide all relevant details within 7 days.
c) Pay particular attention to improving the transparency of environmental water entitlements and flows. In-stream releases should be more clearly identified. The targets, goals, and environmental response should be more readily available. The responsible environmental water manager should be identified. The rules by which flows are being protected	Supported by 1.3, MDBA 5.1	NSW 1.4		Delivered through existing water plans. Current draft plans strengthened.	1.3  SA supports the development of a GIS website that provides greater transparency of the diversion rules to protect environmental flows at any given time.  In South Australia all environmental water use, regardless of its source, is measured and reported. Environmental water use is reported by DEW to	Completed.  The ACT is considered an unregulated system under the Basin Plan so there is no held environment water/instream releases. The combination of instruments under the Water Resources Act 2007 which provide for environmental flows in ACT water ways

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
should be announced in conjunction with the flow itself.					many different entities, including the CEWO and MDBA	include; Environmental Flow guidelines, water available from water management areas, Water Access Entitlements and Licences to Take Water.  Volumetric limits and specific conditions in licences ensure environmental flows are maintained.
<p><b>Transparency - Improve reporting</b></p> <p>d) Establish and promote a statewide non-compliance reporting hotline and email reporting channel. This should include facility for anonymous reporting.</p> <p>e) Require regular feedback to informants on actions taken in response to complaints, within a designated timeframe.</p> <p>f) Develop clear channels within the department to carry forward public reporting and ensure independent scrutiny of actions by water users. These channels should be designed to ensure reports go beyond first line managers; reports need also to be brought to the attention of sufficiently senior levels in the department.</p> <p>g) Require the routine publication of the identities of water users found guilty of serious offences.</p>	<p>Basin State responsibility.</p> <p>Supported by MDBA 1.1, MDBA 1.2, MDBA 1.3, MDBA 1.4 (completed), MDBA 1.5 (completed), 2.1 (completed), MDBA 2.2, MDBA 2.3 (completed) &amp; MDBA 2.4 (completed)</p>	<p>d. NSW 1.5</p> <p>e. NSW 1.6</p> <p>f. NSW 2.3</p> <p>g. NSW 2.3</p> <p>h. NSW 1.7</p> <p>i. NSW 1.8</p>		<p>QLD 1.4</p> <p>QLD 1.3</p> <p>QLD 1.5</p> <p>QLD 2.2</p> <p>QLD 2.3</p> <p>QR 2</p> <p>QR 4</p> <p>QR 6</p>	<p>d. SA 1.3 (completed)</p> <p>e. SA 1.3 (completed)</p> <p>f. SA 2.3, SA 2.7 (completed), SA 1.1 (completed), SA 1.2 (completed) and SA 1.4 (completed)</p> <p>g. SA 2.2 (completed) and SA 2.6 (completed)</p> <p>h. SA 1.3 (completed), SA 2.2 (completed) and SA 2.6 (completed)</p> <p>i. Not relevant however, related to SA 2.6 (completed)</p> <p>j. Not relevant however, related to SA 2.6 (completed)</p>	<p>ACT Government has a single point of entry for complaints (including reporting breaches of ACT laws). Complaints are sent to the relevant area who must respond in 7 days.</p>

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>h) Implement comprehensive annual public reporting on NSW compliance and enforcement activities, as already required under the National Framework for Compliance and Enforcement Systems, but not yet in place in NSW. Reports should be delivered to a fixed schedule and according to a standard format developed after public consultation.</p> <p>i) Require annual 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 should be delivered to a fixed schedule and according to a standard format developed after public consultation.</p> <p>j) Require publication and upkeep of an on-line description of the compliance and enforcement arrangements, including contact details and ‘who-is-responsible-for-what’ for each Water Sharing Plan, and for NSW as a whole.</p>		j. NSW 1.6				
<p><b>Independence - Structural reforms</b></p> <p>a) Consistent with the ministerial reform package, provide institutional separation of compliance staff from water policy, water planning, water regulation, water delivery, environment and agriculture staff.</p>	n/a	<p>a. NSW 2.10</p> <p>b. NSW 2.3</p>		<p>QLD 1.2</p> <p>QLD 1.4</p> <p>QR 1</p> <p>QR 4</p>	<p>a. SA 1.4 (completed)</p> <p>b. SA 1.2 (completed), SA 2.3 (completed) and SA 2.7 (completed)</p>	ACT 1.1

