

Sustainable diversion limit compliance for surface water

The *Basin Plan 2012* was developed by the Commonwealth Government to provide the framework for water take within the Murray–Darling Basin. This includes establishing sustainable diversion limits (SDL), which are the amount of groundwater and surface water that can be taken from a water resource unit within the Murray–Darling Basin. The SDLs ensure there is enough water remaining in the environment to keep the river system and groundwater resources healthy.

Surface water sustainable diversion limits

Surface water SDLs are specified as a long-term average annual water use at a water management unit (SDL resource unit) level and on a Basin-wide scale.

The first step in establishing the SDLs was to determine how much water was being used by industries and communities annually within a water resource unit. This is known as the baseline diversion limit (BDL) and it is an estimate of how much water (on average) was used in the water resource unit area prior to the development of the Basin Plan.

The SDL for a resource unit is BDL minus recovery for the environmental water. The recovery for the environmental water has been set at 2,750 gigalitres for the entire basin, and the recovery target for each water resource unit, along with the BDL, is specified in the Schedule 2 of the *Basin Plan 2012*.

Sustainable diversion limits compliance framework

The Murray–Darling Basin Authority (MDBA) has the responsibility to monitor Basin-state compliance with the SDL, with enforcement of SDLs commencing from 1 July 2019. The MDBA must establish, maintain and publish a register of the amount of water taken each year in each SDL resource unit across the Basin.

Reporting and assessment of compliance with SDL will be undertaken after the end of every water year by way of mandatory reporting under Section 71 of the *Water Act 2007*. It also expands on the existing cap framework to report all forms of water take, including take from watercourses, regulated rivers, groundwater, run-off dams, floodplain harvesting, commercial plantations (net take) and basic rights.

SDL reporting and compliance is at the SDL-resource-unit scale and is not intended to identify the illegal theft of water by individuals, or whether water has been taken in contravention of individual access licence conditions.

The register of take

Complying with SDLs is done using the process outlined in Division 3 of Part 4 of Chapter 6 of the *Basin Plan 2012*. This involves calculating the maximum volume of water **permitted to be taken** and the volume **actually taken** each year. The difference between these two volumes is then recorded on a register of take as a credit or a debit depending on whether actual take is less than or greater than the permitted take.

A cumulative balance is established that varies according to each year's credit or debit. A SDL resource unit is considered to have exceeded compliance when the cumulative balance is in debit by an amount that is equal to or more than 20% of the SDL for that SDL resource unit.

Reasonable excuse

Under the Basin Plan, a Basin state may claim a reasonable excuse when the compliance test is exceeded. As the regulator, the MDBA will determine whether or not a reasonable excuse should be accepted. This determination is based on the evidence provided by the Basin state, any supplementary evidence acquired by the MDBA and the justification for the reasons set out for that circumstance.

If the SDL reporting indicates that water take is in excess of the SDL compliance test, the Basin state will undertake further investigation into the water take and the nature of the reasonable excuse. The Basin state will provide MDBA a report and reason for the excess and advise the MDBA how it will bring the cumulative balance back to zero. The MDBA will make an assessment and decide on a course of action if required.

More information

The framework is work in progress. The *Draft SDL Reporting and Compliance framework summary* can be found on the MDBA website at mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sustainable-diversion-limits-reporting-compliance

The full SDL reporting and compliance framework document will be available later in 2018.