BURNETT WATER USERS FOCUS GROUP WORKSHOP 3 16TH MAY 2012

AS PART OF PROJECT ENTITLED

DELIVERY OF FOCUS GROUPS AND INTERVIEWS FOR THE NATIONAL WATER COMPLIANCE FRAMEWORK

FINAL REPORT

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SUMMARY

This document reports the outcomes of the third of four workshops conducted as part of the project entitled "Delivery of focus groups and interviews for the National Water Compliance Framework". The workshops were part of a project commissioned in April 2012 by the (then) Department of Environment and Resource Management in fulfilment of Queensland's obligations under the National Water Compliance Framework.

The workshop was conducted on 16th May 2012 at the Bundaberg Brother's Sports Club. Nine water users attended the workshop.

A systems diagram was created by the focus group to illustrate the complexity of factors that determine both water supply and demand. This included factors such as crop types, weather, water sources, specific water licence requirements and historical decisions about the volume of water to attribute to licences.

The workshop participants believed that other water users in the area generally have a good understanding of the rules and regulations related to water management and sharing mainly through their own efforts to gather information. The costs associated with compliance with water sharing rules were not seen as excessive. They agreed, in principle, with the need to manage the water resources. Whilst some arbitrary and non-consistent decision-making by departmental officers was noted, in general, local departmental representatives were considered helpful. However, there was some cynicism amongst the participants, towards all government departments and, thereby, the department regulating water use.

Based on these discussions, it seemed unlikely that members of this community would confront or report suspected water usage violations with the *Water Act 2000*. Whilst the participants believed there was a high probability of inspection and subsequent detection, of water overuse through registered meters, the likelihood of detection of other types of illegal water use, was deemed low.

Although the department was seen to be targeting repeat offenders for inspection and prosecution, the penalties for these prosecutions was generally seen as too low. It was suggested that they needed to be at least greater than the cost of accessing water legally and the concept of a "three strikes and you're out" system was mooted.

Improvements to face-to-face communications were suggested including increasing staff retention, knowledge, record keeping and staff handover procedures as well as supporting more community meetings when there are changes to rules. In written communications it was suggested to use plain English.

INTRODUCTION

This is a report of the third of four focus group workshops conducted as part of the project entitled "Delivery of focus groups and interviews for the National Water Compliance Framework".

The focus groups were part of a project commissioned in April 2012 by the (then) Department of Environment and Resource Management. It is now being managed by the Department of Science, Information Technology, Innovation and the Arts (DoSITIA) on behalf of the Department of Natural Resources and Mines (DNRM).

The workshop series included four regional workshops, of which two were conducted in Bowen on 14 and 15 May 2012 with water users in the Bowen Groundwater Management Area (Bowen GMA or BGMA), and two were conducted in Bundaberg on 16 and 17 May 2012 with water users from the Coastal Burnett Groundwater Management Area.

BACKGROUND INFORMATION

INVITATIONS

The Department provided the consultants with water licence holder databases for the Bowen and Coastal Burnett Groundwater Management Areas. From those databases, approximately 60 names were randomly selected for both areas. Letters of invitation were sent to these water licence holders two weeks prior to the workshops. Follow-up telephone calls were then made. In addition, to secure sufficient participation at the focus groups, more water licence holders were randomly selected from the database and contacted by telephone and/or email.

FOCUS GROUP DISCUSSION

The format used for the meetings was focus group discussion. This format is often applied to assist with program development or evaluation as it engenders debate and consensus building.

DRAFT AGENDA

Approximately two hours was allocated for each focus group discussion. The agenda is shown in Table 1.

Table 1: Generic draft agenda

Agenda item and details	Time
1. Welcome & introductions * Introduction by consultants * The Project: Outline, purpose; objectives * Formalities; Plain-English Project Summary; Informed Consent Form; Payment at close of meeting * Participants' introduction * Meeting logistics	0:00—0:15
2. Water use on farms: water demand v's water supply	0.15—0:45
3. Compliance: Using the T11 approach	0:45—1:45
4. Water user preferences * communications from DERM * information relating to water resource planning, water user responsibilities and compliance	1:45—1:55
5. Meeting close * Thank participants * Input into draft report * Forthcoming survey of water users * Evaluation * Participant payment	1:55—2:00

Refreshments were available throughout each workshop.