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
b) Seek to draw a stronger distinction/separation between 'compliance' and 'enforcement' responsibilities so that the need when necessary, to move from educative, collaborative work to bring non-compliant activities into compliance does not result in reluctance by officers to engage in sharper edged 'enforcement' work when warranted.						
<p><b>Independence - Accountabilities</b></p> <p>c) Clarify responsibility, authority, accountability, and delegations within the compliance and enforcement function. Specify the levels at which approvals are given for each level of compliance action. Specify the circumstances under which senior officers are to be kept informed and document the rare and exceptional circumstances under which senior officers may legitimately intervene in specific enforcement actions and cases.</p> <p>d) Consider designating a Chief Compliance and Enforcement Officer under the board and provide statutory or other form of independence from ministerial or senior officer intervention on operational matters. Consider appointing the Chief Compliance and</p>	<p>1.1, 2.3, 2.1 (completed), MDBA 1.5 (completed), MDBA 1.6 (completed), MDBA 1.7, MDBA 2.1, MDBA 2.3 (completed), MDBA 2.4 (completed), MDBA 2.5</p> <p>f) MDBA 4.3</p> <p>g) 2.1 (completed), 2.3, MDBA 2.3 (completed)</p>	<p>c. NSW 2.3</p> <p>d. NSW 2.10</p> <p>e. NSW may support independent auditing – note also NSW 1.10</p> <p>f. Not relevant. Note however</p>		<p>QLD 1.2</p> <p>QLD 1.4</p> <p>QR 4</p> <p>QR1</p> <p>QR2</p>	<p>c. SA 1.2 (completed), SA 1.4 (completed), SA 2.3 (completed) and SA 2.7 (completed)</p> <p>d. Not relevant however, relates to SA 1.4 (completed)</p> <p>e. SA 1.3 (completed)</p> <p>f. Not relevant</p> <p>g. Not relevant</p>	<p>1.1</p> <p>ACT 1.1 (completed), ACT 1.2 (completed)</p> <p>The ACT Environment Protection Authority operates according to the Environment Regulation &amp; Protection Compliance &amp; Enforcement Guideline 2016. Regulatory decisions sought by Officers are referred to management levels on a scaled hierarchy according the level of risk and harm.</p>

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>Enforcement Officer to the board itself.</p> <p>e) Commit to periodic third-party auditing of NSW compliance and enforcement systems by other states. This could be a reciprocal arrangement facilitated by the MDBA and an opportunity for the MDBA to show leadership in compliance matters.</p> <p>f) The MDBA should take into account proposed compliance and enforcement arrangements before it approves/accredits each draft Water Resource Plan under the Basin Plan. The Barwon–Darling Water Resource Plan to be brought forward for early assessment in this regard.</p> <p>g) The potential powers, roles and functions of the MDBA in compliance and enforcement, both before and after 2019, to be more clearly articulated and made public. This should include a clear statement, in advance, of the circumstances under which the authority’s legislative ‘reserve’ power to intervene would be mobilised if compliance and enforcement by basin states is judged insufficient.</p>		<p>4.1 and NSW 4.1</p> <p>g. Not relevant</p>				
<p><b>Effectiveness - Metering</b></p> <p>a) Make the requirement for metering universal: ‘no metering, no pumping’.</p>	<p>Basin State responsibility</p>	<p>a. 3.1</p> <p>b. 3.1</p>		<p>QLD 1.4</p> <p>QLD 3.1</p> <p>QLD 3.4</p> <p>QLD 3.5</p>	<p>a. SA3.1 (completed) and SA 3.3</p>	<p>See response to MDB Compliance Review recommendation 1</p>

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>b) Remove all scope for self-reporting, such as log books in lieu of fully operational water meters.</p> <p>c) Enforce modern Australian metering standards and bring forward the date to which certain current non-compliant meters are 'grandfathered' in the Barwon–Darling and other systems.</p> <p>d) Reduce tolerance for argued differences in conditions between northern and southern areas of the Murray–Darling Basin. Standards and rules (e.g. metering) should be basin-wide unless the need for exceptional northern arrangements can be convincingly demonstrated to other states and the MDBA.</p> <p>e) Reinforce a mandatory requirement for meter readers to report defective, inoperable or apparently tampered-with meters in real time. Require random and more frequent meter reading schedules. Enforce random cross-checks of meter readings. Publish meter readings in real time.</p> <p>f) Publicly specify unambiguous responsibilities for metering costs: purchase, installation and maintenance are costs to irrigators; stream gauging, meter reading, etc. are costs to government, albeit</p>	Supported by 3.3(iv)	<p>c. 3.1, 3.8</p> <p>d. 3.1</p> <p>e. 3.1, 1.2, NSW 3.1, NSW 2.4</p> <p>f. 3.1</p>		<p>QLD 3.6</p> <p>QLD 3.7</p> <p>QR 5</p> <p>QR 7</p> <p>QR 8</p> <p>QR 9</p> <p>QR 13</p>	<p>b. Not agreed - In 2014, the Department implemented a meter self-read strategy as part of its new risk-based compliance framework. This strategy acknowledges that the vast majority of licence holders are responsible water users and that compliance effort is more effective when focused through targeted compliance monitoring programmes. These targeted programmes generally centre on known compliance issues, are informed by anomalies in water use data and/or an area where the water resource is under pressure. The meter self-read strategy does not replace the need for fully operational meters and licence holders are still required to ensure that meters are operational and recording accurately. In addition to the meter reads submitted to the Department by licence holders, random and targeted meter audits are undertaken by the Department to verify the accuracy of meter reading data being supplied to the Department. Erroneous data is followed up with water licence holders.</p> <p>c. SA 3.2</p> <p>d. 3.3 (iv)</p> <p>e. SA 2.4 (completed) and SA 3.5 (completed)</p> <p>f. Does not directly link to an action in Schedule 5 of the Compact, however, this is clarified in the publically available SA Licensed Water Use Meter Policy and Specification (i.e. completed)</p>	3.3(iv)

