

Reporting framework for significant water management decisions involving discretion

Murray-Darling Basin Compliance Compact Action 1.2(a)

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Introduction

The purpose of this reporting framework

The Murray-Darling Basin Compliance Compact 2018 (the Compact) is a collaborative, joint commitment by the Australian Government and Basin States that aims to restore public confidence in water resource management in the Murray-Darling Basin (the Basin). The Compact sets priorities for action and commits the Australian Government and Basin States to work plans that will be reported on regularly and publicly.

The Compact states that transparency and accountability are essential elements of a successful compliance culture, building public confidence in both the legitimacy and fairness of water sharing and extraction arrangements, and the consistent application of those arrangements.

The reporting framework for significant water management decisions involving discretion, describes how the Queensland Government will address the Compact priority action 1.2 a) that states:

*'Each Basin State will publish a reporting framework for identified significant water management decisions involving discretion (e.g. the granting of exemptions to water take rules and retrospective approvals for unlicensed illegal works) and commence reporting in accordance with this framework. Decisions made should be published in an easy to access, searchable format (e.g. on a register) and in a timely manner as per timeframes in reporting frameworks.'*¹

Actions under the Compact will be implemented in a way that is practical and proportionate to the risk being addressed, with a focus on achieving Murray-Darling Basin Plan outcomes in the most effective way.

Significant water management decisions involving discretion

This framework sets out how the Department of Natural Resources, Mines and Energy (the department) will report on significant water management decisions involving discretion. The department is responsible for implementing the Queensland Government's response to the Compact and emerging requirements of Murray-Darling Basin intergovernmental agreements.

In contrast to a non-discretionary decision where the regulatory framework sets out what must be considered and how it is to be decided, a discretionary decision allows the decision-maker some flexibility. For non-discretionary decisions, the regulatory setting does not impose a duty on the decision-maker to exercise their power in a particular way, although agency policy and relevant previous decisions may be considered.

Regulatory setting

In Queensland, the *Water Act 2000* (the Act) is the governing legislation providing for sustainable water management. The Act establishes a framework for the planning, allocation and use of water resources. Decisions about the management of water are made under the Act, the Water Regulation 2016 and associated implementation instruments including water plans (subordinate legislation), water management protocols, resource/distribution operations licences, operations manuals and water entitlement notices.

The Act requires decisions about water management and allocation to be consistent with water plans and the associated implementation instruments.

¹ Murray-Darling Basin Compliance Compact: www.mdba.gov.au/sites/default/files/Basin-Compliance-Compact-180702-D18-31184.pdf

Queensland also has numerous checks and balances to ensure sustainable water resource management, including:

- open and transparent water planning processes with monitoring, reporting and review obligations
- permanent water trade sale price information
- a publicly searchable register of water entitlements
- online water account information for water supply schemes
- ISO accredited water monitoring information
- public notifications of announcements to access water under entitlements.

Water plans

A key element of the Act is the development of statutory water plans. In the Queensland Murray-Darling Basin, there are three water plans: the Condamine and Balonne; the Border Rivers and Moonie; and, the Warrego, Paroo and Nebine. These plans align with the requirements of the Commonwealth *Water Act 2007* and the Basin Plan.

Water plans are tailored for an area and with the associated implementation instruments:

- balance the needs of water users (e.g. towns, agriculture and other industries) and the environment
- contain rules for sharing water
- consider future water requirements and identify additional water available for allocation
- establish trade rules to ensure the movement of water meets environmental flow objectives and security objectives for water entitlements
- have rules for identifying and protecting environmental flows and managing during drought periods.

The development of a Water Plan includes:

- consideration of available environmental, economic, social, hydrologic and cultural data
- extensive stakeholder consultation (e.g. with water users, regional communities, Aboriginal and Torres Strait Islander groups, conservation groups, industry and local government)
- preparation and publication of a draft plan
- opportunity for, and consideration of, public submissions (with a report explaining how submissions were addressed)
- finalisation and approval.

Water plan monitoring, reporting and review

The implementation of each water plan is evaluated to make sure it is achieving its outcomes. The Minister's report is prepared at least every five years for the life of the plan. This risk assessment helps determine if a plan can be extended or requires amending or replacing (and can be downloaded from the library collection on the department's website).

Reporting and information

The Act, and its associated implementation instruments, contains a range of requirements in relation to decision making such as detailing the process involved for publishing public notices for particular water entitlement dealings, referrals to relevant authorities, the process for making submissions, and the process for deciding applications and notifying relevant parties of the decision.

We make our raw data as freely accessible as possible on the open data portal. Our open data strategy lists our datasets and explains our data assessment process. Previous strategies are available on the [Queensland Government publications site](#).

In addition to the data available on the open data portal, the department provides water data through a range of publications, maps and online services. These include:

- [Queensland Globe](#) – Queensland maps, imagery and other specialist data.
- [Water entitlement viewer](#) – online mapping tool to search for, view and download water entitlement information across Queensland, including unallocated water reserve volumes.
- [Natural resources inventory for Queensland](#) – an online inventory of Queensland's natural resources and how they are used, filtering public data by resource type and local area.
- [Water monitoring information portal](#) – hydrographic data including the latest stream height and stream flow values, groundwater levels, historic stream flow data and water monitoring network sites.

Record of decisions

This reporting framework relates to significant water management decisions made by the department involving discretion. These decisions are published on the water catchment area pages on the Queensland Government website². Past decisions can be accessed via the catchment webpage. The significant discretionary decisions that will be published in the Queensland Murray-Darling Basin include those relating to:

- Water supply emergency, Sections 25A – 25K of the *Water Act 2000*;
- Restrictions on use of subartesian water, Sections 25ZA – 25ZE of the *Water Act 2000*;
- Limiting or prohibiting taking, or interfering with, water during contamination or water shortages, Section 28 of the *Water Act 2000*;
- Limiting water taken under water licence, water permit or water allocation, Section 29 of the *Water Act 2000*;
- Moratorium notices, Sections 30 – 34 of the *Water Act 2000*; and
- Minister or chief executive may give direction to take action about water quality issue, Sections 203A – 203G of the *Water Act 2000*.

² www.business.qld.gov.au/industries/mining-energy-water/water/catchments-planning/water-plan-areas.