

## Appendix A

### Terms of Reference

#### Review of issues regarding water management and compliance

##### Context

The ABC “4 Corners” program 24 July 2017 contained allegations of corruption, misconduct and maladministration in water management and compliance actions within DPIWater.

The concerns raised are summarised as:

1. Not properly investigating and/or failing to take appropriate action in relation to:
  - water allegedly illegally pumped or used between 1 – 5 June 2015 for use on the property “Burren Downs”;
  - water allegedly illegally pumped or used at the property "Miralwyn" on 20 August 2015;
  - water allegedly illegally pumped or used at the “Rumleigh” property on 13 February 2016;
  - water allegedly illegally pumped or used for the benefit of properties owned by Peter Harris;
  - construction of an irrigation channel on the “Miralwyn” property which allegedly altered the course of a Crown Road potentially in breach of the *Water Management Act 2000* and/or the *Crown Lands Act 1989*.
2. Allegations that senior management of DPI Water refused to approve a major investigation into alleged water management breaches in the North West of NSW (including allegations of meter tampering) as recommended by the (former) Manager of the Strategic Investigation Unit.
3. Allegations that Gavin Hanlon, Deputy Director General Water inappropriately:
  - disclosed sensitive or confidential government information and documents;
  - advised groups external to Government on actions to further their interests, including management options affecting the future of the Murray Darling Basin Plan.
4. Allegations that compliance resourcing decisions, including the abolition of the Strategic Investigation Unit and transfer of some staff and functions to Water NSW was motivated by the Department not having an interest in pursuing compliance matters.

The Investigation’s Goals are to:

1. Determine the facts and circumstances related to the above matters.
2. Assess whether the Department’s policies and procedures (including the Department’s Code of Conduct) were complied with in relation to the above matters.
3. Assess whether Departmental actions in relation to the above matters were appropriate in the circumstances.
4. Identify whether further action should be undertaken in relation to the above matters, including for example further investigation or referral to other authorities.
5. Identify opportunities to improve the Department’s water management, compliance and enforcement performance.