



Australian Government



Inspector-
General of
Water
Compliance

Murray–Darling Basin community perceptions research 2022

Findings relating to compliance and enforcement



Community concerns relating to the MDB



Despite low levels of Basin knowledge, when prompted, there is strong support for enforcement and compliance in the Murray–Darling Basin, with water license holders having the strongest level of support for a fully independent federal body to oversee water rules and regulations across the Basin.

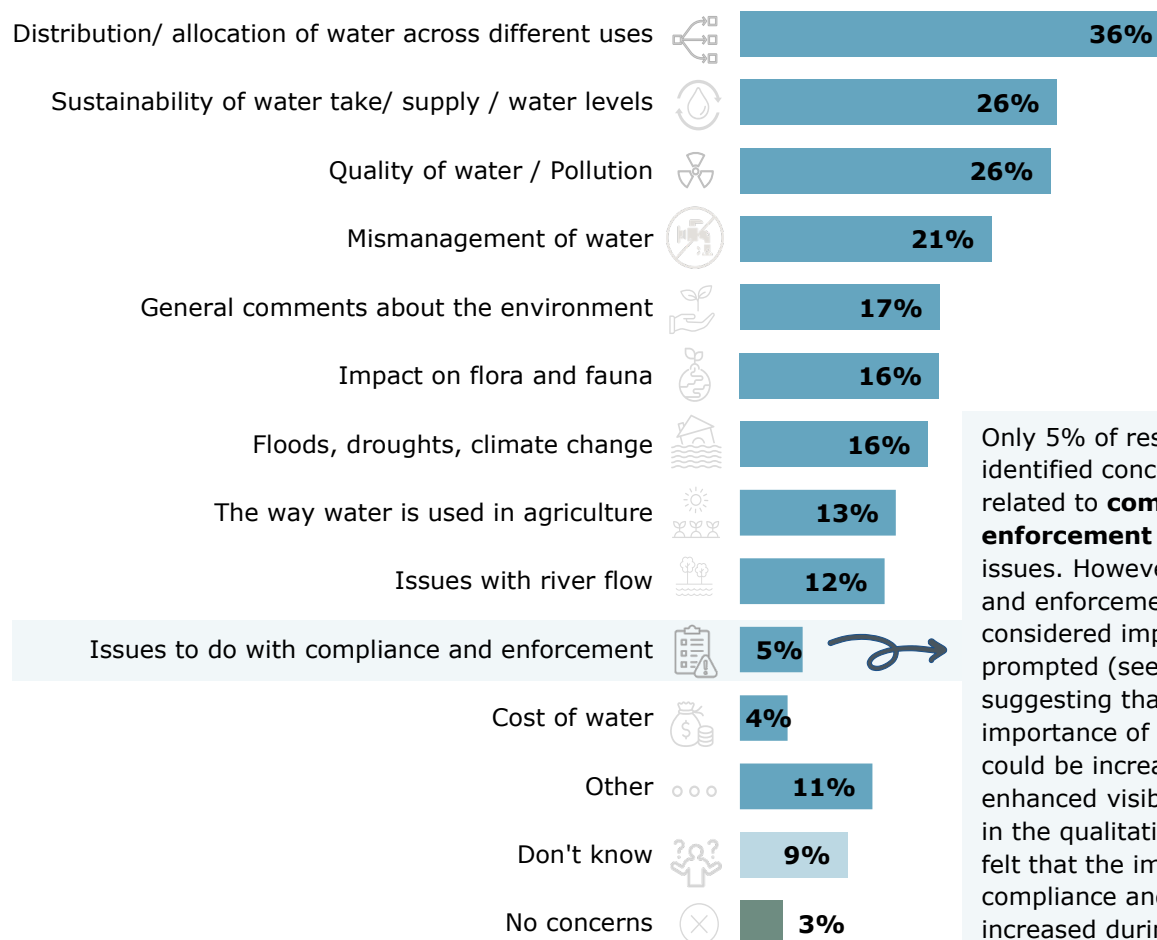
Top-of-mind concerns relating to the Murray–Darling Basin



Compliance and enforcement was not a top-of-mind concern for respondents when asked to identify their key issues – with top concerns found to relate to:

- **Water management**, including the distribution and allocation of water.
- **Sustainability of the system** for the future, including in the case of extreme weather events.
- **The environment**.

Top concerns of community members (unprompted responses)



Only 5% of respondents identified concerns specifically related to **compliance** and **enforcement** in their top three issues. However, compliance and enforcement were considered important when prompted (see overleaf) – suggesting that the perceived importance of the IGWC’s role could be increased through enhanced visibility. Participants in the qualitative research also felt that the importance of compliance and enforcement increased during drier periods.

