Australian Government

Inspector-General of Water Compliance

Sustainable Diversion Limit Compliance Statement for 2021-2022

Inspector-General of Water Compliance

September 2023

Cataloguing data

This publication (and any material sourced from it) should be attributed as: Inspector-General of Water Compliance 2023, *Publication Name*, the Australian Government, Canberra, August 2023. CC BY 4.0.

This publication is available at https://www.igwc.gov.au/reviews-reports

Inspector-General of Water Compliance
GPO Box 3090 Canberra ACT 2601

Disclaimer

The Australian Government represented by the Inspector-General of Water Compliance, has exercised due care and skill in preparing and compiling the information and data in this publication. Notwithstanding, the Inspector-General of Water Compliance, the Australian Government's employees disclaim all liability, including liability for negligence and for any loss, damage, injury, expense, or cost incurred by any person as a result of accessing, using, or relying on any of the information or data in this publication to the maximum extent permitted by law.

Acknowledgement of all Traditional Owners

We pay our respect to the Traditional Owners and their Nations of the Murray-Darling Basin. We acknowledge their deep cultural, social, environmental, spiritual, and economic connection to their lands and waters.

Aboriginal people should be aware that this publication may contain images, names, or quotations of deceased persons.

Accessibility

The document and information are available in accessible formats. On some occasions the highly technical nature of the document means that we cannot make some sections fully accessible. If you encounter accessibility problems or the document is in a format that you cannot access, please contact us.

The purpose of the Inspector-General of Water Compliance is to ensure various government bodies, water managers and users in the Murray-Darling Basin comply with their obligations under the Water Act 2007 and the Basin Plan 2012 and drive governments and water managers to uphold high standards of integrity and performance.

Sustainable Diversion Limits (SDLs) commenced from 1 July 2019. With the legislative amendments to the Commonwealth *Water Act 2007* (the Act) and the *Basin Plan 2012* (Basin Plan), in August 2021, the Inspector-General of Water Compliance (Inspector-General) was established, and I became responsible for responding to SDL compliance. This is my second SDL compliance statement since establishment.

The SDLs and compliance with these limits are essential to the implementation and operation of the Basin Plan. Under the Act, SDLs provide for the establishment and enforcement of environmentally sustainable limits on the volume of surface water and groundwater that may be taken from Basin water resources. In effect, SDLs are the amount of water that can be taken from rivers and aquifers for towns, industry, and farmers.

I have reviewed the 2021-2022 Registers of Take as provided by the Murray-Darling Basin Authority (MDBA)[1] and indicated in Table *1* and Table 2, and note all 55 SDL resource units in the registers of take are compliant (refer to Figure 1 and Figure 2). This is a positive result for Basin Plan SDL compliance for the second year in a row.

The 55 compliant SDL resource units (19 surface water and 36 groundwater) are managed through the 13 water resource plans across Queensland, South Australia, Victoria, and the Australian Capital Territory.

As there were no SDL resource units in excess of the SDL compliance threshold, there were no reports of a reasonable excuse or action plans provided by Queensland, South Australia, Victoria, or the Australian Capital Territory.

The Basin Plan recognises that where incomplete water recovery by the Commonwealth is for reasons beyond the Basin State's control, it is adjusted in the Registers of Take[2]. Adjustments to the Registers of Take were made by the MDBA for eleven surface water SDL resource units, and two groundwater SDL resource units for incomplete water recovery.

I welcome the continued achievement of SDL compliance in Queensland, South Australia, Victoria, and the Australian Capital Territory.

On 2 June 2022, I gave a public speech which called out the failure of the New South Wales Government to deliver water resource plans. The evidence is now in that during 2021-2022, New South Wales failed to deliver the outstanding obligations and commitments to the Basin Plan. Therefore, the 2021-2022 SDL compliance assessment does not include New South Wales's 54 SDL resource units (10 surface water and 44 groundwater). The 20 water resource plans in New South Wales were not accredited or operating in the 2021-2022 water accounting year, an absence for the third year in a row since the commencement of SDL compliance.

[1] Sustainable Diversion Limit Registers of Take report 2021-2022
[2] *Basin Plan 2012* (Cth) s 6.11(5); s 6.12C(4)(b).

Across the Basin, New South Wales was responsible for 56.8 per cent of the water take in 2021-2022; that's the lion's share of water consumed from the Murray-Darling Basin.

Despite having no accredited water resource plans in 2021-2022, New South Wales have self-assessed non-compliance in two SDL resource units, the Barwon-Darling watercourse, and Gwydir surface water (refer to Appendix 1 for more detail).

SDL compliance requires the rules and methods identified and accredited in a water resource plan to manage water take for the SDL resource units. Without water resource plans, New South Wales is subject to a lower level of accountability under the Basin Plan than the other four Basin States.

This statement should be read in conjunction with the MDBA Sustainable Diversion Limit Registers of Take 2021-2022 report published on the MDBA website.

I am currently finalising a Sustainable Diversion Limit Compliance Framework which will detail to the public my enhanced approach moving forward to this critically important annual task. I plan to publish this Framework in October 2023.

