

Basin Plan Matter 19 (Compliance with Water Resource Plans) for water year 2023-24

Overview questions

Reporting context

- This template covers Basin State 2023-24 annual reporting obligations in relation to the Basin Plan Schedule 12, Matter 19 (Compliance with Water Resource Plans)
- Responses may draw from and direct to existing publicly available information by including hyperlinks to public reporting or websites which contain explanatory details
- The MDBA assumes everything provided in this template is public, and licensing would allow the information’s re-use unless specifically notified
- Reporting is due by 31 October 2024 to the Murray–Darling Basin Authority via AnnualSchedule12Reporting@mdba.gov.au

This report covers South Australia’s 3 Water Resource Plans: South Australian River Murray, Eastern Mount Lofty Ranges and South Australian Murray Region

***Note:** It was not possible to provide 2023-24 data in all instances as the verification cannot be completed within the timeframes required for the Matter 19 reports. 2023-24 data is provided where possible but otherwise, 2022-23 data is provided. Data was broken down by WRP area where feasible to do so.

Matter 19 reporting questions	State agency response																												
<p>1. Is the state agency aware of non-compliance with the rules and/or obligations created by WRPs?</p> <p><i>Your response may include reporting on areas where the state agency is aware that entities regulated by the WRPs, including state agencies and Irrigation Infrastructure Operators, have not complied with the rules contained within WRPs. e.g. Internal assurance processes found operational procedures did not support provision X of the WRP.</i></p> <p><i>For compliance by water users, state agencies may reference their annual water compliance activity reporting published (via hyperlink). States should refer to the water compliance activity guidelines prepared under the Basin Compliance Compact and reporting under the Metrological Assurance Framework for the AS 4747 when developing water compliance reporting. Compliance and enforcement activities and responses per WRP area is preferred, to provide a clearer picture of where the non-compliance is occurring.</i></p>	<p>Compliance summary – licensed water take</p> <p>Since 2013-14, the Department for Environment and Water (DEW) in South Australia has reported annually on its compliance activities. The Water Compliance Reporting and Planning report for 2023-24 will be published on DEW’s website by the end of 2024.</p> <p>Please refer to the above report for the 2022-23 compliance figures in relation to water take and use from prescribed water sources (where a water licence is required). It does not include compliance activities related to water affecting activity permits (these are discussed further below). To assist with interpreting the above report, the water resource plan (WRP) areas and their corresponding prescribed water resources areas are listed in the table below, along with key compliance statistics for those areas.</p> <table><tr><th>Water Resource Plan area</th><th>Prescribed Water Resource Area</th><th>% compliant with water allocation (Note: these figures have been updated since publication of the report)</th><th>% compliant with submitting meter reads on time</th></tr><tr><td>SA River Murray</td><td>River Murray Prescribed Watercourse (surface water)</td><td>98.9</td><td>99.3</td></tr><tr><td>SA Murray Region (Note: most of this area is not prescribed)</td><td>Mallee Prescribed Wells Area (groundwater)</td><td>99.5</td><td>85.4</td></tr><tr><td></td><td>Peake Roby Sherlock Prescribed Wells Area (groundwater)</td><td>100</td><td>85.7</td></tr><tr><td>Eastern Mount Lofty Ranges</td><td>Eastern Mounty Lofty Ranges Prescribed Water Resources Area (groundwater and surface water)</td><td>99.7</td><td>92.7</td></tr><tr><td></td><td>Angus Bremer Prescribed Wells Area (groundwater)</td><td>100</td><td>96</td></tr><tr><td></td><td>Marne Saunders Prescribed Water Resources Area (groundwater and surface water)</td><td>98.7</td><td>96.9</td></tr></table> <p>In 2023-24, South Australia and the other Basin states have been working with the Inspector General of Water Compliance (IGWC) on the first Murray-Darling Basin Compliance Performance Report. The report is currently scheduled to be published on the IGWC’s website in November 2024 and is intended to be produced annually. An initial set of compliance metrics was agreed for inclusion in the first report, which will be expanded on in future years.</p> <p>Penalties and warnings issued in 2022-23 related to water take from prescribed water sources in the South Australian Murray-Darling Basin: (Note: these figures will also be included in the IGWC Murray-Darling Basin Compliance Performance Report, when published)</p> <ul style="list-style-type: none"><u>Financial penalties (imposed by the regulator, DEW)</u><ul style="list-style-type: none">191 issued, comprising 57 legislated penalties (for take in excess of allocation) and 134 expiations (for not submitting meter read on time). South Australia issues mandatory financial penalties for water taken in excess of, or without, an authorisation, with a penalty amount set for every kilolitre of water taken above the permitted amount. A penalty rate is set for each prescribed water resources area and is significantly higher than the contemporaneous market price of water in order to act as a deterrent to unauthorised water take. This facilitates consistent, high compliance rates (99%), as indicated in the above table.The financial penalties totalled \$2,298,579, with \$2,151,983 in legislated penalties for take in excess of allocation<u>Warnings</u> – 66 warnings were issued to licence holders related to the non-submission of meter readings (first offence or reasonable reason for delay, otherwise expiations apply)	Water Resource Plan area	Prescribed Water Resource Area	% compliant with water allocation (Note: these figures have been updated since publication of the report)	% compliant with submitting meter reads on time	SA River Murray	River Murray Prescribed Watercourse (surface water)	98.9	99.3	SA Murray Region (Note: most of this area is not prescribed)	Mallee Prescribed Wells Area (groundwater)	99.5	85.4		Peake Roby Sherlock Prescribed Wells Area (groundwater)	100	85.7	Eastern Mount Lofty Ranges	Eastern Mounty Lofty Ranges Prescribed Water Resources Area (groundwater and surface water)	99.7	92.7		Angus Bremer Prescribed Wells Area (groundwater)	100	96		Marne Saunders Prescribed Water Resources Area (groundwater and surface water)	98.7	96.9
