



Community Benchmarking Survey

Prepared for the Natural Resources Access Regulator

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Key Findings

1. Objectives and Methodology

The NSW Natural Resources Access Regulator (NRAR) engaged Woolcott Research and Engagement to conduct a benchmarking study amongst key stakeholder groups, regulated entities and the general community to explore awareness and perceptions of NRAR and its charge and to provide insight into community needs and preferences.

The research comprised of three phases:

- Stakeholder groups – a series of n=40 in-depth interviews by telephone
- Regulated entities – a telephone survey of n=1006 interviews
- General public – an online survey of n=1003 NSW residents aged 18 years and over

2. Overall Priorities and Water Issues

Stakeholders reported a wide variety of water issues including the water laws themselves, impacts on the environment, the need for education/greater clarification and the perceived unfairness of the water markets. The issues emerging most consistently as a top priority for the NSW Government were the Murray Darling Basin; drought management/water security; preserving river ecosystems; updating water sharing plans and managing floodplain harvesting.

Amongst the general public, water issues tended to be overshadowed by other priorities – namely COVID-19 and economic recovery. When specifically asked to identify the most important water issues, responses were most commonly in relation to insufficient water supply and the need to drought-proof communities.

3. Attitudes Regarding NSW Water Laws

All groups felt that it was very important for the NSW water laws to be enforced, with mean importance scores ranging from 8.4 to 9.5 out of 10. In addition, few members of the general public or regulated entities agreed that it is ever okay to break the water rules.

There was consistent feedback that most water users were felt to be doing the right thing (estimates ranged from 68% amongst the general public to over 85% amongst stakeholders), with only a minority of rule breakers.

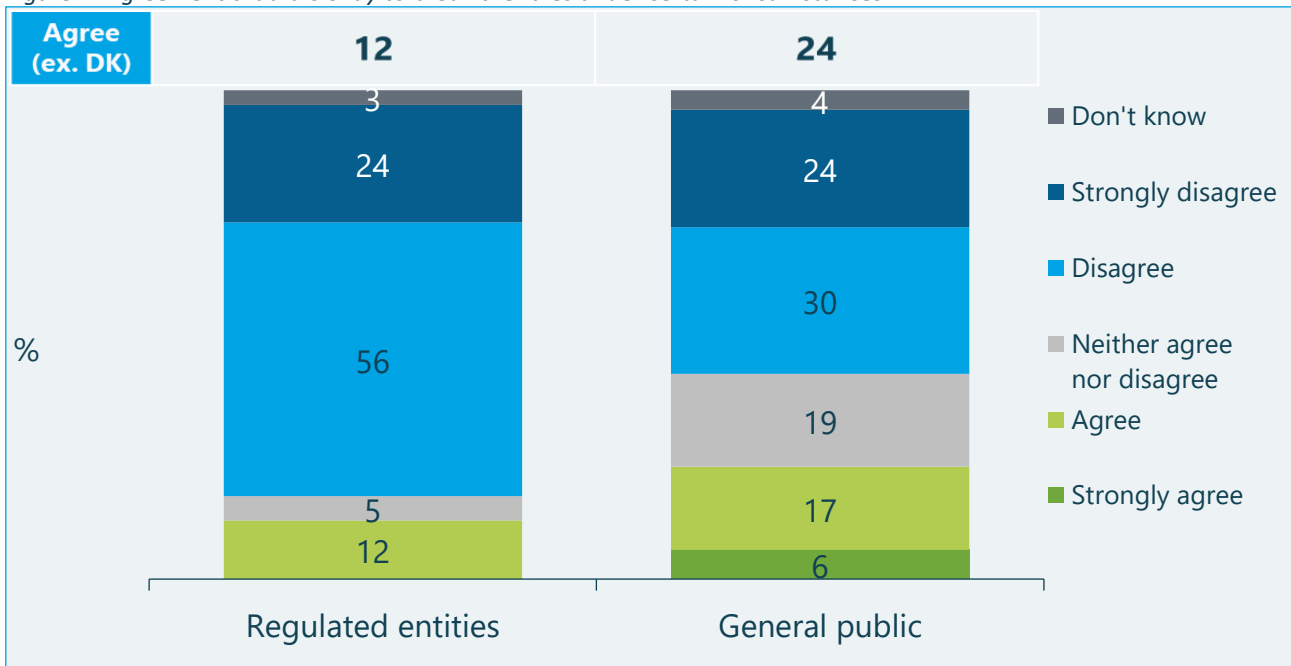
Abiding by the rules was important to the general public for sustainability, protecting the environment, being fair to other users and it being the right thing to do. For regulated entities, fairness was the most important reason, followed by it being the right thing to do. Stakeholders tended to voice similar reasons to the other groups, including fairness, long-term sustainability, out of respect to others, to do the right thing and to avoid receiving a fine.