Where possible, focus group discussions were recorded on butcher paper and whiteboard, as this provided a visual representation of the verbal exchange and fostered a shared understanding of the topics discussed, including points of consensus and disagreement. One member of the research team also took notes during the meeting. Furthermore, the discussions were audio recorded to ensure that all the participants' comments were captured and added to the workshop data for analysis and report writing.

A report was provided to participants no later than five working days after the workshop, for review and feedback.

SYSTEMS APPROACH TO WATER USE

Taking a systems approach to land management involves exploring the complexity of interactions within and between the 'hard' system (the biophysical components) and the 'soft' system (the farm family and community, innovative technologies). It also acknowledges that these systems are embedded in larger systems that provide context and meaning for decisions made at the farm level (e.g. broader economic, cultural and social systems). A systems approach has been shown to be useful because it takes on a holistic view of the world and allows for interactions to be uncovered. (Bosch et al 2007)

A systems approach was used to frame focus group discussions about how water users make decisions about water consumption. Of course, the term "systems approach" was not used during the focus group but the approach meant that the discussions identified the various factors and relationships which influence water use decision-making. These factors comprised internal and external factors (see first part of Results section, below). Internal factors could have included personal motivations, risk preferences, and farm economics, while external factors relate to markets, the environment and government regulation.

A systems approach is highly applicable for use in a focus group or workshop situation as it: (1) brings an analytical approach to the subject matter; and (2) lends itself to visually engaged facilitation (the factors mentioned by focus group participants were "mapped" out and linked to each other on a whiteboard or on butcher paper). Visually engaged facilitation is often employed in a 'learning" environment. In contrast to a linear treatment of the subject matter, a visual systems approach enables the exploration of the direct and indirect consequences of variables, ensures that a vast realm of complexity is dealt with, and allows the explanation of perverse outcomes. A systems diagram maps and links the captured information from a focus group. It is an effective and efficient way of visually representing participant input and the final product, a shared mental model, reflects both the collective and disparate views of the discussion topic as held by the participants.

A Framework to explore Compliance with Water Regulation

The 'Table of Eleven' (T11) methodology was developed for the specific purpose of exploring compliance issues (LEEC 2004, Herzfeld & Jongeneel 2012). It therefore lends itself as a tool to structure and support the exploration of compliance decision making by water users regulated under the *Water Act 2000*. The T11 methodology consists of eleven dimensions or factors that are important to compliance. Together, these dimensions can be used to gain a better understanding of the level, and likelihood, of compliance with any piece of legislation.

The eleven dimensions were formulated to be as practical as possible in the fields of policy-making and law enforcement. They relate to spontaneous (voluntary) compliance (1-6) and enforcement (7-11) dimensions.

The eleven dimensions deemed relevant in the T11 methodology include both spontaneous (voluntary) compliance (1-6) and enforcement (7-11) dimensions. We adopted the T11 approach but tailored aspects of the terminology to be more meaningful to the local situation.

The tailored dimensions are:

1. Knowledge of rules—including familiarity with rules and clarity of rules
2. Cost/benefits of compliance and non-compliance—both financial/economic and intangible
3. Extent of acceptance of the policy/legislation—both acceptance of its objective and its effects
4. Respect for authority—in terms of official authority and competing authority
5. Social control and water user self-regulation
6. Likelihood of being reported by somebody other than the authorities
7. Likelihood of inspection (of records or installations) by the authorities—both actual and perceived
8. Perceived likelihood of detection on the basis of an inspection
9. Selectivity (or targeting), ie. the perceived increased likelihood of selective inspection following a violation
10. Perceived likelihood of a penalty (fine or other) being issued following detection)
11. Severity of the penalty—in terms of amount of financial damage or damage to reputation

The questions used to guide discussions are attached to this report.

WATER USER PREFERENCES

The third and final part of the workshop would elicit water user preferences in relation to communications from/with the regulator and touch on topics of information requirements—both relating to content and process.

