



Government
of South Australia

The Hon Clare Scriven MLC

Our ref: eA199492
Obj ref: A5892103
Receipt 17878998

The Hon Nicola Centofanti MLC
Member of the Legislative Council
Parliament House
ADELAIDE SA 5000

Dear ~~Ms Centofanti~~ *Nicola,*

Internal Review Determination under the *Freedom of Information Act 1991*

I refer to your application for Internal Review made under the *Freedom of Information Act 1991* received on 24 July 2023.

Your original application sought access to the following:

“All briefings or reports relating to National Water Grid project proposals, between 1 January 2023 and 5 June 2023.”

It is noted that you have proceeded to Internal Review as my office failed to determine your original application within the legislative timeframe, and therefore deemed a refusal of access.

Internal review of the documents

Following an independent internal review of your application, I advise the following:

Issues in this review

The Office of the Minister for Primary Industries and Regional Development did not provide a determination within the legislative timeframe, pursuant to Section 14(2) of the Freedom of Information Act.

Internal Review Determination

The following determination has been finalised.

I have located twenty-seven documents that are captured within the scope of your request.

Minister for Primary Industries and Regional Development
Minister for Forest Industries

GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au



Determination 1

I have determined that access to the following documents is **granted in full**:

Doc No.	Description of document	No. of Pages
7	Minute from Deputy Premier to Minister for Primary Industries and Regional Development dated 24/03/2023 re National Water Grid Authority – SA Lead	1
10	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 15/05/2023 re Revised National Water Grid Funding Schedule to the Federation Funding Agreement	3
10a	Minute from Minister for Primary Industries and Regional Development to Deputy Premier dated 24/05/2023 re Revised National Water Grid Funding Schedule to the Federation Funding Agreement	1
11	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 15/05/2023 re Funding for the National Water Grid Fund	3

Determination 2

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
11a	Minute from Minister for Primary Industries and Regional Development to Deputy Premier dated 22/05/2023 re Funding for the National Water Grid Fund	2
12	Minute from A/Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 19/05/2023 re responsibility change for the National Water Grid Fund	3

The information removed from the above documents is pursuant to Clause 1(1)(e) of Schedule 1 of the Freedom of Information Act which states:

“1 – Cabinet documents

(1) A document is an exempt document –

(e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet;”

The information removed would reveal details of matters considered in Cabinet.

Determination 3

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
3	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 20/01/2023 re Clare Valley Preliminary Business Case	4
5	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 8/3/2023 re Clare Valley Water Project and spray drift	3

The information removed from the above documents is pursuant to Clause 1(1)(e), Clause 7(1)(c) and Clause 9(1) of Schedule 1 of the Freedom of Information Act.

The information removed pursuant to Clause 1(1)(e) would reveal details of matters considered in Cabinet.

Clause 7(1)(c) states:

“7 – Documents affecting business affairs

(1) A document is an exempt document –

(c) if it contains matter –

(i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and

(ii) the disclosure of which –

(A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and

(B) would, on balance, be contrary to the public interest”

The information removed pursuant to Clause 7(1)(c) relates to a business proposal.

In addressing the public interest test requirement for the Clause 7 exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- Protecting the commercial and business interests of third parties.

- The recent age of the documents and the ongoing relevance of the matters was considered.
- The need to protect the disclosure of proposals submitted to the State Government prior to full consideration.
- The release of this information would discourage the organisations concerned and other third parties from engaging with the State Government to the detriment of the betterment of South Australia.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Clause 9(1) states:

“9—Internal working documents

(1) A document is an exempt document if it contains matter—

(a) that relates to -

(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or

(ii) any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and

(b) the disclosure of which would, on balance, be contrary to the public interest.”

The material removed pursuant to Clause 9(1) consists of information for decision-making purposes.

In addressing the public interest test for the Clause 9 exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- The recent age of the information was considered and the continuing relevance of the matters.
- Confidentiality of such matters must be maintained for internal decision-making purposes.
- Disclosure of this information may compromise the manner in which information is communicated and gathered for the decision-making processes of Government. If such processes were unable to be undertaken without fear of premature release, this would jeopardise the way in which the Government seeks input for decision-making purposes.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 4

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
8	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 07/04/2023 re National Water Grid Authority – SA Lead	4
8a	Minute from Minister for Primary Industries and Regional Development to Deputy Premier dated 26/04/2023 re National Water Grid Authority – SA Lead	3

The information removed from the above documents is pursuant to Clause 1(1)(e) and Clause 9(1) of Schedule 1 of the Freedom of Information Act.

The information removed pursuant to Clause 1(1)(e) would reveal details of matters considered in Cabinet.

The material removed pursuant to Clause 9(1) consists of information for decision-making purposes.

In addressing the public interest test for the Clause 9 exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- The recent age of the information was considered and the continuing relevance of the matters.
- Confidentiality of such matters must be maintained for internal decision-making purposes.
- Disclosure of this information may compromise the manner in which information is communicated and gathered for the decision-making processes of Government. If such processes were unable to be undertaken without fear of premature release, this would jeopardise the way in which the Government seeks input for decision-making purposes.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 5

I have determined that access to the following document is **granted in part**:

Doc No.	Description of document	No. of Pages
12a	Letter from Minister for Primary Industries and Regional Development to Minister for the Environment and Water dated 24/05/2023 re responsibility change for the National Water Grid Fund	1

The information removed from the above document is pursuant to Clause 6(1) of Schedule 1 of the Freedom of Information Act.

“6 - Documents affecting personal affairs

(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).”

The information removed consists of the telephone number of a Departmental staff member.

Accordingly, it is considered that disclosure of this information would be an unreasonable intrusion into the privacy rights of the individual concerned.

Determination 6

I have determined that access to the following documents is **granted in part**:

Doc No.	Description of document	No. of Pages
4a	Letter from Minister for Primary Industries and Regional Development dated 14/03/2023 re recycled water solution	1
4b	Letter from Chief Executive, Department of Treasury and Finance dated 11/04/2022 re South Australia’s Unsolicited Proposals	17
4c	Letter from Under Treasurer dated 16/01/2023 re recycled water option for Clare, Eden and Barossa Valleys	1
4d	Letter from Under Treasurer dated 16/01/2023 re business proposal	2

The information removed from the above documents is pursuant to Clause 7(1)(c) of Schedule 1 of the Freedom of Information Act.

The information removed consists of:

- the names, addresses and email addresses of applicants of a project proposal
- business proposal details

In addressing the public interest test requirement for the Clause 7(1)(c) exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- Protecting the commercial and business interests of third parties.
- The recent age of the documents and the ongoing relevance of the matters was considered.
- The need to protect the disclosure of proposals submitted to the State Government prior to full consideration.
- The release of this information would discourage the organisations concerned and other third parties from engaging with PIRSA to the detriment of the betterment of South Australia.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of this information would, on balance, be contrary to the public interest.

Determination 7

I have determined that access to the following document is **refused**:

Doc No.	Description of document	No. of Pages
13b	Attachment to Document 13 – Draft Cabinet Note	4

Access to the above document is refused pursuant to Clause 1(1)(b) of Schedule 1 of the Freedom of Information Act which states:

“1 – Cabinet documents

(1) A document is an exempt document –

(b) if it is a preliminary draft of a document referred to in paragraph (a);”

The document consists of a preliminary draft of a proposed Cabinet Note (whether or not it had been submitted to Cabinet).

Determination 8

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
13	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 10/05/2023 re Cabinet matter	7
13a	Attachment to Document 13 – Minute from Minister for Primary Industries and Regional Development to Minister for Climate, Environment and Water dated 30/5/2023	2
13c	Attachment to Document 13 – Document relating to Cabinet Note	3
13d	Attachment to Document 13 – Document relating to Cabinet Note	462

Access to the above documents is refused pursuant to Clause 1(1)(e) of Schedule 1 of the Freedom of Information Act.

The release of these documents would reveal detail of a matter considered in Cabinet.

Determination 9

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
1	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 19/01/2023	3
2	Minute from Minister for Primary Industries and Regional Development to Treasurer dated 21/01/2023	26
4	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 20/02/2023	4
6	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 08/03/2023	28
9	Minute from Chief Executive, Department of Primary Industries and Regions to Minister for Primary Industries and Regional Development dated 21/04/2023	9

Access to the above documents is refused pursuant to Clause 7(1)(c) of Schedule 1 of the Freedom of Information Act.