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	<p>Compliance summary – Water Affecting Activities: Dams</p> <p>Water Affecting Activity (WAA) controls relating to surface water are administered and monitored by the relevant Landscape Boards in accordance with the <i>Landscape South Australia Act 2019</i> (LSA Act). Activities related to dams with a volume of 5 ML or less, and/or with walls of 3m or less above the natural ground surface, are regulated by the LSA Act (a permit is required). Activities related to dams above these size limits are subject to the <i>Planning, Development and Infrastructure Act 2016</i> (PDI Act), which includes provisions for the referral of dam related works to Landscape Boards for assessment and direction in accordance with the LSA Act.</p> <p>South Australian River Murray (SARM) WRP area</p> <p>The Landscape Boards that are relevant to the SARM WRP area are the Murraylands and Riverland and the Hills and Fleurieu Boards. No WAA permits were issued for new dams or changes to dam volume regulated by the LSA Act in 2023-24. Consequently, there was no non-compliance with dam related approvals in the SARM WRP area in 2023-24. Also, there were no unauthorised dam related works identified in 2023-24 and no dam related referrals were received under the PDI Act.</p> <p>South Australian Murray Region (SAMR) WRP area</p> <p>The Landscape Boards that are relevant to the SAMR WRP area are the Murraylands and Riverland, Hills and Fleurieu, South Australian Arid Lands, Limestone Coast and the Northern and Yorke Boards. No WAA permits were issued for new dams or changes to dam volume regulated by the LSA Act in 2023-24. Consequently, there was no non-compliance with dam related approvals in the SAMR WRP area in 2023-24. Also, there were no unauthorised dam related works identified in 2023-24 and no dam related referrals were received under the PDI Act (however, considering the suspected unauthorised dams outlined below an assessment will occur in a portion of SS10 at a later date).</p> <p>Eastern Mount Lofty Ranges (EMLR) WRP area</p> <p>The Landscape Boards that are relevant to the EMLR WRP area are the Murraylands and Riverland, Hills and Fleurieu and Northern and Yorke Boards. No WAA permits were issued for new dams or changes to dam volume regulated by the LSA Act in 2023-24 (aside from one permit for dam spillway repairs and one to increase the capacity of a dam spillway in the Hills and Fleurieu Landscape Board area). There was no non-compliance with dam related approvals in the EMLR WRP area in 2023-24. Also, there were no unauthorised dam related works identified in 2023-24 and no dam related referrals were received under the PDI Act (however, please see information below regarding suspected unauthorised dams in SS12 and SS13, identified at the beginning of 2024-25).</p> <p><u>Murraylands and Riverland Landscape Board</u></p> <p>Marne Saunders Prescribed Water Resources Area (SS12) – At the beginning of 2024-25 work commenced comparing current and historical aerial photography to detect suspected unauthorised dam works in the parts of SS12 that fall within the Board's area. Subsequently, 4 new dams and 5 enlarged dams were detected, with further investigation and planning required before any compliance actions can be considered.</p> <p><u>Northern and Yorke Landscape Board</u></p> <p>A consultant was contracted to complete a desktop survey in 2024-25 of dams constructed or modified between 2019 to 2024 for areas within certain Prescribed Water Resource Areas that fall within the Board's area. For Marne River and Saunders Creek (within SS12), 48 new or modified dams were identified, with further investigation and planning required before any compliance actions can be considered.</p> <p><u>Hills and Fleurieu Landscape Board</u></p> <p>EMLR Prescribed Water Resources Area (SS13) (the part that is within this Board area only) – Desktop analyses comparing aerial photography to identify the location and extent of suspected unauthorised new and enlarged dams commenced in 2024 and is still underway. Currently, 172 new dams and 110 dam enlargements (total 282) have been identified on private land with further investigation and planning required before any compliance actions can be considered. To assist with ongoing compliance, a campaign has been scoped (please refer to question 2 for further information). The board is also examining other property types (urban areas, crown land and land with mining leases). However, non-compliance is not expected in these areas and it is much less likely that any works would proceed without the required approvals.</p> <p>Groundwater compliance – well construction, maintenance and modification (SAMR and EMLR WRP areas only. The SARM WRP does not include groundwater)</p> <p>WAA controls relating to underground water, including the construction of new wells (bores), well maintenance and repairs or modifications to existing wells, are administered by DEW. A permit is required to drill, plug, backfill or seal a well and repair, replace or alter the casing, lining or screening of a well. The construction, decommissioning or maintenance of a well is required to be performed by a licensed driller (Department for Environment and Water - Drilling wells). These licences and permits are subject to conditions.</p> <p>There is a high rate of compliance with well permits and licences, including conditions. It is not possible to provide statistics for each WRP area as compliance reporting is undertaken at a state-wide level. Please refer to the Water Compliance Reporting and Planning report for 2022-23 for further information. DEW recognises that maintaining and decommissioning wells can be complex and expensive and, as such, non-compliance is best managed with proactive case management described in question 3 below.</p> <p>Monitoring Impact of Interception Activities – commercial forestry and mining activities</p> <p>For all WRP areas, these interception activities are managed via development controls (PDI Act), or referrals from the state Department for Energy and Mining (DEM). Mining and commercial forestry proposals are referred to Landscape Boards for comment, where they are evaluated against the limits in the relevant water planning instruments and associated policies that constitute the WRP. A summary of the commercial forestry and mining activities in each WRP area that were referred to Landscape Boards in 2023-24, is provided below.</p> <p>South Australian River Murray WRP area</p> <p>None</p> <p>South Australian Murray Region WRP area</p> <p><u>Mining activities</u></p> <p><u>SA Arid Lands Landscape Board</u></p> <p>No referrals were received in 2023-24, however, referrals relevant to the SS10 area are expected over the next few years as mining projects commence. These mining proposals are in various stages of development and in 2023-24, Board staff attended stakeholder meetings with the SA DEM and mining companies where updates were provided on mining lease proposals in the MDB Management</p>
