



## FACT SHEET SERIES – COMPLIANCE WITH NSW WATER MANAGEMENT LAWS

# Monitoring compliance

November 2015

DPI Water is responsible for managing the state's surface water and groundwater resources. A key part of this responsibility is ensuring compliance with NSW water management laws to enable secure and sustainable sharing of water between water users including the environment.

DPI Water works to prevent, detect and stop illegal water activities by:

- supporting voluntary compliance through education and providing information so water users and the community are aware of and understand their regulatory obligations
- monitoring compliance with the *Water Management Act 2000* (the Water Management Act) and *Water Act 1912* (the Water Act) and taking appropriate enforcement action when a breach occurs.

### What do NSW water management laws regulate?

The Water Management Act and Water Act control the extraction of water, the use of water, the construction of works, such as pumps, bores, dams and weirs, and what activities can be undertaken in or near water sources.

The Water Act is being progressively repealed and replaced by the Water Management Act, but some provisions are still in force.

Copies of the Acts and associated regulations are available on the NSW Government legislation site at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

The DPI Water Compliance Policy explains how we manage compliance with NSW water management laws. The Policy is available on DPI Water website at [www.nsw.gov.au](http://www.nsw.gov.au)

### Why monitor compliance with water management laws?

While most water users follow the rules and meet requirements, some people carry out illegal water activities. Sometimes these actions are deliberate

and sometimes they happen because people do not know the law.

Water theft and harming a water source are serious crimes which can threaten water supplies for legitimate water users and harm the environment.

DPI Water monitors compliance to:

- protect the rights of legitimate users and mitigate environmental harm by detecting possible breaches and taking action
- identify education campaigns or enforcement action that may be required to respond to non-compliance
- improve the effectiveness of its operations and programs
- increase community confidence in the regulatory system.

### What compliance monitoring activities are undertaken?

DPI Water undertakes various types of monitoring activities, including:

#### On-ground monitoring

DPI Water authorised officers visit properties to conduct inspections of water-related activities to check compliance with legal requirements.

#### Remote monitoring

Remote sensing technology, such as satellite imagery and aerial photography, is used to detect potential illegal use or storage of water. Remote sensing data can support other compliance activities, such as on-site inspections, and provide evidence for enforcement action, including prosecutions.

#### Responding to reports of alleged breaches

DPI Water receives reports of alleged breaches from various sources including members of the public, WaterNSW (formerly State Water Corporation), local councils and other government agencies. All alleged breaches reported are recorded, assessed and appropriate action taken.

## What does on-ground monitoring involve?

DPI Water authorised officers conduct site inspections on properties to:

- help licence or approval holders understand the conditions on their licences or approvals
- check licence or approval holders are complying with specified conditions on their licences or approvals (this is referred to as an audit). This includes checking that:
  - water is being taken in accordance with licence conditions
  - the construction and operation of water management works is in accordance with approval conditions
  - controlled activities are being conducted in accordance with approval conditions.
- check any meters or other measuring devices are fitted and working properly
- check water is being taken in accordance with basic landholder rights or any water restrictions that may apply
- check a valid licence or approval is held for water related activities where required.

Follow-up action to address any non-compliance issues identified in the inspection depends on the level of non-compliance and may include preventative action, corrective action or further investigation.

## Who conducts on-ground monitoring?

DPI Water authorised officers (such as water regulation officers, monitoring officers and investigators) may conduct site inspections on properties.

Authorised officers have powers to enter properties (except for any part of premises used only for residential purposes, which can only be entered with the permission of the occupier or under the authority of a search warrant).

Authorised officers are trained to undertake their compliance role and exercise their powers in a professional manner that is: objective, fair and impartial; consistent with the presumption of innocence; within their authority; in accordance with the law; and respectful of individuals.

## Where is on-ground monitoring undertaken?

We inspect a percentage of water-related licences and approvals annually across NSW.

On-ground monitoring programs target specific issues and locations using a risk-based approach and an analysis of information about non-compliance. This ensures inspections are conducted concerning activities which are of the greatest concern in priority locations throughout the state.

A cross section of different types of surface water, groundwater and controlled activity licences and approvals are selected for auditing.

## How will I know if there will be a site inspection on my property?

We may send a letter to notify you we will undertake a site inspection on your property. There may be circumstances, though, when DPI Water does not contact landholders prior to an inspection.

## How will I know if there has been a site inspection on my property?

You may see a DPI Water authorised officer on your property or you may find a sticker placed on an inspected water management work (for example, a pump) indicating an inspection on your property has been conducted. The sticker will identify the date of inspection and the name of the authorised officer who conducted the inspection. Contact DPI Water if you would like information about an inspection conducted on your property.

If non-compliance issues are identified in the inspection, an authorised officer may write or phone you to specify a course of action to deal with the non-compliance.

## More information

This fact sheet is one in a series explaining water management compliance and associated issues.

You can find this fact sheet series and more information about licensing and compliance on the DPI Water website at [www.water.nsw.gov.au](http://www.water.nsw.gov.au) under Water Licensing.

For enquiries you can contact us:

- by phone 1800 353 104
- by email [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au)

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