Figure 1: Importance of enforcing NSW water rules



On a scale from 0 to 10, please rate how important you think it is for NSW water rules to be enforced? (0 is not important and 10 is important) Base: Stakeholders (n=40), Regulated entities (n=1006), General public (n=1003)

Figure 2: Agreement that it is okay to break the rules under certain circumstances



I will now read out some statements about the management of water in the last 12 months. Please tell me the extent to which you agree or disagree with each statement...I think it is okay to break some water rules under certain circumstances

Base: Regulated entities (n=1006), General public (n=1003)

There were often fairly negative attitudes about the historic management of water laws in NSW, for example 49% of the general public (excluding those who answered 'Don't Know') and 60% of regulated entities (ex. DK) agreed that compliance and enforcement has always been mismanaged in NSW.

4. Knowledge of Water Rules

The level of knowledge of the water rules varied considerably amongst stakeholders – for example some only knew a few of the broad principles while others were very familiar with the specific pieces of legislation. Most felt that water users/those they represent would have a working knowledge of the specific rules that apply to them but would have limited knowledge of the broader context of rules. There was consistent feedback that the rules are extremely complex to understand.

Regulated entities appeared to be fairly confident in their knowledge of the rules, with 67% (ex. DK) agreeing that they knew all of the rules, including terms and conditions, that they needed to follow. There was also a moderately high level of agreement that they were aware of the consequences of breaking NSW water rules (71% ex. DK).

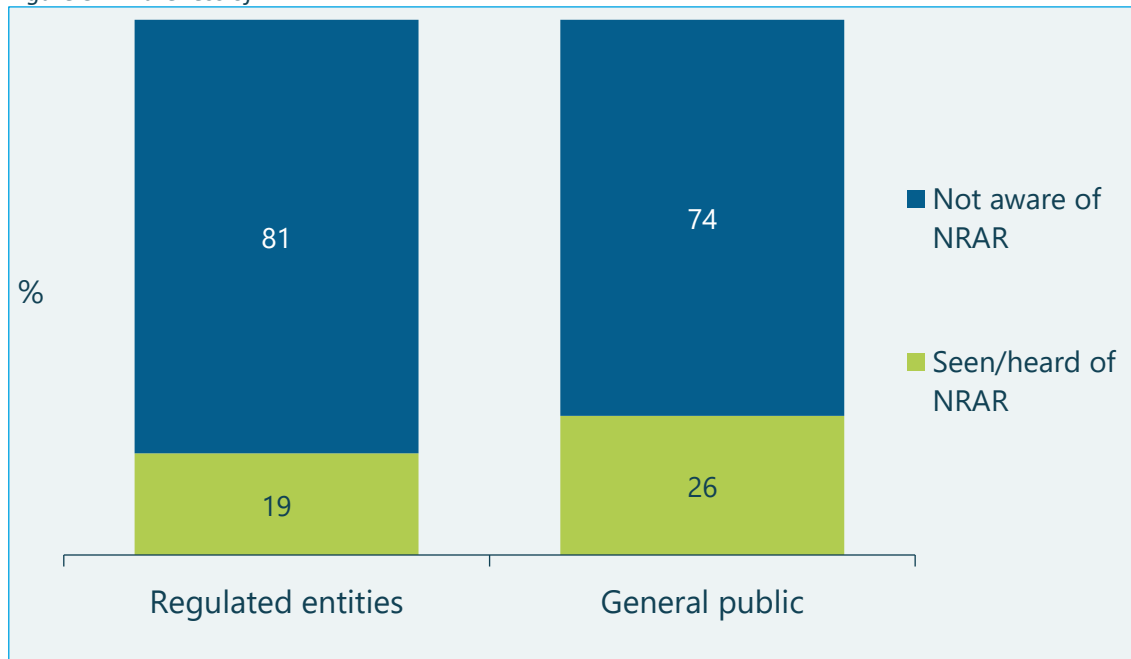
The general public tended to be less knowledgeable about the water rules, with only half agreeing that they knew the consequences of breaking water rules (49% ex. DK).

5. Familiarity and Experiences with NRAR

Awareness varied amongst stakeholders, with some knowing a great deal about NRAR and engaging in regular contact with them through to others who had never heard of NRAR before the project. Stakeholders familiar with NRAR appeared to understand that NRAR's role is enforcement and compliance, however, some still seemed to assume that NRAR had input into the development of NSW water rules, water sharing plans etc.