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
largely cost recovered through IPART.						
<p><b>Effectiveness - Compliance enforcement</b></p> <p>g) Require structured and documented processes for commencing, progressing, and decision making on compliance actions. Priorities should be set and pursued to completion on the basis of regular structured risk assessment processes. Clear protocols for the engagement at key points, of senior officers and the board should be developed and observed.</p> <p>h) Assertively adopt and implement new monitoring and compliance techniques and technologies such as: remote sensing of crop growth and water holdings; back to base and remote meter reading and telemetry; and targeted covert operations. These techniques can be made first-line tools or utilised as cross-checks of more conventionally sourced data. To date, there has been limited use only of these techniques—it is time to utilise them assertively.</p> <p>i) Implement post-action audits of each major enforcement case to extract learnings and process improvements for the future and critically, build in the improvements</p>	1.1, 1.3, 2.1, 2.2	<p>g. 2.3, NSW 2.3, NSW 2.11</p> <p>h. NSW 2.8, NSW 3.6</p> <p>i. NSW 2.3, NSW 5.3</p> <p>j. NSW 2.3</p>		<p>QLD 1.2</p> <p>QLD 1.4</p> <p>QLD 2.1</p> <p>QLD 2.3</p> <p>QLD 3.5</p> <p>QLD 3.6</p> <p>QLD 3.7</p> <p>QR 1</p> <p>QR 2</p> <p>QR4</p> <p>QR 7</p> <p>QR 8</p> <p>QR 4</p>	<p>g. SA 1.2 (completed), SA 1.4 (completed), SA 2.1 (completed), SA 2.3, SA 2.6 (completed) and SA 2.7 (completed)</p> <p>h. SA 2.11 and SA 3.4</p> <p>i. SA 1.3 (completed), SA 2.1 (completed) and SA 2.2 (completed)</p> <p>j. SA 2.6 (completed)</p>	ACT 1.2, ACT 2.4, ACT 3.11 (all completed)

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>into policies, procedures and practice.</p> <p>j) Require progress reporting to senior levels for all cases. 'Traffic light' or similar reporting techniques should highlight any slippage in individual case management.</p>						
<p><b>Effectiveness - Resourcing</b></p> <p>k) Ensure more stable and secure resourcing for compliance and enforcement activities by the dedication of core funding by means of IPART-approved charges.</p>	MDBA 1.5	k. NSW 2.9		QLD 1.4 QLD 2.2 QR 1 QR 3 QR 11 QR 13	SA 2.12 (completed)	ACT 3.8 (completed)
<p><b>Effectiveness - Capacity building</b></p> <p>l) Build capacity through targeted recruitment of specialist investigators, noting that police experience is not by itself a sufficient guarantee of competence in investigations. Consider contracting specialist investigators for specific or high profile cases.</p> <p>m) Require minimum levels of training for compliance and enforcement staff in investigation techniques (Certificate IV in Government Investigations) as well as in domain knowledge such as the NSW Water Management Act, the Water Act, the Basin Plan, and specific conditions of licences.</p> <p>n) Make ethics training a pre-requisite for commencement including for senior level lateral</p>	2.2, MDBA 1.5 (completed), MDBA 1.7,	l. NSW 2.3, NSW 2.7  m. NSW 2.7          n. NSW 1.13, NSW 2.7		QLD 1.4 QLD 2.2 QR 4 QR 11	l. SA 2.7 (completed)  m. SA 2.7 (completed)  n. All DEW staff are required to undertake mandatory ethics training and conduct themselves in accordance with a Code of Conduct.	ACT 2.1 (completed)

