



Murray Irrigation

Compliance Policy

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Part A: Policy Statement

1 Purpose

- 1.1 The purpose of this Policy is to document the Company's approach to customer and third party compliance with Company rules and policies, and implementation of the Company's actions in relation to compliance breaches. It guides the Company's decision making to ensure that its compliance activities are consistent, fair and credible.

2 Scope

- 2.1 This Policy applies to all customers serviced by the Company.
- 2.2 This Policy provides a framework for appropriate compliance actions by the Company.
- 2.3 This Policy is supported by operational procedures and guidelines that guide our staff in implementing this Policy.

3 Policy Statement

- 3.1 Compliance by customers and third parties will be sought by education and encouragement wherever possible, but, where necessary, appropriate actions will be taken in order to prevent or remedy any non-compliance.
- 3.2 The Company will comply with all legal requirements. Specific requirements include, but are not limited to:
- 1) The *Water Management Act 2000* (NSW) (the Act);
 - 2) Its Operating Licence issued under section 122 of the Act;
 - 3) Its Water Access Licences;
 - 4) Its Combined Water Supply Works Approval and Water Use Approval (50CA501687) issued by the NSW Office of Water;
 - 5) Its Combined Water Supply Work approval and Water use Approval for Salinity and Watertable Management Bores (50512282) issued by the NSW Office of Water;
 - 6) Its irrigation corporations licence under the *Irrigation Corporations Act 1994* (NSW), to the extent that this licence remains in force; and
 - 7) Environment Protection Licence (5014) issued by the Environment Protection Authority
- 3.3 The following documents are also relevant to this Policy:
- 1) *Water Management Act 2000*;
 - 2) Entitlements Contract;
 - 3) Transfer Rules policy;
 - 4) Distribution Rules Policy;

- 5) Works Policy;
- 6) Environment Policy;
- 7) Drainage/Supply Channel Escape Extraction policy;
- 8) Water Exchange Terms and Conditions;
- 9) Privacy Policy.

3.4 The Company will review this Policy on a regular basis.

4 Compliance Implementation

- 4.1 Compliance will be focussed on transparent, consistent and accountable actions that target customers who consciously choose not to fulfil with their responsibilities.
- 4.2 Murray Irrigation implements its compliance responsibilities by:
 - 1) Education and engagement to promote voluntary compliance.
 - 2) Monitoring activities.
 - 3) Investigate alleged breaches, ensuring the confidentiality of information gathered relating to alleged breaches and investigations.
 - 4) Take appropriate action when a non-compliance occurs.
 - 5) Review and reporting of compliance actions.
- 4.3 Effective communication of the Company's compliance approach and actions, including why decisions have been made and the expected outcomes are critical to the successful implementation of the Compliance Policy.
- 4.4 Murray Irrigation escalates its response to a non-compliance according to the seriousness of the incident, the apparent attitude to compliance by the customer and the compliance history of the customer.

5 Compliance Monitoring

- 5.1 Murray Irrigation will use a number of means to monitor compliance and detect non-compliances, including the following:
 - 1) Detection activities, including the use of remote sensing equipment and satellite imagery;
 - 2) Reports of an alleged non-compliance from staff members and the community;
 - 3) Random patrols, targeted at ensuring compliance with Distribution Policy and Rules;
 - 4) Audits.

6 Investigating alleged non-compliance incidents

- 6.1 All investigations will be undertaken in a professional manner that is objective, fair and impartial, respectful of individuals and ensures the privacy of the individuals involved.

Personnel who are related or connected in some way to any person alleged to be involved in a non-compliance, will not participate in any investigation.

6.2 All alleged non-compliance incidents are initially assessed for a full investigation based on a number of criteria including:

- 1) Seriousness of the incident.
- 2) Review of records, including satellite imagery, remote sensing equipment and previous reports.
- 3) Integrity of the Company's policies and legislation.
- 4) Risk management approach to ensure efficient allocation of resources.

6.3 During a non-compliance investigation, evidence of the incident may be gathered in the form of videos, photographs, samples, meter readings, physical evidence and records of interviews.

6.4 Before undertaking a site inspection, relating to a non-compliance investigation, wherever possible, customers will be contacted to arrange access to the landholding.