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	<p>Region (portion of SS10), such as updates on feasibility studies and the results of research/survey work that will form part of the final proposals. In these instances, Board staff advised the companies at these meetings of the requirements under the LSA Act and the need for WAA permits, while also providing advice on surface water management considerations and the level of detail needed by the Board to assess the risks to surface water resources. Site visits by Board staff are also a common part of mining proposal assessments and Board staff continue to work with DEM and Mining companies post-approval.</p> <p><u>Murraylands and Riverland Landscape Board</u> In SS10, several applications were referred to the Board from DEW, the SA DEM and the Commonwealth Department of Climate Change, Energy, the Environment and Water, that included WAAs related to mining activities: a renewal of a long-term mining licence and mine closure and two referrals under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>. Board staff assessed the potential impacts of the proposals on surface and/or groundwater and provided advice relevant to the nature of the activity and the development stage. No concerns were raised.</p> <p><u>Commercial forestry</u> <u>Murraylands and Riverland Landscape Board</u> An application and referral under the commercial forestry section of the LSA Act was received for a carbon planting project in SS10. The Board's current WAA Control Policy and water allocation plans do not require a WAA permit for this type of activity. Consequently, the Board did not support or decline the application, and advised it may proceed. The district council subsequently approved the application. The Board's WAA Control Policy is currently being reviewed in relation to such activities and will be revised in the future. Any additional take that occurs in future years as a result of this carbon planting project will be incorporated in the calculation of actual take for SS10.</p> <p>Eastern Mount Lofty Ranges WRP area <u>Mining activities</u> <u>Murraylands and Riverland Landscape Board</u> Two applications were referred by DEW directly to the board for advice: renewal of a quarry licence and renewal of a mining exploration licence. Board staff assessed the applications for existing, new or potential WAAs and no concerns were identified.</p>
<p>2. What level of confidence does the state agency have in compliance with the rules and obligations contained in WRPs?</p> <p><i>The purpose of the question is to note the state agencies' view of its considered level (e.g. high, medium or low) of confidence and what that is based on. The state agency should provide the reasons or indicators to demonstrate how it establishes its level of confidence in compliance e.g. regular audits, performance reporting or systems.</i></p> <p><i>This is also an opportunity to mention other barriers and constraints which impede the state agency ability to achieve full compliance and therefore effect confidence.</i></p>	<p>In relation to licensed water take that is measured, South Australia has a high level of confidence that rules are being adhered to within all South Australia's WRP areas and that appropriate compliance activities are taking place to maintain a strong culture of compliance. This high level of confidence is supported by South Australia's licensing and compliance frameworks and audits and reporting of South Australia's compliance activities. Please refer to the compliance statistics in the response to question 1, the reports listed below and the information provided in response to question 3.</p> <p>The controls for WAAs are strong and are administered in accordance with the LSA Act and associated statutory plans and policies. Compliance activities regarding WAAs are part of standard practice and consistently follow agreed compliance frameworks and procedures (see question 3 below). Education activities regarding WAA controls are also a regular and ongoing component of the work of Landscape Boards (refer question 3). Despite all of these measures to support WAA compliance, there is a lower level of confidence regarding compliance with dam controls in certain parts of the South Australian MDB (particularly in the EMLR WRP area (see question 1 and further below)). This issue is being actively addressed in 2024-25 (refer information below).</p> <p>Reporting and Audits</p> <p>As described in question 1, DEW has reported its compliance and enforcement activities on its website since 2013-14. South Australia is actively working with the Office of the IGWC including ongoing involvement in working groups and contributing to the development of metering and measurement report cards and the compliance performance framework and metrics. These reports are new regular reporting obligations for DEW that are additional to existing reporting. A summary of South Australia's reporting and audits in relation to water take and licensing is provided below.