



5 January 2018

The Joinery
Level 1, 111 Franklin Street
Adelaide, SA, 5000

(08) 8223 5155

general@conservationsa.org.au
www.conservationsa.org.au

ABN: 22 020 026 644

Submission: Murray Darling Royal Commission

Draft Terms of Reference

The Conservation Council of South Australia (Conservation SA) welcomes the South Australian Murray Darling Royal Commission as a much needed step to address the various allegations of collusion and corruption upstream that have emerged over recent months. An investigation with the powers of a Royal Commission is necessary to ensure accountability and restore faith in full delivery of the Murray Darling Basin Plan.

Key Points

- Conservation SA endorses the breadth of the Terms of Reference, particularly in clauses 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13.
- **Clause 6:** Conservation SA requests a minor amendment as follows:

That the clause be broadened to *'Any legislative or other impediments to achieving any of the objects and purposes...'*

- **Additional clauses:** Conservation SA endorses the call by the Australian Conservation Foundation to include the following clauses:
 1. *Whether transparency and accountability is adequate to satisfy community concern regarding a lack of transparency, particularly in relation to agreements and contracts entered into between the Commonwealth and another party (including a Basin State), regulated enforcement and compliance and water project funding.*
 2. *Whether on-farm efficiency projects take into account return flows and are resulting in actual water savings and 'enhanced environmental outcomes', and whether there are opportunities to strengthen the legislation to tie these projects to the objectives and strengthen monitoring and accounting of these projects.*
 3. *Whether Australia is in contravention of its international obligations under the Ramsar Convention on Wetlands, and any other international obligations we have.*
 4. *Whether there is sufficient regulation of the Water Market to ensure the objects of the Act (and its parts), and investigation of instances where either the market structure or non-compliance works against the objectives of the Act (and its Parts) and the Basin Plan.*

5. Whether the Basin Plan and Water Act sufficiently gives water access and rights to Aboriginal people in the Murray Darling Basin, and whether there is sufficient funding for water projects and sufficient representation for Aboriginal people in the Murray Darling Basin.

6. Whether there are any instances of collusion or corruption that impact the autonomy of regulators and decision makers. This could include political party donor influence, access to decision makers or any other conduct that undermines decision makers acting lawfully and in the public interest or undermines the ability of regulators to freely and independently to fulfil its role to achieve the objects of the Act (and its Parts) and the Basin Plan.

And we believe the following should also be considered:

7. Whether, and in what form, consequences should be applied to Basin jurisdictions found to be delaying the process of implementation through failure to meet deadlines, failure to monitor appropriately or failure to develop appropriate projects.

8. Whether there is a conflict of interest with the Federal Minister overseeing the Murray Darling Basin Plan also responsible for agriculture or other resource development portfolios.

For further information please contact:

Craig Wilkins

Chief Executive

Conservation Council SA

The Joinery / [111 Franklin Street, Adelaide SA 5000](#)

[\(08\) 8223 5155](#) / [0417 879 439](#)

www.conservation.sa.org.au