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>recruits to the public service. Induction training should be mandatory for all staff and should be delivered in a timely fashion before operational commencement. Other relevant training, for example in the Evidence Act, will be important. Refresher courses should be scheduled for each officer and become part of their performance development plans.</p>						
<p><b>Effectiveness - Agency processes</b></p> <p>o) Specify in operational procedures how DPI-Water and Lands &amp; Forestry should work together on overlapping issues such as irrigation works affecting Crown land.</p> <p>p) Specify in operational procedures how DPI-Water should work with other agencies when non-water legislation is involved, e.g. fisheries, forestry, environment, etc.</p> <p>q) Encourage wider and more ready use of innovative penalties for breaches of licence conditions other than monetary penalties. This includes suspension of licences or penalty reduction of water allocations. Such penalties could be matched more directly to the benefit otherwise gained by a water user from an illegal extraction of water.</p> <p>r) Seek to establish arrangements for best practice sharing among</p>	<p>2.2, 2.3, DAWR 2.7</p>	<p>o. NSW 2.12</p> <p>p. NSW 2.12</p> <p>q. NSW 2.3</p> <p>r. 2.2, NSW 2.8</p>		<p>QLD has a whole of natural resources approach within DNRME</p> <p>QLD 1.2</p> <p>QLD 1.4</p> <p>QLD 2.1</p> <p>QLD 2.2</p> <p>QR 5</p>	<p>o. Water Licensing and Crown Lands are business areas which are both managed by the Department. The two business areas have a close working relationship and have previously worked together on a compliance programmes. In addition, the Department's Compliance Unit covers both business areas and is responsible for providing advice on appropriate compliance action, as well as progressing matters that have been escalated for formal investigation.</p> <p>p. The Department works collaboratively with a number of other agencies across Government to share expertise. Collaborations with other agencies are usually through formal requests for advice, working groups or through memorandums of understanding (e.g. the Department of Primary Industries and Regions, South Australia (PIRSA), and the Environment Protection Authority South Australia (EPA).</p> <p>q. In progress (e.g. ways to deter repeat offenders where standard mechanisms are not</p>	<p>o.-p - Not relevant</p> <p>q. ACT 2.6 (completed)</p> <p>r. 2.2</p>

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
jurisdictions and among other sectors of the natural resource-based industries.					r. providing an adequate deterrent) 2.2. SA through the Compact Drafting Group have promoted and supported the formation of a National committee for sharing of best practice compliance	
<p><b>MDBA contributions</b></p> <p>a) The roles and functions, and potential scope for action by the MDBA in compliance and enforcement, both before and after 2019, should be more clearly articulated and made public. This should include a clear statement, in advance, of the circumstances under which the authority’s legislative ‘reserve power’ to intervene would be mobilised if compliance and enforcement by a basin state were judged insufficient.</p> <p>b) As a matter of urgency, a revised whole-of-basin compliance and enforcement strategy should be developed. The strategy should include standards and the levels of effort (resourcing) to be achieved by each member state. The objective would be to build confidence that all states were achieving a similar standard of compliance. The strategy should set out a rolling program of review of the highest areas of risk of non-compliance and routinely audit the adequacy of each state’s water measurement (especially metering)</p>	<p>a. 2.1 (completed), 2.3, MDBA 2.3, MDBA 2.5</p> <p>b. Basin Compliance Compact and 2.1</p> <p>c. MDBA 1.2, MDBA 1.3 &amp; MDBA 2.1</p> <p>d. Partially MDBA 2.1</p> <p>e. 2.2</p> <p>f. MDBA 4.3</p> <p>g. MDBA 5.1</p>	<p>a. Not relevant</p> <p>b. Not relevant</p> <p>c. Not relevant</p> <p>d. NSW may support independent auditing</p> <p>e. Not relevant</p> <p>f. Not relevant</p> <p>g. Not relevant</p>		<p>Aligns through</p> <p>QLD 1.2</p> <p>QLD 1.4</p> <p>QLD 2.1</p> <p>QLD 2.3</p> <p>QR 1</p> <p>QR 2</p> <p>QR 4</p>	Not relevant	Not relevant

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>and monitoring arrangements. The strategy should require an annual report to the Ministerial Council on the performance of all basin states in compliance and enforcement. This report would be made public.</p> <p>c) As a complementary measure, require more effective annual assurances from the basin states about the compliance and enforcement arrangements in place in each state. These assurances should attest to the state's achievement of the standards and levels of effort set out in the above whole-of-basin compliance and enforcement strategy. They should provide quantitative and qualitative indicators of performance to a standard and format to be set by the authority. The assurance reports would be made public.</p> <p>d) Implement reciprocal periodic third party auditing of each basin state's compliance and enforcement systems by other states.</p> <p>e) Sponsor the formation of a national forum for compliance and enforcement agencies from basin states with a view to developing a community of practice to share best practice; tackle trans-border compliance issues and provide advice on opportunities for systemic</p>				<p>d) Disagree RWMP – Independent Panel to Audit</p>		

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>improvements to the authority and the Ministerial Council.</p> <p>f) Announce now that the MDBA will take into account proposed compliance and enforcement arrangements before it approves/accredits any draft Water Resource Plan under the Basin Plan. The Barwon–Darling Water Resource Plan should be brought forward for early assessment in this regard.</p> <p>g) Announce now that the new Water Resource Plans will be assessed by the MDBA and Commonwealth against the criterion of the adequacy of the arrangements proposed for protecting environmental flows and entitlements.</p>						
<p><b>Protection of environmental flows</b> Pending development of the longer term solution, an interim solution that would assist in at least the Barwon–Darling River system could involve:</p> <p>a) implementation of individual daily extraction limits (which were already foreshadowed by the NSW Government when the Barwon–Darling Water Sharing plan was first introduced)</p> <p>b) greater use of event-based mechanisms such as more</p>	<p>Basin State responsibility.</p> <p>Supported by MDBA 5.1</p>	<p>a. 5.3, NSW 5.1</p> <p>b. 5.3, NSW 5.1</p> <p>c. 5.3, NSW 5.1</p>		QLD 5.1	Not relevant	Not relevant