The documents contain details relating to business proposals.

In addressing the public interest test requirement for the Clause 7(1)(c) exemption, I have balanced the following factors:

In favour of the public interest:

- Meeting the objects of the Act favouring access to documents.
- Ensuring optimal use of public resources.
- High level of interest in the accountability of public office holders.
- The importance of transparency and openness and the interest that the public has in the decision-making processes of Government.

Contrary to the public interest:

- Protecting the commercial and business interests of third parties.
- The recent age of the documents and the ongoing relevance of the matters was considered.
- The need to protect the disclosure of proposals submitted to the State Government prior to full consideration.
- The release of this information would discourage the organisations concerned and other third parties from engaging with PIRSA to the detriment of the betterment of South Australia.

Having considered the various factors weighing for and against disclosure, I have determined that disclosure of these documents would, on balance, be contrary to the public interest.

Determination 10

I have determined that access to the following documents is **refused**:

Doc No.	Description of document	No. of Pages
14	Parliamentary Briefing Note dated 25/01/2023	3
15	Parliamentary Briefing Note dated 30/01/2023	3
16	Parliamentary Briefing Note dated 24/03/2023	5
17	Parliamentary Briefing Note dated 30/01/2023	2
18	Parliamentary Briefing Note dated 25/01/2023	3
19	Parliamentary Briefing Note dated 29/05/2023	10

Access to the above documents is refused pursuant to Clause 17(c) of Schedule 1 of the Freedom of Information Act which states:

“17 – Documents subject to contempt etc

*A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown –
(c) infringe the privilege of Parliament.”*

The documents consist of briefing notes which were specifically prepared for the purpose of use in proceedings in Parliament. Disclosure of this information would infringe the privilege of Parliament.

If you are unhappy with this determination you are entitled to exercise your rights of external review with the Ombudsman SA. Alternatively, you can apply to the South Australian Civil and Administrative Tribunal (SACAT). If you wish to seek a review, you must do so within 30 calendar days of receiving this internal review determination.

For more information about seeking a review or appeal, please contact the Ombudsman SA on telephone (08) 8226 8699 or SACAT on 1800 723 767.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the document to which you are given access, will be published in the disclosure log on the [PIRSA website](https://www.pirsa.sa.gov.au). A copy of PC045 can be found at

http://dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf.

Should you require further information or clarification with respect to this matter, please contact Ms Rachael Colegate on 8226 2931 or email: Minister.Scriven@sa.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "Clare Scriven". The signature is written in a cursive style with a small dot above the 'i' in Scriven.

Hon Clare Scriven MLC
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

26/7 / 2023



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198680

For	Noting
Critical Date	16 February 2023 date proposed by Martin Ferguson for a meeting with you, the Minister for Climate, Environment and Water and Treasurer
Subject	Letter from Hon Martin Ferguson – Clare Valley Water Preliminary Business Case (meeting request)

Synopsis

Hon Martin Ferguson AM provides feedback to you in relation the Clare Valley Water Preliminary Business Case and is also seeking a meeting with you, the Minister for Climate, Environment and Water, and Treasurer regarding the Clare Valley Water Project Preliminary Business Case and to discuss water security projects.

Recommendations

That you:

- Note the brief.

NOTED

.....

Hon Clare Scriven MLC

**Minister for Primary Industries
 and Regional Development**

Minister for Forest Industries

/ / 2023

Ministerial Comments -

Background

- PIRSA has been working closely with the Clare Valley Wine and Grape Association (CVWGA) over the past 18 months to deliver the Clare Valley Water Project and associated Preliminary Business Case (CV PBC). The CV PBC has investigated water supply and delivery options to provide security for existing and new Clare Valley water users. The aim is to increase reliability and overall productivity for Clare Valley primary producers.
- The development of the CV PBC is overseen by a Project Reference Group (PRG) comprising PIRSA (co-Chair) and Clare Valley Wine and Grape Association (co-Chair), Department of Treasury and Finance (DTF), Department for Environment and Water (DEW), SA Water and BDO as an independent probity advisor.
- Kellogg, Brown and Root Pty Ltd (KBR) were engaged to develop the Preliminary Business Case (PBC) exploring demand for water, economic and commercial viability, and options for supply and delivery of new water to the Clare Valley.
- The CVWGA has engaged with its Water-Sub-Committee at various points in the development of the CV PBC, specifically seeking feedback on the draft PBC.
- At its meeting on 15 December 2022, the CVWGA Board considered recommendations by its Water Sub-Committee and endorsed to:
 - Engage with State and Federal Government to explore options for cost effective, multi-regional approach to recycled water use
 - Review outcomes of BNW Project and any synergies; and
 - Clause 7(1)(c) [REDACTED]

Discussion

- Hon Martin Ferguson outlines in his letter:
 - A preference by Clare Valley water users for a climate independent and resilient and sustainable water supply and concerns that the shortlisted options in the CV PBC maintain reliance of the River Murray.
 - The next step should be to fully investigate a multi-regional recycled water option (prior to proceeding with a DBC). However, the River Murray options can be revisited should the recycled water investigations prove unable to deliver the preferred outcome in a commercially viable manner.
 - The CV PBC should be released publicly to ensure visibility of the report to CVWGA members.
- The CV PBC provides four options for further investigation:
 - An upgrade of the Clare Valley Water Supply Scheme (CVWSS)
 - Bundaleer Reservoir with supplemented supply
 - A climate independent option such as recycled water from Bolivar
 - Lower cost Clare Valley Water Supply Scheme upgrades (such as enhanced storage).

- Based on demand, affordability, funding and economic assessments the upgrade of the CVWSS and the Bundaleer Reservoir with supplemented supply provided a Benefit Cost Ratio greater than 1 and were preferred.
- The climate independent option such as recycled water from Bolivar was included due to local support. The Preliminary Business Case found this option to have a Benefit Cost Ratio of between 0.4 and 0.6. Other factors in the business case would need to change significantly for this to be greater than 1.0 in future assessments. These include decisions regarding the Barossa New Water Project and any synergies with a Clare Valley solution.
- The lower cost option of augmentation of the existing CVWSS with community storage and non-infrastructure options may offer a refined, affordable short term solution but requires further analysis.
- Any further development of options for Clare, Barossa and Eden Valleys must be undertaken consistent with the State Government's policy regarding the Murray Darling strategies and plans. Additionally, there are a number of other business cases underway or completed that have been funded by the National Water Grid Fund (NWGF). These include Northern Water Supply Project and McLaren Vale Irrigation Water Security Project. A strategic approach to securing future funding from the NWGF is required to ensure the best outcomes are delivered for South Australia.

Clause 7(1)(c)

Clause 7(1)(c)

- PIRSA anticipates a final Clare Valley PBC will be submitted by KBR in late January 2023, and it will be provided to you for consideration of next steps. PIRSA will work with your office to determine the preferred approach for taking the PBC to Government for consideration. This will require alignment with consideration of the Barossa New Water Project Detailed Business Case. Through this process Government agencies including SA Water can formally respond to the Preliminary Business Case and its key findings.
- It is recommended that the public release of the final CV PBC occurs following Cabinet consideration, which would complete the formal process and will provide direction on next steps.

Stakeholder / regional impacts, consultation and engagement

Clause 9(1)

- The CVWGA has an important role in the CV Water Project and if it proceeds to a Detailed Business Case, a community engagement strategy will be developed consistent with probity protocols, that facilitates timely and effective communication with the local community and other stakeholders.

Legislative and/or financial implications

Clause 1(1)(e)



for

CHIEF EXECUTIVE

Department of Primary Industries and Regions

20/1/2023

CONTACT	Peter Appleford
POSITION	Executive Director
DIVISION	SARDI and Major Programs
MOBILE and LANDLINE	0412 797 720
Cleared by	Julie Wedderburn, Manager

eA198885



Government
of South Australia

The Hon Clare Scriven MLC

Clause 7(1)(c)

Clause 7(1)(c)

Dear Clause 7(1)(c)

Thank you for your recent correspondence to the Premier regarding a recycled water solution for the Barossa and beyond, and your offer to share your proposal with the Premier at his convenience. As this falls within my portfolio responsibilities the Premier has asked me to respond to you on his behalf.