</p> <ul style="list-style-type: none"> IGWC (2023 Draft in prep.) <i>Murray-Darling Basin Compliance Performance Report 2022-23</i> (currently scheduled to be published in November 2024) – This report highlights South Australia's issuing of \$2.3M in legislated fines for unauthorised water take as a 'particularly powerful and efficient' model for enforcement. South Australia is the only Basin State to issue mandatory penalties (by the regulator) for unauthorised water take – leading to the large discrepancy between South Australia's value and those of other States in the report. DEW annual water compliance report - Water Compliance Reporting and Planning report for 2022-23 IGWC (2024) Murray-Darling Basin Metering Report Card 1 July 2022 – 30 June 2023 DEW annual report on progress regarding implementing the national metering standards - South Australia's 2022-23 Non-Urban Water Metering and Water Take Report The August 2022 report by the IGWC ("Compliance and enforcement across the Murray-Darling Basin") found that "South Australia has had a strong compliance framework for many years... the South Australian compliance framework is operating efficiently and effectively, with clear guidelines and policies that inform water users of their obligations and deter water theft." (pg. 15). South Australia's Section 71 reporting under the <i>Water Act 2007</i> includes self-assessment of compliance with Sustainable Diversion Limit (SDLs). The 2022-23 IGWC SDL compliance statement can be viewed at: Sustainable Diversion Limit Compliance Statement for 2022-2023. South Australia was compliant with its SDL limits in 2022-23. <p>To complement the monitoring and recording of water take in the state's water licensing database, other monitoring contributes to enabling South Australia to demonstrate compliance with its WRPs (as outlined in reports for Matters 8 and 12):</p> <p><u>Five-yearly Matter Reporting obligations</u> In 2020, South Australia completed its Matter 8 and 12 obligations relating to each WRP area through submission of the following reports: South Australian River Murray - Channel & Floodplain Matter 8 Technical Report, South Australian CLLMM - Matter 8 Technical Report, South Australian Murray Region Matter 8 Technical Report, Eastern Mount Lofty Ranges - Matter 8 Technical Report, and the 2020 Matter 12 Report. South Australia is currently finalising the 2024 Matter 8 and 12 reports and these will be published on DEW's website following submission to the MDBA.</p>

	<p>Challenges – suspected unauthorised dams</p> <p>In 2022, the Hills and Fleurieu Landscape Board commenced a comprehensive review of the Water Allocation Plan (WAP) for the Eastern Mount Lofty Ranges Prescribed Water Resources Area (EMLR PWRA). At the time of the adoption of the EMLR PWRA WAP in 2013, “excess” water was “reserved” using provisions in the <i>Natural Resources Management Act 2004</i> (these carried over to the LSA Act). The EMLR PWRA WAP contains provisions that enable the Minister (in practice, the delegate) to refuse certain types of applications if there is a reservation in place. The Medium Term Arrangements policy guideline developed by the Department for Environment, Water and Natural Resources (DEWNR) in 2014, sets out the circumstances in which applications are to be refused pursuant to the reservation rules. The application of new water to allow new (or larger) dam storages was reserved by the Minister to help manage potential impacts to water dependent ecosystems. This reservation remains in place.</p> <p>The review of the WAP for the EMLR PWRA found that no net increase to dam volumes was approved whilst the reservation and Medium Term Arrangements were in place (a copy of the review report can be found here). However, the Hills and Fleurieu Landscape Board became aware that a number of suspected unauthorised dams had been constructed since the rules were in place and further investigations commenced (as discussed in question 1). In response to this emerging situation, a comprehensive compliance campaign has been scoped by the board, which includes:</p> <ul style="list-style-type: none"> • An elevated education and awareness raising program for key stakeholder groups (building on education activities that are already occurring – see question 3 below) • An efficient, automated, GIS-based change detection system to identify new and enlarged dams in the landscapes across South Australia moving forward • Strengthened compliance effort and actions against offending landholders. <p>In addition, the Board has recently recruited a Senior Compliance Officer to assist with compliance effort.</p> <p>One of the likely contributing factors to the occurrence of unauthorised dams is the different regulatory processes for dams of ≤ 5ML and/or with walls of ≤ 3m (regulated by the LSA Act), in comparison to the processes required for dams with larger specifications (regulated by the PDI Act, with provisions for referral of applications to Landscape Boards – as mentioned in question 1). All Landscape Boards have commenced unauthorised dam works assessments using imagery, plan to commence such assessments or are linking in with other boards on these assessments (some of these activities were reported under question 1 above). Stakeholder awareness regarding WAAs remains an ongoing challenge and all Landscape Boards have been and will continue educational activities to increase stakeholder awareness of the regulatory controls for dam works and other water affecting activities (refer question 3 below for further information).</p> <p>The volume of additional take expected to have occurred as result of unauthorised dam development has not yet been determined but is estimated to be small compared to the SDL for the relevant SDL resource units and is also unlikely to lead to overall non-compliance with the SDLs. Nevertheless, South Australia will take steps to quantify this additional take and account for it in annual water use compliance reporting to ensure cumulative balances accurately reflect actual take.</p> <p>Other compliance challenges</p> <p>The Hills and Fleurieu Landscape Board has recently identified that activities in the mining and energy sector that may require a WAA permit are not being consistently referred to the board. The Board's water resources staff have engaged with the SA DEM about the recent <i>Hydrogen and Renewable Energy Act 2023</i> and how referrals will be made. Through this work, Board staff will work with DEM's mining team to better understand DEM's regulatory process for mining sites and work to resolve the referrals process when a WAA is required to be undertaken. The occurrence of this issue in other Landscape Board areas requires further examination. Maintaining awareness and understanding of WAA controls by staff within multiple referring agencies is an existing and ongoing task for all Landscape Boards.</p> <p>Sufficient resources to identify breaches of the LSA Act and other water policies in relation to WAAs is a continuing issue for Landscape Boards, with significant reliance on the community to report suspected unauthorised WAA. Remoteness can also be a contributing factor for some Boards. Landscape Boards have and will continue to address this issue through targeted communications campaigns, community engagement and education for key stakeholder groups, including land managers, local councils, earthworks contractors and industry and primary producer groups.</p>