Ken Matthews interim report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>flexible commence-to-pump rules during periods of low flow</p> <p>c) manipulation of flow rates from tributaries where hydrological regulation provides the opportunity</p> <p>d) publication of simple explanatory materials to assist public understanding of the way the new interim processes will operate—to build public confidence in the arrangements. This would need to be complemented by (flow) event-by-event public communications about the rules applying.</p>		<p>d. 5.3, NSW 5.1, NSW 1.4</p>				

Matthews final report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<p><b>Implementation of the reforms</b> Recommend that top departmental management move quickly to complete the implementation master plan, commission work on individual project plans, establish and commence operations of the necessary program oversight and steering arrangements.</p>	n/a	NSW 1.9	<i>Content to be provided at a later date.</i>	In progress –QLD Government approved QR document and RWMP QLD 1.1 QLD 1.2 QLD 1.4	Not relevant	Not relevant
<p><b>Resourcing</b> Recommend that the proposed top-level steering committee move quickly to clarify reform project budgets, and especially to make available the necessary staff resources and time.</p>	n/a	NSW 1.9		In progress – QLD Government approved QR document and RWMP QLD 1.1 QLD 1.2	Not relevant	Not relevant
<p><b>Implementation challenges</b> Recommend that the government announce now its intention to commission an independent audit and evaluation of results against ministers’ original target outcomes, after 12 months</p>	n/a	NSW 1.10		Aligns through QLD 2.3 QR1 QR6	Not relevant	Not relevant
<p><b>Inter-agency relationships</b> Recommend establishment of machinery and protocols for Natural Resources Access Regulator, WaterNSW and the department’s new Crown Lands and Water Division to stay in touch and to cultivate a constructive, collaborative working relationship.</p>	n/a Supported by 2.3	NSW 2.10		QLD has a whole of natural resources approach within DNRME Aligns through QLD 1.1 QLD 1.2 QR 1 QR 2	Not relevant	ACT has entered into MOUs with NSW
<p><b>Overall plan for implementation</b> Recommend that an implementation plan be completed as a matter of urgency and maintained thereafter</p>	n/a	NSW 1.9		Aligns through QLD 1.1	Not relevant	Not relevant
<p>Recommend that an early task for each ‘project lead’ should be to submit to the steering committee their plans for consultation</p>	n/a	NSW 1.9		QLD 1.1 – RWMP includes a stakeholder engagement processes and formal governance structures	Not relevant	Not relevant

Matthews final report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
				QLD 1.2		
Recommend that the Secretary issue a formal statement of membership and terms of reference for the Steering Committee and make clear his expectations of a hands-on supervisory role and that the committee is ultimately accountable for progress.	n/a	NSW 1.9		QLD 1.1 - RWMP includes formal governance structures and project management approach QLD 2.3 QR 1	Not relevant	Not relevant
Recommend that an internal funding allocation for reform implementation be announced as soon as possible	n/a	NSW 1.9		QLD 1.2 QR 1 QR 3 QR 11	Not relevant	Not relevant
Recommend that, immediately following the release of the MDBA's own Compliance Review report, discussions be undertaken with the MDBA and the Commonwealth about the possibility of accessing Commonwealth funds available for Basin Plan implementation. Commonwealth funding for metering, compliance and enforcement, and protection of environmental water may advance the objectives of both levels of government.	The functions of metering, compliance and enforcement functions are a state responsibility. However \$60 million of Commonwealth funding was made available to states 2009-2015 to transition to the National Framework for Compliance and Enforcement to assist the transition to adopting the new framework and increasing the compliance and enforcement effort. The Commonwealth has committed \$20 million to support improved hydrometric networks in the northern Basin, and the development of remote sensing and other relevant technologies to enhance monitoring, measurement	Suggest this is an action for all jurisdictions as part of the Compact		QLD 3.1 QLD 3.3 QLD 3.4 QLD 3.6 Commonwealth funds are sought.		