I encourage all Basin State Governments to continue to closely monitor and manage water usage within the Sustainable Diversion Limits as this is a key obligation of the Basin Plan.

The Hon. Troy Grant
Inspector-General of Water Compliance

4 September 2023

Figure 1 Map of Surface water SDL compliance

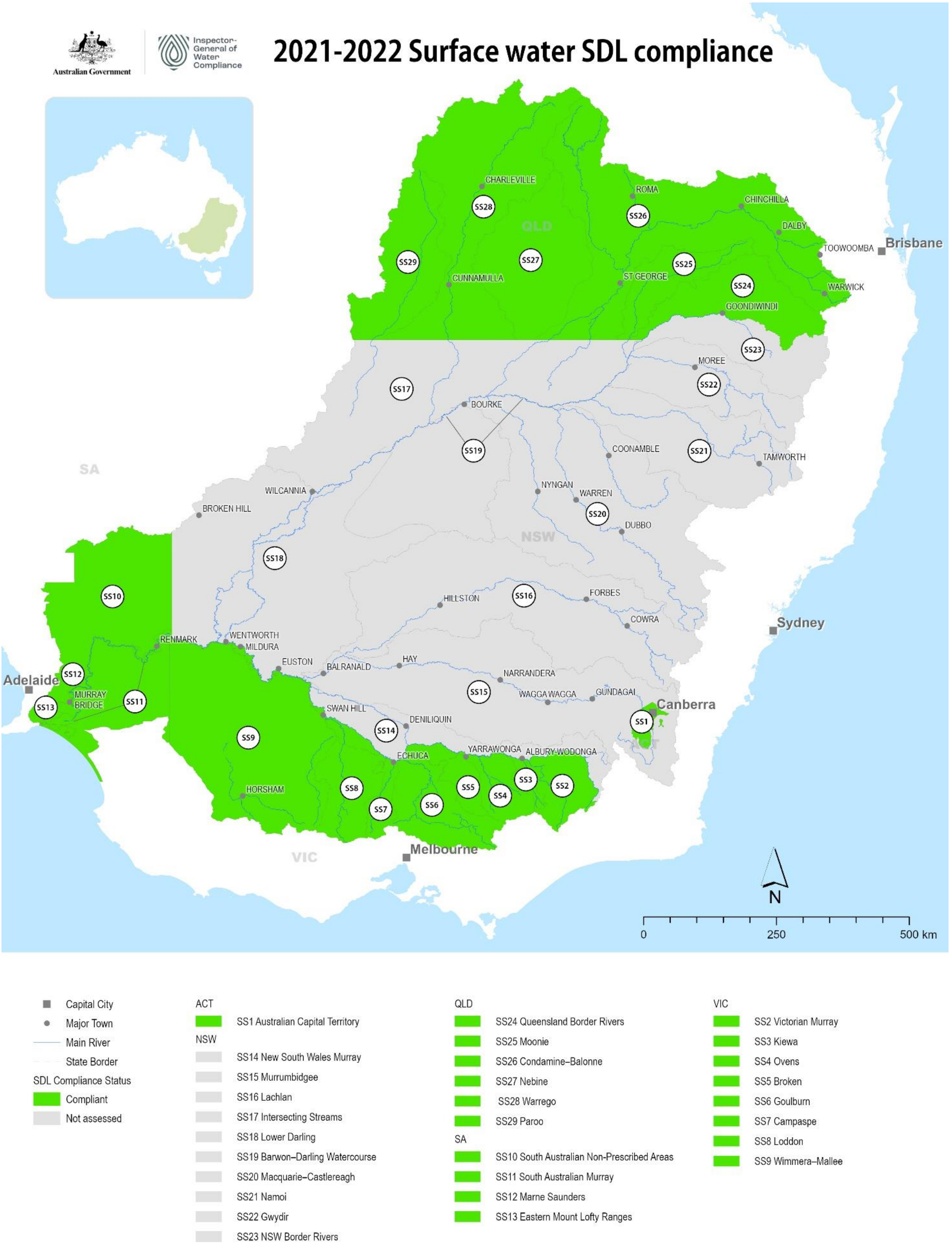

Figure 2 Map of Groundwater SDL compliance

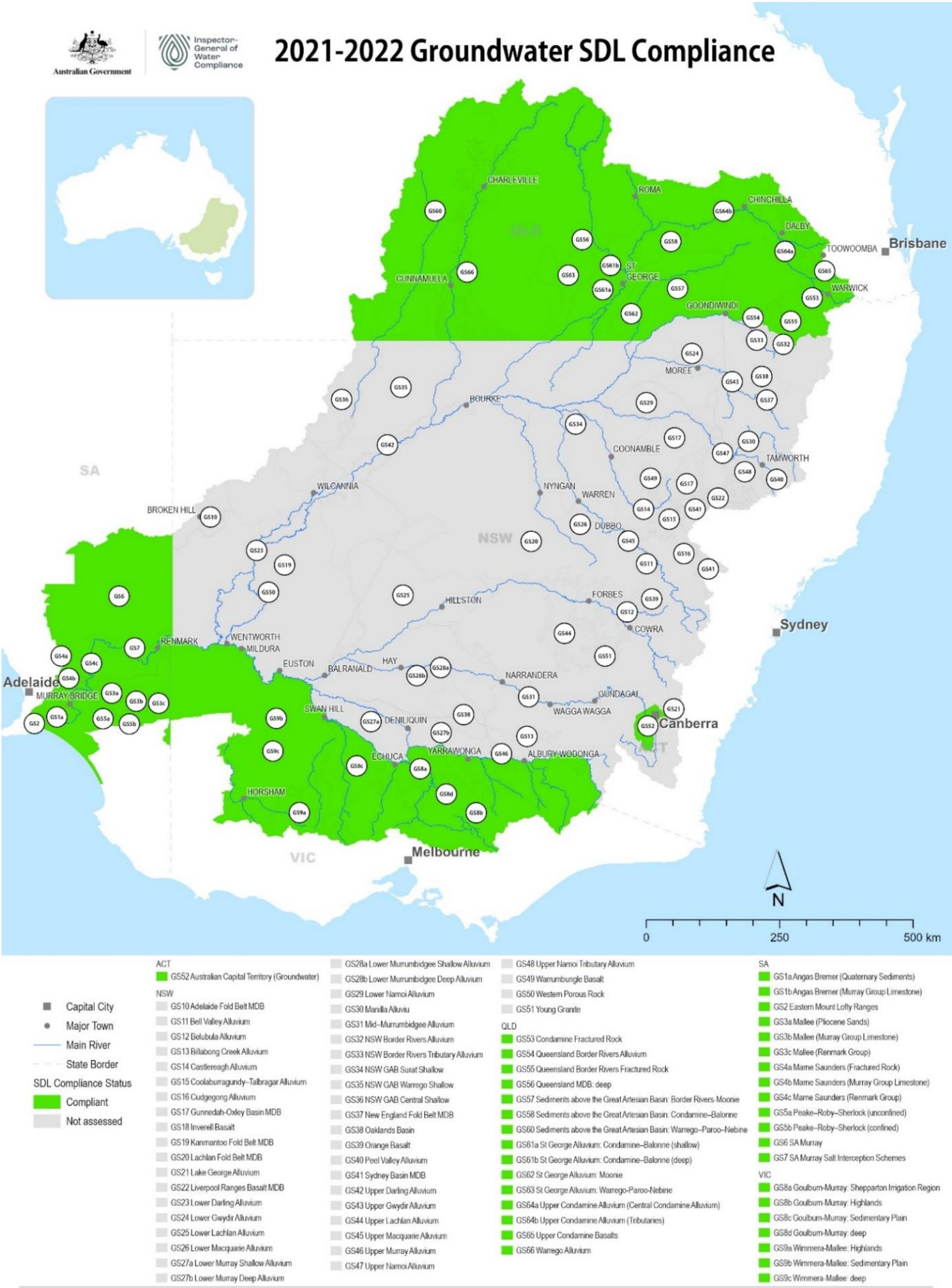

Table 1: 2021-2022 Surface water accounts from Registers of Take

State	SDL resource unit	SDL resource unit code	SDL	Annual Permitted Take	Annual Actual Take	Annual Balance	Cumulative Balance Start of 2021-22	Cumulative Balance End of 2021-22	HEW Adjustment	Adjusted Cumulative Balance End of 2021-22	SDL Compliance threshold (-20% of SDL)	SDL Excess (Yes/ No)
QLD	Queensland Border Rivers	SS24	363.6	559.1	279.7	279.4	55.8	335.2	0.00	335.2	-72.7	No
QLD	Moonie	SS25	89.9	128.1	58.0	70.1	55.5	125.6	0.00	125.6	-18.0	No
