



Natural Resources Access Regulator

Compliance priorities

September–December 2018

industry.nsw.gov.au/nrar

1 Introduction

The Natural Resources Access Regulator (NRAR) is an independent regulator established under the *Natural Resources Access Regulator Act 2017*. The NRAR has responsibility for ensuring that the regulated community complies with natural resources management legislation, which currently includes the *Natural Resources Access Regulator Act 2017*, *Water Management Act 2000*, *Water Act 1912* and associated regulations.

The NRAR legislative objectives are to:

- ensure effective, efficient, transparent and accountable compliance and enforcement measures for the natural resources management legislation
- maintain public confidence in the enforcement of the natural resources management legislation.

To do this, the NRAR will:

- promote compliance with the objectives of the *Water Act 1912* and the *Water Management Act 2000*
- achieve best-practice management and regulation of surface water and groundwater
- take a risk-based and outcome-focused approach to regulation
- guide decision-making and action by officers through the adoption of a graduated and proportionate response to legislative non-compliance
- ensure decisions on enforcement action are transparent to the community.

The NRAR seeks to build community confidence as a trusted, credible, effective, efficient and transparent regulator. The NRAR will encourage and help to achieve high levels of voluntary compliance by providing appropriate education, guidance, advice and systems. However, when instances of non-compliance are detected, the NRAR will not hesitate to take appropriate enforcement action, including prosecution where appropriate.

1.1 Purpose of this document

This document sets out the NRAR's water regulation compliance priorities for September to December 2018.

1.2 Background to the prioritisation process

Compliance priorities for a four-month time frame, September–December 2018, have been selected to follow on from the initial NRAR June–August 2018 compliance priorities. The immediate and known compliance priorities documented in the June–August 2018 priority document remain. Priorities will be adjusted for the 2019 calendar year as a result of more detailed risk analyses and operational planning work, and to take into account climate risks, compliance data, community reports and water source stress.

Risk- and evidence-based assessment

The NRAR uses a risk- and evidence-based approach in assessing its compliance priorities. The risk-based approach ensures that water source stress, climate pressures and seasonal variation are considered and priorities applied accordingly. Data analysis from 2010 to present has also been used to assess non-compliance by region and its consequences to the environment and other water users. Public reports and community feedback on non-compliance issues have also been taken into account.

2. Compliance priorities

The NRAR will focus its activities for September–December 2018 on the issues and locations outlined in the following sections.

Water take for which there is no or insufficient water allocation

Water users are required to apply for a licence under the *Water Management Act 2000* (WM Act) in accordance with their water-take needs. It is an offence under section 60c of the WM Act for a person to take water they are not authorised to take under a licence, whether intentionally or negligently. It is important to ensure that water is taken in accordance with the legislation and that the correct and appropriate licences and allocations are held for water take. This is even more important during drought.

The focus areas for the NRAR's activity will build on the June–August priorities along the Murrumbidgee, Murray and Border rivers.

Failure to install and maintain a meter and failure to keep a log book

Metering and/or log book records are essential tools to measure and monitor water extraction. Under current legislation, log books are required if meters are not in place or not functioning. Information collected from water meters and log books is used to: determine if water users are complying with the rules and limits placed on water extraction; inform the preparation and review of water-sharing plans that set water extraction limits and pumping rules; determine water metering and usage charges for licence holders; clarify if environmental objectives are being achieved; and inform water trading activities.

It has been contended that meter installation has not been consistently implemented across NSW despite various state and federal metering programs. Recent independent reviews have also found a lack of compliance with the use of log books where a meter is not in use. New metering and log book requirements are a current focus for public consultation and legislative reform. Compliance activities by NRAR officers on the use of meters will make clearer the extent to which meters are in place, are being used and meet required standards. This will also help educate licence holders on new metering requirements.

The focus area for this activity will build on the June–August priorities along the Barwon–Darling River in northern NSW.

Protection of environmental waters

Environmental water is water used for important ecosystem health or other environmental purposes. Environmental flow events deliver environmental water to areas of specific need as identified by the Commonwealth Environmental Water Holder and the respective state agencies. A flow event is enabled by the issue of a water restriction order requiring licence holders to withhold their licensed water take for a period of time. It is an offence under section 336C of the WM Act to take water during such an event.

Compliance activities for September–December 2018 will focus on ensuring licence holders comply with the ongoing and temporary rules that apply to environmental flows so environmental outcomes are achieved.

Unlicensed bores

A bore is drilled to access groundwater in underground water aquifers. Under the WM Act, the construction of bores and any use of bore water for commercial purposes requires an approval. Aquifers supply large amounts of water to many people and industries across the state and are managed for water allocations. Aquifers are managed in a similar fashion to unregulated rivers. The NRAR will introduce improved methods for identifying where a bore is in use to enable more effective compliance and education strategies.