Q19. Based on what you know, what three issues are you most concerned about in relation to the Murray–Darling Basin?
Base: Community (n=817)

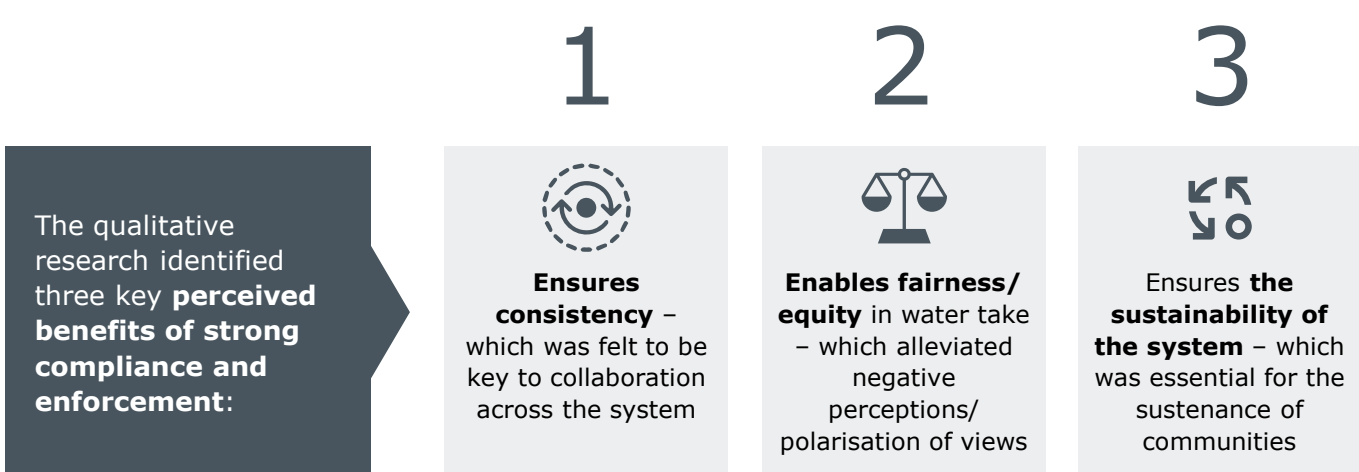
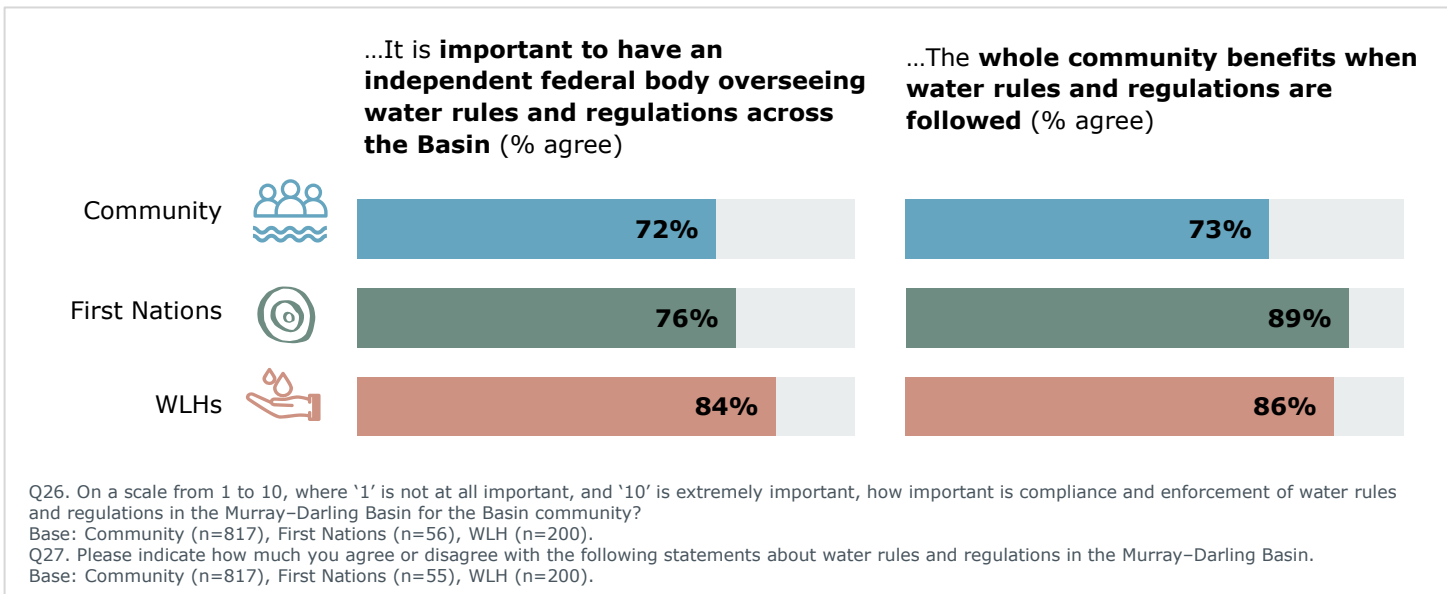
Importance of compliance and enforcement



The level of awareness and understanding of compliance and enforcement functions and requirements varied by audience, and participants tended to be more aware of regulations and requirements in upstream areas, than those downstream. Despite water license holders having a higher awareness, there are still significant information gaps in relation to compliance requirements for themselves and others.