<p>3. How is the state agency ensuring there is compliance with the rules and obligations contained in WRPs?</p> <p><i>Seeking a description of the assurance, proactive measures or activities taken by a state to ensure compliance with the rules contained in the WRP. For example, state agency does X, Y and Z proactive activities, such monitoring programs, a risk assessment process including review of the effectiveness of controls, audits or verification of self-assessments.</i></p> <p><i>Reflect on the effectiveness of activities and current regulatory framework to achieve compliance and met objectives of the Basin Plan where relevant. Mention where the compliance activities indicated the need for changes in compliance approach.</i></p> <p><i>This is an opportunity to mention how the state agency determines</i></p>	<p>Rules and obligations in the 3 WRP areas</p> <p>The obligations constituted by each WRP are enforced in accordance with the following legislative instruments, regulations, policies and statutory plans:</p> <ul style="list-style-type: none"> • <i>Landscape South Australia Act 2019</i> (formerly <i>Natural Resources Management Act 2004</i>) and associated regulations • <i>Environment Protection Act 1993</i> and associated statutory policies • <i>River Murray Act 2003</i> and associated regulations • <i>Emergency Management Act 2004</i> (SARM and EMLR WRPs only) • <i>Planning, Development and Infrastructure Act 2016</i> and associated regulations • Murray-Darling Basin Compliance Compact – water compliance activity guidelines • Metrological Assurance Framework 2 (MAF2) for AS4747. <p>Statutory water allocation plans and WAA control policies govern the arrangements for sharing and management of the relevant prescribed and non-prescribed water resources within the WRP areas:</p> <ul style="list-style-type: none"> • Water Allocation Plan for the River Murray Prescribed Watercourse (SARM WRP only) • Water Allocation Plan for the Peake, Roby and Sherlock Prescribed Wells Area (SAMR WRP only) • Water Allocation Plan for the Mallee Prescribed Wells Area (SAMR WRP only) • Water Allocation Plan for the Eastern Mount Lofty Ranges - incorporates the EMLR PWRA and the Angas Bremer Prescribed Wells Area (EMLR WRP only) • Water Allocation Plan for the Marne Saunders Prescribed Water Resources Area (EMLR WRP only) • Murraylands and Riverland Water Affecting Activities Control Policy April 2021 (all WRP areas) • Hills and Fleurieu Water Affecting Activity Control Policy April 2021 (all WRP areas) • Northern and Yorke Water Affecting Activity Control Policy December 2020 (SAMR and EMLR WRPs only) • Limestone Coast Control Policy: Water Affecting Activities 2022 (SAMR WRP only) • South Australian Arid Lands Water Affecting Activity Control Policy March 2021 (SAMR WRP only)

<p>level of risk and allocate resources, including how emerging issues are addressed and how low risk areas are managed compared to higher risk areas. This will help to explain why areas are being managed differently and manage perceptions that low risk areas are not effectively regulated.</p>	<p>Water compliance frameworks and approach</p> <p>The enforcement of the rules and obligations in the above is maximised through consistently applying compliance frameworks, systems and policies.</p> <p>Overarching frameworks</p> <p>A rules-based approach applies to compliance with water take limits and meter read submissions irrespective of underlying risk, such as mandatory penalties for unauthorised water take and the standard use of expiations where meter reads are not submitted on time (further information is provided under “Regulating water take” below). Otherwise, in general, South Australia operates under a risk-based compliance framework, which was developed in accordance with the <i>National Framework for Compliance and Enforcement Systems for Water Resource Management</i> and is guided by the Murray-Darling Basin Compliance Compact (Compliance Compact), the Metrological Assurance Framework 2 (MAF2) and state-based policies, procedures and guidelines.</p> <p>DEW and Landscape Boards use an internally documented compliance and enforcement framework to guide relevant agencies, landscape boards, administrators and practitioners (e.g. authorised officers) in furthering the objects of, and enforcing compliance with, all matters regulated by the LSA Act 2019. This framework follows contemporary compliance principles and a risk-based approach to compliance, where voluntary compliance is encouraged before actions are escalated. The framework seeks to facilitate consistent compliance and enforcement across the state. An internal guidelines document that complements the compliance and enforcement framework and operator’s manual was finalised by DEW in June 2023. All documents are available through a central portal. DEW and Landscape Boards also use other internal procedures and policies that reflect this framework.</p> <p>Relevant DEW and Landscape Board staff undergo authorised officer training, including new staff (if applicable). In addition, field-based Landscape Board staff are trained in WAAs and the associated controls to improve awareness of WAAs in the community and to identify potential occurrences of non-compliance.</p> <p>The overarching framework that guides the approach to state licensee compliance is the ‘Water Licensing Compliance Framework’ and under this is the ‘Unauthorised and Unlawful Take and Use of Water Policy’ (for prescribed water sources). These internal (DEW) documents are regularly reviewed to ensure they are fit for purpose. Other publicly available documents include DEW’s Targeted Water Compliance Monitoring Framework and Water Compliance Escalation Pathway, which provide an overview of DEW’s approach to water compliance. DEW also has an internally documented work program of regular reviews of its compliance approaches, processes and procedures.