

**Department of Sustainability, Environment, Water, Population and Communities  
Responses to QONs from Senate Inquiry into Water Act**

**Senator BIRMINGHAM:** So there was no knowledge that you are aware of that the authority was going down this path of getting its own advice and/or seeking to release it?

**Mr Freeman:** I do not believe there was specific advice to the minister. The authority made public its view that it was considering whether it would or would not release its advice, so I guess the minister would have been generally aware of it. I cannot recall specific advice to the minister in that regard.

**Mr Parker:** We would need to take on notice whether specific advice was requested. We can do that.

**Senator BIRMINGHAM:** Thank you, Mr Parker.

**Answer**

On 6 December 2010 the then Chair of the Murray-Darling Basin Authority, Mr Michael Taylor AO, wrote to the Minister for Sustainability, Environment, Water, Population and Communities seeking his views on the release of legal advice provided to the Authority by the Australian Government Solicitor, and the provision of the advice to the Windsor Inquiry. The Acting Secretary, Mr Grimes, responded on behalf of the Minister. On 17 January 2011 Mr Taylor wrote to Mr Windsor advising that the Authority would not be releasing the legal advice.

**Senator BIRMINGHAM:** No, I am not asking you to. I am taking their evidence and putting it in my words. So the earlier drafts did not rely upon the international obligations but assumed a more complete referral of powers; is that right?

**Mr Slatyer:** My recollection—and this may have to be corrected afterwards—is that the original bill relied on a range of constitutional authorities, including referrals and the Commonwealth's own powers. We were just policy people, so the actual draughtsmen would be in a better position to answer that question accurately.

**Senator BIRMINGHAM:** I am sure you will have to take this on notice, but was advice offered to the government at that stage that dealt with what the implications were to balancing economic, social and environmental factors of shifting from those initial drafts of the Water Bill to a draft that was more reliant upon international treaties and, if so, what did that advice say?

**Mr Slatyer:** I would have to take that on notice.

**Answer**

Advice was provided by the Department to the previous Government providing analysis of changes to the then draft Water Bill resulting from a reliance on Commonwealth constitutional powers.