Importance of compliance and enforcement of water rules and regulations in the Murray–Darling Basin for the Basin community (when prompted)

(% rated 8-10 out of 10)



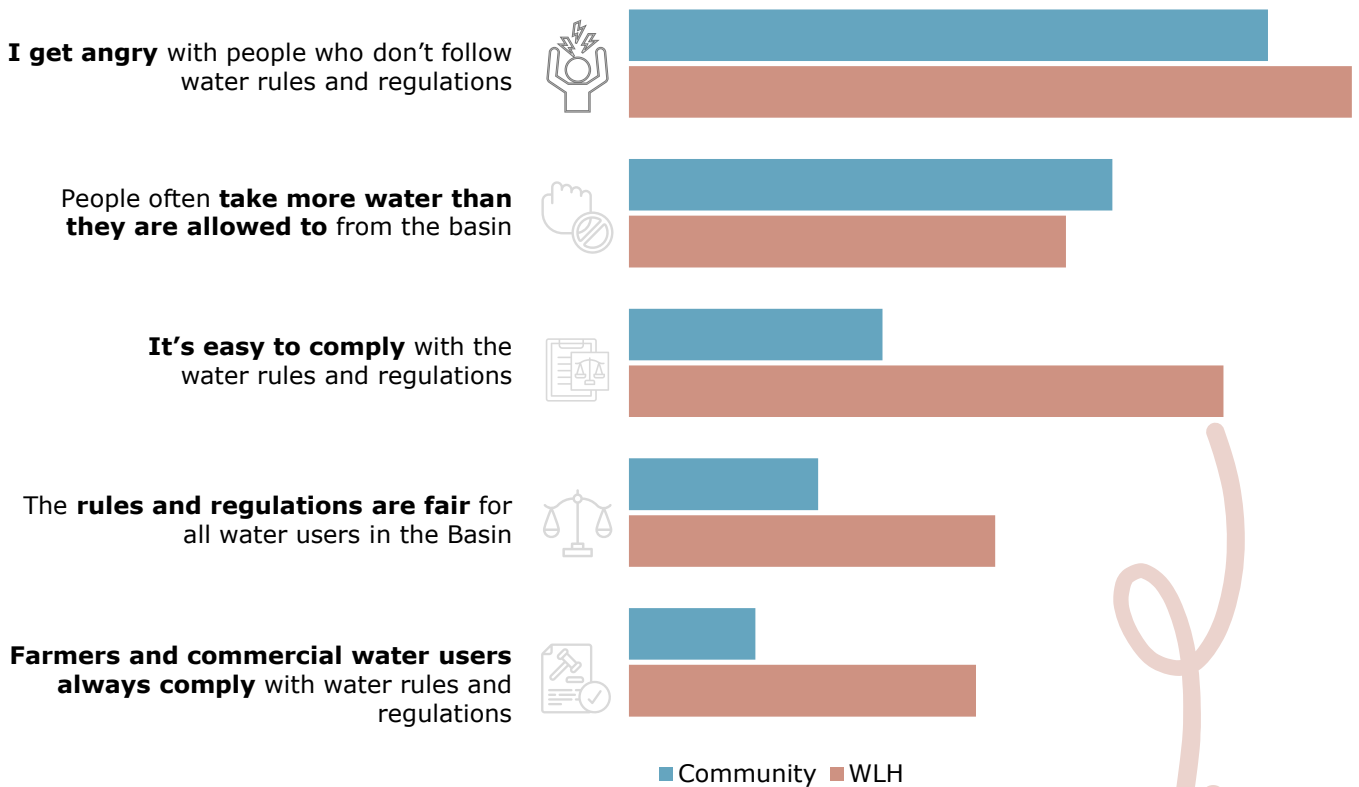
Perceptions and attitudes towards compliance




Compliance was felt to be somewhat effective, though perceptions of compliance differed when participants considered different regions within the Murray–Darling Basin. Despite it being extremely wet at the time the research was conducted, participants acknowledged that compliance and enforcement are more of a priority and front-of-mind issue when water is scarce or during droughts.

Perceptions of and attitudes to compliance


(% agree)



Water licence holders in the North were significantly **less likely** than those in the South to agree that it's easy to comply with the rules and regulations:



67%



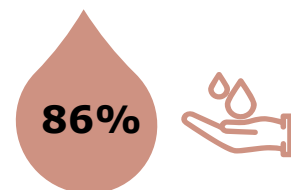
49%

Q27. Please indicate how much you agree or disagree with the following statements about water rules and regulations in the Murray–Darling Basin.
 Q28. Please indicate how much you agree or disagree with the following statements about the Murray–Darling Basin.
 Base: Community (n=817), WLH (n=200), WLHs in the North (n=102), WLHs in the South (n=98).

