

Rural Customer Guide for Compliance and Enforcement

CTD/004316



**LOWER MURRAY
WATER**

Document History and Review

This document is subject to the organisation's Records Management Policy, which outlines the procedures for creating, storing, and managing records at Lower Murray Water and the responsibilities of all staff members in effective records management. Refer to the [Records Management Policy – CTD/000005](#) for detailed guidance.

It is the responsibility of the Custodian of this document to ensure it is reviewed as per the review due date listed in the table below and the controlled document metadata within the Electronic Documents and Records Management System (EDRMS).

Version	Date Approved	Review Due Date	Review Notes
A	August 2025	August 2026	N/A

For users of this document, please alert the Custodian to the need for review if any amendments are required to this policy before the review due date. Only Custodians or their delegates may make amendments, and these must be authorised by the Approver before distribution to LMW.

Custodian	Approver
Team Leader Compliance and Enforcement	General Manager Business Services
Subject Matter Experts	Endorsed By
General Manager Business Services Manager Corporate Services Compliance and Enforcement Officer	Executive Leadership Team

Location of Document

- Electronic Documents and Records Management System
- Intranet

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Acknowledgement of Country

Lower Murray Water (LMW) acknowledges the Traditional Owners of the land on which we work and reside. We recognise their continuing connection to land, waterways and community. We pay our respect to Elders, past, present and future.

The Traditional Owner groups within Lower Murray Water's service region lie within the traditional lands of First Nations Peoples, from upstream at Koondrook moving downstream along the Murray River (mil) through to the western edge of our region at the South Australian border.

They are the Barapa Barapa Peoples, Wamba Wamba Peoples, Wadi Wadi Peoples, Tatti Tatti Peoples, Latji Latji Peoples, Nyeri Nyeri Peoples, Ngintait Peoples and the Wergaia Peoples.

The First Nation People's connection to land and water is the living cultural knowledge that is passed down from generation to generation. The stories that connected the ancestors to their culture still live through the First Nations Peoples of today.

1. Summary

In July 2017 the Murray Darling Basin Authority (MDBA) responded to the public requests for further action to be taken to ensure the safety and longevity of the Murray Darling Basin. The subsequent review by the MDBA resulted in the MDBA Compliance Compact which sets out an agreed workplace for governments and the MDBA to ensure water rules are complied with and enforced.

This vision outlines LMW's approach to managing and protecting water resources while ensuring compliance and addressing non-compliance effectively.

2. About the Customer Guide

LMW's Customer Guide for Compliance and Enforcement (Customer Guide) sets out information for rural customers and LMW in relation to compliance and enforcement functions. The Customer Guide aims to provide transparency and accountability for both LMW and its customers.

Rural customers will be empowered to make decisions on water take, with support of LMW staff and LMW policies which provide for:

- Commitment to transparency
- Clear understanding of the role of LMW in compliance and enforcement
- Acknowledgement of traditional owners' rights
- LMW's priorities for enforcement
- Decision-making processes for breaches of the *Water Act 1989* (Vic) and LMW by-laws
- Clear and logical escalation pathways in response to detected breaches
- An overview of the risk-based program used to monitor and audit ongoing compliance by water users, including metering
- A description of powers held by Authorised Officers of LMW
- Contact points for members of the public
- Assistance for anonymous reporting of breaches
- A program for maintaining public awareness relating to water compliance
- Compliance with water resource plans of the MDBA and DEECA

3. Role of the Water Authority

LMW is one of 18 water authorities in Victoria. LMW plays a key compliance role in ensuring that the lawful use of water is understood, licence and legal requirements are complied with, and illegal extraction is identified and remedied with appropriate penalties applied to deter future non-compliance.

LMW's responsibilities include:

- Supply of drinking water
- Removal of sewage and trade waste
- Delivery of irrigation water
- Delivery of stock and domestic water

LMW will adopt the following principles for any identified non-compliance:

Measure	Definition
Compliance	Obtaining the right approvals or permissions and conducting authorised activities in accordance with any conditions or regulatory requirements.

Effective Processes	<p>LMW's enforcement activity will aim to prevent unlawful and unauthorised water use.</p> <p>LMW will respond in a timely manner to minimise impacts of non-compliance.</p> <p>LMW will maximise the effectiveness of any deterrence.</p>
Enforcement	<p>Use of influence, authority and statutory methods to ensure compliance with the law. Enforcement can be a 'remedy' and a 'sanction' -to require the customer to stop the non-compliant activity and fix the problem or address any harm (the remedy), and where appropriate, applying a penalty or punishment for breaking the law (the sanction).</p>
Ethical Enforcement Measures	<p>Provide a response that removes any economic benefit obtained through non-compliance to maximise deterrence of future non-compliance.</p>
Preventative Measures	<p>LMW aims to raise awareness of regulatory requirements relating to water use including how to meet requirements set out under law.</p>
Targeted Activity	<p>Compliance and enforcement activity will target areas and entities where non-compliance presents the greater risk to LMW's objectives of sustainable management of water resources.</p>
Proportionate Responses	<p>LMW's compliance responses will be proportional to the problem they seek to address and how liable, or responsible for the problem the customer is.</p>

4. Objectives and Goals

LMW will apply transparency principles and support water users in understanding their non-compliance and why there is a need for compliance under the *Water Act 1989* (Vic) and LMW by-laws. This will be achieved through education and proactive compliance efforts.