There were low levels of awareness of NRAR amongst the general public and regulated entities, with 26% of the general public and only 19% of regulated entities having seen/heard of NRAR (although awareness was much higher amongst controlled activity approval holders). Across both groups the main source of awareness was through a news report.

Figure 3: Awareness of NRAR



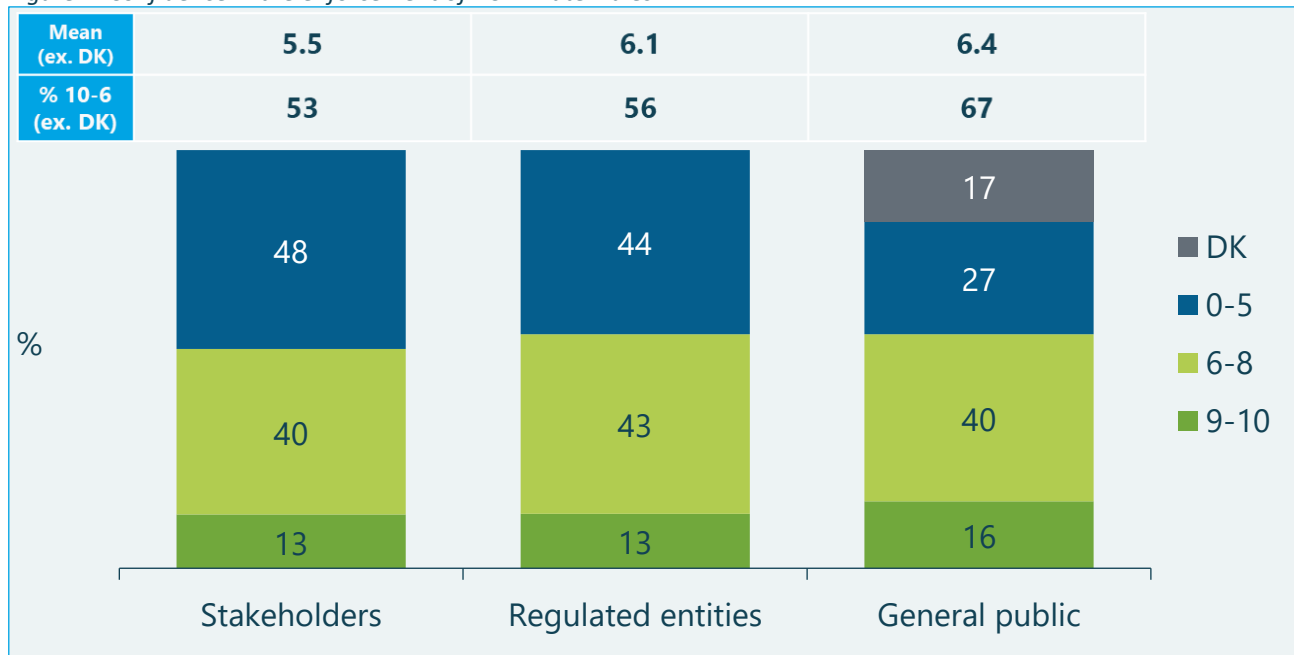
Before today, had you seen or heard of the Natural Resources Access Regulator (NRAR)?
Base: Regulated entities (n=1006), General public (n=1003)

6. Confidence in Enforcement

Overall there was moderate confidence in the enforcement of NSW water laws, although with plenty of room for improvement. Members of the general public were the most likely to be confident (67% scored 6-10 out of 10, ex. DK), followed by regulated entities (56% 6-10 out of 10, ex. DK) and with stakeholders being the least likely to be confident (53% 6-10 out of 10, ex. DK).

The main suggestions from the general public to increase confidence were to increase awareness of NRAR, publicise what NRAR does and educate people about what the rules are. Regulated entities also felt that NRAR should provide education about the rules, with the next most common suggestions being to increase NRAR's ability to detect breaches as well as to be harsher in terms of fines and prosecutions.