WLHs: Motivators and barriers to complying



While both water licence holder and community participants believed the norm was towards compliance rather than intentional non-compliance, barriers to compliance were hampering a few – including the complexity and cost of compliance, lack of understanding of rules and regulations and equipment malfunction.



...of **water licence holders** reported they were **very likely to comply with the water rules and regulations** (and an additional 7% reported they were 'somewhat likely' to).

Q32. How likely are you to...?
Base: WLH (n=200).

Motivators



Awareness and understanding of compliance requirements and penalties.



Compliance information being easy to access and understand – including good Q+A process.



Awareness of reporting mechanisms.



Visible enforcement and avoidance of penalties.



Being held to account (e.g. meters, audits, inspectors).



Community norms and expectations to abide by the law and desire to "avoid shame".



Social and/ or environmental responsibility – i.e. understanding that water is a finite resource that needs to be shared for different purposes across the Basin.



Economic benefits (for individuals, businesses, communities) – e.g. maintaining positive reputation of business.



Longevity of business and community through the sustainable use of water in the Basin.

Barriers

Personally reported barriers:



Complexity of compliance – including "shifting goal posts" and requirements that are hard to find and understand.



Lack of understanding of compliance requirements.



Cost of compliance (e.g. purchasing meters, paperwork).



Malfunctioning of equipment (e.g. "ants in the meter").



Existing non-compliance on newly purchased properties (which was difficult for new owners to identify).



Lack of confidence in the Plan – e.g. SDL, questioning scientific evidence-base, State/ Territory allocations felt to be "unfair".

Perceived barriers:



Penalties not felt to be proportionate (i.e. profit of enterprise more than fines for water theft).



Desperation to maintain livelihood.



Greed/ driven by profits (and fines not proportionate to deter).



Belief in not getting caught/ being "invincible".



Limited sense of connection to local community or Basin community/ not caring about the consequences.



Lack of monitoring and enforcement.

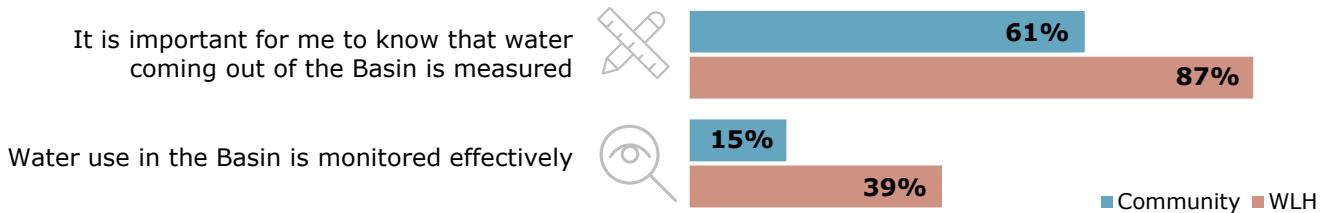
Monitoring and enforcement



The research highlights a clear discrepancy between what is important to community members (i.e. assurance that water coming out of the Basin is being measured) and what they felt was the case currently, with many not agreeing that water use was being monitored effectively. This suggests that enhancing monitoring processes and communicating the extent of this monitoring will bridge this gap and aid in enhancing positive sentiment among the community.

Perceptions of, and attitudes to, monitoring

(% agree)



Q27. Please indicate how much you agree or disagree with the following statements about water rules and regulations in the Murray–Darling Basin. Q28. Please indicate how much you agree or disagree with the following statements about the Murray–Darling Basin. Base: Community (n=817), WLH (n=200)

The qualitative research found the following were important for participants when considering monitoring activities:

Monitoring of all water take, including water in floodplains – to ensure all water was accounted for and fairly managed in accordance with system-wide view.

Regular audits/ checks of compliance – via both manual and electronic monitoring (with reporting).