Matthews final report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
	and compliance in all Basin States.					
Recommend that that the senior steering committee accept responsibility to facilitate the release and transfer of staff with expertise to relevant reform projects. This will sometimes require explicit choices to defer other work in favour of the reform projects.	n/a	NSW 1.9		QLD 1.2 QR 1 QR 3 QR 11	Not relevant	Not relevant
<b>Specific allegations in the Barwon-Darling</b> Recommend that the Natural Resources Access Regulator consider conducting a post-case review to identify process improvements for similar cases in the future.	n/a	NSW 2.3, NSW 5.3		Aligns through QLD 2.2 QLD 2.3 QR 1 QR 2	Not relevant	Not relevant
<b>Conduct of senior public servants</b> Recommend that, in the light of the Four Corners program, there is a review of departmental Code of Conduct, as well as a review of the departmental guidance documents covering the handling of classified and sensitive government information.	MDBA 1.7 The MDBA & DAWR are bound by the APS Code of Conduct and have procedures in place to deal with potential breaches. The APS Code of Conduct and ethics are mandatory (DAWR) and voluntary (MDBA) learning requirements for new staff and are included in ongoing training requirements. MDBA will be introducing more targeted APS Code of Conduct training in 2018. DAWR is currently introducing integrity awareness training.	NSW 1.11			SA servants are bound by the SA Public Service code of conduct	ACT public servants are bound by the ACT Public Service code of conduct
Recommend that there be a review of 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.		NSW 1.12				
Recommend a review of staff induction processes including induction training, but possibly also induction briefings and 'on-boarding' material/welcome letter specifically addressing the ethical and conduct obligations of public servants.		NSW 1.13				
Recommend updating the current online learning module about the departmental Code of		NSW 1.11, NSW 1.12, NSW 1.13				

Matthews final report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
Conduct, and making the module mandatory for all staff.						
Recommend consideration of how lateral appointees to the department from outside the public service can quickly absorb how the ethical and conduct obligations on public servants differ from those applying in the private sector.		NSW 1.11, NSW 1.12, NSW 1.13				
Recommend consideration of how staff selections—especially at more senior levels—could take better account of the ethical example officers provide to others. This would need to be consistent with the merit principle but could be encouraged by means of revised staff selection criteria.		NSW 1.11, NSW 1.12, NSW 1.13				
Recommend a re-design of staff feedback processes to encourage frank and empowered communication up the line without staff needing the cover of anonymous formal whistle-blower procedures (which should continue to be available).		NSW 1.14				
Recommend the continuing reinforcement by the Secretary and other top managers of the importance of ethical conduct, as well as communication that ethical conduct is not an onerous burden imposed on public servants, but rather a positive attribute of a modern workplace that encourages pride, collegiate commitment, loyalty, morale and ultimately, team performance.		NSW 1.11, NSW 1.12, NSW 1.13				
Recommend measures to ensure that ethical and public service conduct issues continue to receive departmental management attention into the future, long after the current impact of the Four Corners experience has dimmed.		NSW 1.11, NSW 1.12, NSW 1.13				

Matthews final report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
<b>Stakeholder engagement</b> Recommend the department seek to make a significant adjustment to historical departmental practice by finding ways to provide greater access for water stakeholders such as environmental groups and agencies who until now have primarily engaged with the Office of Environment and Heritage.	n/a	NSW 1.15		Water Engagement Forum in place	Not relevant	Not relevant
Recommend that the department seek to foster more constructive relationships with stakeholders elsewhere within the NSW Government, including the critical relationships with WaterNSW and the Office of Environment and Heritage.	n/a	NSW 1.15, NSW 5.1		Water Engagement Forum in place	Not relevant	Not relevant
<b>Irrigator engagement</b> Recommend that the primary forum for irrigator's consultation be established with published terms of reference (including guidance on how the forum will conduct its business) and membership.	n/a	NSW 1.15		Water Engagement Forum in place	Not relevant	Not relevant
<b>Implementation advice on the engagement strategy</b> Recommend that: lead responsibility is made clearer; the timeline for finalisation of the strategy be settled, the authorisation (approval) process be specified in advance; and that the Minister, the Secretary, and his corporate communications staff be consulted as work proceeds.	n/a	NSW 1.15		Aligns through QLD 1.1 QLD 1.2 QR 1	Not relevant	Not relevant
<b>Clarifying agency roles</b> Recommend that the settlement between WaterNSW and NRAR be finalised as soon as possible, and then once finalised, be published as soon as possible.	n/a	NSW 2.10		QLD 1.2 QR 1	Not relevant	Not relevant
<b>Preparing for the new NRAR Board</b>	n/a			Aligns through	Not relevant	Not relevant