QLD	Condamine-Balonne	SS26	919.0	1572.8	1314.7	258.1	1.37	259.4	4.15	263.6	-183.8	No
QLD	Nebine	SS27	17.1	17.5	15.8	1.71	10.7	12.4	0.00	12.4	-3.41	No
QLD	Warrego	SS28	55.5	68.2	41.1	27.2	40.8	68.0	0.00	68.0	-11.1	No
QLD	Paroo	SS29	11.8	10.9	10.9	0.08	0.15	0.23	0.00	0.23	-2.36	No
ACT	Australian Capital Territory	SS1	53.4	28.4	14.8	13.6	13.0	26.6	3.10	29.7	-10.7	No
VIC	Victorian Murray	SS2	1319.8	1284.8	1171.9	112.9	66.8	179.7	14.9	194.6	-264.0	No
VIC	Kiewa	SS3	27.7	26.0	21.1	4.92	7.49	12.4	0.00	12.4	-5.54	No
VIC	Ovens	SS4	85.8	80.6	71.2	9.39	15.9	25.3	-0.09	25.2	-17.2	No
VIC	Broken	SS5	49.0	40.4	39.3	1.13	2.41	3.54	0.00	3.54	-9.80	No
VIC	Goulburn	SS6	1278.0	1155.8	927.1	228.7	362.7	591.4	4.27	595.7	-255.6	No
VIC	Campaspe	SS7	111.7	77.0	57.3	19.7	11.7	31.4	0.74	32.1	-22.3	No
VIC	Loddon	SS8	127.7	107.1	78.9	28.2	8.78	37.0	0.00	37.0	-25.5	No
VIC	Wimmera-Mallee (surface water)	SS9	76.1	71.7	47.9	23.8	24.0	47.8	0.00	47.8	-15.2	No