To enable the Government to consider your proposal in detail and provide advice on whether it wishes to consider the initiative further, I would encourage you to lodge a formal unsolicited proposal in line with the unsolicited proposal guidelines which are available here:

<https://www.treasury.sa.gov.au/Growing-South-Australia/unsolicited-proposals>

The unsolicited proposals process is in place to ensure all unsolicited proposals are treated in a transparent and consistent manner. Without a formal submission by Clause 7(1)(c) it is not possible for the Government to further progress the proposal at this time. Once you submit your proposal through the unsolicited proposals process, the Department of Treasury and Finance, together with advice from relevant agencies can assess the details of your proposal and provide advice to the Government for its consideration.

I hope this provides a clear pathway for you progress your proposal further.

Once again, thank you for writing to the Premier on this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read "C.M. Scriven".

Hon Clare Scriven MLC
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

14/3 / 2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries
GPO Box 1671 Adelaide SA 5001
Telephone 08 8226 2931 | Email minister.scriven@sa.gov.au





Ref: T&F20/0422
Doc: A2327936

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://www.treasury.sa.gov.au
19 040 349 865

Clause 7(1)(c)

Clause 7(1)(c)

To ensure the government's assessment process is transparent and protects the intellectual property rights of applicants, the attached guidelines have been developed.

If you would like additional information on the Unsolicited Proposal process, we recommend initially making contact with Brad Gay – Executive Director, Commercial and Economics Branch via email to DTFUnsolicitedProposals@sa.gov.au.

The Department of Treasury and Finance's website also provides relevant information, and can be accessed via the following address - <https://www.treasury.sa.gov.au/Growing-South-Australia/unsolicited-proposals>

OFFICIAL

- 2 -

I appreciate the time and effort you have put into writing to us about the proposed scheme and we note the South Australian Government's willingness to work with the private sector to identify new and innovative ways to drive our state's development.

Yours sincerely



Rick Persse
CHIEF EXECUTIVE
DEPARTMENT OF TREASURY AND FINANCE

// April 2022

cc:
Att: Guideline for the Assessment of Unsolicited Proposals

OFFICIAL

Guidelines for Assessment of Unsolicited Proposals



Government of South Australia
Department of Treasury
and Finance

Department of Treasury and Finance

State Administration Centre

200 Victoria Square

Adelaide SA 5000

www.treasury.sa.gov.au

Telephone: 8429 0586

Email: DTFUnsolicitedProposals@sa.gov.au

Last updated September 2018

South Australia acknowledges the input from other jurisdictions in the compilation of these Guidelines.

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1 Treasurer's Statement

The South Australian Government has a sharp focus on two overriding objectives – economic and job growth and efficient delivery of key services to families and businesses.

It is our priority to encourage much greater cooperation between the public, private and non-government sectors in the pursuit of these objectives. We want to partner with businesses and not-for-profit bodies to deliver efficiently the most needed services and support a diverse and thriving economy in innovative ways.

In most cases traditional government procurement processes will support the best value for money solutions to meet our objectives, but we also wish to encourage good ideas to be brought forward when the private and community sector see opportunities to create jobs and improve public services that are not being addressed through these processes.

These guidelines formalise the government's framework for unsolicited proposals. We are committed to maintaining a clear and transparent process which gives proponents certainty that their intellectual property will be protected. This includes the following information contained in this document:

- The assessment criteria listed in Section 5 which includes:
 - Community need/government priority;
 - Uniqueness of the proposal;
 - No competing proposals;
 - Value for money;
 - Capacity and capability of the proponent.

- The Process steps listed in section 6 which includes;
 - Application and investigations;
 - Exclusive negotiations and business case;
 - Contract negotiations.

The government is committed to delivering more jobs, lower costs and better services for South Australians. It looks forward to receiving innovative ideas to meet our collective goals.

Proposals are to be lodged online at www.treasury.sa.gov.au/Growing-South-Australia/unsolicited-proposals.

2 What is an Unsolicited Proposal?

An unsolicited proposal originates from a private entity (either for profit or not-for-profit) that does not fit into existing procurement processes and is submitted without formally being requested by the government.

All requests for financial support should be raised directly with the relevant government agency.

The minimum financial thresholds to qualify as an unsolicited proposal under these Guidelines are:

- \$3 million for infrastructure projects; or
- \$1 million for non-infrastructure projects.

These thresholds refer to the value of the transaction with government rather than the total project cost.

The Unsolicited Proposals Committee (Committee) can elect to review any proposal that is below these thresholds but will generally refer them directly to the relevant agency for further consideration as part of standard government business, outside of the Unsolicited Proposals process.

3 Objectives

The following objectives will guide the government's process for considering unsolicited proposals:

- Ensuring the benefits of the project for South Australians are maximised; and
- Promoting the development of unique innovative ideas by the private and community sector to support economic development, job creation and meeting community needs;
- Ensuring an open, transparent and fair process that involves a high standard of probity and public accountability;
- Ensuring value for money for government is achieved; and
- Ensuring that the private party's Intellectual Property (IP) is respected.

4 Exclusive Negotiations

The government's default position is to request a proposal via a tender process to ensure that the best value for money solution can be competitively identified.

However, the government recognises that circumstances arise where it may be beneficial in dealing exclusively with one party.

The government may, in its absolute discretion, negotiate with a party that presents an unsolicited proposal where the government considers circumstances warrant such an approach (in accordance with the criteria contained in these guidelines).

An exclusive negotiation with a proponent will be solely limited to the proponent for the purposes of developing the specific unsolicited proposal. Moreover, exclusivity will only be granted by the state for a specified period. Proponents should nominate a preferred period of time for exclusivity which the state will consider but is not bound to.

Where the government enters into an exclusive negotiation with a proponent, it retains the right to withdraw its interest or offer at any stage with suitable notice.

Key features of an exclusive negotiation may include:

- It being granted at the government's sole discretion, subject to specific terms and conditions, having regard to the particular characteristics of the proposal;
- The proponent will be responsible for their own costs in developing and lodging the proposal;
- Maximising public value for money and minimising public risk will always be prioritised when assessing and dealing with such proposals;
- All correspondence and communication with the respondent will be kept confidential, subject to freedom of information or public accountability requirements.

The government will not be precluded from engaging with other parties during the application and investigation step of proposals. This will enable the government to ascertain whether there are competing proposals and the potential for alternative value for money propositions.

During a period of exclusive negotiation, the government will not grant similar rights to the proponent of another proposal relating to substantially the same subject matter of the negotiations.

These Guidelines do not negate or vary the need for proposals to comply with other relevant government policies including the government's Industry Participation Policy.

5 Criteria for Assessing Whether to Enter into Exclusive Negotiations

In order for the government to enter into exclusive negotiations, the proponent's proposal must satisfactorily meet the following criteria.

5.1 Community Need/Government Priority

Proponents should demonstrate how their proposal will create additional economic activity and jobs, or meet unmet community needs, and how it assists with the achievement of the government's strategic priorities.

5.2 Uniqueness of the Proposal

The proponent will need to demonstrate the unique aspects of their proposal – for example:

- Can this proposal be readily delivered by competitors? – if so, what advantage is to be gained from the government entering into exclusive negotiations with the proponent?
- Are there genuine intellectual property rights, without which the proposal could not proceed to implementation (e.g. software or technology)?
- Does the proponent have ownership of strategic assets such as contractual rights or real property that would place it in a unique position to deliver the aims of the proposal, and which other parties could not deliver? or
- Does the proponent's proposal have other demonstrably unique elements or innovative ideas that are not able to be delivered by another party within acceptable timeframes?

5.3 No Competing Proposals

The government will assess whether the subject matter of unsolicited proposal is already covered by an existing or planned procurement process.

5.4 Value for Money

The proponent should:

- Clearly identify what is being sought from government to facilitate the project;
- Demonstrate that the proposal is fairly and sustainably priced relative to comparable projects;
- Demonstrate that the proposal involves an acceptable and optimal sharing of costs and risks between the government and the proponent;
- Demonstrate that the proposal will meet acceptable commercial and industry standards.