WORKSHOP DETAILS

Date: 16 May 2012

Time: 16:00—18:00

Location: Brother's Sports Club, Bundaberg

Participants: 9 water users
Property areas ranging from 5 to ~1000 acres some with various family members involved in running pieces of the property; not all properties owned by participants had water licences although at least one did
Enterprises including sugar cane, mangoes, livestock, B&B, bird breeding, plant breeding, produce but not for market
Water licences from 1ML to 560ML but not directly correlated to property sizes; not all used. Some wanting to sell water allocations but not allowed. Some have surface water allocations as well.
Length of ownership: 8 years to intergenerational

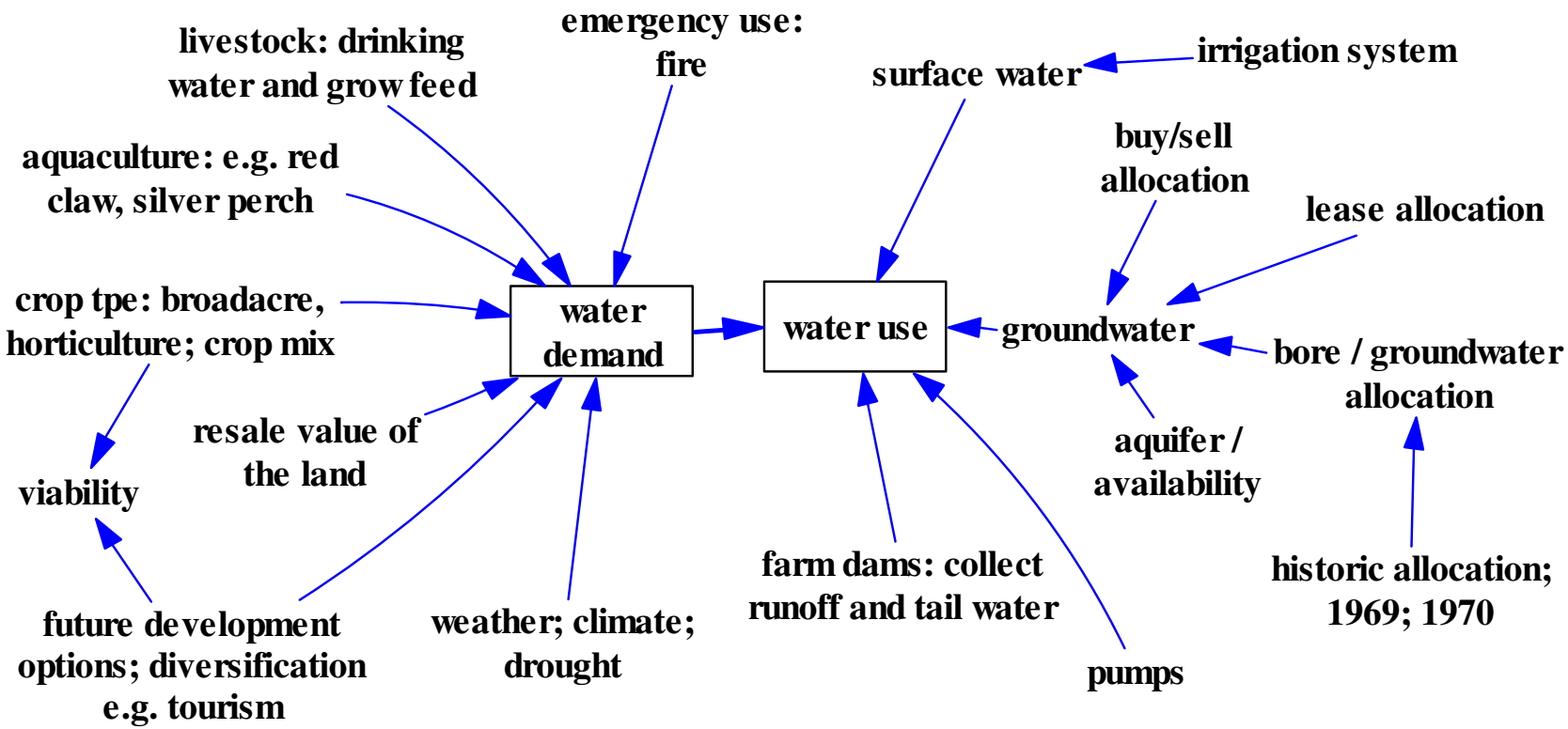
Research Team: Romy Greiner (facilitator)
Leanne Fernandes (co-facilitator)

RESULTS

SYSTEMS DIAGRAM

Workshop participants were asked to identify factors that they considered pertained to both water demand and water use. This information led to the construction of the following systems diagram (Figure 1). The arrows indicate the direction of influence of one factor upon another.