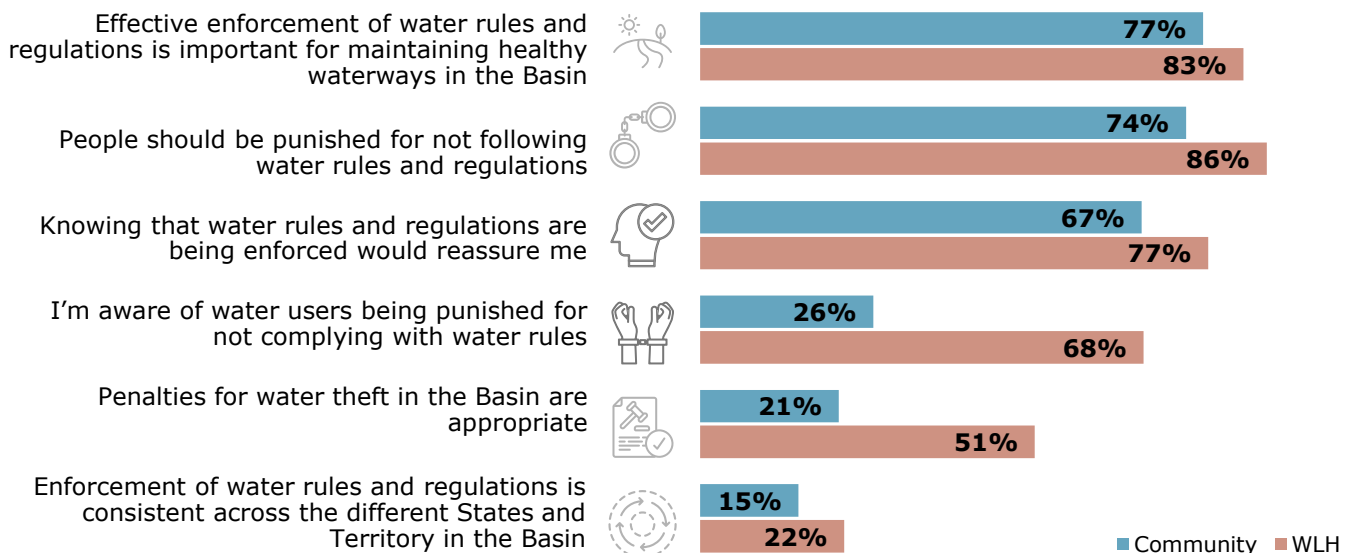
Consistent and compulsory metering across all water users – to ensure all were monitored in a fair/ equal manner.

Use of technology to test/ monitor water usage and infrastructure (e.g. via drones, x-rays) – to ensure it was monitored accurately and consistently.

Perceptions of, and attitudes to, enforcement

There was strong support among both community member and water licence holder participants for the enforcement of rules and regulations – with the view that this was important for the health of waterways.

(% agree)



Q27. Please indicate how much you agree or disagree with the following statements about water rules and regulations in the Murray–Darling Basin. Q28. Please indicate how much you agree or disagree with the following statements about the Murray–Darling Basin. Base: Community (n=817), WLH (n=200)

Enforcement expectations and preferences



The qualitative research found that monitoring all take was extremely important and that consistent and compulsory metering across all water users to ensure all were monitored in a fair and equal manner, and that regular audits and checks of compliance are carried out.

The following enforcement expectations were identified



Proportionate fines and penalties – tailored and appropriate for the scale and impact of the offence (i.e. smaller penalties were felt to be appropriate for smaller scale offences, first time offences, or unintentional non-compliance). Participants felt that penalties were currently not appropriately tailored.



Penalties based on thorough and robust investigation – to ensure that intentional misuse had occurred, and that penalties were appropriate.



Recording and publishing enforcement data – to inform the public of compliance levels across the Basin and recent enforcement activities.

IN ADDITION:

Some participants in the qualitative research **reported the need for easy, anonymous reporting should they become aware of someone breaking the water rules** – including an anonymous phone line and online reporting function.

59%

...of water licence holders were somewhat/very likely to report someone who breaks the water rules and regulations

20%

...of water licence holders were not at all likely to report someone who breaks the water rules and regulations

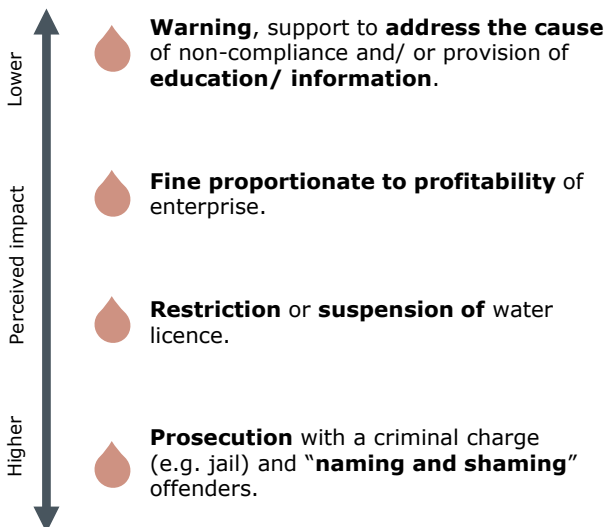


Q32. How likely are you to...? Base: WLH (n=200). 'A little likely' and 'unsure' results not shown.