5. Commitment to Transparency

LMW endeavors to work with all water users across its jurisdiction to provide education and support on what constitutes a breach of the *Water Act 1989* (Vic) or LMW's by-laws.

This education is delivered through social media, website promotion, individual contact where occasion warrants and through ongoing communication by all customer-facing staff members.

LMW intend to promote the laws and regulations within the *Water Act 1989* and its by-laws including through publication on LMW website and other communication channels.

Authorised Officers will remain up to date on legislative changes and ensure that ongoing training is sought to ensure current information is provided to customers. LMW Authorised Officers will take steps to ensure LMW staff are equipped to answer enquiries regarding customer compliance obligations with the *Water Act 1989* or LMW by-laws.

LMW's risk-based compliance approach aims to maximise voluntary compliance, supporting rural customers to comply with their licence and legal obligations. Reports of non-compliance received from staff, and the community will be dealt with in line with *Water Act 1989* obligations and applicable Compliance and Enforcement Policies and Procedures.

6. Priorities for Enforcement

The three most common offences under the *Water Act 1989* that affect LMW's ability to supply water to customers and community are:

- s33E - Offence for taking water without a water share
- s288 – Offences as to Authorities property
- s289 - Wrongful taking etc. of water

The community have identified the above issues as key focus areas for LMW. Accordingly, LMW has adopted a compliance plan for the above offences, and uses available tools such as SMS messages at 70%, 80% and 90% allocation when in overuse, advisory letters, notices of contravention, infringement notices and prosecution to promote and support compliant behaviour and enable deterrence for any future non-compliance.

An Elements of Offence Manual, and Compliance and Enforcement Procedure are available to staff to support customer compliance and enforcement activities. Elements of Offence and Penalty Infringements are attached at the end of this document.

The use of discretion is used only when extenuating circumstances exist that are out of the control of the customer. Customers remain responsible for understanding their legal obligations and are encouraged to contact LMW if they require guidance or advice in taking any required action to remain compliant under the *Water Act 1989*.

7. General Escalation of Compliance Matters

Through Communications with customers, promote voluntary compliance instead of having to be reactionary after the breach has occurred when dealing with breaches of the *Water Act 1989* including using:

- Written advice to promote voluntary compliance
- Collection and distribution of information or insights on the state of compliance across the State and Murray Darling Basin

LMW will take an escalating approach to sanctions, ranging from advice as the least severe to prosecution as the most severe. Enforcement options may include:

- **Letter of advice:** may be used for first time low impact offences to encourage compliance and provide general advice on how best to comply with obligations.
- **Infringement notice:** may be used to deal with common breaches of the law where the impacts are not considered serious enough to warrant a prosecution. Infringements may be used where non-compliance is of a short duration, a once-off or the situation was quickly remedied.
- **Prosecution:** prosecutions seek to provide an appropriate sanction to the customer and act as a deterrent. LMW will consider prosecuting an individual or company where other enforcement measures are inadequate, or unlikely, to ensure ongoing compliance.
- **Lockdown and/or meter restriction:** supply of water may be reduced, restricted or discontinued where water has been misused or unlawfully taken. The type and nature of meter restriction will be considered based on the scale, duration, impact and history of non-compliance. Lockdown can take place either before, or after prosecution depending on the individual circumstances.
- **Revocation of Licence:** in instances where prosecution and lockdown have occurred and there has been no attempt to rectify or comply with the relevant section of the *Water Act 1989*, then the Water Use Licence will be revoked. The Works License for private diversion connections may also be revoked.