State	SDL resource unit	SDL resource unit code	SDL	Annual Permitted Take	Annual Actual Take	Annual Balance	Cumulative Balance Start of 2021-22	Cumulative Balance End of 2021-22	HEW Adjustment	Adjusted Cumulative Balance End of 2021-22	SDL Compliance threshold (-20% of SDL)	SDL Excess (Yes/ No)
SA	South Australian Murray	SS11	542.2	647.6	609.0	38.6	-7.91	30.7	-13.6	17.1	-108.4	No
SA	South Australian Non-Prescribed Areas	SS10	55.2	55.2	23.3	31.9	31.9	63.7	0.00	63.7	-11.0	No
SA	Marne-Saunders	SS12	3.00	2.37	1.56	0.81	0.50	1.31	0.00	1.31	-0.60	No
SA	Eastern Mount Lofty Ranges	SS13	28.3	27.4	15.5	11.9	12.3	24.2	0.00	24.2	-5.66	No
Total			**5214.8**	**5961.0**	**4799.0**	**1162.0**	**713.8**	**1875.8**	**13.5**	**1889.3**	**-1043.0**	
VIC	Goulburn-Broken-Campaspe-Loddon		1566.4	1380.3	1102.6	277.7	385.6	663.4	5.02	668.4	-313.3	No
VIC	Victorian Murray-Kiewa-Ovens		1433.3	1391.4	1264.2	127.2	90.2	217.4	14.8	232.2	-286.7	No

Table 2. 2021- 2022 Groundwater accounts from the Registers of Take

State	SDL resource unit	SDL resource unit code	SDL	Annual Permitted Take	Annual Actual Take	Cumulative Permitted Take 2020-2021	Cumulative Actual Take 2020-2021	Adjustments for incomplete water recovery (cumulative)	20% of SDL	Cumulative Permitted Take 2021-2022	Cumulative Actual Take 2021-2022	SDL Compliance Threshold	SDL Excess
QLD	Queensland Border Rivers Alluvium	GS54	14.0	14.0	9.03	28.0	24.6	0.00	2.80	42.0	33.6	44.8	No
QLD	Queensland Border Rivers Fractured Rock	GS55	10.5	10.5	8.83	21.0	17.8	0.00	2.10	31.5	26.6	33.6	No
QLD	Sediments above the Great Artesian Basin: Border Rivers-Moonie	GS57	46.9	46.9	0.52	93.8	1.03	0.00	9.38	140.7	1.54	150.1	No
QLD	St George Alluvium: Moonie	GS62	0.69	0.69	0.02	1.38	0.04	0.00	0.14	2.07	0.06	2.21	No
QLD	Condamine Fractured Rock	GS53	1.48	1.48	0.63	2.96	1.33	0.00	0.30	4.44	1.96	4.74	No
QLD	Queensland MDB: deep	GS56	100.0	100.0	0.00	200.0	0.00	0.00	20.0	300.0	0.00	320.0	No
QLD	Sediments above the Great Artesian Basin: Condamine–Balonne	GS58	18.1	18.1	0.44	36.2	0.89	0.00	3.62	54.3	1.33	57.9	No
QLD	St George Alluvium: Condamine–Balonne (shallow)	GS61a	27.7	27.7	0.34	55.4	0.88	0.00	5.54	83.1	1.22	88.6	No
QLD	St George Alluvium: Condamine–Balonne (deep)	GS61b	12.6	12.6	11.7	25.2	23.2	0.00	2.52	37.8	34.9	40.3	No
QLD	Upper Condamine Alluvium (Central Condamine Alluvium)	GS64a	46.0	46.0	25.2	92.0	86.4	0.95	9.20	138.0	111.6	148.1	No
QLD	Upper Condamine Alluvium (Tributaries)	GS64b	40.5	40.5	25.2	81.0	55.2	5.91	8.10	121.5	80.4	135.5	No
QLD	Upper Condamine Basalts	GS65	79.0	79.0	46.9	158.0	99.6	0.00	15.8	237.0	146.5	252.8	No

