

## MURRAY-DARLING BASIN AUTHORITY

### CONFLICT MANAGEMENT PLAN – SUSAN MADDEN

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#### 1. Background

- 1.1 Ms Susan Madden is a part time member of the Murray-Darling Basin Authority (**Authority**) and Basin Community Committee.
- 1.2 Ms Madden has also accepted an appointment as a part time Assistant Commissioner of the New South Wales Natural Resources Commission (**NRC**).
- 1.3 New South Wales is a Basin State.
- 1.4 The potential for a conflict (both actual and perceived) exists between these two roles. This is because the functions, roles and responsibilities of the NRC under the *Natural Resources Commission Act 2003* (NSW) and the *Water Management Act 2000* (NSW) involve providing independent advice to the New South Wales Government with respect to, water management in New South Wales. This could include advice or review of water sharing plans pertaining to Basin water resources<sup>1</sup> in New South Wales.<sup>2</sup>
- 1.5 Ms Madden is subject to statutory obligations in relation to the disclosure and management of conflicts of interest in both the Commonwealth context under the *Water Act 2007* (Cth), the *Public, Governance, Performance and Accountability Act 2013* (Cth), and the *Public Service Act 1999* (Cth) and under the NSW State Code of Conduct.
- 1.6 Other potential risks that may arise as a result of Ms Madden holding these two roles include actual or perceived inappropriate dissemination of information relating to the work of the Authority of the NRC.

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#### 2. Purpose of Conflict Management Plan

- 2.1 The Conflict Management Plan has been issued by the Authority in consultation with the NRC and Ms Madden and all have agreed to the measures outlined in this Plan.
- 2.2 The purpose of this Conflict Management Plan includes:
  - 2.2.1 to ensure that the integrity of the work of the Authority and the NRC is not adversely impacted by the actual, potential and perceived conflicts arising as a result of Ms Madden's two roles;
  - 2.2.2 to ensure transparency with respect to the identification and management of the conflicts engendered by Ms Madden holding both roles and, thereby, continued confidence in the work of the Authority and the NRC;

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<sup>1</sup> *Basin water resources* is defined in the *Water Act 2007* (Cth), section 4.

<sup>2</sup> Note that the NRC is not a decision maker, nor is it responsible for water management. Its advice is not binding on the NSW Government.

- 2.2.3 to support the maintenance of confidentiality in relation to Relevant Information;
  - 2.2.4 to assist Ms Madden comply with her statutory obligations with respect to disclosure and management of conflicts of interest; and
  - 2.2.5 to ensure Ms Madden can carry out her role as an Authority member and an Assistant Commissioner impartially, and to ensure that she can be seen to do so.
- 2.3 The Authority may, following consultation with the NRC and Ms Madden, amend this Conflict Management Plan from time to time if considered necessary to enable the purpose outlined in paragraph 2.2.
- 2.4 Capitalised terms used in this document that are not otherwise defined have the meaning set out in the Glossary in Part 4.
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### **3. Conflict Management Plan**

#### **Continued compliance with other obligations**

- 3.1 Nothing in this Conflict Management Plan affects Ms Madden's obligation to comply with all her obligations and requirements imposed upon her with respect to conflicts of interest, including those arising from legislation, policy, Authority or NRC guidance.
- 3.2 Without limiting any confidentiality obligation imposed on Ms Madden as an Authority member or an Assistant Commissioner, Ms Madden must ensure any and all Relevant Information to which she has access as a result of her role as an Authority member is not disclosed in any way and for any purpose, to a member of the NRC or to the New South Wales Government. Equally, sensitive or confidential information Ms Madden may access in her capacity as an Assistant Commissioner must be dealt with appropriately and not disclosed in any way and for any purpose to a member of the Authority.

#### **Disclosure of role**

- 3.3 Ms Madden should disclose her appointment as an Assistant Commissioner:
- 3.3.1 to the Minister for Resource, Water and Northern Australia, as a standing interest, in the form prescribed in any Authority guidance; and
  - 3.3.2 at any meeting of the Authority or the NRC at which Relevant Information is, or will be, considered (noting that this will be recorded as a standing disclosure for Authority meeting purposes).