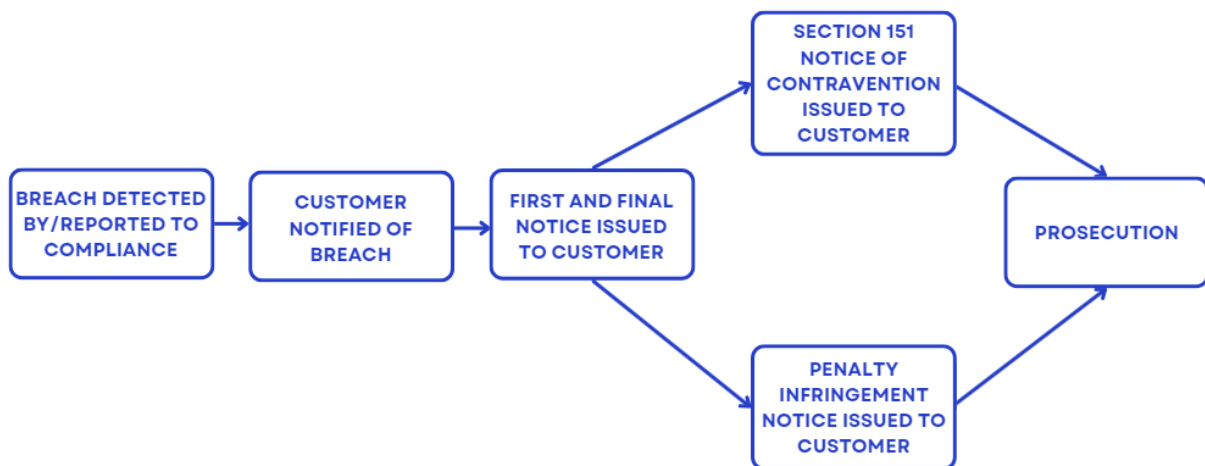
8. Assessment and Escalation Depends on Circumstances

In responding to issues of non-compliance, LMW will take account of the circumstances and attitudes of customers. Factors in this assessment will include whether the person is both intending and willing to do the right thing but needs further support to do so, or whether they are recklessly or deliberately failing to meet their legal obligations.

The culpability of a customer will be considered alongside the impact of their noncompliance how to provide a specific deterrent to future non-compliance by the customer and as a general deterrent by educating others about the potential consequences of breaking the law.

The LMW hardship program will be utilised when investigating any matters related to a breach of the *Water Act 1989*. The LMW hardship program is not considered from a compliance point of view so should be deleted. Customers are to be prepared in times of drought.

LMW will use the following pathway of escalation:



9. Training of Authorised Officers

LMW Authorised Officers will hold a minimum qualification of Certificate IV in Government investigations or equivalent. Ongoing training will be provided for staff in relation to legislative changes, including implementation of new or amended provisions.

10. First Contact for Members of the Public

Information in relation to customer compliance can be obtained by contacting LMW by:

- Calling LMW on 1800 808 830
- In person at one of LMW's district offices
- In writing by email to contactus@lmw.vic.gov.au
- Public reports can be made to compliance@lmw.vic.gov.au

LMW are willing to maintain anonymity when accepting complaints relating to compliance matters.

Public reports are accessible via the Team Leader Compliance and Enforcement.

11. Public Awareness Program

Education and awareness of accurate and consistent information on compliance matters is an essential prevention measure.

Education will include a focus on ensuring customer, water users and the community understand their legal obligations regarding water use, why those obligations are important and supporting those with compliance requirements to understand what compliance would look like.

LMW will also publish its annual compliance priorities, highlighting where it will target compliance effort and what customers and the community can do to ensure compliance.

Customers are encouraged to review these priorities to evaluate their own performance and ensure they are compliant in advance of any assessment by LMW. These are located within our Corporate Report and Annual Report annually.

12. Ongoing Compliance by Water Users

Multiple teams have responsibilities when it comes to the monitoring and auditing of compliance by water users. They report these actions through to the Compliance and Enforcement Team who have the legislated responsibility for enforcement under the *Water Act 1989*.

Team responsibilities are outlined in the table below:

Team	Responsibility
Rural Customer Team	Maintain the LMW contributions to the Water Register.
Operations Team	Maintain the fleet of meters owned by LMW. Identify Take Without Order (<i>s289 Wrongful taking etc of Water.</i>) The Operations Team can also identify Unauthorised Take of Water Beyond Allocation Account balance. (<i>s33E Water Act 1989</i>).

Team	Responsibility
Water Quality Team	Identify water quality offences, including trade waste offences (<i>s178 Water Act 1989</i>) and discharge offences (<i>s195 Water Act 1989</i>).
Compliance and Enforcement Team	Identify breaches of compliance of unauthorised take on a daily basis and contact offenders at the earliest instance to begin the escalation process.
All teams	Breaches of compliance may come from any area of the organisation, staff members or community members at any given time.

Methods for monitoring and auditing the ongoing compliance of water users include:

- Telemetry Metering and Data warehouse
- The Victorian Water Register
- Property and Metering
- MERIT (CRM)
- Public Complaints

13. Reviewing the Customer Guide

This Customer Guide will be reviewed at the conclusion of every financial year coinciding with the Annual Compliance Report LMW submit to the DEECA. Any amendments will have regard to the outcomes of the DEECA report and LMW's comparable performance.



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www.lmw.vic.gov.au