State	SDL resource unit	SDL resource unit code	SDL	Annual Permitted Take	Annual Actual Take	Cumulative Permitted Take 2020-2021	Cumulative Actual Take 2020-2021	Adjustments for incomplete water recovery (cumulative)	20% of SDL	Cumulative Permitted Take 2021-2022	Cumulative Actual Take 2021-2022	SDL Compliance Threshold	SDL Excess
QLD	Sediments above the Great Artesian Basin: Warrego–Paroo–Nebine	GS60	99.2	0.74	0.74	1.47	1.48	0.00	19.8	2.21	2.22	22.0	No
QLD	St George Alluvium: Warrego–Paroo–Nebine	GS63	24.6	0.08	0.08	0.16	0.16	0.00	4.92	0.25	0.24	5.17	No
QLD	Warrego Alluvium	GS66	10.2	0.77	0.77	1.53	1.54	0.00	2.04	2.30	2.31	4.34	No
ACT	Australian Capital Territory (groundwater)	GS52	3.16	3.16	0.32	6.32	0.97	0.00	0.63	9.48	1.28	10.1	No
VIC	Goulburn-Murray: Shepparton Irrigation Region	GS8a	244.1	244.1	41.4	488.2	203.3	0.00	48.8	732.3	244.7	781.1	No
VIC	Goulburn-Murray: Highlands	GS8b	68.7	68.7	14.0	137.4	28.7	0.00	13.7	206.1	42.7	219.8	No
VIC	Goulburn-Murray: Sedimentary Plain	GS8c	223.0	223.0	75.4	446.0	228.4	0.00	44.6	669.0	303.8	713.6	No
VIC	Goulburn-Murray: deep	GS8d	20.0	20.0	1.11	40.0	2.28	0.00	4.00	60.0	3.39	64.0	No
VIC	Wimmera-Mallee: Highlands	GS9a	2.75	2.75	0.98	5.50	2.05	0.00	0.55	8.25	3.03	8.80	No
VIC	Wimmera-Mallee: Sedimentary Plain	GS9b	186.9	186.9	7.77	373.8	14.4	0.00	37.4	560.7	22.2	598.1	No
VIC	Wimmera-Mallee: deep	GS9c	20.0	20.0	0.70	40.0	0.13	0.00	4.00	60.0	0.83	64.0	No
SA	Mallee (Pliocene Sands)	GS3a	41.4	41.4	0.00	82.8	0.00	0.00	8.28	124.2	0.00	132.5	No
SA	Mallee (Murray Group Limestone)	GS3b	63.6	63.6	34.7	127.2	72.2	0.00	12.7	190.8	106.9	203.5	No
SA	Mallee (Renmark Group)	GS3c	2.00	2.00	0.00	4.00	0.00	0.00	0.40	6.00	0.00	6.40	No

State	SDL resource unit	SDL resource unit code	SDL	Annual Permitted Take	Annual Actual Take	Cumulative Permitted Take 2020-2021	Cumulative Actual Take 2020-2021	Adjustments for incomplete water recovery (cumulative)	20% of SDL	Cumulative Permitted Take 2021-2022	Cumulative Actual Take 2021-2022	SDL Compliance Threshold	SDL Excess
SA	Peake–Roby–Sherlock (unconfined)	GS5a	3.41	3.41	0.19	6.82	0.38	0.00	0.68	10.2	0.57	10.9	No
SA	Peake–Roby–Sherlock (confined)	GS5b	2.58	2.58	0.92	5.16	1.99	0.00	0.52	7.74	2.91	8.26	No
SA	SA Murray	GS6	64.8	64.8	1.80	129.6	3.60	0.00	13.0	194.4	5.40	207.4	No
SA	SA Murray Salt Interception Schemes	GS7	28.6	28.6	13.2	57.2	28.6	0.00	5.72	85.8	41.8	91.5	No
SA	Angas Bremer (Quaternary Sediments)	GS1a	1.09	0.25	0.00	0.50	0.00	0.00	0.22	0.75	0.00	0.97	No
SA	Angas Bremer (Murray Group Limestone)	GS1b	6.57	6.57	0.95	13.1	2.56	0.00	1.31	19.7	3.52	21.0	No
SA	Eastern Mount Lofty Ranges	GS2	38.5	38.5	11.2	77.0	20.4	0.00	7.70	115.5	31.6	123.2	No
SA	Marne Saunders (Fractured Rock)	GS4a	2.09	2.09	0.45	4.18	1.07	0.00	0.42	6.27	1.53	6.69	No
SA	Marne Saunders (Murray Group Limestone)	GS4b	2.38	2.34	1.19	4.68	2.51	0.00	0.48	7.02	3.69	7.50	No
SA	Marne Saunders (Renmark Group)	GS4c	0.50	0.50	0.00	1.00	0.00	0.00	0.10	1.50	0.00	1.60	No

Appendix 1

SDL compliance in New South Wales

Compliance with SDLs commenced on 1 July 2019. It was expected, through the Basin Plan, that all Basin States would have the 33 water resource plans accredited and operating before this time to manage and comply with the 109 SDLs.

By end of June 2022 New South Wales had not achieved accreditation for their 20 water resource plans, despite several proposed water resource plans being submitted, withdrawn and deadlines continuously missed.