The government will also consider whether the benefits of the proposal will outweigh the costs of any government support. The proponent should articulate what they consider to be the benefits to South Australians of the proposal.

5.5 Capacity and Capability of the Proponent

The proponent will need to demonstrate it has the capacity and capability to deliver the proposal. Information will need to be provided regarding the proponents' relevant commercial and trading history, financial capacity and its experience in delivering similar projects. The proponent must also demonstrate that it has the technical competencies to successfully deliver the project. The proponent should provide information regarding any reliance on third parties.

6 Process for Consideration of Unsolicited Proposals

Three Step Process

The formal process involves three steps.

Where the government assesses that a proposal does not meet the criteria at any step of the process, it reserves the right to go to market, end the proposal consideration process or withdraw from exclusive negotiations. If the government does go to market, it will respect any intellectual property owned by the proponent.

6.1 Step 1: Application and Investigation Step

The initial step allows a proponent to lodge an unsolicited proposal, which enables the Committee to form a view as to whether further consideration of the unsolicited proposal is warranted.

A proposal should contain details of:

- how it addresses the criteria outlined in section five of these guidelines;
- exactly what the proponent is requesting of government (i.e. land, planning assistance, access to infrastructure);
- in the case of requests for access to land, details of the land parcel and current ownership.

The preferred tool to enable land parcel identification is the Department of Planning, Transport and Infrastructure's Property Location Browser, a free online mapping tool available here: www.sa.gov.au/topics/planning-and-property/buying-a-home-or-property/researching-a-property/property-location-browser

The proposal must be lodged using the online form, available at www.treasury.sa.gov.au/Growing-South-Australia/unsolicited-proposals.

This step will not involve negotiation of the proposal. That opportunity will arise at later steps.

The Committee will seek to ensure that the first step of the process takes no more than 45 days (commencing from when the Committee has determined that sufficient information has been provided by the proponent).

To assist the proponent in clarifying whether they meet criteria in Section 5 of these guidelines prior to undertaking further work, proponents may seek a pre-lodgement meeting with at least one member of the Committee and a member of the Department of Treasury and Finance Unsolicited Proposals Team. This is meant to help the proponent develop a proposal that addresses the criteria, and identify other requirements prior to committing significant resources to the development of the proposal.

Prior to the pre-lodgement meeting, the proponent should provide a short summary of the proposal to be provided that specifies what is being requested of government, at the time of requesting the meeting.

Notwithstanding any feedback provided at, or following, the pre-lodgement meeting, the proponent may lodge an unsolicited proposal. The proponent will be notified in writing of receipt of the proposal and if a meeting occurs, a record of the meeting in writing.

In making their determination, the Committee may consult with other government agencies, seeking their input on the assessment of the proposal.

If the Committee assesses that the proposal meets the criteria and should proceed to exclusive negotiations and the development of a business case, this advice will be prepared for Cabinet's

consideration and endorsement. The Committee's assessment does not in any way bind Cabinet in assessing the merits of each proposal.

Where Cabinet endorses projects to advance to this next step, proponents will be provided with:

- Feedback (if any) that the Committee wishes to provide;
- The proposed process for further development and consideration of the policy proposal, including governance arrangements;
- Advice regarding any requirements, additional matters or limitations the government requires to be included or further developed as part of the proposal, including in relation to price, scope, quality and risk factors.

Generally, the government seeks to publish brief details of all unsolicited proposals that progress to the next step on www.treasury.sa.gov.au/Growing-South-Australia/unsolicited-proposals. However, in some cases, proponents may request that proposals are not listed, if this would pose significant risks to commercial confidentiality, commercial negotiations or intellectual property. The government will consider the request but reserves the right to publish the names of proponents at any time.

If the Committee recommends the proposal not be accepted, the proponent will be notified of this outcome in writing, by the Chair. This may include advice that the proposal is not suitable for further consideration on an exclusive basis, however may instead form the basis of a competitive bidding process.

6.2 Step 2: Exclusive Negotiations and Business Case

This step involves detailed consideration of the feasibility of the proposal.

During this step it is expected that the proponent will develop a detailed proposal and undertake any required public consultation necessary to address the criteria as set out in Section 5 while also addressing any issues or questions raised by the Committee.

During this step the government may seek further input from relevant agencies or a third party, request further information and arrange meetings with proponents with an aim to better understand the requirements, terms and conditions, and financial impacts and economic benefits of the proposal.

The relevant Industry Participation Plan (IPP) for the contract value should be submitted and scored by the Office of the Industry Advocate at this step to assist in determining the economic benefit to the state.

Once the assessment process of the business case is complete, advice will be prepared for Cabinet and the government will provide a response to the proponent, outlining;

- The outcome of the assessment step;
- Whether the proposal is suitable to proceed to Contract Negotiation and the appropriate justification;
- Whether the proposal is not suitable for further consideration on an exclusive basis however may still warrant a competitive bidding process;
- That the proposal is not suitable for further consideration and is now closed.

6.3 Step 3: Contract Negotiation

The contract negotiation step allows the government and the proponent to negotiate final legal and commercial terms then prepare and execute formal project documentation.

Key steps of this step may include:

1. Advise the proponent of the process and protocols for the development of the final contract;
2. Government may seek legal, financial and technical advice on finalising the unsolicited proposal;
3. Final negotiations between the government and the proponent;
4. Formal contract management documentation prepared based on the final negotiations, noting key milestones/objectives;
5. Proposal presented to Cabinet to seek Cabinet approval;
6. Advise proponent of the government's final decision.

At the conclusion of the Contract Negotiation process, the government has four options:

1. Agree to the terms included in the contractual documentation and approve formal documentation to be executed;
2. Agree to the contractual documentation, with specific alternative conditions;
3. Do not agree to the contractual documentation but pursue the proposal through an alternative arrangement, for example a competitive process (should this occur, government agencies will take appropriate steps not to disclose or use any intellectual property provided by the proponent);
4. Do not agree to the contractual documentation and conclude the unsolicited proposal assessment process.

Where an unsolicited proposal has been accepted by the government, the relevant agency should take appropriate steps to ensure that the government's obligations and relevant steps under the terms of the agreement are met. This may include collaboration with other agencies where necessary.

7 Probity Framework

Probity principles and protocols may be established when dealing with proponents to ensure:

- That decisions are made through the approved frameworks and are capable of withstanding objective and independent scrutiny;
- That decisions deliver the best outcomes for government;
- That public service integrity is maintained;
- Commercially sensitive and confidential information is protected;
- That any perceived conflict of interest, bias and/or misconduct is eliminated.

8 General Terms and Conditions

The government may take into account any other factors or considerations that it considers relevant to the assessment of an unsolicited proposal, including any that may arise as a consequence of the nature and content of the proposal, of applicable government policy or strategy and of pertaining economic, social, legal or other events or state of affairs.

8.1 No Legal Relationship

By making an unsolicited proposal, a proponent acknowledges as follows:

- No contract exists or will be implied between the state and a proponent unless and until suitable documentation is executed with the state;
- The state has no contractual or other legal obligation to the proponent with respect to the consideration, the evaluation, the acceptance or the rejection of any submission or the failure to consider, evaluate or accept any submission.

8.2 Freedom of Information

The Freedom of Information Act 1991 (FOI Act) applies to the information provided by a proponent in its submission. Proponents should note that the FOI Act allows members of the public rights of access to documents of the state and any state participants. Any information that is commercially sensitive or confidential must be marked "commercial and confidential". This special notation must not be used unless the information is genuinely confidential. Proponents should be aware that a claim of commercial sensitivity or confidentiality does not of itself exempt information from disclosure under the FOI Act.

8.3 Probity

A proponent must not offer any incentive to, or otherwise attempt to, influence any person who is either directly or indirectly involved in an assessment or negotiation process. If the state determines that a proponent has violated this condition, the state may, in its sole and absolute discretion, disqualify the relevant proponent's submission from further consideration.

8.4 Change in Circumstance

Proponents must inform the state promptly in writing of any material change to any of the information contained in the proponent's submission, and of any material change in circumstance that may affect the truth, completeness or accuracy of any information provided in, or in connection with, the submission.