</p> <p>Regulating water take</p> <p>Applications for various water management authorisations, including consumptive water licences (to which water entitlement shares may be transferred), site use approvals, water resource works approvals and underground water well-related permits are assessed by DEW. DEW administers the licensing and compliance requirements in accordance with the above legislative instruments. This includes monitoring water users who take and use water from prescribed water sources, including bores, streams, rivers or creeks, to ensure they are meeting their legal obligations.</p> <p>The take of water from a prescribed water resource area is managed under a water licensing framework. Licensing instruments in prescribed water resources are unbundled in the SARM WRP area but remain bundled in the SAMR and EMLR WRP areas. In the SARM WRP area, the prescribed water resource area is the River Murray Prescribed Watercourse. In the SAMR WRP area, the two prescribed groundwater areas are the Mallee Prescribed Wells Area and the Peake, Roby and Sherlock Prescribed Wells Area. The EMLR WRP area is comprised of three prescribed areas: surface water and groundwater in the EMLR PWRA the Marne Saunders PWRA and groundwater only in the Angas Bremer Prescribed Wells Area.</p> <p>The South Australian Licensed Water Use Metering Policy 2019 and the South Australian Licensed Water Use Meter Specification set out the rules associated with metering, in accordance with the LSA Act and the <i>Landscape South Australia (Water Management) Regulations 2020</i>. The policy states that all licensed water take must be metered and only small, low risk take (e.g. stock and domestic licensed use or inactive infrastructure) exempt from the metering requirements. Metering exemptions are only available in circumstances specified in meter implementation plans, which are published on DEW’s ‘Metering water use’ web page.</p> <p>In addition, it is a licence condition of all metered allocations that meter readings are provided annually or quarterly. All River Murray licences (i.e. all of the SARM WRP area) require quarterly meter reads, which constitutes 56% of South Australian MDB licences (<i>Note: this will be included in the IGWC MDB Compliance Performance Report when published</i>). Licences in the SAMR and EMLR WRP areas require annual meter reads. Other metering requirements are also required to be met by licence holders, such as reporting and repairing faulty meters. Once meter reads are submitted, water use is confirmed and compared with allocation amounts to determine any non-compliance with water take rules. The requirements to meter licensed take and supply meter reads means that licensed water use in the South Australian MDB is closely monitored. Across the state 93% of licensed take is metered (refer: South Australia’s 2022-23 Non-Urban Water Metering and Water Take Report) and 98.2% of meterable take is metered in the South Australian MDB (<i>Note: this will be included in the IGWC MDB Compliance Performance Report when published</i>).</p> <p>The enforcement of compliance with metering obligations is supported by a water licensing system that tracks the meter read submission progress, identifies missing or anomalous readings, overuse and faulty meters and routes these for manual investigation by compliance officers, resulting in desktop review and/or site visits. Furthermore, DEW runs an internal risk assessment process to identify planned targeted compliance monitoring programs to be undertaken each year, having regard to the risks to the water resource or other water users, effective water resource management and areas of known or potential non-compliance. These activities are published one year ahead in DEW’s annual water compliance reporting and planning report. The targeted and business as usual compliance activities for 2022-23 and the resulting outcomes are documented in the Water Compliance Reporting and Planning report for 2022-23. Each year, DEW targets at least 10% of water licences state-wide for on-site compliance monitoring, including unmetered sites.</p> <p>In summary, activities for 2022-23 in the South Australian MDB included: (<i>Note: this will be included in the IGWC MDB Compliance Performance Report when published</i>)</p> <ul style="list-style-type: none"> • 2,300 authorisations audited via desktop automatically • 1,231 authorisations manually audited via desktop • 462 on-site inspections conducted. <p>The enforcement of water take rules is further supported by a mandatory penalty regime to impose a financial penalty for every kilolitre of water taken without authorisation. For all instances where meter reads are not submitted on time, expiations apply (Note: warnings may be issued if first offence or reasonable reason for delay). Please refer to question 1 for statistics regarding financial penalties. Penalty rates are set with consideration for the market value of water and the severity of the offence, seeking to ensure that rates are considerably greater than the cost of purchasing water on the market. Penalty rates for each accounting period are declared and published in the South Australian Government Gazette (refer to DEW fees and charges).</p>