For the second year in a row since the establishment of the Inspector-General, SDL compliance, SDL non-compliance or claims for reasonable excuse in New South Wales cannot be assessed. Consequently, there is no ability to formally respond to action plans as they relate to water take in excess of SDL compliance thresholds and there is no ability to enforce SDLs in New South Wales.

The MDBA has prepared interim Registers of Take[3] for the 54 SDL resource units, through a bilateral agreement with New South Wales, as was the case in 2020-2021 and 2019-2020. Although these interim registers provide some insight to how New South Wales may be tracking with SDLs, the bilateral agreement is not the legislative tool which can be used to determine and enforce SDL compliance in New South Wales.

Determining compliance with the Basin Plan occurs by considering rules contained inside an accredited water resource plan. When a water resource plan is in place, the full legal suite of monitoring, risk assessment, and compliance tools such as inquiries, audits, and investigations are available to undertake compliance and enforcement.

It is acknowledged that New South Wales has state-based water sharing plans that are progressively being updated, to include an assessment of compliance with the SDLs, but without the accredited water resource plan there is no assurance the suggested state-based rules are all encompassing and able to be implemented to ensure SDLs can be met over the long-term.

The New South Wales Department of Planning and Environment have indicated the amendments required for their water resource plans and the proposed resubmission dates on their website at Water Resource Plans - status - Water in New South Wales (nsw.gov.au).

Seven groundwater water resource plans have been accredited in New South Wales. Five water resource plans were accredited during the 2022-2023 year and two during the 2023-2024 year, and therefore not included in the 2021-2022 SDL compliance assessment. Refer to Table 5. New South Wales accredited water resource plans.

The situation in New South Wales is deeply concerning, particularly as there are an increasing number of areas on the interim SDL accounts pointing to an SDL excess beyond the SDL compliance threshold, specifically, the Barwon-Darling watercourse by 40%, Gwydir surface water by 21% and the Murrumbidgee is trending toward the SDL compliance threshold at 18% SDL exceedance.

[3] 2021-22 Sustainable Diversion Limit Accounts, Murray–Darling Basin Authority 2023, Appendix B

Table 3 Summary of cumulative balances in the interim Registers of Take for the Barwon-Darling watercourse SDL resource unit since 2019-2020[4]

Barwon-Darling	2019-2020	2020-2021	2021-2022
Cumulative balance	-49.2 GL (-28%)	-66.9 GL (-38%)	-71.1 GL (-40%)

For the third consecutive year the Barwon-Darling watercourse SDL resource unit had an SDL excess beyond the SDL compliance threshold (-20%) based on interim registers. If a water resource plan was in place for this area, then a reasonable excuse and action plan would be expected for assessment by the Inspector-General and an enforcement response would be considered.

Table 4 Summary of cumulative balances in the interim Registers of Take for the Gwydir surface water SDL resource unit since 2019-2020[5]

Gwydir	2019-2020	2020-2021	2021-2022
Cumulative balance	-5.19 GL (-1 %)	-61.1 GL (-12%)	-111.8 GL (-21%)

The Gwydir SDL resource unit is, for the first time, also in excess of the SDL compliance threshold based on interim registers. If a water resource plan was in place for this area, then a reasonable excuse and action plan would be expected to assess SDL compliance and appropriateness of the action plan.

If there was an accredited water resource plan in the Barwon-Darling or the Gwydir, New South Wales would have to demonstrate that the rules for annual water take have been applied consistent with the operation of the water resource plan, any growth in use is being managed, and provide an action plan to reduce any excess to sustainable levels. As it currently stands, there is inequity in the level of scrutiny that applies to New South Wales because they are late with their water resource plans. It isn't a fair playing field across the Basin until all water resource plans are accredited.

During 2021-2022 New South Wales enacted state compliance mechanisms to curtail water use in the Gwydir surface water area (namely LTAAEL compliance). Despite this approach an excess was indicated on the interim registers.

Following the 2021-2022 compliance year, New South Wales commenced floodplain harvesting licensing reforms to assist with the management of growth in water use. Although the effects of these reforms are not likely to be seen on the SDL accounts until the 2023-2024 water accounting year.

The Murrumbidgee SDL resource unit is, for the first time, in exceedance of the SDL with a reported -18% cumulative balance based on the interim register. While not in excess of the SDL compliance threshold (-20%), it is currently very close. The Murrumbidgee is the largest water using SDL resource unit in the Murray-Darling Basin. If a water resource plan were in place for this area, then further explanation would be expected to understand the drivers of the exceedance. Exceedances are expected to be monitored and proactively managed, where possible, before reaching an SDL excess.

[4] 2021-22 Sustainable Diversion Limit Accounts, Murray-Darling Basin Authority, 2023, Table 3
[5] 2021-22 Sustainable Diversion Limit Accounts, Murray-Darling Basin Authority, 2023, Table 4

The Basin Plan currently requires that once a water resource plan is accredited and operational, the register of take commences with a cumulative balance of zero. This means that any debits or credits on the interim registers for New South Wales are not carried forward.

