

Reporting framework for identified significant water management decisions involving discretion

Basin Compliance Compact Action 1.2 (a)

Each Basin State will:

- (a) 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.

The *Water Act 1989* (Water Act) provides the legislative basis for water management decisions, including decisions about the management of the resource, decisions about individual entitlements such as trade, and compliance and enforcement.

In making water management decisions, the Minister for Water and the Minister's Delegates abide by the requirements of the Water Act and subordinate instruments, and where discretion or judgement is needed they are guided by publicly available policies.

Victoria's water management arrangements have numerous checks and balances to ensure that where discretion or judgement is used it remains within legal limits, including:

- strong and comprehensive regulatory, governance and planning and entitlement frameworks;
- the Water Register and associated systems track water use against entitlements, prevent approval of trades that are inconsistent with trade rules or do not meet other checks, and automatically check compliance with valley caps on trade; and
- transparency and accountability measures such as publishing comprehensive annual water accounts; providing up to date market information; performance reporting by water corporations; and reporting on Basin Plan implementation.

Reporting and information resources

The Water Act and subordinate instruments contain requirements so that, as appropriate, all affected parties are aware of a decision and are informed, consulted or engaged throughout a decision-making process, including:

- consulting in advance of certain decisions;
- referring applications to relevant authorities;
- advertising in newspapers to ensure the affected community is informed about decision making processes;
- notifying relevant parties, including the proponent or applicant, about a decision as soon as possible;
- publishing an official record of the decision on the Victorian Government Gazette; and
- record-keeping.

The Department of Environment Land Water and Planning (DELWP) and water corporations both emphasise putting the community at the centre of their work and protecting a person's right to privacy and a fair trial (see Victoria's [Charter of Human Rights](#)). These obligations also inform the level of information and engagement in relation to water management decisions.

Due to the millennium drought and the rapid evolution of water management over the past two decades, Victoria has developed comprehensive public information resources and reporting on water management including many types of water

management decisions. In developing these information resources, Victoria has considered the pros and cons of reporting on the range of water management decisions, including privacy requirements, commercial implications, water user needs, broader community interest, and the cost of reporting on an ongoing basis.

Victoria also reports to the Commonwealth on a comprehensive range of matters. Table 1 shows sources of information on water management including reporting on decisions. The websites of the Victorian Water Register, Northern Victorian Resource Manager, Victorian Environmental Water Holder, water corporations and DELWP have been designed with the needs of water users and the broader community in mind.

In recent years, a priority of Victoria’s reporting on water management decisions has been to provide the information that water users and the broader public need to have confidence that water markets are operating fairly and effectively. The Victorian Government’s water plan *Water for Victoria* identified the elements of an effective market – one of which is compliance – and Action 9.3 committed the government to review and report on how well Victoria’s water markets are operating against these elements.

The first state-wide review of the effectiveness of *Victoria’s water markets* was released on 19 April 2018. This first review was conducted by independent consultants (Aither, in conjunction with DG Consulting) in collaboration with DELWP and a wide variety of stakeholders including water resource managers and regulators (both state and Commonwealth); urban and rural water corporations; environmental water managers; Traditional Owner representatives; various industry representatives; and individual irrigators.

The review found that: overall Victorian water markets are effective; that compliance with individual

entitlements appeared to be well-monitored by rural water corporations; that there was no evidence of major non-compliance; and that there is a continuing need for DELWP to make sure water markets develop to match the level of demand and sophistication in the market.

Improvements to reporting

Due to the amount of information already available, DELWP will focus on improving accessibility and making this information easier to discover rather than establishing a new register or source of information. To date, information and reporting have often been targeted towards certain audiences, especially holders of entitlements. There is potential to improve accessibility for a wider public audience outside the main target audience.

The review of Victorian Water Market Effectiveness was accompanied by a ‘Findings and Actions’ document that summarised the actions DELWP will take to improve the effectiveness of water markets across the state, and identified the following actions to improve reporting of water management decisions:

- working with water corporations to develop a consistent, risk-based approach to manage compliance and enforcement with improved oversight and reporting;
- assisting water corporations to make better use of the existing strengths of the Victorian Water Register to improve monitoring and reporting of compliance with individual entitlements; and,
- expanding the Water Register’s existing capacity to strengthen DELWP’s ability to monitor and report on water corporation compliance with bulk entitlements.