Figure 1: Systems diagram of factors determining water demand and water use



In the systems diagram, above, one item require clarification. Technically, there are water licences or water entitlements in the Coastal Burnett Groundwater Management Area; there are no water "allocations". However, focus group participants referred to water "allocations" and the participants terminology is reflected in the diagram.

COMPLIANCE DIMENSIONS

Here we explore the findings of the workshop as they pertain to each dimension of compliance. In most instances, responses were provided to questions used as prompts (see Attachment), however, discussions sometimes covered the topics to be addressed before the questions were asked. The overarching view (or views) of the group is presented and an example of the types of comments made which substantiate this view is provided within each compliance topic discussed. These latter are direct quotes from the focus group discussions.

Knowledge of the rules

Definition: the familiarity with and clarity of legislation among the target group.

The participants appeared to have a high degree of detailed knowledge about the different types of water entitlements (e.g. groundwater licences, surface water allocations and stock and domestic allowances) and their respective rules regarding usage and trading.

> "You can't transfer out of polygons. If going west from the coast you can sell into the next polygon but you can't sell... towards the coast."

> "All the new houses have a nominal [domestic] allocation of 1ML. But some of the old domestic bores have a 2ML allocation."

In addition, they seemed quite knowledgeable about the local rules pertaining to house bores, metering and meter maintenance, stock bores, and the proposed changes to water trading mechanisms, as part of the current review of the *Burnett Water Resource Plan* and *Burnett Resource Operational Plan*.

Nonetheless, the feeling was that people mainly had to figure out the rules themselves.

> "People have taught themselves the rules and they've learned from other people who got caught from being in the newspaper and that."

Furthermore, it seemed to the group that the rules keep changing but there was also an acknowledgement that efforts were being made to increase the consistency of the rules.

> "They are very much trying to remove that inconsistency. They're trying to get it right."

Costs/benefits

Definition: the tangible/intangible advantages and disadvantages arising from compliance or non-compliance with the rule(s), expressed in time, money and effort.

Costs of compliance identified by the participants included the costs of establishing meters in the groundwater area and the charges associated with using any surface water entitlements, however these were not thought to be excessively expensive compared to other costs associated with irrigation (e.g. electricity).

> "But the electricity bill for the bore pump is the major cost...."

A benefit of compliance was seen as not worrying about being caught.

> "If [you're] complying, then, at least, you don't worry about being caught."

Degree of acceptance

Definition: the degree or extent to which the policy and legislation is considered acceptable by the target group.

Some participants agreed with the need to manage the resource.

> "It's a resource that should be looked after, absolutely."

Others thought that the rules were ineffective due to incomplete information.

> "You cannot manage what you cannot measure.... All the house bores aren't measured. If you add all those up that's a huge chunk."

There was also discussion about the arbitrary nature of some of the decision making.

> "They were going to put meters on the household supply. .... They had the fittings ready and they changed their mind."

> "All the house bores have a nominal allocation of 1.5ML which every house in our street has. And then I was given 1ML and I asked "Why am I getting 1ML when everyone else has 1.5?" and he said "Because I decided." And that was it."

Target group's respect for authority

Definition: the extent to which the target group respects the government's authority.

In general, the participants did respect the individuals that they dealt with in the Department.

"The staff members out here are fine."

Although, there were incidents that led to some problems.

"Except they told me two different things...."

"I had an instance where they misread my meter and I didn't bother doing anything about it..... Before I knew where I was I was nearly in court ...and it was their mistake!"

Respect for the Brisbane office and government, in general, was lower.

"The ones I have most problems with are the ones down in Brisbane who have been out to uni[1] and think water comes out of a tap and milk comes out of a carton."

"I think there's a lot of cynicism around any government department. They change daily, they change weekly."

