

RC18/0066  
RCD18D01340

4 July 2018

Dr Peter Mayfield  
Executive Director – Environment, Energy and Resources  
CSIRO  
PO Box 330  
Newcastle NSW 2300

**Sent by email:** [peter.mayfield@csiro.au](mailto:peter.mayfield@csiro.au)

Dear Dr Mayfield

**Re: Murray-Darling Basin Royal Commission – High Court Proceedings**

The Commissioner has asked me to respond as follows to your letter to him dated 29 June 2018, notwithstanding your implication in it that CSIRO would not resume communication regarding the Royal Commission until after the High Court's decision.

The position taken by the CSIRO in relation to the various issues involving it that have already been publicised by and in relation to the Royal Commission is, of course, a matter for the CSIRO.

As a matter of fairness, however, the CSIRO should be in no doubt that the Commissioner may be inclined to draw seriously adverse inferences against the conduct of the CSIRO, in particular in relation to the setting of the ESLT and in relation to the drafting and finalisation of CSIRO reports prepared for the MDBA.

The CSIRO has the opportunity to make timely contributions to the Royal Commissioner's inquiry into and consideration of these issues, by way of evidence, submission and possibly closing address. Given the circumstances, the time limits or targets announced generally for such steps to be taken would not, of course, apply so as to prevent that participation by the CSIRO.

This invitation is not, it should be stressed, for anything other than voluntary co-operation by the CSIRO. The distinct issue whether the Royal Commissioner can compel, say, evidence from the CSIRO is a matter for the High Court and must await the Court's decision.

Whatever you may intend to convey by your reference to the possibility of the High Court making "a range of comments in relation to the Royal Commission and its operations which are relevant for CSIRO and its staff to consider", it should be clear that voluntary co-operation by the CSIRO with the Royal Commission could not even arguably be disrespectful of the Court and its processes.

**Murray-Darling Basin Royal Commission**

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The duty and powers of the Royal Commission to report in accordance with its terms of reference (apart from the issue of compulsive power with respect to the Crown) are not in contest in the High Court proceedings. The power of the CSIRO to co-operate voluntarily is also not in question, and could not seriously be doubted.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Masters', with a stylized flourish at the end.

Joanne Masters  
**Senior Instructing Solicitor**