These three actions will be further investigated in response to Actions 2.1, 1.2b and 1.2c of the Basin Compliance Compact.

Table 1. Sources of information on water management decisions

Source	Information available	Frequency
<u>Victorian Water register</u> website	The Victorian Water Register records information about water related entitlements and water dealings. Water related entitlements recorded on the Register include: <ul style="list-style-type: none"> • water shares • licences to take and use surface water and groundwater and temporary transfers of these licences • bulk entitlements • works licences 	Varies – near real time for trade data to periodic or as required updates to other information sources



Source	Information available	Frequency
	<ul style="list-style-type: none"> • water-use licences and water-use registrations • serviced properties in the irrigation districts • delivery shares for serviced properties serviced by the relevant water corporations. <p>A member of the public can view on, or purchase from, the Water Register website an individual copy of record for any of the above, subject to protection of certain personal information of individuals (see ss. 84X and 84Y, Water Act).</p> <p>Water dealings recorded on the Register include:</p> <ul style="list-style-type: none"> • dealings in water allocations for water shares and entitlements, and in licences in the current water season • carryover of water allocations into a subsequent water season • other water dealings such as standing directions for water allocations. <p>Although information on each person's dealings in water allocations is not made available to the public, information on how to conduct these dealings and summary market trends information (including statistics on levels of use, directions of trade and prices paid) is published on the Water Register website.</p>	
Northern Victoria resource manager website	<ul style="list-style-type: none"> • System determinations (allocations) - current and historic • Water outlooks • Risk of spill • Anyone can register to receive updates via email 	
Department of Environment, Land, Water and Planning website	<ul style="list-style-type: none"> • The Water Act & rights to water • Interactive map on allocations, storages, water corporation and catchment management authority regions, local water information • Bulk entitlements • Winterfill sustainable diversion limits (including maps) • Groundwater management • Caps, including Permissible Consumptive Volume Orders made by the Minister • Groundwater Basins, catchment and management Units • Compliance annual reports • Basin Plan Implementation 	Updated as needed
Reporting on Basin Plan implementation	<p>The Basin Plan outlines evaluation and reporting requirements on which the which the Authority, the Basin States, the Department and the CEWH are required to report. The matters listed relate to the objectives and outcomes against which the effectiveness of the Basin Plan will be evaluated. Matters listed relate to the following themes:</p> <ul style="list-style-type: none"> • Basin Plan as a whole • Environmental watering plan • Water quality and salinity • Water trading rules • Water resource planning. 	Annual
Water corporation websites: Goulburn-Murray Water Lower Murray	<p>The water corporations' websites contain comprehensive information about water management decisions and the reasons for these decisions:</p> <ul style="list-style-type: none"> • Accessing water, allocations and restrictions • Ordering and trading water (including Watermatch for Southern Rural Water) 	Near real time, or as needed Annual



Source	Information available	Frequency
Water Southern Rural Water Melbourne Water Coliban Water Grampians Wimmera Mallee Water	<ul style="list-style-type: none"> • Managing water storages • Annual water outlook • Allocations and restrictions • Annual reports, which documents water taken under entitlements, supply statistics, and reporting against performance indicators • Allocation trading strategies • Customer Charters • Management plans. 	Multiple year review cycle
Victorian Environmental Water Holder	<ul style="list-style-type: none"> • Annual report • Seasonal watering plans • Reflections statements • Technical documents 	Annual
Victorian Water Accounts	Annual summary of take and use under entitlements, restrictions and allocations of water resources, including surface water, groundwater and recycled water. Victorian Water Accounts incorporates information on the availability of water, specifically rainfall, streamflow and storage levels, and tracks the use of this water to its end use. They demonstrate Victoria's commitment to transparency and accountability in the management of the state's water resources.	Annual
Victoria Government Gazette	Official record for range of water management decisions including - permissible consumptive volume orders, declaration of water supply protection areas and management plans, qualifications of rights to water, Ministerial rules for water shares and licences to take and use water, carryover declarations, bulk entitlements and Ministerial exemption orders.	As needed
Victorian Civil and Administrative Tribunal (VCAT) decisions	Written decisions by VCAT are available on the Australasian Legal Information Institute website	As needed

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