8.5 Costs

All risk and costs of preparing, lodging, developing and negotiating a proposal are to be borne by the proponent.

No proponent will have any recourse against the state in relation to the state's decision to not proceed with a proposal under these Guidelines.

8.6 Reliance on Information

By lodging a submission, the proponent warrants and represents to the state that the information contained in its submission is true, accurate and complete as at the date on which it is lodged, and may be relied upon by the state in its assessment.

8.7 Conflict of Interest

The proponents shall:

- Declare any actual or potential conflict of interest of any proponent participant;
- Comply with all laws in force in South Australia, including the *Australian Competition and Consumer Act 2010*;
- Not make any news releases or responses to media enquiries and questions pertaining to this process without the state's written approval.

8.8 Other Rights

The state reserves the right, in its sole and absolute discretion, at any time during the process to:

- Require additional information from a proponent;
- Perform security and/or financial checks and procedures in relation to each proponent and each party with an interest in the proponent;
- Change its requirements, including, at any stage, adding to or amending the information, terms, procedures, evaluation process and protocols set out in these Guidelines;
- Change the basis on which proponents may, or are required to, participate in the process;
- Publish the names of proponents;
- Clarify any aspect of a proposal;
- Discontinue negotiations at any time with any proponent;
- Subsequently initiate any other procurement process for the same or similar requirements;
- Seek the advice of external consultants to assist the state in the evaluation or review of responses;
- Make enquiries of any person, company, organisation or consortium to ascertain information about the proposal, the proponent and any matter related to the response;
- Revert or change to public sector delivery of the project; or
- Allow a proponent to change its submission.

8.9 Acceptance of a Proposal

The state is not obliged to accept any proposal.

No acceptance of a response nor any invitation to negotiate or to make an offer will be effective to constitute a contract or to create any legitimate expectation on the part of the proponent unless a formal written contract is executed by both parties.

8.10 No Contract or Estoppel

No contracts, contractual rights, estoppels or expectations, express or implied, shall arise, or be deemed to arise, out of the process set out in these Guidelines.

8.11 Committee

The current composition of the Committee can be found at www.treasury.sa.gov.au/Growing-South-Australia/unsolicited-proposals.

9 Appendix 1 – Unsolicited Proposals Process Flowchart

Application and Investigation

Application and Investigation	
Proponent	Government
<p>Actions</p> <ul style="list-style-type: none"> Submit proposal electronically through online form at: www.treasury.sa.gov.au/Growing-South-Australia/unsolicited-proposals. 	<p>Outcomes</p> <ul style="list-style-type: none"> Proceed with proposal and enter into exclusive negotiation. OR Not suitable for further consideration and is now closed. OR Proposal may form the basis of a competitive bidding process. OR Low risk proposals may be referred to relevant agencies
<p>Government</p> <ul style="list-style-type: none"> Initial meeting with at least one Unsolicited Proposals Committee member and a member of the Department of Treasury and Finance if requested. Determine if sufficient information has been provided by the proponent. Committee to evaluate proposal against the Assessment Criteria. Committee to engage relevant agencies where necessary. Advise Cabinet whether the proposal meets the assessment criteria and whether to proceed to the next step. Advise proponent of decision. 	

Exclusive Negotiations and Business Case

Exclusive Negotiations and Business Case	
Proponent	Government
<p>Actions</p> <ul style="list-style-type: none"> Submit detailed proposal including business case. Provide additional information as requested. Be available to meet and liaise with the government. 	<p>Outcomes</p> <ul style="list-style-type: none"> Proceed with proposal and enter into exclusive negotiation to negotiate final legal and commercial terms. OR Not suitable for further consideration and is now closed. OR Proposal may form the basis of a competitive bidding process.
<p>Government</p> <ul style="list-style-type: none"> Brief details of the proposal published on website. Develop key terms and information requirements of the arrangement. Advise proponent of process, governance arrangements, limitations (price, scope, risk) for strategic negotiations. Assess the business case and feasibility. Request any additional information from the proponent. Prepare a detailed report to Cabinet advising of the detailed proposal. Advise proponent of outcome. 	

Contract Negotiation

Contract Negotiation	
Proponent	Government
<p>Actions</p> <ul style="list-style-type: none"> Negotiate legal and commercial terms. 	<p>Outcomes</p> <ul style="list-style-type: none"> Parties accept the final binding offer. OR Parties accept the final binding offer with specific conditions. OR Do not accept the final binding offer but pursue the unsolicited proposal through an alternative arrangement, e.g. competitive tender process. OR Do not accept the final binding offer and conclude the assessment.
<p>Government</p> <ul style="list-style-type: none"> Develop process and protocols with proponent for negotiations. Complete comprehensive assessment of the final binding offer and execute formal project documentation. Proposal presented to Cabinet for approval. Advise proponent of government's final decision. 	

*Note: The government retains the right to terminate exclusive negotiations in order to either go to market, or to withdraw its interest or offer at any stage with notice.



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Clause 7(1)(c)

By email to: Clause 7(1)(c)

Clause 7(1)(c)

I refer to your letter of 15 November 2022 in relation to a recycled water option for Clare, Eden and Barossa Valleys.

Clause 7(1)(c)

has written to the Department of Treasury and Finance on the 11 November 2022 on a similar matter.

As you know, I wrote to you on 11 April 2022, attaching the *Guidelines for Assessment of Unsolicited Proposals* ("the Guidelines"). The Unsolicited Proposals process is in place to ensure all unsolicited proposals are treated in a transparent and consistent manner and all submissions are put to Cabinet.

Clause 7(1)(c)

I have corresponded separately through Mr Fraser, encouraging Clause 7(1)(c) submit its proposal. The Department of Treasury and Finance, together with relevant agencies, can then assess the details of the VineSecure project and provide advice to the Government for its consideration.

I hope this provides a clear pathway for you progress your proposal further.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'RP' followed by a long horizontal stroke.

Rick Persse
UNDER TREASURER

16 January 2023



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Clause 7(1)(c)

Clause 7(1)(c)

Dear Mr Clause 7(1)(c),

I refer to your letter dated 11 November 2022, Clause 7(1)(c)

Clause 7(1)(c)

I understand you have had pre-lodgement meetings with DTF on 6 June 2022 and 11 August 2022. At the August meeting, DTF facilitated attendance by the Department of Environment and Water executive team responsible for the policy and management of water resources in South Australia. I understand you received officer-level feedback that:

- it will be important for your consortium to demonstrate that the proposal has unique characteristics as part of the unsolicited proposal process;
- a market reform program involving the acquisition and re-sale of water entitlements is not a policy priority of the Department of Environment and Water and is therefore unlikely to meet the criteria for government priority; and
- to receive formal decision on the above, and to proceed into a bilateral negotiation with the State, a proposal needs to be lodged and assessed by the Unsolicited Proposals Committee, and subsequently considered by Cabinet, per the process contained in the Guidelines.

To enable the Government to consider your proposal in detail and provide advice on whether it wishes to consider the initiative further, I would encourage you to lodge a formal unsolicited proposal in line with the guidelines as soon as possible.

While I understand that you are keen for the Department of Treasury and Finance to take a more proactive approach to your project, the unsolicited proposals process is in place to ensure all unsolicited proposals are treated in a transparent and consistent manner. Without a formal submission by Clause 7(1)(c)s Clause 7(1)(c) k Clause 7(1)(c) it is not possible for the Department to further progress the proposal at this time.

OFFICIAL

- 2 -

The Department of Treasury and Finance, together with relevant agencies, can then assess **Clause 7(1)(c)** through the Unsolicited Proposals process and provide advice to the Government for its consideration.

I hope this provides a clear pathway for you progress your proposal further.

Yours sincerely



Rick Persse
UNDER TREASURER

16 January 2023

OFFICIAL



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA198917

For	Signature
Critical Date	Nil
Subject	BAUM, Anna – CO of Clare Valley Wine and Grape Association – Water and Spray Drift

Synopsis

You met with Hon Martin Ferguson AM and Ms Anna Baum on 17 February 2023 to discuss Clare Valley Water Project and spray drift. Anna Baum has submitted a write up of discussion and is seeking clarification on a number of matters that were discussed including in relation to spray drift. A draft response has been prepared.

