

Independent assessment of the management of the Northern Basin First Flush event

The NSW Government has requested an independent assessment of the management of the first flush event following the 2018-2019 drought in the Northern Basin.

Terms of Reference

The review will be conducted by an independent panel including Wendy Craik and Greg Claydon, and informed by public consultation with industry, environmental, Aboriginal and town water supply representatives, and experts in incident management.

Objectives of the assessment

The objectives of the assessment are as follows:

1. Provide transparency about the decision-making processes that were used to manage the event under the *Water Management Act 2000*.
2. Recommend strategies to improve the management of first flush events under the *Water Management Act 2000* in the future, including:
 - (a) system and process changes which would improve the management of a first flush event by Department of Planning, Industry and Environment – Water (DPIE Water), the Natural Resources Access Regulator (NRAR) and WaterNSW, and
 - (b) regulatory, planning or policy changes (including to relevant water sharing plans) which would improve the management of a first flush event.

How the assessment is to be carried out

In undertaking the assessment, the independent panel should review and consider:

- the DPIE Water, NRAR and WaterNSW planning, systems and processes that were used to manage the event, with particular regard to:
 - decision making processes, including the availability of information and evidence to support decision-making pursuant to the public interest test (including, but not limited to, information to assist in forecasting inflows from Queensland tributaries)
 - communication with water users, the general public and between agencies
 - the resourcing and incident management capability of DPIE Water, NRAR and WaterNSW (including risk management and WHS implications)
- the extent to which management of the event satisfied relevant aspects of the NSW Government's response to the Independent investigation into NSW water management and compliance by Ken Matthews (being the NSW Government water reform action plan¹) and the Vertessy Report and the Natural Resources Commission's Review of the Barwon-Darling Water Sharing Plan²

¹ Available at https://www.industry.nsw.gov.au/__data/assets/pdf_file/0016/136204/nsw-government-water-reform-action-plan.pdf

² Available at https://www.industry.nsw.gov.au/__data/assets/pdf_file/0008/279080/NSW-Government-response-to-NRC-report.pdf

- the effectiveness of the current and proposed regulatory and policy tools for managing a first flush event
- any other matters the Panel considers relevant to achieving the objectives of the assessment.

The independent panel should also:

- conduct interviews with relevant NSW and Commonwealth agencies
- obtain the advice of key industry, environmental, indigenous and local government stakeholders via a water user reference group
- engage and seek advice from relevant experts (as required)
- provide a draft report to the Secretary of the Department of Planning, Industry and Environment by 30 June 2020
- undertake public consultation for and on the draft report³
- provide a final report to the Secretary of the Department of Planning, Industry and Environment no later than 31 August 2020.

The draft and final report of the independent panel will be released publicly.

Background

In mid-January and early February 2020, northern NSW experienced the first rainfall events following record drought conditions. A series of temporary water restrictions were introduced, including to restrict the take of water by floodplain harvesting works, to actively manage the first flows and prioritise water security for critical human needs.

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³ Consultation will be carried out in accordance with relevant public health advice.