Figure 4: Confidence in the enforcement of NSW water rules



Using a scale from 0 to 10, how confident are you that NSW water laws are being enforced? (where a score of 0 = not confident and a 10 = confident)

Base: Stakeholders (n=40), Regulated entities (n=1006), General public (n=1003)

DK = Don't know

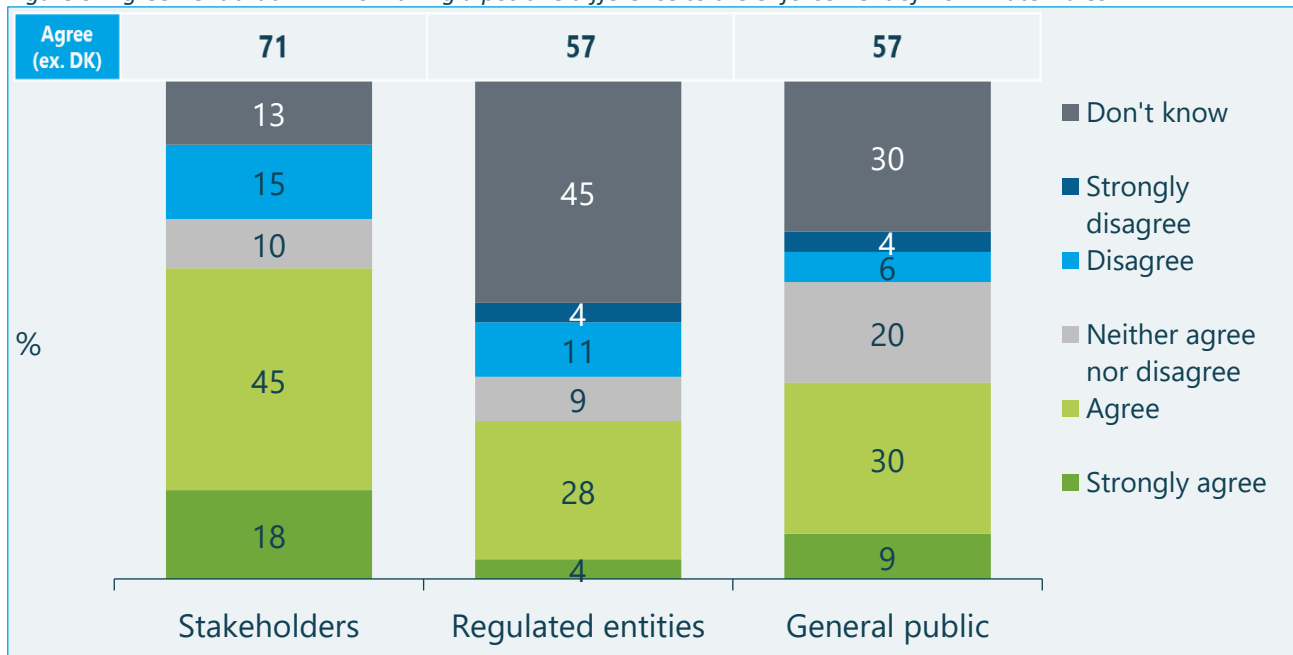
More detailed feedback about the aspects that influence confidence was obtained in the stakeholder in-depths. Some of the key aspects reported to affect confidence were:

- Publicity and communication about prosecutions (or lack of publicity) - especially the larger users being prosecuted
- Having sufficient resources or personnel (or not having enough)
- Education, including face to face workshops (or lack of education)
- Anecdotal feedback from members/sector – hearing about prosecutions (or that others took too much and got away with it)
- NRAR showing that they understand the rules and issues
- Independence from politics and transparency (or lobby groups having too much influence)
- Even handedness
- Being able to understand the rules (or the rules being too complex)
- Rivers/lakes having sufficient water, as this provides evidence that everyone is adhering to the water sharing plan (conversely, there being a shortage of water suggests that some users may be over-extracting)

7. Performance of NRAR

Another key measure was the extent to which it was felt that NRAR is making a positive difference. After “don't know” responses are excluded, over half of the general public and regulated entities (57% for each) agreed with this statement, while most (71%) stakeholders agreed. However, many of the general public and regulated entities indicated that they didn't know (30% and 45% respectively).

Figure 5: Agreement that NRAR is making a positive difference to the enforcement of NSW water rules



I will now read out some statements about the work of NRAR in the enforcement of NSW water laws in the last 12 months. For each statement, please tell me the extent to which you agree or disagree. You can also say 'don't know' if you are unsure...NRAR is making a positive difference to the enforcement of water laws ROTATE ORDER, READ OUT
Base: Stakeholders (n=40), Regulated entities (n=1006), General public (n=1003)

Respondents also assessed the performance of NRAR across several different statements and measures. Across all groups, there was a high level of agreement that NRAR would respond to any suspicious activities reported (total agreement ex. DK: 71% general public, 79% regulated entities, 85% stakeholders). NRAR also received relatively high scores for its officers being civil and professional (6-10, ex. DK: 77% regulated entities, 83% stakeholders) and protecting the identity of those it inspects until a breach is proven (6-10, ex. DK: 76% regulated entities, 71% stakeholders).