The absence of accredited water resource plans and the cumulative level of take is not a reflection on any individual New South Wales water user or their level of individual water licence compliance. Nor is it a reflection of the individual water use compliance and enforcement activities of the independent New South Wales Natural Resources Access Regulator. Throughout the Basin, water access right holders are lawfully able to take water within the conditions of their water access entitlements. The responsibility lies with the Basin State agency to manage all forms of water use and diversions within the SDLs.

The Inspector-General strongly recommends that the New South Wales Minister:

1. Ensure the use of water is authorised within the SDLs set by the Basin Plan;
2. Ensure delivery of water resource plans capable of accreditation as an absolute urgent priority. This includes arrangements for managing floodplain harvesting within the sustainable limit. Taking a risk-based approach, the Barwon Darling, Gwydir and Murrumbidgee surface water areas are prioritised for submission to the MDBA for assessment;
3. Rigorously assess and enforce New South Wales water sharing plan take limits in accordance with New South Wales water management law. LTAAELs are an important water management tool, particularly in the absence of accredited water resource plans and SDL compliance assessment. To add rigour to the LTAAEL compliance process, the process could be actively and independently overseen and assured;
4. Direct urgent resolution to the meter calibration issues affecting Barwon-Darling water take measurement accuracy, as promised[6] in 2021 and 2022 by the New South Wales Department of Planning and Environment; and
5. Deliver on commitments made by the New South Wales government to the MDBA to implement the Basin Plan and Murray-Darling Basin water reforms, including the review and amendment of water sharing plans to support the submission of water resource plans, which are fit for accreditation, update models to ensure well informed baseline diversion limits and LTAAEL compliance, and implement existing and new licensing reforms.

[6] Work plan for SDL compliance make-good actions in the Barwon-Darling – updated August 2022 (nsw.gov.au) and New South Wales workplan for SDL compliance make-good actions in the Barwon-Darling SDL resource unit - June 2021 (mdba.gov.au) – accessed 3 August 2023

Appendix 2

Table 5. New South Wales accredited water resource plans[7]

Water Resource Plan	Date accredited	SDL resource units	SDL Compliance
NSW Border Rivers Alluvium (GW18)	19 September 2022	NSW Border Rivers Alluvium (GS32) NSW Border Rivers Tributary Alluvium (GS33)	2023-2024
NSW MDB Fractured Rock (GW11)	15 November 2022	Adelaide Fold Belt MDB (GS10) Kanmantoo Fold Belt MDB (GS19) Lachlan Fold Belt MDB (GS20) Orange Basalt (GS39) Young Granite (GS51) Inverell Basalt (GS18) Liverpool Ranges Basalt MDB (GS22) New England Fold Belt MDB (GS37) Warrumbungle Basalt (GS49)	2023-2024
Macquarie-Castlereagh Alluvium (GW12)	21 December 2022	Bell Valley Alluvium (GS11) Castlereagh Alluvium (GS14) Coolaburragundy–Talbragar Alluvium (GS15) Cudgegong Alluvium (GS16) Lower Macquarie Alluvium (GS26) Upper Macquarie Alluvium (GS45)	2023-2024
NSW MDB Porous Rock (GW6)	21 December 2022	Western Porous Rock (GS50) Gunnedah-Oxley Basin MDB (GS17) Sydney Basin MDB (GS41) Oaklands Basin (GS38)	2023-2024
Darling Alluvium (GW7)	22 June 2023	Upper Darling Alluvium (GS42) Lower Darling Alluvium (GS23)	2023-2024
Lachlan Alluvium (GW10)	15 August 2023	Belubula Alluvium (GS12) Lower Lachlan Alluvium (GS25) Upper Lachlan Alluvium (GS44)	2024-2025
Murray Alluvium (GW8)	15 August 2023	Billabong Creek Alluvium (GS13) Lower Murray Shallow Alluvium (GS27a) Lower Murray Deep Alluvium (GS27b) Upper Murray Alluvium (GS46)	2024-2025

[7] Water Resource Plans - status - Water in New South Wales (nsw.gov.au) accessed 10th July 2023

Appendix 3

Table 6 and Table 7 below indicate the dates when information is due for submission to the MDBA and the timing of when it was received by the Office of the Inspector-General for surface water and groundwater respectively.

Table 6. Timing of receival for SDL compliance information - Surface Water

State	Report date as per Water Act (s. 71)	Extension date given by MDBA	First data submission	Final data submission	Received by Inspector-General
Queensland	31 October 2022	n/a	31 October 2022	11 January 2023	12 December 2023 8 March 2023 11 April 2023
New South Wales	31 October 2022	30 November 2022 16 December 2022	16 December 2022	20 March 2023 12 May 2023	21 December 2022 11 April 2023 12 May 2023[8]
Australian Capital Territory	31 October 2022	n/a	9 November 2022	15 December 2022	21 December 2022 8 March 2023 11 April 2023
Victoria	31 October 2022	20 January 2023	21 February 2023	24 March 2023	27 February 2023 11 April 2023
South Australia	31 October 2022	30 November 16 December 2022	16 December 2022	17 March 2023	21 December 2022 11 April 2023

[8] An error was identified in the Murrumbidgee data. The Inspector-General was notified of the issue by email 28 April. Updated s 71 report and Registers of Take report were provided on 12 May 2023.