<b>Matthews final report recommendations</b>	<b>Commonwealth</b>	<b>NSW</b>	<b>VIC</b>	<b>QLD</b>	<b>SA</b>	<b>ACT</b>
Recommend that agenda papers be available for the first meeting of the incoming NRAR Board covering the following: background of NRAR, processes for identifying conflicts of interest, Chief Regulatory Officer work to date, NRAR Establishment Plan, strategic work priorities and draft workplan, next steps.		NSW 2.10		QLD 1.2 QR 1 QR 2		
Recommend that the Minister consider meeting the Board at its first meeting to communicate his expectations, including his commitment to the independence and success of the new agency.	n/a	NSW 2.10		Not relevant	Not relevant	Not relevant
Recommend that the Natural Resources Access Regulator Establishment Plan be published as soon as the incoming Board has endorsed it.	n/a	NSW 2.10		QLD 1.2 QLD 1.4 QLD 2.3 QR 1 QR 2 QR 4 QR 6	Not relevant	Not relevant
<b>Implementation advice to the department</b> Recommend that any ambiguity about the powers of the NRAR board versus the residual powers of the department Secretary be clarified before the commencement of NRAR by means of a charter letter or administrative Memorandum of Understanding from the Secretary of the department to the Chief Regulatory Officer within NRAR	n/a	NSW 2.10		Not relevant	Not relevant	Not relevant
Recommend clean break of WaterNSW and the department along these lines: All compliance and enforcement staff return to department (including proportional budget), advice, education, sanctions, reporting, and liaison machinery.	n/a	NSW 2.10		Not relevant	Not relevant	Not relevant

<b>Matthews final report recommendations</b>	<b>Commonwealth</b>	<b>NSW</b>	<b>VIC</b>	<b>QLD</b>	<b>SA</b>	<b>ACT</b>
Recommend that the settlement between WaterNSW and NRAR be finalised and published as soon as possible.	n/a	NSW 2.10		Not relevant	Not relevant	Not relevant
<b>Protection of environmental water</b> Recommend that the informal “working group” of part-time officers be re-designated an “Interagency Task Force” established with Ministerial or Secretary-level imprimatur to complete its defined, high profile task within a given time.	n/a	NSW 5.1		Not relevant	Not relevant	Not relevant
Recommend that timelines be set to deliver the interim report solution within three months and that the more enduring solution be requested to be available well before the 2019 deadline for the finalisation of Water Resource plans, and an experienced senior officer (public service or contractor) be dedicated to lead the task full time.	n/a	NSW 1.9, NSW 5.1		Not relevant	Not relevant	Not relevant
Recommend that clear lines of accountability, regular reporting, and consultation and approval authority be established at the outset in terms of reference for the task force agreed by ministers or secretaries.	n/a	NSW 1.9, NSW 5.1		Not relevant	Not relevant	Not relevant
Recommend that the MDBA be invited to build the Task Force process into the Authority’s own work program as its principal vehicle for resolving the long-unresolved issues associated with protection of environmental water in NSW, with potential for application in other jurisdictions where required.	n/a	Not relevant		Not relevant	Not relevant	Not relevant
Recommend that the terms of reference (in relation to the task) seek options and advice on at least the following: voluntary agreements with northern irrigators, event-based management in unregulated systems, advice to manage low	n/a	5.3, NSW 5.1		Not relevant	Not relevant	Not relevant

Matthews final report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
flows, individual and total daily extraction limits, abolition of carryover arrangements, possible river operator oversight, public awareness, environmental objectives, broader use of Barwon-Darling solutions, and mechanisms for implementation						
<b>Intergovernmental and MDBA processes</b> Recommend active and strategic input to the MDBA Review and to the decision-making processes to follow, by NSW at officials level up to and including the Basin Officials Committee, and at Ministerial level.	MDB Compliance Review published in November 2017	Not included in NSW work program – this is already happening and will be ongoing as part of the Compact process		In progress - refer to Qld response and commitment to Compact	Contributed to development of Basin Compliance Compact	Contributed to development of Basin Compliance Compact
Recommend NSW seek to have the future compliance and enforcement roles of the Authority specified as follows: Focus compliance at Basin Plan level, exercise its full powers to ensure compliance, equivalent standards and levels of effort among all Basin states, provide a common framework for states to execute and report compliance, sponsor compliance best practice sharing among states, accept responsibility to keeps compliance on whole-of-basin agenda into future.	Basin State responsibility.  Supported by Compact overall, including 2.2	Not included – superseded by the Compact		In progress - refer to Qld response and commitment to Compact and delivery through RWMP	Not relevant	Not relevant
<b>Metering policy – new technologies</b> Recommend initiation of an Expression of Interest or Request for Proposals procurement process for new monitoring and compliance technologies (such as remote sensing of crop growth and water holdings).	2.2	NSW 3.6		QR 13 QLD 3.1 QLD 3.4 QLD 3.5 QLD 3.6 QLD 3.7	SA 2.11 and SA 3.4. SA welcomes opportunities to collaborate on this. SA has begun investigating remote sensing technologies and opportunities to trial these technologies in a	Not relevant