7 Determining Appropriate Compliance Action

7.1 There is no 'one-size-fits-all' response to non-compliance: the choice of approach depends on the issue and context.

7.2 When identifying the appropriate compliance action to be taken in a particular circumstance, a range of factors are considered:

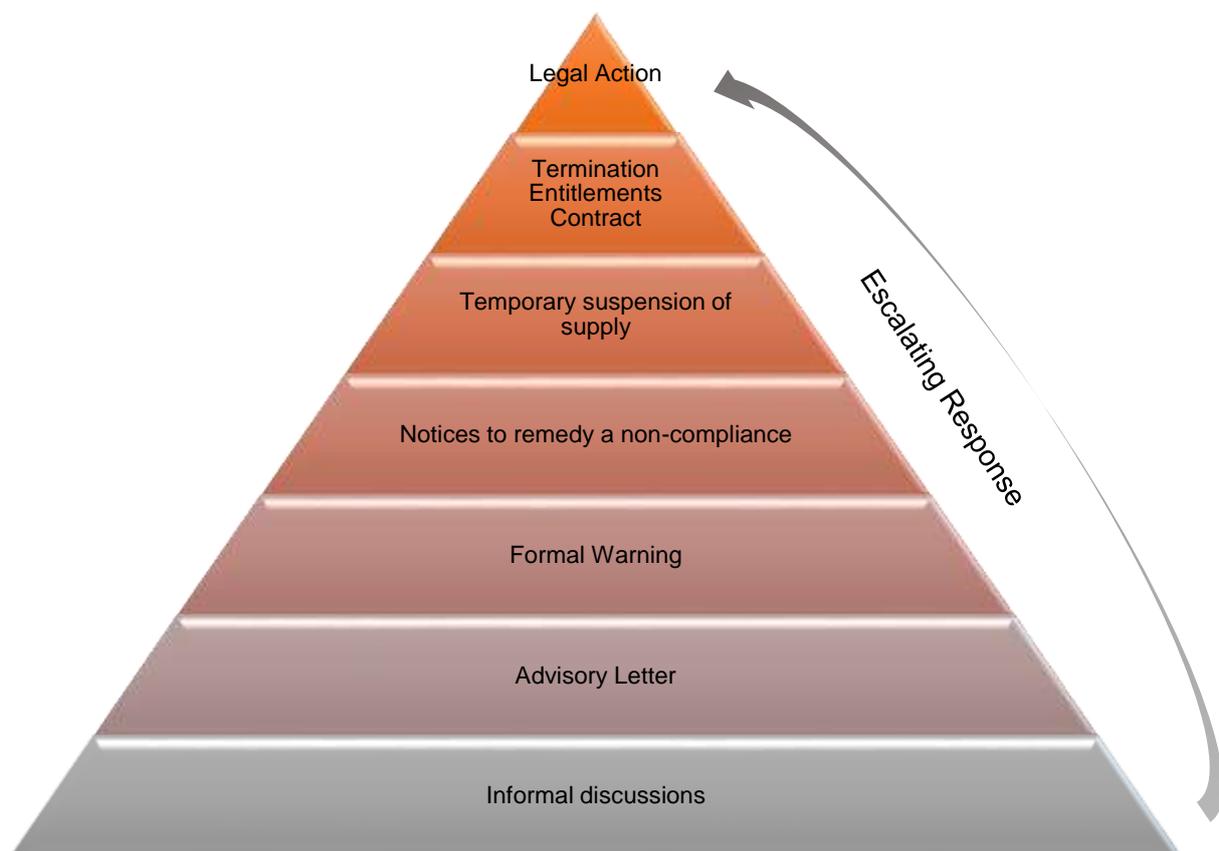
- 1) The seriousness of the incident, particularly whether any legal requirement has been, or was at high risk of being, breached;
- 2) Voluntary actions by the customer to mitigate the impact of the incident;
- 3) Failure or delay by the customer to report the incident;
- 4) Cooperation of the customer;
- 5) Customers' history of compliance and frequency of incidents;
- 6) Whether the customer has made false or misleading statements or omitted details regarding the incident;
- 7) Mitigating or aggravating circumstances;
- 8) Precedents which may be set by not taking action;
- 9) Policy and procedure requirements.

7.3 Murray Irrigation will use a selection of approaches and tools to address non-compliance as an escalating response to the incident. Refer to Figure 1.

- 1) Informal discussions.

- 2) Advisory letter: reminder to customer of their responsibilities and the need to avoid any future breaches.
- 3) Formal warning: aim is to avoid escalating the incident by providing the opportunity to achieve prompt voluntary compliance.
- 4) Notices to remedy a non-compliance: issued for incidents that are serious or immediate action is necessary that is not forthcoming on a voluntary basis. Associated consequences may include recovery of costs associated with investigation and remediation, water allocation debit.
- 5) Temporary suspension of supply.
- 6) Termination of Entitlements Contract.
- 7) Prosecution in court or other legal action. Depending on the nature and severity of the incident, legal action may be deemed appropriate in conjunction with one or more other responses.

Figure 1: Escalating Compliance Actions



Explanatory note: The escalating compliance actions represent the severity of the response based on the circumstances and severity of the breach being investigated. The diagram does not represent a step by step escalation process.