



The Hon. David Littleproud MP

Minister for Water Resources, Drought, Rural Finance,
Natural Disaster and Emergency Management
Federal Member for Maranoa

Ref: MS19-001172

Senator the Hon. Concetta Fierravanti-Wells
Chair
Senate Standing Committee on Regulations and Ordinances
Suite S1.111
Parliament House
Canberra 2600 ACT

11 SEP 2019

Dear Senator Fierravanti-Wells

As you are aware, on 31 July 2019, the Senate Standing Committee on Regulations and Ordinances (Committee) moved a notice of motion to disallow the *Water Amendment (Murray-Darling Basin Agreement—Basin Salinity Management) Regulations 2018* (the Amendment Regulations).

I thank the Committee for their consideration of the Amendment Regulations and for raising its concerns about the Agreement Regulations reflecting amendments to the Murray-Darling Basin Agreement (Agreement) that include provisions that incorporate the Basin Salinity Management (BSM) Procedures from time to time. I also note that the Committee considers that it may be appropriate to amend the *Water Act 2007* (Cth) to expressly authorise the incorporation of such documents from time to time. While I maintain the strong view that the Amendment Regulations can reflect amendments to the Agreement which incorporate the BSM Procedures from time to time, I acknowledge the integral role the Committee has in conducting scrutiny and promoting transparency and accountability in relation to subordinate legislation made by the Australian Government.

In response to the Committee's considerations, at a future appropriate opportunity I will seek to consult Basin States regarding the introduction of legislative amendments to the *Water Act 2007* (Cth) to remove any doubt about this issue. The amendments involve the referred provisions of the Water Act which require the agreement of the Basin States. This is my commitment as I respect the role of the Committee to ensure all Government regulations are robust, and particularly given the technical nature of the Amendment Regulations.

In light of this commitment, I request that the Committee reconsider the disallowance motion to ensure minimal disruption to Basin States and the Murray-Darling Basin Authority in their management of salinity in the Murray-Darling Basin.

The Murray-Darling Basin Authority and Basin governments have a long and successful history of working together to manage salinity. It is important that the Basin salinity program continue to be implemented using the best available information and in a collaborative way. The BSM Procedures have been agreed by all Basin water ministers through the Murray-Darling Basin Ministerial Council. To not continue the use of the BSM Procedures would be a backward step to the management of salinity in the Basin that would increase costs and increase uncertainty about future salinity risks.



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I thank the Committee again for their consideration of the Amendment Regulations. Consistent with the commitments made at the Council of Australian Governments meeting on 9 August 2019, concerning promoting transparency and community confidence in the Basin, I trust this letter will be published in a future delegated legislation monitor, at the Committee's convenience.

Alternatively, I can facilitate tabling of this letter in the next Parliamentary sittings if this is the Committee's preference.

Yours sincerely

DAVID LITTLEPROUD MP