Non-government control

Definition: the probability, as estimated by the target group, of positive or negative sanctions on their behaviour other than by the authorities

Whilst excessive water take was likely to be noticed and disapproved of by fellow community members, especially neighbours, subsequent social sanctioning rarely occurred. .

"You'd grumble and grizzle and then not do anything about it."

"You might mention it. Then still have a beer with him when you see him down the pub."

"What do you do? I've got to live in the area as well. It's not good to have neighbours who may sabotage you or do something as payback..."

Probability of reporting non-compliance

Definition: the probability, as estimated by the target group, of a violation detected by anyone other than the authorities, being reported to a government body.

According to the focus group participants, reporting incidents was unlikely to happen.

"How do you know they don't have an allocation?"

"How do you know he doesn't have a shotgun?"

[1] Meaning graduated from university

It was considered un-Australian to "dob" another person in and any problem is seen as "none of my business".

> "I think the Australian thing of not dobbing (is there). We just don't dob. And the other thing is, it's none of our business."

Probability of inspection

Definition: the probability, as estimated by the target group, of an inspection by the authorities as to whether rules are broken.

Inspections are known to happen regularly, four times or twice per year. Therefore the likelihood of being inspected was considered to be very high.

Probability of detection

Definition: the probability, as estimated by the target group, of a violation being detected in an inspection carried out by the authorities.

It was well known, amongst the focus group participants, that Departmental inspectors only read the bore meters, as part of their on-ground inspections. Consequently, any illegal activity outside of excess usage measured through the meter, was considered unlikely to be detected.

> "Inspectors come onto the properties to inspect the meters. That's about all they do."

> "Do they have the legal power to read your electricity meter? Have access to it?" "No."

> "Under the (Water) Act, it says that if they suspect something's wrong then they can go anywhere on your property.... [but] they've got protocols they've got to follow before they do that."

It was mentioned that departmental officers could check for pipes and pumps on the river bed, as part of these inspections, but that didn't seem to occur.

Targeting

Definition: The perceived (increased) risk of inspection and detection of a violation resulting from the targeting of businesses, persons, actions or areas to be inspected.

There was a perception amongst the workshop participants, that more inspections were undertaken on water users who have been non-compliant in the past.

> "They learn who is doing the wrong thing."

Probability of penalty

Definition: the probability, as estimated by the target group, of a penalty being imposed if an inspection reveals that a rule has been broken.

The group noted that, in general, it seemed that those who have been doing the wrong thing have been prosecuted.

> "They have nailed people who have done the wrong thing."

Severity of penalty

Definition: the severity and nature of the penalty associated with the violation and additional disadvantages of being penalised.

The workshop participants considered that the penalty should be, at the least, more expensive than the ability to procure water legally.

> "Some of the fines were cheaper than buying in or leasing water so that's what they [the criminals] looked at."

In addition, they made a distinction between how the excess water was captured. Going over an entitlement amount through the meter was somewhat legitimate, but taking extra water via bypassing your meter was considered "stealing". In addition, the focus group thought that greater penalties were applied to those "stealing" water compared to those going over and entitlement but through the meter.

> "There's a big difference between going over your allocation and dinking with your meter."

This distinction, in the Coastal Burnett, is probably linked to a history of Sunwater enabling water users to purchase excess water retrospectively. As a consequence, some water users use in excess and then wait for the extra bill from Sunwater before they (i) acknowledges it and (ii) pay it and whatever small fine they receive. Because they have then paid for the water, they don't think it's a violation of s808 of the *Water Act 2000*. Essentially this option acts as a bit of a perverse incentive to sticking to your entitlement.

Furthermore, amongst the participants there seemed to be no fear of losing your water licence, as a consequence of repeated over use, as you can simply continue to pay fines.

> "You can pay it off and pay if off again. If you're rich enough, it's just small change."

The introduction of a "three strikes and you're out" policy was suggested as a more likely way to curb ongoing overuse by some water users.

"Three strikes and you're out isn't small change. ... It doesn't happen here but it should."

WATER USER COMMUNICATION PREFERENCES

The focus group participants offered some suggestions for ways to improve face-to-face communications:

- More informed staff at the front desk
- Open forum discussions when new changes come in
- Convene the existing industry advisory groups to run these meetings
- Improve staff retention and/or improve staff handover procedures
- Improve knowledge transfer/corporate knowledge

> "The biggest problem with the department with their water management is that they change their staff a lot. And, for whatever reason, the next bloke that comes along doesn't know what the bloke before him was doing. So the fella that leaves takes all his stuff with him and the new guy's got to almost re-invent the wheel to get going again."

