

2017–18 annual report on compliance activities for the Murray–Darling Basin Authority

The Murray–Darling Basin Authority (MDBA) is responsible for the implementation of a plan for the sustainable management of the Murray–Darling Basin’s water resources, operating the River Murray system, and ensuring water users and managers comply with the requirements and regulatory responsibilities as set out in the *Water Act 2007* (Cth) (Water Act) and the *Basin Plan 2012* (Cth) (Basin Plan).

The MDBA takes a risk based approach to compliance and enforcement. This includes undertaking compliance activities identified in its Annual Priorities and Audit Strategy. From time to time the MDBA also receives information or allegations relating to potential breaches of the Water Act or the Basin Plan.

Compliance and enforcement activities should be initiated at the appropriate jurisdictional level for the compliance issue: either at the Basin state level or the Australian Government level. In most cases it will be at the Basin state level, as Basin state water agencies have day to day responsibility for water planning, water licensing, rule-setting, river operations and state-level compliance (including meter inspections and readings).

For example, in line with the MDBA’s [escalation protocol](#), in the first instance the MDBA will refer allegations of illegal take to the relevant Basin state regulatory agency for investigation. However if there evidence that a Basin state is not adequately discharging its regulatory responsibilities the MDBA will conduct its own investigations and may take direct enforcement action where appropriate.

The following tables summarise the compliance actions undertaken by the MDBA from June 30 2017 to June 30 2018.

Compliance & Enforcement Activity	2017-18
Number of meters read by compliance officers	The MDBA did not conduct meter readings in 2017-2018.
Number of telemetered meters	The MDBA does not administer telemetered meters and did not collect compliance information on telemetered meters in 2017-2018.
Number of meter inspections undertaken by compliance officers	The MDBA did not conduct meter inspections in 2017-2018.
Alleged compliance breaches reported	20
- Allegations breaches finalised (no breach found)	12
- Allegations under review by the MDBA at 30 June 2018	8
- Allegations referred to a relevant state agency	6
Investigations commenced, underway or finalised¹	The MDBA did not commence or finalise any investigations in 2017-2018.
Advisory letters issued²	The MDBA did not issue any advisory letters in 2017-2018.
Formal warnings issued	The MDBA did not issue any formal warnings in 2017-2018.
Statutory notices issued (enforcement or infringement notices)	The MDBA did not issue any statutory notices in 2017-2018.
Licence cancellations and/or suspensions	Not relevant to the MDBA. The MDBA does not have this power under the Water Act.
Administrative sanctions	The MDBA did not issue any administrative sanctions in 2017-2018.

¹ An investigation is a formal process of seeking information relevant to an alleged, apparent or potential breach of the law, involving possible judicial proceedings (Australian Government Investigations Standards (2011)).

² Advisory letters can be issued to individuals or groups to remind them about their compliance responsibilities, or to provide notice of changes that affect their compliance responsibilities.

Prosecutions commenced, underway or finalised in reporting year

Relevant section(s) of the legislation	Date commenced	Catchment
The Water Act currently has limited provisions for pursuing offences. The Australian Government is currently reviewing the Water Act with a view to enhancing the penalty provisions, including offences, in proposed amendments to the Water Act.		

Service Level targets

Service level targets	2017-18 Target	2017-18 Actual Performance	Action taken
MDBA will follow up with the referral agency one month after the allegation's referral.	This target was developed in December 2017. ³	No. of cases: 4 2	The MDBA followed up within one month after the allegation's referral The MDBA did not follow up within one month after the allegation's referral
MDBA will follow up with the referral agency, two months after the allegation's referral	2017/2018 target not set	2 cases	The MDBA followed up within two months after the allegation's referral

³ In December 2017 the MDBA released an Escalation Pathway documenting its process for referring allegations to states containing these targets: https://www.mdba.gov.au/sites/default/files/pubs/compliance-escalation-pathway_0.pdf.