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	<p>Compliance with Metrological Assurance Framework 2 (MAF2) MAF2 (and the Compliance Compact) contain rules and guidance for the use and regulation of non-urban water meters, including meter reporting requirements such as measuring water take and the transition to AS4747 meters (Chapter 15). DEW reports annually on licensed water take and the State's progress toward implementing AS4747. The 2022-23 report is available online and the 2023-24 report will be published on DEW's website by the end of 2024. South Australia's progress towards implementing metering reform is also documented in the Murray-Darling Basin – Metering and Measurement Report Card 1 July 2022 to 30 June 2023, published by the IGWC in April 2024. This report stated that 98.2% of the volume of meterable water take in the South Australian Murray- Darling Basin (MDB) is metered and that 100% of these meters are compliant with the MAF2 (either AS4747 compliant or grandfathered under the MAF2).</p> <p>Since 1 July 2019, all new and replacement meters are required to be compliant with AS4747 and be validated by an independent certifier (who has obtained the relevant certification to be a meter installer and validator from Irrigation Australia Limited). The validation ensures that the new or replacement meter is accurate and complies with the South Australian metering requirements and rules. Validations may also be required or directed in other instances, as part of random auditing for high-risk meter installations or as part of targeted compliance programs.</p> <p>Regulating other water related activities <u>Water Affecting Activities and Water Allocation Plans</u> WAA permits relating to surface water are managed by the relevant Landscape Board, which includes applications for dam construction, water diversions, building structures in watercourses and harvesting urban runoff. All applications are assessed using the policies in statutory documents, which include WAA control policies and Water Allocation Plans prepared by the Landscape Boards. Once permitted works are completed, the proponent is required to formally advise the relevant Board. Using a risk-based approach, the Board will undertake an inspection to assess compliance against the permit conditions (in remote areas photographic evidence is sometimes used instead of on-site inspections). The principles for managing WAAs and for the allocation of water for consumptive purposes are set out in the above water allocation plans and WAA control policies. Adhering to this regulatory framework, along with the regular review processes for water allocation plans and WAA control policies (refer below) ensures that take remains consistent with the annual permitted take and all WRPs are complied with.</p> <p>The Landscape Boards prioritise the monitoring and management of WAAs using a risk-based assessment of the compliance issues that are identified by staff or reported by the public. The Landscape Boards actively encourage compliance through targeted communications campaigns, community engagement and education, in order to manage WAAs and improve compliance with water allocation plans and WAA policies (including through providing on-site and online advice for permit applications). Further information on education activities is provided below.</p> <p>The Landscape Boards ensure compliance by implementing procedures and escalation pathways, including a compliance review panel or similar to guide actions and ensure compliance procedures are followed. Monitoring and managing issues arising with WAAs is prioritised based on the assessed risk.</p> <p>For example, if a Landscape Board is made aware that a dam has been constructed or modified without a WAA permit or development authorisation (if required) in place, then a voluntary compliance process is followed in the first instance to achieve complete removal or modification of the dam (where necessary, this may also be pursued through issuing a 'Notice to Rectify' direction notice under the LSA Act). If a breach of a Notice occurs, the Board may decide to refer the matter to DEW for further investigation or to initiate legal proceedings, which may involve a prosecution.</p> <p>Landscape Boards will continue to regularly review and amend water allocation plans and WAA control policies as required by statutory timeframes (once every 10 years), or to evaluate and address matters as they arise (such as changes to legislation or issues raised by the community). More significant reviews typically involve community engagement and may include technical assessments, risk analysis, and analysis of water use and impacts on the resource. This on-going and regular process ensures that water management controls remain relevant and effective for managing the water resource and enable assessment and management of future impacts on the resource, such as climate change. This in-turn ensures compliance with WRPs. Similarly, Landscape Boards review permit and compliance approaches, procedures, forms and other documents on an as needs basis, or as part of reviews of water allocation plans and WAA control policies.</p> <p><u>Underground water wells (SAMR and EMLR WRP areas only)</u> DEW assesses and manages the permits for constructing, decommissioning and undertaking maintenance. Licensed drillers must undertake all work associated with wells and DEW must be provided with a completed 'drillers well completion report' within 30 days of completion. DEW appoints a dedicated Drilling Inspector for monitoring compliance and undertaking proactive case management and compliance activities, such as: ensuring well-drillers permit conditions are adhered to by drillers and landholders (including the 30-day completion reports); investigating compliance breaches; and taking compliance action where necessary, including sanctions and prosecutions. However, most instances of non-compliance do not proceed to a formal sanction or prosecution and DEW has found that conversations with drilling companies and/or permit holders have helped find solutions to barriers to compliance.</p> <p>Breaches All compliance actions, including the determination of unauthorised or unlawful water take and the application of penalty charges, are undertaken in accordance with DEW and Landscape Board procedures, processes and practises. More severe breaches are escalated to a Prosecution Steering Committee (within DEW) to determine the appropriate course of action, for example, applying serious sanctions or recommending prosecution. The Prosecution Steering Committee (comprising the Director, Wildlife and Conservation (Chair), the Manager, Investigations and Compliance Unit and the Director, Water Licensing) assists DEW's Chief Executive in making routine prosecution and enforcement determinations related to alleged breaches of legislation administered by DEW and Landscape Boards.</p> <p>Education activities South Australia's compliance activities are supported by ongoing and regular communication about licence holder obligations. Over 26,000 education letters, SMSs and emails were delivered by DEW in 2022-23 in the South Australian MDB. Please refer to the Water Compliance Reporting and Planning report for 2022-23.</p> <p>The following education activities were undertaken by Landscape Boards in 2023-24 within the WRP areas in relation to WAAs.</p> <p>South Australian Murray Region WRP area <u>Murraylands and Riverland Landscape Board</u></p> <ul style="list-style-type: none"> Two community meetings and 125 newsletters distributed regarding amendments to the Peake Roby Sherlock WAP. Two meetings with the Mallee/Peake, Roby and Sherlock Community Reference Group regarding amendments to the Peake Roby Sherlock WAP and the Mallee WAP <p>South Australian River Murray WRP area <u>SS11 – Murraylands and Riverland Landscape Board</u></p> <ul style="list-style-type: none"> 78 WAA education letters were sent to residents along the River Murray near Murray Bridge