#### **NRC meetings**

- 3.4 In her capacity as Assistant Commissioner of the NRC, Ms Madden's involvement in any activity undertaken by the NRC in the performance of its functions or roles under either the *Natural Resources Commission Act 2003* (NSW) or the *Water Management Act 2000* (NSW) will be restricted to the extent that activity or function relates to Basin water resources in New South Wales or would involve Ms Madden disclosing or being seen to disclose, Relevant Information.
- 3.5 In her capacity as Assistant Commissioner, Ms Madden is appointed by the NRC to provide advice to the Commissioner on the broad investigative and reporting functions of the NRC, which inform the management of natural resources in the social, economic and environmental interests of the State under either the *Natural Resources Commission Act 2003* (NSW) or the *Water Management Act 2000* (NSW). Ms Madden's role is advisory only, she does not have any delegation nor does she direct staff or make decisions on NRC work.

- 3.6 In the course of her role with the NRC, Ms Madden will have limited involvement in public facing activities with Basin communities.
- 3.7 Ms Madden will not take an active role in any reviews or audits or related work within the Basin completed by NRC staff.
- 3.8 Ms Madden will not participate in discussions about the Authority in her role as Assistant Commissioner, or about the NRC in her role as an Authority member, and will excuse herself as required from any such situation when representing the other organisation.
- 3.9 Ms Madden is confident she will be able to separate her duties as a member of the Authority and an Assistant Commissioner, and will perform her duties appropriately and defensibly.
- 3.10 The activities contemplated by paragraph 3.4 include, but are not limited to, deputising for the Commissioner or exercising any powers delegated by the Commissioner to Ms Madden. However, Ms Madden will not hold a delegation under the *Natural Resources Commission Act 2003* (NSW) to exercise any powers on behalf of the Commissioner in relation to activities involving water management or water resources within the NSW portion of the Basin.

### **Other measures**

- 3.11 Ms Madden's public-facing activities will be limited to the extent they relate to or contain, or may be seen to relate to, Relevant Information. This includes, but is not limited to, activities such as speaking engagements, writing or contributing to articles for publication, and activities on social media.
- 3.12 Ms Madden must comply with any other measures which the Authority or the NRC considers necessary in order to achieve the purpose outlined in paragraph 2.2.
- 3.13 For the avoidance of doubt, notwithstanding this Conflict Management Plan, the Authority's internal conflict of interest policy and guidance continues to apply as do the NRC's. As such:
- 3.13.1 from an Authority perspective - the Chair or the Authority Secretariat; and
- 3.13.2 from an NRC perspective - the Commissioner,
- may take any measures considered necessary from time to time to manage the issues identified in in paragraph 1.4 and paragraph 1.6.

### **Support in relation to compliance**

- 3.14 If Ms Madden has any questions or concerns about, or becomes aware of a breach of, this Conflict Management Plan, she should contact the Authority Secretariat and the NRC secretariat promptly. Ms Madden may also seek assistance from the Authority's conflicts adviser if she needs advice on any individual circumstance relating to this Conflict Management Plan.

## 4. Glossary

Term	Definition
<b>Basin State</b>	has the same meaning as in the <i>Water Act 2007</i> (Cth).
<b>Basin water resources</b>	has the same meaning as in the <i>Water Act 2007</i> (Cth).
<b>Chair</b>	means the Chair of the Authority from time to time.
<b>Relevant Information</b>	<p>means any information considered or generated by the Authority in relation to the exercise of its powers and the undertaking of its functions, which</p> <ul style="list-style-type: none"> <li>▪ relates to the Murray-Darling Basin in New South Wales; or</li> <li>▪ would be of interest or relevance to the New South Wales Government in relation to the Murray-Darling Basin,</li> </ul> <p>except to the extent that this information is otherwise publicly accessible.</p>



Name: Susan A. Madden

Position: Authority Member

Date: 23/3/21