There was mixed feedback about NRAR being transparent and open about its operations and processes, with stakeholders tending to give fairly high scores (6-10, ex. DK: 74% stakeholders) while the general public were somewhat less positive (6-10, ex. DK: 64%) and regulated entities were less so again (6-10, ex. DK: 48%).

There were low levels of agreement that NRAR is communicating sufficiently (total agreement ex. DK: 42% general public, 39% regulated entities, 25% stakeholders) and is good at detecting illegal water activity (total agreement ex. DK: 50% general public, 43% regulated entities, 40% stakeholders). Furthermore, NRAR received relatively low scores for having enough people on the ground to conduct its work (6-10, ex. DK: 40% regulated entities, 33% stakeholders) and listening to and understanding the needs of water users (6-10, ex. DK: 46% regulated entities, 53% stakeholders).

The percentage of respondents who answered 'don't know' to these measures ranged from 10-65% amongst stakeholders, 32-56% amongst regulated entities and 25-41% amongst the general public.

Perceptions of NRAR were explored in greater detail during the stakeholder in-depths. Positive perceptions of NRAR included:

- Have introduced independence and rigour
- Use satellite data to highlight abnormalities / spot checks
- Prosecuting / been active
- Willing to communicate/face to face/keep us up to date
- Relationship building
- Professional
- Pragmatic/work with users to get them back to compliance – on technical breaches
- Involvement in research

While negative perceptions of NRAR amongst stakeholders included:

- Timeliness/responsiveness/slow to investigate
- Slow decision making process – for applications; licence updates; report feedback
- No feedback about the progress of applications/no tracking mechanism
- They're constrained/lack of empowerment
- Over-policing/can be too heavy handed
- Lack of awareness of NRAR
- Generalist expertise/officers can't answer questions on a range of topics
- Resources are stretched
- More education of rules needed

8. Preferred Sources of Information

Interest in receiving additional information about NSW water regulation, enforcement and licensing varied by group, with less than half (44%) of the general public interested, 90% of regulated entities interested and all stakeholders interested.

The general public would most commonly like to access this information via the NRAR website or through email. Regulated entities would prefer to receive the information via email, mail (especially amongst water users) or through NRAR's website (especially amongst controlled activity approval holders). Stakeholders requested a variety of methods of communication, including:

- Face to face meetings/presentations
- Emails
- A simple newsletter summarising NRAR activities and prosecutions
- Social media/Facebook posts
- Summaries of rules/legislation

9. Future Considerations

There is already strong acceptance that it is important for the NSW water laws to be enforced and little acceptance of these rules being broken. However, there is also a sense that the laws are complicated and that this area has been mismanaged in the past. On top of this, there is limited awareness of NRAR and a general sense of confusion about the roles and responsibilities of the numerous organisations and bodies involved in creating, managing and enforcing the water laws (including WaterNSW, the Murray Darling Basin Authority, DPIE, NSW EPA and local councils).

It follows that there is scope for NRAR to increase its public profile so that more water users and members of the general public are aware of its name, role and distinction from the other government bodies.

The limited awareness of NRAR is further compounded by a lack of awareness about what NRAR has been doing and the extent of its impact on water enforcement in NSW. Accordingly, NRAR could benefit from publicising the work it is doing and the number of enforcement actions taken, especially amongst water users and stakeholders. This could be in the form of an email to licence/approval holders or a quarterly newsletter to provide an update on the actions of the regulator. There would also be support for NRAR's involvement in face to face meetings with water groups around the state.

In terms of NRAR's actions as a regulator, there was sometimes a perception that:

- NRAR does not have enough staff to effectively monitor all water users;
- NRAR is slow to respond to reported illegal activity;
- NRAR's staff lack broader understanding of the water rules and sharing plans.

In addition, some regulated entities and stakeholders expressed a desire for NRAR to be more collaborative rather than focusing on punitive measures. It was felt that, due to the complexity of the water rules, there would be more value in educating water users and assisting them to do the right thing rather than focusing on fining and prosecuting all breaches.

Furthermore, (although admittedly from a very small base of respondents) 6 out of 8 regulated entities indicated they were dissatisfied with NRAR's response to their reported breach. Further research would be needed to gain more robust insights into possible causes of this.

There may be the opportunity to use communications and messaging to alleviate the above concerns, or it could be that internal changes are needed to improve these areas.