> "It always seems to be that it's somebody employed in the department, and they might come from university and all of a sudden they start redoing things and they'll rehash something that was done 10-15 years ago and we see that happening a lot."

It was acknowledged that those who habitually do the wrong thing are unlikely to change their ways on the basis of improved communication.

> "You'll always have cowboys and you'll have people that are committed socially to that area and want to do the right thing and others that don't care and I don't know how you are going to change that mentality."

As departmental staff are positioned locally (i.e. in Bundaberg), the ability to meet with them one-on-one, to discuss any queries relating to water management, was recognised..

In written communications, it was suggested to use simpler English.

CONCLUSIONS

The systems diagram created by the focus group illustrated the complexity of factors that determine both water supply and demand in the Coastal Burnett Groundwater Management area. This included factors such as crop types, weather, water sources, specific water licence requirements and historical decisions about the volume of water to attribute to licences.

Of the voluntary compliance dimensions explored this focus group, their assessment was mainly positive. That is, water users had generally good knowledge of water management rules, costs were seen as minimal, acceptance was relatively high, there was respect of individual departmental officers (if not the regulating department). Social sanctions, however, and self regulatory mechanisms were not identified as existing in this area.

In terms of the enforcement dimensions of compliance, the focus group provided different views upon different dimensions. From the discussions, there was complete certainty that inspections would occur and would detect water overuse if it occurred through registered meters. And repeat offenders were believed to be targeted. However, it was discussed that community members would not confront or report suspected violations with the *Water Act 2000* , the likelihood of detection of other types of illegal water use, was deemed low and the penalties for these prosecutions was generally seen as too low.

Improvements to face-to-face communications were suggested including increasing staff retention, knowledge, record keeping and staff handover procedures as well as supporting more community meetings when there are changes to rules. In written communications it was suggested to use plain English.

No mention was made of the use of electronic media for communications (e.g. website, email).

PROCESS FROM HERE

Focus group participants were asked to return comments on the draft report within a week of receipt of the draft report. This period has lapsed and no comments were provided.

The focus group workshop reports have been provided to the Department as they form part of the project deliverables.

The reports also provide an important foundation for water user interviews, which will be conducted in coming months. Again, water users in the Bowen and Coastal Burnett Groundwater Management Areas will be randomly selected from the water licence holder database and those selected will be requested to participate in the survey. The interviews will be likely conducted face-to-face at a locality preferred by the water user (on farm or in the nearest town).

In addition, these reports, combined with the results from the water user interviews will provide the foundations for a final report by the consultants to the Department about the topic of compliance by water users with S808 (that pertains to the illegal take of water) within the *Water Act 2000*.

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ATTACHMENT: FOCUS GROUP – GUIDING QUESTIONS AND PROMPTS

SPONTANEOUS COMPLIANCE DIMENSIONS

KNOWLEDGE OF THE RULES

Familiarity and clarity of legislation among water users

a. Familiarity

- Do water users know the water sharing rules?
- Do they only need to make limited efforts to find out about the water sharing rules?
- Is the legislation regarding water sharing not too elaborate?

b. Clarity

- Are the water sharing rules formulated in such a way that water users can understand them easily?
- Are water users actually capable of understanding the water sharing rules?
- Is it sufficiently clear to water users what the water sharing rules apply to?
- Is it clear to water users what water sharing rule applies?

Points of attention

- Use of extra educational materials
- Use of general media (radio, TV, newspapers)
- Giving advice through workshops, and trade organisations
- Setting up a Helpdesk for questions
- Providing information in other languages

COST/ BENEFITS

The tangible/intangible advantages and disadvantages of breaking or complying with the rule, expressed in time, money and effort

a. Financial/economic

- According to water users, does complying with the water sharing rules cost relatively little time, money or effort?
- Do they think that breaking the water sharing rules will yield little or no advantage in terms of time, money or effort?
- Do they think that breaking the water sharing rules could yield any disadvantages?

