

RC18/0066  
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7 September 2018

Ms Jessica Parker  
Senior Lawyer  
Australian Government Solicitor  
Locked Bag 35  
KINGSTON ACT 2604

**Sent by email:** [Jessica.parker@ags.gov.au](mailto:Jessica.parker@ags.gov.au)

Dear Ms Parker

**Re: Murray-Darling Basin Royal Commission – Participation in the Commission’s Proceedings**

I refer to your letter dated 27 August 2018 in which you notified the Commissioner that the Commonwealth and the Murray-Darling Basin Authority (**MDBA**) will be considering the invitation to voluntarily co-operate with the Commission, once the High Court proceedings are discontinued.

I note that the High Court proceedings have now been discontinued.

In those circumstances, the Commissioner has asked me to request that you advise whether the Commonwealth and the MDBA intend to voluntarily participate in the Commission’s proceedings.

As previously advised, I confirm that the Commonwealth and the MDBA should proceed on the basis that, based on the evidence currently before him, the Commissioner may reach conclusions adverse to and critical of them and if so, the Commissioner will most likely publish those conclusions in his report. You are no doubt aware of the gist of such matters from the public record.

The Commissioner considers it would be open to him to regard the non-participation, including voluntarily, by all current and some former MDBA officers and staff in the work of the Commission as more than a sufficient demonstration that they do not wish to be heard.

Given the press of time, the Commissioner will consider submissions provided to him in person at a public hearing. An opportunity to appear before the Commissioner for that purpose will be afforded to the Commonwealth Government and the MDBA in the week commencing 24 September 2018. The person or persons who attend to do so may, if an Australian lawyer, do so from the bar table, or otherwise under oath or affirmation. There may be questions from both Senior Counsel Assisting and the Commissioner.

Please advise the writer by no later than close of business on **Friday, 14 September 2018**, whether or not the Commonwealth and/or the MDBA intend to take up the invitation to attend.

Given the public nature of this Royal Commission, I note that this letter, and any response by you, will be published on the Commission website.

Yours sincerely

A handwritten signature in blue ink that reads "Masters". The signature is written in a cursive, flowing style.

**Joanne Masters**  
**Senior Instructing Solicitor**