

**Addendum** to: The Independent assessment of the management of the Northern Basin First Flush event

Submitted by Howard Jones, Barrie MacMillan and Dr John Cooke

### **Background to Addendum 1**

1. The purpose of this Addendum is to bring to the attention of the *Independent Panel* a statement made by the Hon. Melinda Pavey MP, Minister for Water, Property and Housing (NSW)<sup>1</sup> that:

*Managing Menindee so that it stays within NSW's management..... keeping it within our control and managing our water for our citizens...and we have got work and a focus on that at the moment*<sup>2</sup>...

2. Our Submission (Cl. 5) states that *the reasoning for the decision to lift restrictions on A, B and C class licences and for the period of 3 days is not transparent.*
3. Our Submission relies heavily on the *Water Management Act 2000*. Clause 324<sup>3</sup> of that Act does not specify that Menindee Lakes are to be managed to keep it within the control of NSW, as stated by Minister Pavey.

### **Our Submission Clause 4**

4. **Our Submission Clause 4** (page 2); argues that The Minister or delegate could have decided to lift restrictions:
  - a. for a period of less than 3 days (*for a specified period*);
  - b. for only A and B Class licences but not C Class Licences (*is subject to specified restrictions*);
  - c. or not at all (*satisfied that it is necessary to do so in the public interest*).
5. Had any or all of the 3 actions listed above been taken, then the volume of water stored in Menindee lakes may have increased sufficiently for the control of Menindee Lakes to shift from New South Wales to being controlled by the Murray Darling Basin Authority.

### **Managing Menindee so that it stays within NSW's management...**

6. The statement made by the Minister also appears to be in direct contrast to policies and procedures under the Water Act 2017 (Australia), the Basin Plan and the River Murray Agreement.

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<sup>1</sup> Managing water policy in the modern political landscape the Hon. Melinda Pavey MP NSW Minister for Water, Property and Housing. NSW Farm Writers Association <https://nswfarmwriters.org.au/site/>

<sup>2</sup> 43:30/50:40 <https://nswfarmwriters.org.au/site/>

<sup>3</sup> WATER MANAGEMENT ACT 2000 - SECT 324 **Temporary water restrictions**

*324 Temporary water restrictions*

(1) If satisfied that it is necessary **to do so in the public interest** (such as (but not limited to) to cope with a water shortage, threat to public health or safety or to manage water for environmental purposes), the Minister may, by order in writing, direct that, **for a specified period**, the taking of water from a specified water source is prohibited, or **is subject to specified restrictions**, as the case requires.

7. In preparing our submission to the *Independent Panel*, we accessed a large amount of information prepared by the NSW Government and other sources. None of these documents stated, referenced or inferred that it is the intent of the NSW Government to manage *Menindee so that it stays within NSW's management*.

**Request of the Independent Panel**

8. We request that the *Independent Panel* investigate whether the lifting of restrictions and associated conditions applied was influenced by the intent of the Minister and the NSW Government to manage Menindee Lakes so that Managing Menindee Lakes stays within NSW's control.

Dr John Cooke

*Please accept the covering email as proof of signature.*

Date 8 July 2020

on behalf of Howard Jones, Barrie MacMillan and Dr John Cooke