- Do they think that complying with the water sharing rules could yield any advantages?

b. Intangible

- Do water users believe that complying with the water sharing rules yield emotional or social advantages?
- Do water users believe that breaking the sharing rules yield emotional or social disadvantages?

Points of attention

- Inspection pressure from the government (burden) can be diminished if the rules are abided by.
- Financial rewards for compliance.
- Extra effort or costs for non-compliance.
- Emphasising good reputations or making them visible (quality marks)
- Publish bad reputations (black lists).

DEGREE OF ACCEPTANCE

The degree to which water users regards the policy and the rules as acceptable

a. Acceptance of policy objective

- Do water users regard the water sharing policy (and the principles it is based on) as reasonable?
- Do water users feel they share responsibility for putting this policy into practice?

b. Acceptance of effects of policy

- Do water users regard the way the policy objective is being put into practice as acceptable?
- Do they regard the resulting water sharing rules that follow from this policy as acceptable?

Points of attention

- Support among water users
- Take account of possible arguments put forward by water users: defending their own property, privacy, right to work and income, rights of the environment, judgement of seriousness of offence or damage caused, division of power and money in society, right of the weaker opposed to the stronger, political beliefs, religious conviction.
- Water users' participation/involvement (interactive) in the policy-making process.

TARGET GROUP'S RESPECT FOR AUTHORITY

- The extent to which water users are willing to respect governmental authority

a. Official authority

- Do water users generally abide by the rules?
- Do water users generally abide by the water sharing rules?
- Do water users generally have respect for the water regulating authority?
- Do water users respect the judgement of those responsible for enforcement of water sharing rules?

b. Competing authority

- Are water users' own values in line with legislation?

Points of attention

- Education
- Attention to standards and values
- Emphasize respect for individual officers versus the government department

NON-GOVERNMENTAL CONTROL (SOCIAL CONTROL)

The probability, as estimated by water users, of positive or negative sanctions on their behaviour other than by the authorities

a. Social control

- Do water users feel that any water sharing violation would soon be noticed by its community?
- Does the water user community generally disapprove of such violations?
- If so, does the community try to correct this behaviour in some way or other?
- And does this social sanction have an impact on water users?

b. Horizontal supervision

- Is there any horizontal supervision, e.g. financial auditing, disciplinary codes, auditing for certification?
- Does this horizontal supervision contribute to better compliance with water sharing rules?
- Do water users see this horizontal supervision as an additional form of control?· And does this horizontal supervision have an impact on water users?

Points of attention

- Inspection possibilities by water users or professional group
- Visibility of violations for passers-by, stakeholders, trade associations
- Possibilities of informal sanctions: status, image, rejection from the group
- Loyalty of inspectors or inspecting bodies towards those inspected.
- Possibilities of (legal) pressure
- Possibility of social control in effect encouraging violations

ENFORCEMENT DIMENSIONS

LIKELIHOOD OF REPORTING

The probability, as estimated by the target group, of a water sharing violation being detected by anyone other than the authorities and being reported to a government body.

- According to water users, is its community generally inclined to report detected water sharing violations to the authorities?
- According to water users, are those exercising horizontal supervision generally inclined to report detected violations to the authorities?
- Do water users think that people generally know which government department to report detected water sharing violations to?

Points of attention

- The nature of the water sharing violations: not covering one's tracks, detection only possible by catching someone in *flagrante delicto*, can the violation be proved, c.f. also dimension 8.
- Interest of those detecting the water sharing violation in reporting it to the authorities.
- Fear of those reporting a water sharing violation of an (angry) reaction from the perpetrator.
- Encourage reporting by tip money or opening a tipline or complaints service

LIKELIHOOD OF INSPECTION

The probability, as estimated by water users, of being inspected by the authorities for possible water sharing violations

a. Records inspections

- Is there a major objective likelihood of records inspections?
- Do water users think that there is a major likelihood of records inspections?

b. Physical inspections

- Is there a major objective risk of a physical inspection?

- Do water users think that there is a major risk of a physical inspection?