Enforcement preferences



Preferences for penalty escalation



Additional incentives for compliance

- Reducing cost of compliance** (i.e. meters, administration fees etc.).
- Access to Basin branding/ positive marketing.**

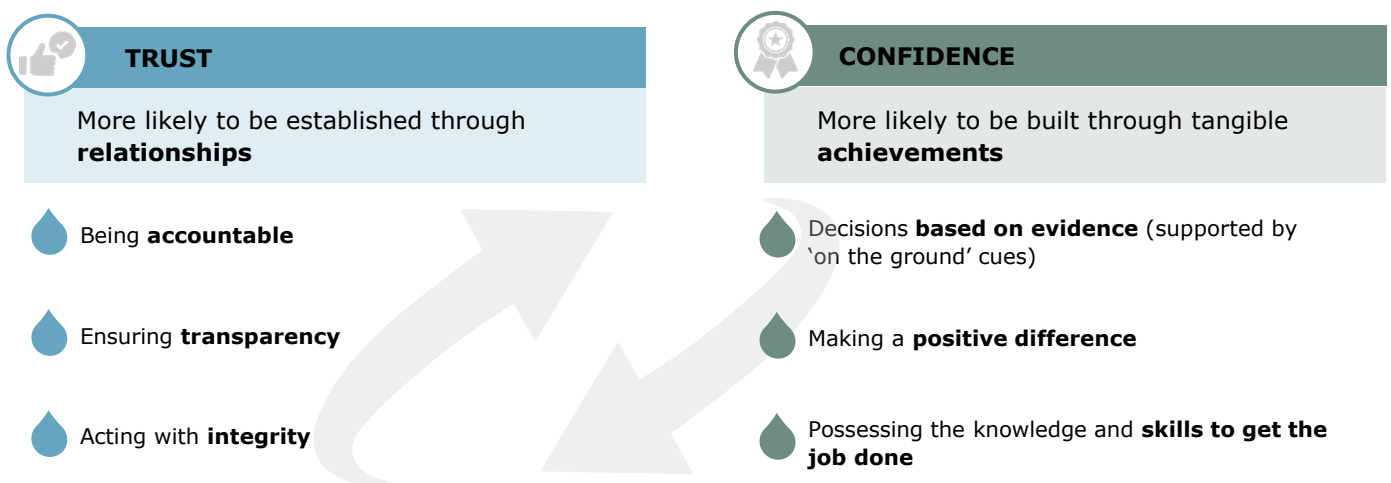
Some participants suggested that **access to a 'Basin landmark'** which identified goods produced in the Basin would be an effective way of encouraging compliance (if only accessible to those who comply). This could also **increase the profile of the Basin and understanding of its importance** among community members.

Trust and confidence

Understanding compliance and enforcement is built on ensuring there is a strong foundational knowledge of a range of topics including the Murray–Darling Basin Plan, and the associated rules and regulations. Concerningly, if knowledge of the Basin is low, there’s a correlation to indicate that trust and confidence in Basin management is also low. Improving Basin knowledge will help build trust and confidence in water management.

Trust and confidence in compliance and enforcement

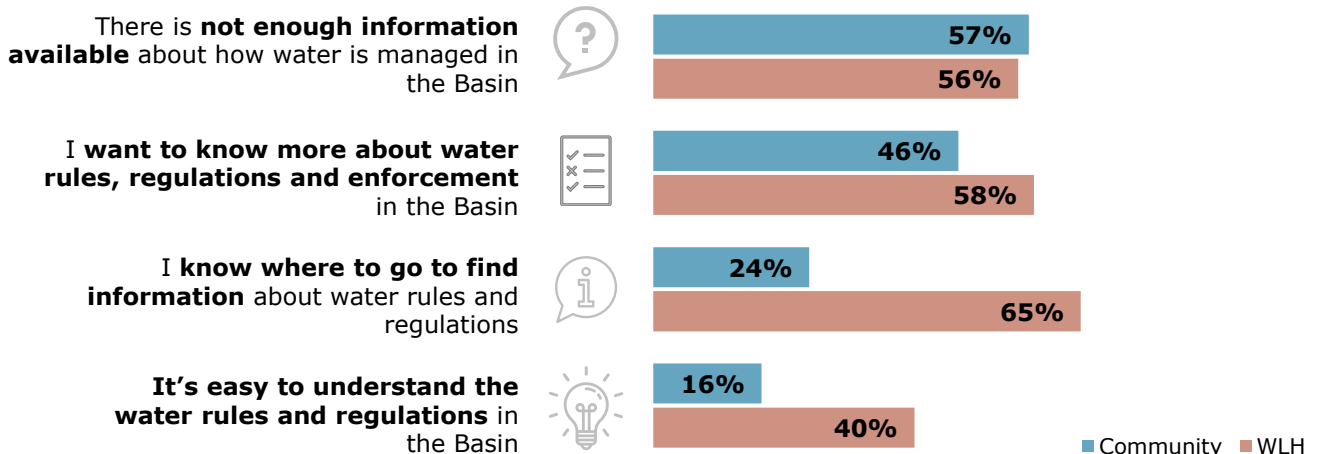
The research found that confidence and trust are **strongly linked**, and **iteratively build on one another**. Enhancing knowledge, demonstrating actions and outcomes and sustained performance were found to be critical to enhancing both trust and confidence.