Recommendations

That you:

1. Sign the attached letter to Hon Martin Ferguson.

SIGNED / NOT SIGNED

.....
Hon Clare Scriven MLC
**Minister for Primary Industries
and Regional Development**
Minister for Forest Industries
/ / 2023

Ministerial Comments -

Background

- PIRSA has been working closely with the Clare Valley Wine and Grape Association (CVWGA) over the past 18 months to deliver the Clare Valley Water Project and associated Preliminary Business Case (CV PBC). The CV PBC has investigated water supply and delivery options to provide security for existing and new Clare Valley water users. The aim is to increase reliability and overall productivity for Clare Valley primary producers.
- On 17 February 2023 you met with the Chairperson and Executive Officer of the CVWGA (Hon Martin Ferguson and Anna Baum respectively) to discuss Clare Valley Water Project. Specific matters CVWGA is seeking clarification on post meeting include:

1. **Clause 1(1)(e)** [Redacted]

Clause 9(1) [Redacted]

- A draft response has been prepared for your consideration.

Discussion

- In regard to the Clare Valley PBS, at the meeting with CVWGA it was conveyed to Hon Martin Ferguson and Ms Anna Baum that:

o **Clause 1(1)(e)** [Redacted]

Clause 9(1) [Redacted]

o **Clause 7(1)(c)** [Redacted]

Clause 9(1) [Redacted]

• **Clause 1(1)(e)** [Redacted]

Clause 1(1)(e)
[Redacted]

Clause 1(1)(e)
[Redacted]

Clause 9(1)
[Redacted]

Clause 9(1)
[Redacted]

- A subsequent meeting occurred with the Executive Director Biosecurity to further discuss these options. The response indicates that the Department will continue to work on a range of strategies to address the spray drift issue and will keep the CVWGA informed of what activities they are undertaking.

Attachments

A. Draft letter – CVWGA



for

CHIEF EXECUTIVE
Department of Primary Industries and Regions

8/3/2023

CONTACT	Peter Appleford
POSITION	Executive Director
DIVISION	SARDI and Major Programs
MOBILE and LANDLINE	0412797720
Cleared by	Becky Houston, General Manager Major Programs

MINUTES forming ENCLOSURE to:

WAT23/00052

TO: MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT

RE: NATIONAL WATER GRID AUTHORITY – SA LEAD

I write regarding the current portfolio arrangements for dealing with the National Water Grid Authority (NWGA) in South Australia.

As you will be aware, the NWGA is the Australian Government agency responsible for investing in Australia's next generation water infrastructure to increase Australia's water security and climate resilience. On 1 July 2022 the NWGA became part of the Commonwealth Department of Climate Change, Energy, the Environment and Water and was transferred to the ministerial portfolio of Hon Tanya Plibersek, Minister for the Environment and Water.

Under the leadership of Minister Plibersek, the NWGA has now broadened its investment framework to allow increased funding for a broader range of projects, including climate resilience and essential town water supplies in regional and remote communities.

The NWGA has specifically committed \$150 million across four years to support First Nations' water infrastructure and provide safe and reliable water for remote and regional Indigenous communities. This is to support Closing the Gap commitments on access to safe and reliable water for First Nations communities.

Given these changes within the Australian Government, I am proposing that lead responsibility for engaging with the NWGA in South Australia be transferred from the Primary Industries and Regions portfolio to the Climate, Environment and Water portfolio. This would mirror the approach being taken at the national level and create a number of synergies and related administrative efficiencies.

If you are supportive of this proposed approach, then I would suggest that the Department for Environment and Water (DEW) take the whole-of-government lead on all future proposals to the NWGA from South Australia. Subject to you indicating your support for this proposal, I will write to Minister Plibersek to confirm these arrangements. The Department of Primary Industries and Regions (PIRSA) would of course remain responsible for finalising any NWGA projects for which it is responsible.

I am advised that this proposal has been discussed with and is supported by the Chief Executives of DEW, PIRSA, SA Water and Infrastructure SA if approved at the Ministerial level.



Hon Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water

24/3 / 2023



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries



Ref: eA199092

For	Approval and Signature
Critical Date	Nil
Subject	National Water Grid Authority – SA Lead

Synopsis

The Deputy Premier has written to you proposing lead responsibility for engaging with the National Water Grid Authority is transferred from Department of Primary Industries and Regions (PIRSA) to Department for Environment and Water (DEW). A draft briefing to the Deputy Premier has been prepared.

Recommendations

That you:

- Note the brief.
NOTED
- Sign the attached briefing (**Attachment A**) to the Deputy Premier advising of your support for the transfer of National Water Grid Fund responsibilities to DEW, subject to no resources being attached.

SIGNED / NOT SIGNED

Hon Clare Scriven MLC

**Minister for Primary Industries
 and Regional Development**

Minister for Forest Industries

26/4 / 2023

Clause 1(1)(e)



Background

- The Minister for Primary Industries and Regional Development is currently the South Australian signatory to the *Federation Funding Agreement (FFA) - Infrastructure Schedule* for projects funded under the National Water Grid Fund (NWGF).
- The Minister for Primary Industries and Regional Development is also the responsible Minister for *Schedule B National Water Infrastructure Fund – Capital Component* comprising three projects:
 - Coolanie Water Scheme and McLaren Vale Storage - completed

Clause 9(1)

- Current South Australian projects underway or recently completed are summarised in **Attachment B** comprising Business Cases, Small Infrastructure Water Projects and Science Projects.
- The Commonwealth Minister for Environment and Water is the responsible Minister at the Commonwealth level.
- The NWGF is supported by the *National Water Grid Investment Framework* which sets the strategic objectives, investment principles, and eligibility criteria that guides investment in nationally significant water infrastructure. In October 2022, the Commonwealth Government revised the National Water Grid Investment Framework with a broadened scope (refer eA198364(2)). Notable changes included an additional principle which increases the prominence of engagement with First Nations communities in project development, and three new strategic objectives:
 - Provide safe and reliable water for regional and remote communities
 - Generate public benefit through responsible investment in water infrastructure for productive use
 - Build resilient water infrastructure that is environmentally sustainable and culturally responsive.
- Given this broadening of scope, the Deputy Premier is proposing lead responsibility for engaging with the National Water Grid Authority is transferred from PIRSA to DEW. The Commonwealth has confirmed that once a decision has been made by South Australia, the Deputy Premier should write the National Water Grid Authority which would then require an amendment to the FFA.

Discussion

- Currently, PIRSA is responsible for the overall leadership, administration and governance arrangements with the NWGF in South Australia. This includes managing project funding agreements and the water infrastructure investment policy framework across government.
- PIRSA's role includes supporting business investment opportunities where project proponents are seeking Commonwealth funding or State Government support to facilitate water infrastructure projects to increase agricultural growth and production (and now with broader remit for safe and reliable water for regional and remote communities). This may include proposals for Business Case development, Infrastructure projects and Science projects.

- Each year the Commonwealth seeks to understand the funding demand driven by the National Water Grid Fund remit and the priorities of each jurisdiction and to understand the need for water infrastructure to support community water.
 - Each year PIRSA coordinates input from other agencies regarding the NWGF Proposal Prioritisation and Forward Outlook, and identify priority projects
 - Similarly, each year PIRSA leads the identification and development of new Science Project proposals – a recent call was made with three new projects proposed (refer A5784897).
- The Commonwealth recently sought an understanding from states and territories of potential projects relating to the broadened National Water Grid Fund remit to provide safe and reliable water for regional and remote communities. Discussions with the Commonwealth continue, with PIRSA engaging with other agencies in particular SA Water and DEW to understand potential pipeline and facilitate discussions with the Commonwealth.
- There are no set timeframes to submit funding proposals to the Commonwealth as they are happy to receive funding proposals at any time during the year. However, construction proposal projects are accepted for consideration twice yearly to align with the Budget and Midyear Economic Fiscal Outlook (MYEFO) cycles.
- PIRSA works with proponents to ensure project proposals adequately address the Commonwealth requirements. Depending on the nature of the funding proposals, PIRSA prepares Cabinet Submissions or Cabinet Notes as required.
- Under the proposed arrangements to transfer the lead responsibilities for engaging with the NWGA from PIRSA to DEW, it is proposed that the following arrangements PIRSA will continue to manage:
 - SA Connections Funding Pathway Package of projects – 7 projects with majority to be completed by 30 December 2023.
 - Memorandum of Administrative Arrangement with SA Water to deliver the McLaren Vale Irrigation Water Security Project – current completion date is 31 March 2023 however this will need to be extended.
 - Three Science Projects currently underway – various completion dates.
- It is proposed all other functions will be transferred to DEW including:
 - NWGF Proposal Prioritisation and Forward Outlook.
 - Leading all new funding proposals seeking Commonwealth investment including preparation of Cabinet Submissions etc.
 - All milestone reporting responsibilities to the Commonwealth.
 - Managing all new science project proposals and projects (refer A5784897)

Clause 9(1)

- Recently, the Commonwealth has confirmed their acceptance of all milestones for Barossa New Water Project, Eden Valley Raw Water Scheme and Clare Valley Water Supply Preliminary Business Case. Therefore, it is appropriate that DEW takes the lead on finalising Government responses and next steps in relation to these

Business Cases.