The priority for September–December will build on the June–August work in the mid-coast region of NSW to include the Namoi area.

Activities on waterfront land and in watercourses

Controlled activities are works on waterfront land and watercourses that have the potential to affect the structure of the watercourse or the quantity or flow of water. Harming a water source can threaten water supplies for legitimate water users and harm the environment. It is a serious breach of the legislation. Breaches are generally brought to the attention of the NRAR through the NRAR hotline and email address.

To ensure that environmental harm associated with controlled activities is minimised, compliance activities for September–December will focus on investigating reported instances of non-compliances.

Floodplain harvesting

Floodplain harvesting is the collection, extraction or impoundment of water flowing across floodplains that is not taken under another water access licence, a basic landholder right or a licence exemption. Water that flows across floodplains provides a valuable source of water to local and downstream water users and plays an important role in replenishing floodplains, rivers, wetlands and groundwater. The NSW Government has released a new framework for licensing floodplain harvesting extractions to more effectively manage floodplain water extractions for the benefit of existing water users and the environment.

Mining industries in the Eastern and Central divisions of NSW will continue to be the focus for targeted activities in September–December 2018.

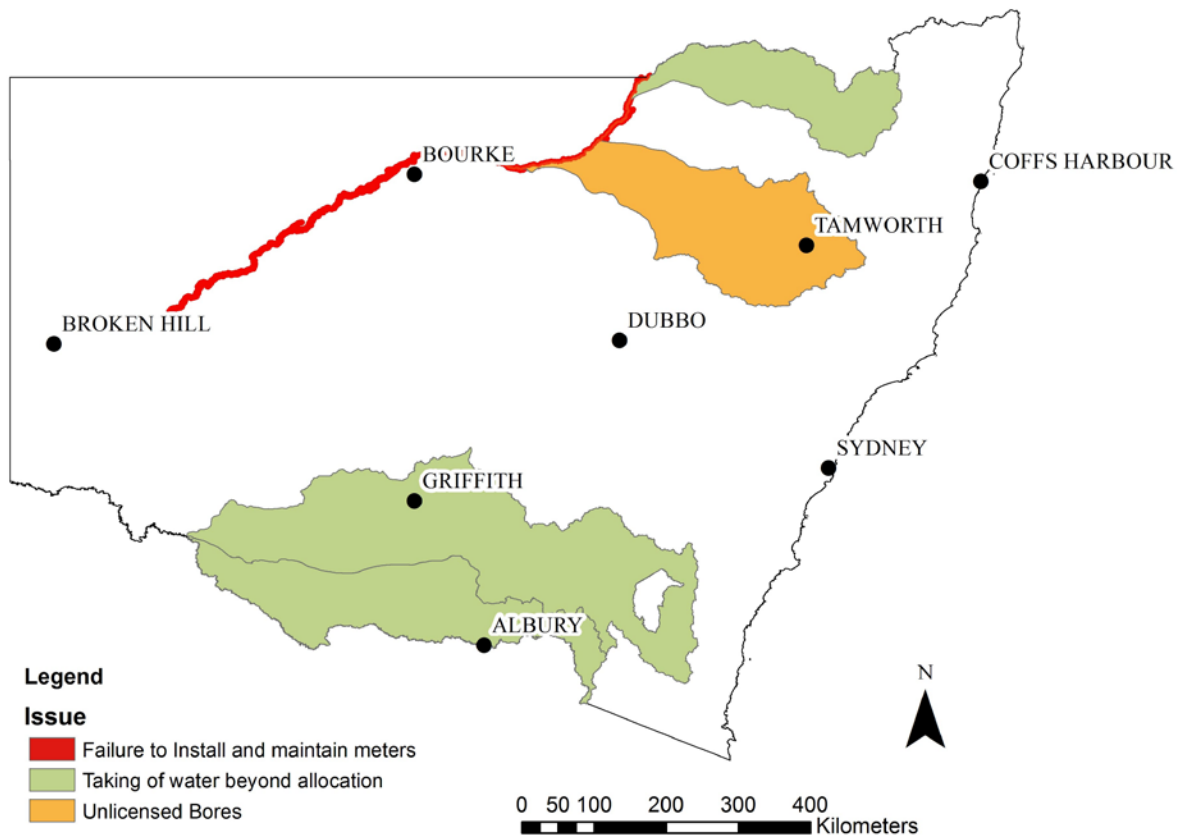


Figure 1. Compliance priorities by catchment