Perceptions of and attitudes to information

(% agree)

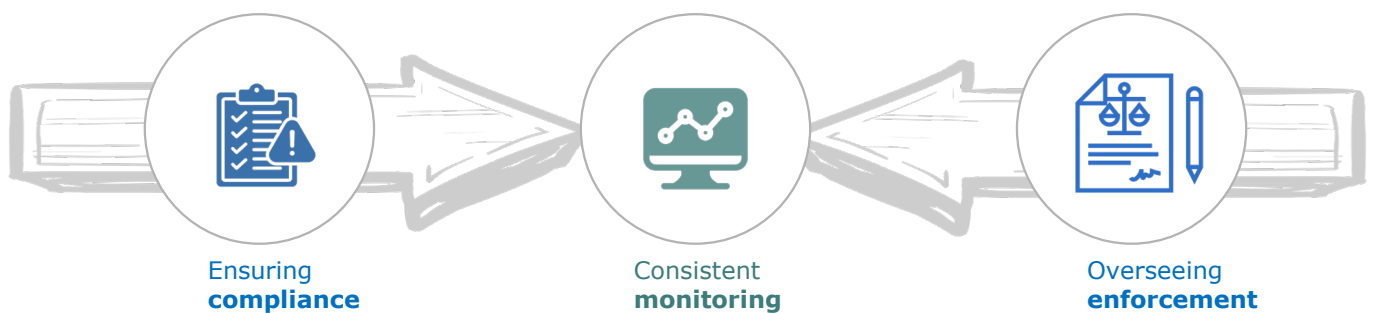
"I researched as much as I can, but there's not really good or solid information out there."
— Commercial user of waterways, Wodonga



Q25. Please indicate how much you agree or disagree with the following statements about the Murray–Darling Basin, in general.
Q28. Please indicate how much you agree or disagree with the following statements about the Murray–Darling Basin.
Base: WLH (n=200), Community (n=817).

Components of compliance and enforcement

The qualitative research found that **compliance and enforcement functions of water management were largely 'invisible'** – with limited awareness among participants as to the extent of compliance or enforcement activities across the Basin. **Consistent and holistic monitoring** of water take was felt to be essential for ensuring both compliance with, and enforcement of, rules and regulations, with a clear role also identified for the reporting of these activities.



Maintaining visibility during times when there is more water in the system and compliance and enforcement are less front-of-mind poses a challenge, but will nevertheless be important to enhance positive sentiment. Data from and communications about monitoring activities could play a role here.

Reporting of all of these activities (compliance, monitoring and enforcement) was felt to be essential to increase awareness, transparency and visibility, which will ultimately help to build confidence and trust in management processes.

Transparent reporting

Trust and confidence in compliance and enforcement

Increasing confidence and trust will require:

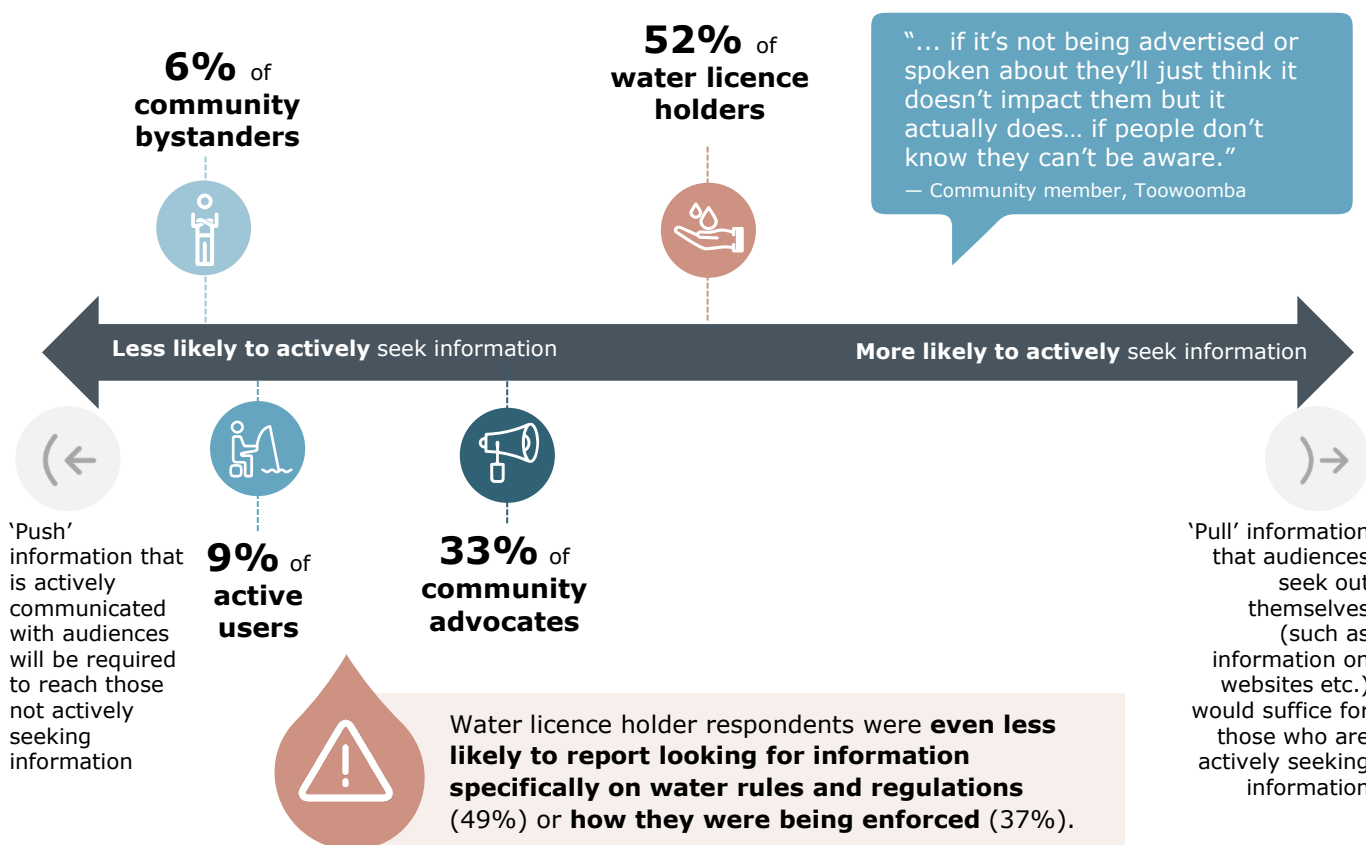
- **Knowledge and understanding...** through meaningful dialogue, open communication, positive engagement and cooperation/ collaboration across agencies.
- **Visible actions and outcomes...** through independent, evidence-based decisions informed by monitoring and reporting; which leads to an impression of transparency, accountability and integrity.
- **Consistent performance over time...** through demonstrated achievements over the longer term.



Information seeking behaviours

Despite respondents' desire for information, the research identified very limited active information seeking. Even among water licence holders who were reliant on water information for their livelihoods, almost a third (31%) reported they never look for any information in relation to the Basin (with qualitative participants reporting that they did not see it as part of their core role and/ or had difficulties accessing the information required). Given the limited levels of information seeking, 'push' forms of information and communications will be required to reach and engage all audiences.

% who reported looking for any information on the Murray–Darling Basin **a few times a year or more...**



Q31. On average, in the last 12 months, how often have you done the following? Actively looked for any water information in relation to the Murray–Darling Basin.
Base: WLH (n=200), Active users (n=366), Community bystanders (n=352), Community advocates (n=99).



Perceptions of and attitudes to enforcement

Even though 67% of community members reported that they would feel reassured knowing rules and regulations were being enforced, **only 26% were aware of users being punished for not complying with the water rules.**

This may indicate that increasing visibility of compliance, enforcement and monitoring activities, where relevant, would enhance positive sentiment (e.g. reassurance that actions are being taken to ensure the sustainability of water in the Basin).

Enforcement expectations

The qualitative research identified **a range of expected components of fair and effective enforcement** of the water rules and regulations across the Basin. However, only around one fifth of community members and half of water licence holder respondents reported that penalties were currently appropriate, suggesting that a review of penalties could be considered by relevant authorities and/ or communications improved about these.

Water licence holder participants who were unlikely to report others who broke the rules tended to express concerns of “retribution” from individuals they reported (particularly in smaller communities where it was felt anonymity could not be guaranteed) and/ or feeling it was “none of their business”. Most community member participants reported they would be unaware if anyone was breaking the rules, as they did not have enough knowledge as to what the rules and regulations were in their area.



Enforcement preferences

To support proportionate enforcement, participants felt **penalties should be scalable to enable escalation based on the severity of the offence** – with criminal charges and ‘naming and shaming’ perceived to be the most severe penalties, due to the personal/reputational consequences and damage to business associated with these. The research found that compliance should also be **supported through the provision of incentives** only available to those who complied with water rules and regulations.

The research also identified some **additional supports that could be provided** to water licence holders to **increase water efficiency** in the Basin (and thereby further encouraging compliance):

- Access to schemes for **expert advice on how to improve efficiency** (e.g. from agronomists).
- **Grants for water efficiency improvements.**

"[Basin branding would] help show a positive perception of all the good that is coming out of water, not just the negatives that we see in the news."

—Water licence holder, Dubbo