Clause 1(1)(e)

Clause 1(1)(e)

- PIRSA is happy to work collaboratively with DEW. This includes on projects or project proposals to generate public benefit through responsible investment in water infrastructure for productive use – improving water access, quality and security for agricultural, primary industry and industrial use to support regional economic growth and development.
- PIRSA continues to have a strong interest in the NWGA Science Program to provide an evidence base to inform water infrastructure investment decisions, and supports a close collaborative relationship to continue under these proposed new arrangements.

Legislative and/or financial implications

- Current lead responsibilities are being undertaken by PIRSA have no associated resources attached and is therefore a cost pressure to PIRSA.
- Any transfer of responsibilities from PIRSA to DEW are subject to no resources being attached.

Attachments

- A. Draft Minute to Deputy Premier
- B. NWGF – Current projects – business cases, small water projects and science projects



CHIEF EXECUTIVE

Department of Primary Industries and Regions

7/4/2023

CONTACT	Peter Appleford
POSITION	Executive Director
DIVISION	SARDI and Major Programs
MOBILE and LANDLINE	0412797720
Cleared by	Becky Houston, General Manager



Government
of South Australia

The Hon Clare Scriven MLC

MINUTE forming ENCLOSURE to

eA199092

TO: DEPUTY PREMIER

SUBJECT: NATIONAL WATER GRID AUTHORITY – SA LEAD

I write regarding your proposal (WAT23/00052) to transfer lead responsibility for engaging with the National Water Grid Authority from Department of Primary Industries and Regions (PIRSA) to Department for Environment and Water (DEW).

Currently, PIRSA is responsible for the overall leadership, administration and governance arrangements with the National Water Grid Fund in South Australia. This includes managing project funding agreements and the water infrastructure investment policy framework across government. I am supportive of your proposed approach to transfer these responsibilities to DEW however, please note there are no resources attached.

It is proposed that PIRSA continue to manage the following projects:

- SA Connections Funding Pathway Package of projects – 7 projects with majority to be completed by 30 December 2023.
- McLaren Vale Irrigation Water Security Project – manage the Memorandum of Administrative Arrangement with SA Water
- Three Science Projects currently underway.

It is proposed that the key functions transferred to DEW include:

- NWGF Proposal Prioritisation and Forward Outlook
- Leading all new funding proposals seeking Commonwealth investment including preparation of Cabinet Submissions and briefings
- All milestone reporting responsibilities to the Commonwealth
- Managing all new science project proposals and projects

Minister for Primary Industries and Regional Development
Minister for Forest Industries

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- Northern Adelaide Irrigation Scheme – once the outcomes of the current review are known and Government position finalised, liaise with Commonwealth regarding final milestones and associated \$8 million of remaining Commonwealth funding currently allocated.

The Commonwealth has confirmed their acceptance of all milestones for Barossa New Water Project, Eden Valley Raw Water Scheme and Clare Valley Water Supply Preliminary Business Case. Therefore, it is also proposed that DEW lead on preparation of Government responses and next steps in relation to these Business Cases.

Clause 1(1)(e)

PIRSA will continue to work collaboratively with DEW. This includes on projects or project proposals to generate public benefit through responsible investment in water infrastructure for productive use – Clause 9(1)

Clause 9(1)

Clare Scriven

Hon Clare Scriven MLC
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

26 / 4 / 2023

Clause 1(1)(e)



Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries



Ref: eA199326

For	Signature
Critical Date	Nil
Subject	Revised National Water Grid Fund Schedule to the Federation Funding Agreement – Infrastructure – issued 4 May 2023

Synopsis

The Hon Tanya Plibersek has written to you seeking your signature for the revised *National Water Grid Fund Schedule to the Federation Funding Agreement – Infrastructure*. The revisions are required due to three Connections Pathway projects that aren't proceeding plus milestone date changes to the three Science Projects. As the Deputy Premier and Minister for Climate, Environment, and Water is assuming lead responsibilities for National Water Grid Fund a briefing has been prepared to enable you to request her signature.

Recommendations

That you:

- Note the brief
NOTED
- Sign the attached briefing (Attachment A) to the Deputy Premier and Minister for Climate, Environment and Water requesting signature on the revised *National Water Grid Fund Schedule to the Federation Funding Agreement – Infrastructure*.

SIGNED / NOT SIGNED

Hon Clare Scriven MLC

**Minister for Primary Industries
 and Regional Development**

Minister for Forest Industries

24/5 / 2023

Ministerial Comments -

Background

- The Hon Tanya Plibersek wrote to you on 4 May 2023 seeking your signature for the revised *National Water Grid Fund Schedule to the Federation Funding Agreement – Infrastructure*. The revisions are required due three Connections Pathway projects that aren't proceeding (*refer eA198364*) plus minor changes to reflect milestone date changes to the three Science Projects.
- On 26 April 2023, you wrote to the Deputy Premier and Minister for Climate, Environment, and Water confirming transfer of responsibilities regarding the National Water Grid Fund (*refer eA199092*). In light of this transfer, it is proposed that the Deputy Premier sign the revised Schedule. A briefing has been prepared to enable you to request the Deputy Premier's signature.
- The Commonwealth has advised the signature block can be amended accordingly and suggesting the Deputy Premier crosses out and hand writes the new details.

Discussion

- Signing the revised *National Water Grid Fund Schedule to the federation Funding Agreement – Infrastructure* is a formality. The attached briefing to the Deputy Premier outlines background to the amendment and requests her signature on the Schedule.
- PIRSA is meeting with DEW officers in the second half of May 2023 to discuss the practicalities of transition. PIRSA will continue to manage the following projects:
 - SA Connections Funding Pathway Package of projects - seven projects with majority to be completed by 30 December 2023.
 - McLaren Vale Irrigation Water Security Project - manage the Memorandum of Administrative Arrangement with SA Water
 - Three Science Projects currently underway.
- Key functions to be transferred to DEW include:
 - NWGF Proposal Prioritisation and Forward Outlook
 - Leading all new funding proposals seeking Commonwealth investment including preparation of Cabinet Submissions and briefings
 - All milestone reporting responsibilities to the Commonwealth
 - Managing all new science project proposals and projects
 - Northern Adelaide Irrigation Scheme - once the outcomes of the current review are known and Government position finalised, liaise with Commonwealth regarding final milestones and associated \$8 million of remaining funds currently allocated to the final milestone deliverables.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None



CHIEF EXECUTIVE

Department of Primary Industries and Regions

15/5/2023

CONTACT	Peter Appleford
POSITION	Executive Director
DIVISION	SARDI and Major Programs
MOBILE and LANDLINE	0412797720
Cleared by	Becky Houston, General Manager



Government
of South Australia

The Hon Clare Scriven MLC

MINUTE forming ENCLOSURE to

eA199326

TO: THE HON SUSAN CLOSE MP, DEPUTY PREMIER

SUBJECT: REVISED NATIONAL WATER GRID FUND SCHEDULE TO THE
FEDERATION FUNDING AGREEMENT (INFRASTRUCTURE)

On 19 January 2023, I advised The Hon Tanya Plibersek that three South Australian Connections Pathway Project Packages will not proceed namely Callington Connection (\$790,930), Project 312 (\$4.44 million) and Seven Point Pork (\$700,000).