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	<p>Eastern Mount Lofty Ranges WRP area</p> <p><u>SS12 – Murraylands and Riverland Landscape Board</u></p> <ul style="list-style-type: none"> • Two community meetings, one regarding the review of the Marne Saunders WAP, one regarding DEW's approach to climate change • Four community reference group meetings regarding the review of the Marne Saunders WAP • Two WAA related fact sheets developed for the community (culverts and ford crossings) • 37 WAA education letters sent to earthmovers across the region <p><u>Hills and Fleurieu Landscape Board</u></p> <p><i>Dams and other WAA regulatory controls</i></p> <ul style="list-style-type: none"> • Three 'Mt Lofty Ranges Planners Group' meetings to continue building statutory and strategic connections between Local Government planning teams. This improved awareness and dialogue in relation to WAAs and the moratorium on new dam construction and enlargement. • Three in-field workshops with private land managers on dam maintenance and rejuvenation. These workshops also raised awareness about WAA permit requirements and the moratorium. • Meeting with Alexandrina Council staff regarding WAA permit requirements resulting in the council agreeing to the board's Best Practice Operating Procedures for WAAs (on council land). <p><i>EMLR WAP Review</i></p> <ul style="list-style-type: none"> • Various promotional communications (e.g. social media posts, newsletters, stakeholder websites, videos, direct communications, regional print media, notice boards) for key stakeholders and the community, which also spread awareness on WAA permits. • Three community 'drop-in sessions', attended by water users and licence holders from the EMLR region. These events increased awareness about existing pressures and risks to the water resources (including non-licensed extraction and impact of farm dams). • Staff attendance at four Angus-Bremer Water Management Committee meetings. Information about take rules and water licensing compliance matters relevant to the Angus-Bremer catchment were also discussed. • Five meetings with First Nations Groups (First Peoples of the River Murray and Mallee, Peramangk and Ngarrindjeri) on integrating their interests into the review.
<p>4. Have there been any amendments to the state instruments that affect the operation of the WRP or are referenced in the accredited text of the WRP, and are any anticipated for the near future? If yes and the MDBA has not been notified, please outline these amendments.</p> <p><i>Include amendments, drafting, repeals, proposed amendments to regulations that may change how and where to find rules which impact on the rules and obligations of the WRP E.g. State agency is drafting amendments to Water Act provision X or policy X including provisions affecting WRP sections X, Y, Z to improve water register transparency.</i></p>	<p>South Australia's accredited WRPs reference parts of several statutory instruments that have since been amended or replaced.</p> <p>The primary legislative instrument at the time of preparation and accreditation of South Australia's 3 WRPs was the <i>Natural Resources Management Act 2004</i> (NRM Act). Whilst this was replaced by the LSA Act, the accredited provisions from the NRM Act remain largely unchanged. South Australia considers the reference changes to be minor and there are no changes affecting SDL compliance.</p> <p>Regional Landscape Plans have replaced the previous Regional Natural Resources Management Plans. However, the new LSA Act has also changed where WAA controls and their requirements are documented. While the policies and controls themselves have not changed, they have moved from being part of the regional Natural Resources Management Plan to separate WAA Control Policy documents for each LSA Act region.</p> <p>DEW has catalogued the changes between the accredited and new instruments and held meetings with relevant MDBA and IGWC staff to discuss the significance of the changes and a pathway to WRP amendment. DEW will continue to work with the MDBA and IGWC regarding progressing the amendments. In the interim, to provide clarity and increase transparency, DEW developed an annotation in consultation with the MDBA and IGWC that has been included in the WRP web pages of DEW and MDBA. This annotation informs the public that there have been some legislative changes since the WRPs were accredited, but that the plans are still in effect and that the South Australian government and the MDBA are working towards reaccreditation.</p> <p><u>Reviews of State Water Allocation Plans and WAA Control Policies</u></p> <p>The Water Allocation Plan for the River Murray Prescribed Watercourse was amended and formally adopted by the South Australian Minister for Climate, Environment and Water in April 2023. The amendments relate to private carryover for Class 3 (High Security) water access entitlement holders. The amendments do not impact the SDL nor SDL compliance. Any necessary changes to the SARM WRP will be addressed in the amendment and reaccreditation process described above.</p> <p>The 2013 EMLR WAP underwent a comprehensive review from 2022 to 2023 and identified the need for amendments. The amendment process commenced in 2024. Further information can be found on the Hills and Fleurieu Landscape Board website. Ten-year reviews of the Peake Roby Sherlock and Mallee WAPs were also completed in 2021 and 2022, respectively, and the SA Arid Lands Landscape Board has commenced a review of their WAA Control Policy. Any necessary changes to the WRPs will be considered further once the review and amendment processes are complete.</p>