Matthews final report recommendations	Commonwealth	NSW	VIC	QLD	SA	ACT
					water licensing context	
Recommend that opportunities to collaborate in harmonisation of remote sensing standards and procurement with other basin states and/or the MDBA should be explored.	2.2	NSW 2.8, NSW 3.6		QR 13	SA 2.11 and SA 3.4. SA welcomes opportunities to collaborate on this. SA has begun investigating remote sensing technologies and opportunities to trial these technologies in a water licensing context.	Not relevant
<b>Metering policy</b> Recommend that, to determine appropriate requirements for metering, consultation be broad: parties in addition to irrigators will have strong interests.	n/a	NSW 1.15		QR 7 QR 8 QR13 QLD 3.6 QLD 3.7	Not relevant	Not relevant
Recommend that NSW urgently engage with the MDBA to outline NSW's objectives and intentions (including proposed consultation arrangements) in relation to metering and seeking a reconciliation of their respective positions.	MDBA-Basin State engagement occurred during Compact drafting process.	Not included – superseded by the Compact		QLD 3.4 QLD 3.6 QR 7 QR8	Not relevant	Not relevant

Ombudsman report observations	Commonwealth	NSW	VIC response	QLD response	SA response	ACT response
Vital that any water compliance and enforcement effort is adequately funded and resourced and staffed by qualified experienced persons with investigative experience in dealing with offences where the burden of proof is beyond reasonable doubt.	1.1	NSW 2.3, NSW 2.7, NSW 2.9	<i>Content to be provided at a later date.</i>	QLD 1.1 QLD 1.4 QR 11 Qld 22	SA 2.7 (completed), SA 2.12 (completed)	ACT 3.8
Important that investigators are supported by, and have easy access to, water experts and legal officers experienced in water issues.	n/a	NSW 2.3		QLD 1.4	SA 1.2 (completed), SA 1.4 (completed), SA 2.3 and SA 2.7 (completed)	ACT 1.1
Strong leadership support and a clear mandate from Government are paramount to the success of any future compliance model.	1.1	NSW 2.10		QLD 1.1 QLD 1.2 QR 1 QR 2	SA 1.1 (completed)	ACT 1.1, ACT 1.2
We recommended that the Government, with particular input from all agencies that share responsibilities for water management and regulation in NSW, consider conducting a comprehensive review of the water regulatory system.	MDB Compliance Review published in November 2017	NSW 2.10		QLD 1.4 QLD 2.1 QLD 2.2	SA 1.4 (completed)	MDB Compliance Review published in November 2017
Chronic under-resourcing of the compliance and enforcement roles.	n/a	NSW 2.9		QLD 1.1 QLD 1.2 QLD 1.4 QR1 QR 4 QR 11	Not relevant	Not relevant
Constant stream of restructures and transfers of water regulation responsibilities (seven times since 2007) that resulted in significant staff turnover, loss of corporate memory, and poor staff morale.	n/a	NSW 2.10		Not relevant	Not relevant	Not relevant
A clash of cultures between a customer service focus and enforcement obligations have compromised the effectiveness of carrying out compliance and enforcement functions.	n/a	NSW 2.10		QLD 1.2	SA 1.1, SA 1.2, SA 1.3 and SA 1.4 (all completed)	Not relevant

Australian National Audit Office concerns	Commonwealth	NSW	VIC	QLD	SA	ACT
<p>The lack of specific, measurable deliverables, and outcome measures in the milestones and criteria for assessing the performance of NSW under the <i>National Partnership Agreement on Implementing Water Reform in the Murray-Darling Basin</i> (the NPA) represent significant weaknesses in the performance framework.</p>	<p>DAWR 4.1 and 4.3</p> <p>The Department agrees that there is value in having specific, objective measures to indicate progress in agreements of this kind. This NPA was negotiated and agreed with five other jurisdictions in 2013-14 and concludes on 30 June 2020. Under Clause 36 of the NPA, agreement of all the Parties would be required for variations to the agreement. Given this, it is unlikely to be cost effective to renegotiate the milestones prior to the NPA's conclusion. However, the Department will be considering the criteria used to assess progress against the NPA milestones based on the ANAO findings and the recommendations of the mid-term review of the NPA completed in August 2017.</p>	Not relevant				
<p>While the Department of Agriculture and Water Resources has followed agreed processes for monitoring performance, there was a lack of evidence and explanation to substantiate its positive assessment of NSW's progress under Milestone 8 of the NPA for 2015–16, in light of serious issues raised about the state's water regulation arrangements. Importantly, there was little in the Department of Agriculture and Water Resources' submission to the Minister for 2015–16 to suggest that there were risks that NSW was not delivering environmental water consistent with the Basin Plan. These factors have limited the effectiveness of Department of Agriculture and Water Resources' assessment.</p>	<p>DAWR 4.1 and 4.3</p> <p>While the Department plans to improve the performance framework for the NPA as outlined above, the Department does not agree with the ANAO's specific findings relating to the assessment of NSW progress in 2015-16. Further information on the Department response to the ANAO audit can be found at: <a href="http://www.agriculture.gov.au/SiteCollectionDocuments/about/response-anao-limited-assurance-review.pdf">http://www.agriculture.gov.au/SiteCollectionDocuments/about/response-anao-limited-assurance-review.pdf</a></p>	Not relevant				