Points of attention

- Actual objective risk of inspection (number of inspections per year or per person/business, number of inspections per violation or per water user)
- Subjective risk of inspection and difference with the objective risk (depends on visibility of inspections, knowledge of inspection policy, prior experience with inspecting bodies, experiences of others, ideas on government activities and the impact of inspections)
- The accuracy of the inspecting body, response time of inspectors, impact of inspections by using auditing powers, show of strength, such as visibility of inspections, use of uniforms
- "Reward response" from the authorities: compliance is rewarded with fewer inspections (and vice versa)
- Inspection burdens may invade one's privacy, serious delays, costs to be borne by the person inspected.
- Are inspections are always unpredictable (or else people will behave accordingly) by differentiating supervision and inspections (in the fullness of time) in terms of (1) frequency, (2) time, (3) depth and (4) place?.
- Are there a number of random inspections to keep them unpredictable? Also ensures that everybody always runs the risk of being subjected to an inspection.

LIKELIHOOD OF DETECTION

The likelihood, as estimated by water users, of a violation being detected if the authorities inspect

a. In a records inspections

- Is all the data being checked in a records inspection?
- Is it easy for the inspectors to detect violations?
- Is it difficult to falsify records?
- Is there a major objective risk of detection in a records inspection?
- Do water users think that there is a major likelihood of detection in a records inspection?

b. Physical inspections

- Is everything being checked in a physical inspection?
- Is it easy for the inspectors to detect violations?
- Are violations restricted to a particular place and/or time?
- Is the inspection technology used sophisticated enough?
- Is there a major objective likelihood of detection in a physical inspection?
- Is the objective likelihood in a physical inspection large?

Points of attention

- The nature of violations (not covering one's tracks, detection only possible by catching someone in *flagrante delicto*)
- Camouflaging violations (by screening off, hiding, changing the composition of indications of a violation, by misleading the inspector)
- Possibilities of tracing whom the actual perpetrator/responsible person is (consider legal structures, making the actual perpetrator not the legal addressee, the causal link between the violation and perpetrator is missing).
- The capacity of the investigating body: special expertise of techniques, which they need, sufficient resources available at investigating body.

SELECTIVITY

The perceived increased likelihood of inspection and detection of a contravention resulting from selecting the businesses, persons, actions or areas to be inspected

- Do offenders have the impression that they are always inspected more frequently than those who comply with the water sharing rules?
- Do selective inspections find more offenders, relatively speaking, than non-selective inspections?
- Do water users believe that the enforcement agency is capable of 'separating the chaff from the wheat'?

Points of attention

- Targeting
- Violation ratio in random and selective inspections
- Cost of the discovery of a water sharing violation
- Possibilities of setting up databases
- Possibilities of linking files from various enforcement organizations

LIKELIHOOD OF SANCTION

The likelihood, as estimated by water users, of a penalty if a water sharing violation is detected in an inspection

- Is there a major objective likelihood of a penalty being imposed once a water sharing violation is detected?
- According to water users, is it easy to prove a water sharing violation?
- Do water users estimate the likelihood of a penalty as a result of a detected violation as being high?

Points of attention

- Lack of capacity
- Lack of evidence

- Social relevance of the offence (policy to dismiss charges under certain conditions e.g. minor violation)
- Legitimate non-enforcement policy of the enforcement body
- Errors in the implementing or enforcement bodies.

SEVERITY OF PENALTY

The severity and type of penalty associated with the violation and additional disadvantages of being penalised

a. Severity of penalty

- Do water users know what penalty they face in the event of a violation?
- Do they regard it as severe?
- Is the penalty imposed quickly?
- Does the enforcement of the penalty have any additional tangible or intangible disadvantages for the person concerned?

b. Damage to reputation as a result of penalty

- Do water users mind that it becomes known that have been penalised?

Points of attention

- Disadvantages of penalty for the person concerned
- Types of sanction: financial, damages, goods seized, deprivation of illegally obtained profits, imprisonment, restore to legal situation, alternative punishments, withdrawing rights and favours, bringing business operations to a halt, etc.
- Additional disadvantages of enforcement
- Social status, reaction of community, court fees, legal fees, costs of furnishing proof
- Financial capacity of perpetrator
- Psychological effects, such as the manner of presentation and public nature, speed with which a sanction is imposed, the "appearance" of the sanction system applied: criminal law, disciplinary rules, administrative law, private law.
- Possibilities of alternative penalties