

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

# Help stop illegal water activities

November 2015

DPI Water manages the state's surface water and groundwater resources to ensure secure and sustainable sharing of water between communities, industries, farmers and the environment.

DPI Water monitors and enforces compliance with NSW water management laws and associated regulations.

The *Water Management Act 2000* and the *Water Act 1912* 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.

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 or harming a water source are serious crimes which can threaten water supplies for legitimate water users and harm the environment. Heavy penalties can apply for offenders.

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

- assisting water users and the community to be aware of and understand their water rights and how to comply with the rules
- monitoring water resource activities and running proactive programs to identify potential breaches
- investigating alleged breaches and taking appropriate action when a breach occurs.

**You can also play a role. Information you provide could help stop illegal water activities in your local area.**

**To make a report, contact DPI Water**

- by phone **1800 633 362**
- by email **[water.compliance@dpi.nsw.gov.au](mailto:water.compliance@dpi.nsw.gov.au)**

**Reporting an alleged breach**

You can help stop illegal water activities by informing DPI Water of any suspicious activities or circumstances, such as:

- pumping from a stream during periods when pumping is not permitted
- water flow in a river suddenly stopping
- a dam or earthworks being constructed in a creek or river
- water being diverted from a creek or river
- healthy looking crops when pumping is banned
- water carriers replenishing from rivers or creeks.

**What information should I provide?**

The more information we have the better. Before submitting a report, please try to obtain the following details:

- the type of activity
- the time, date and location of activity
- a description, registration numbers and type of any vehicles or plant involved
- any other information you think is relevant.

**What will be done with my report?**

All reports received are recorded in a database. A DPI Water authorised officer (such as a water regulation officer or investigator) then conducts a risk assessment based on the information in the report and the matter is prioritised.

Further investigation may be conducted following the risk assessment and this may involve a site inspection and collecting information from the landholder and/or licence holder.

During an investigation, authorised officers will gather evidence to establish whether an offence has occurred, the identity of the person(s) who may be responsible and any harm resulting from the breach.

If, after full investigation, it is considered a breach has occurred, DPI Water will take appropriate action depending upon the circumstances and significance of the breach.

Enforcement measures include warning letters, penalty notices, civil penalties, stop work orders, remediation notices, licence and approval suspension or cancellation, and prosecution.

### **Will my information be treated confidentially?**

DPI Water handles all information in accordance with the *Privacy and Personal Information Protection Act 1998*.

If you have provided your contact details in your report, you will receive an acknowledgement letter from DPI Water.

You may be contacted by DPI Water authorised officer conducting the risk assessment to seek more information to assist the risk assessment.

If a matter is investigated, the investigating officer may contact you and, if you agree, may take a witness statement. If the matter proceeds to Court this witness statement may be made available to the alleged offender if it forms part of DPI Water's case.

### **What about reporting water pollution?**

DPI Water is not the regulator for water pollution events. For information on how to report water pollution events go to the NSW Environmental Protection Agency (EPA) website  
<http://www.epa.nsw.gov.au/pollution/water.htm>

### **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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Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 2015). However, because of advances in knowledge, users are reminded of the need to ensure that information upon which they rely is up to date and to check currency of the information with the appropriate officer of the Department of Primary Industries or the user's independent adviser.

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