Table 7. Timing of receival for SDL compliance information - Groundwater

State	Report date as per Water Act (s. 71)	Extension given by MDBA	First data submission	Final data submission	Received by Inspector-General
Queensland	31 October 2022	n/a	31 October 2022	11 January 2023	12 December 2022 11 April 2023
New South Wales	31 October 2022	n/a	31 October 2022	9 March 2023	12 December 2022 11 April 2023
Australian Capital Territory	31 October 2022	n/a	9 November 2022	15 December 2022	8 March 2023 11 April 2023
Victoria	31 October 2022	n/a	31 October 2022	22 February 2022	27 February 2023 v1 11 April 2023
South Australia	31 October 2022	n/a	31 October 2022	16 December 2022	21 December 2022 11 April 2023

The Registers of Take report[9] was provided by the MDBA to the Inspector-General, for the purposes of undertaking the SDL compliance assessment, on 8 March and again on 12 May 2023, after the identification of a data correction.

[9] 2021-22 Sustainable Diversion Limit Accounts, Murray–Darling Basin Authority 2023

Glossary

Act

Water Act 2007 (Commonwealth)

Basin Plan

Basin Plan 2012 (Commonwealth)

Basin State

Basin State is defined in the Water Act and means New South Wales, Victoria, Queensland, South Australia, and the Australian Capital Territory[10]. Basin States have obligations relating to SDL compliance reporting and action plans under s 71 of the Water Act and Chapter 6 of the Basin Plan.

Bridging the gap

The long-term average sustainable diversion limits for the Basin surface water SDL resource units are 10,945 GL per year[11]. This reflects a reduction of 2,680 GL per year from the estimates of the baseline diversion limits (estimated total consumptive use prior to commencement of the Basin Plan). The target of 2,680 GL/year is 'bridging the gap' between the baseline diversion limits and the sustainable diversion limit. Supply and constraints projects that improve river management practices for environmental water delivery, contribute to 'bridge the gap'. The 'bridging the gap' target has not been met and is referred to as **Incomplete water recovery.**

Under 'Bridging the Gap' there is also a remaining target for groundwater of 38.45 GL per year in Upper Condamine Alluvium (Central Condamine Alluvium) and Upper Condamine Alluvium (Tributaries).

Cumulative balance

For surface water SDL resource units, each year the actual take is subtracted from the permitted take to generate a debit (where actual take is more than permitted take) or a credit (where actual take is less than permitted take). Over time, these debits and credits generate a **cumulative balance**. The **surface water SDL compliance threshold** is when the cumulative balance for an SDL resource unit is a debit equal to or greater than 20% of the SDL.

Exceedance

The term 'exceedance' to refer to circumstances where the Registers of Take records actual take that exceeds permitted take (cumulatively) but has not reached the SDL compliance threshold of 'excess'.

[10] *Water Act 2007* (Cth) section 4
[11] *Basin Plan 2012* section 6.04 Note

Excess

The term 'excess' has a specific meaning in the Basin Plan[12]:

> For **surface water** SDL resource units, an excess occurs when the **cumulative balance** on the relevant Register is a debit amount equal to or greater than 20% of the SDL.
>
> For **groundwater** SDL resource units, in any accounting period up to 2028, an excess occurs when the sum of actual take for all years since 2019 is greater than the sum of permitted take for those years, plus 20% of the SDL. For accounting periods after 2028, an excess occurs if the average annual take over the previous 10 years exceeds the average permitted take over that period.

Incomplete water recovery

The water recovery targets are for the purpose of 'bridging the gap' and recover water for the environment. Any unrecovered water (incomplete water recovery) remains in the consumptive entitlements and may be available and used as annual actual take (AAT). Therefore, the Registers of take are adjusted to credit the surface water cumulative balance and added to the compliance trigger for groundwater, to not affect the States compliance with the SDLs due to incomplete water recovery.

LTAAEL

Long-term Average Annual Extraction Limit - The LTAAEL is a definition, rather than a fixed number, used in New South Wales, in inland surface water regulated river water sharing plans and the Barwon-Darling Unregulated River water sharing plan. Models are used to test what would have happened based on infrastructure, level of development and rules in place for entitlements and environmental water as of 1999/2000[13].

SDL compliance threshold

The point at which the Register for an SDL resource unit records an 'excess' (see definition of excess above). Once the SDL compliance threshold is reached, certain obligations and actions under the Water Act and Basin Plan are triggered.[14]

[12] *Basin Plan 2012* section 6.12(1) (for surface water); section 6.12C(2) (for groundwater)
[13] Extraction limits - how the extraction limits work and differences - August 2021 (nsw.gov.au)
[14] *Water Act 2007* (Cth) section 71; Basin Plan 2012 section 6.12(3), (5) (surface water); section 6.12C(3), (5) (ground water)