Subsequently, The Hon Tanya Plibersek has provided a revised *National Water Grid Fund Schedule to the Federation Funding Agreement – Infrastructure* for signature.

The changes include:

- Removal of three Connections Pathway projects (as above)
- Minor changes to milestone dates for the three Science Projects.

In accordance with our agreement to transfer the lead responsibility for engaging with the National Water Grid Authority, the revised Schedule is provided to you for signature.

Commonwealth officers have advised that given the transfer of responsibilities, the signature block can be amended accordingly by crossing out and hand writing the new details.

A handwritten signature in blue ink that reads 'C. M. Scriven'.

Hon Clare Scriven MLC
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

24 / 5 / 2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries

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Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries

Ref: eA199337

For	Signature
Critical Date	Nil
Subject	PLIBERSEK, Tanya - Funding for the National Water Grid Fund



Synopsis

The Honourable Tanya Plibersek has written to you (with a copy to the Deputy Premier) providing an update on the *National Water Grid Fund* following the release of the 2023-24 Federal Budget and confirming funding for two new science projects. As the Deputy Premier and Minister for Climate, Environment, and Water is assuming lead responsibilities for National Water Grid Fund matters a briefing has been prepared.

Recommendations

That you:

- Note the brief
NOTED
- Sign the attached briefing to the Deputy Premier and Minister for Climate, Environment and Water.

SIGNED / NOT SIGNED

C. M. Scriven

Hon Clare Scriven MLC

**Minister for Primary Industries
and Regional Development**

Minister for Forest Industries

22/5 / 2023

Ministerial Comments -

Background

- Hon Tanya Plibersek wrote to you on 9 May 2023 providing an update on the *National Water Grid Fund* following the release of the 2023-24 Federal Budget and confirming funding for two new science projects:
 - \$1.9 million to the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Groundwater Quantity and Quality Investigations Science Project
 - \$0.25 million to the Self-Supplied Remote Communities Groundwater Quality Assessment Science Project.
- Hon Tanya Plibersek has confirmed funding for the NWGF until at least 2033-34, \$150 million set aside within the NWGF for water infrastructure for First Nations regional and remote communities, \$3.5 million in the First Nations Environmental Water Partnerships Pilot Program (as part of implementation of Murray Darling Basin Plan), and \$32.7 million investment in Murray-Darling Basin water markets.
- Hon Tanya Plibersek welcomes advice regarding construction of the second stage of the Northern Adelaide Irrigation Scheme (NAIS) by 31 July 2023 to support future investment decision making.
- As the Deputy Premier and Minister for Climate, Environment, and Water is assuming lead responsibilities for National Water Grid Fund matters a briefing has been prepared to enable you to brief her.

Discussion

- DEW will lead the delivery of Self-Supplied Remote Communities Groundwater Quality Assessment Science Project in conjunction with Flinders University.
- The APY Lands project will be delivered by Flinders University in collaboration with the South Australian Research and Development Institute (SARDI).
- PIRSA is meeting with DEW officers in the second half of May 2023 to discuss the practicalities of transitional arrangements regarding responsibility for the NWGF.
- PIRSA will continue to manage the following projects:
 - SA Connections Funding Pathway Package of projects - 7 projects with majority to be completed by 30 December 2023.
 - McLaren Vale Irrigation Water Security Project - manage the Memorandum of Administrative Arrangement with SA Water
 - Three Science Projects currently underway.
- Key functions to be transferred to DEW include:
 - NWGF Proposal Prioritisation and Forward Outlook
 - Leading all new funding proposals seeking Commonwealth investment including preparation of Cabinet Submissions and briefings
 - All milestone reporting responsibilities to the Commonwealth
 - Managing all new science project proposals and projects
 - NAIS - once the outcomes of the current review are known and Government position finalised, liaise with Commonwealth regarding final milestones and associated \$8 million of remaining funds currently allocated to the final milestone deliverables.

- In relation to the current review of NAIS, SA Water released a draft report on 11 April 2023 and this was shared at an officer level with the National Water Grid Authority. It is understood that SA Water will provide a final report to the South Australian Government, and that Cabinet will consider the final report including next steps by 30 June 2023.
- Based on the draft review report it is assumed that SA Water will not want to progress with NAIS Stage 1B investment. If Government is supportive of not progressing, the remaining \$8 million of Commonwealth funding allocated under the NWGF for capital works would not be required. South Australia should seek to repurpose this funding if possible and provide advice to the Commonwealth as soon possible.
- Once the government position in relation to the NAIS review is formalised, the Deputy Premier will be in a position to provide an update to the National Water Grid Authority accordingly.
- It is important that PIRSA continue to work collaboratively with the Department for Environment and Water on water related projects. This includes on projects or project proposals to generate public benefit through responsible investment in water infrastructure for productive use – improving water access, quality and security for agricultural, primary industry and industrial use to support regional economic growth and development.
- PIRSA continues to have a strong interest in the NWGA Science Program to provide an evidence base to inform water infrastructure investment decisions and supports a close collaborative working relationship to continue under these new arrangements.

Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None



CHIEF EXECUTIVE

Department of Primary Industries and Regions

15/5/2023

CONTACT	Peter Appleford
POSITION	Executive Director
DIVISION	SARDI and Major Programs
MOBILE and LANDLINE	0412797720
Cleared by	Becky Houston, General Manager



Government
of South Australia

The Hon Clare Scriven MLC

MINUTE forming ENCLOSURE to

eA199337

TO: DEPUTY PREMIER

SUBJECT: FUNDING FOR THE NATIONAL WATER GRID FUND

On 9 May 2023, the Hon Tanya Plibersek MP wrote to me providing an update on the National Water Grid Fund (NWGF) following the release of the 2023-24 Federal Budget. I understand a copy of the letter has been provided to you.

The Minister has confirmed NWGF funding for two new science projects:

- \$1.9 million to the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands Groundwater Quantity and Quality Investigations Science Project
- \$0.25 million to the Self-Supplied Remote Communities Groundwater Quality Assessment Science Project.

In accordance with our agreement to transfer the lead responsibility for engaging with the National Water Grid Authority, I recommend that you respond to the Minister to formally advise of the change in responsibility.

Clause 1(1)(e)

PIRSA will continue to work collaboratively with the Department for Environment and Water on water related projects. This includes on projects or project proposals to generate public benefit through responsible investment in water infrastructure for productive use – improving water access, quality and security for agricultural, primary industry and industrial use to support regional economic growth and development.

Minister for Primary Industries and Regional Development
Minister for Forest Industries

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PIRSA continues to have a strong interest in the NWGA Science Program to provide an evidence base to inform water infrastructure investment decisions and supports a close collaborative working relationship to continue under these new arrangements.



Hon Clare Scriven MLC

**MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES**

22/5 / 2023

Minute to
Minister for Primary Industries and Regional Development
Minister for Forest Industries



Ref: A5865582

For	Signature
Critical Date	Nil
Subject	Hon. Tanya PLIBERSEK National Water Grid Fund - Change in responsible

Synopsis

The Deputy Premier and Minister for Climate, Environment, and Water has assumed the lead responsibilities for National Water Grid Fund matters. A draft letter has been prepared to enable you to advise the Hon. Tanya Plibersek MP accordingly.

Recommendations

That you:

1. Sign the attached letter to Hon. Tanya Plibersek MP advising of the change in lead responsibilities for National Water Grid Fund matters.

SIGNED / NOT SIGNED


 Hon Clare Scriven MLC
**Minister for Primary Industries
 and Regional Development**
Minister for Forest Industries
 24 / 5 / 2023

Ministerial Comments -

Background

- On 26 April 2023, you wrote to the Deputy Premier and Minister for Climate, Environment, and Water confirming transfer of responsibilities regarding the National Water Grid Fund (*refer eA199092*). Your office has requested a draft letter to enable you to advise the Hon. Tanya Plibersek accordingly.
- A draft letter has been prepared for your consideration.

Discussion

- The draft letter acknowledges the broadened remit of the National Water Grid Fund to deliver a broad set of benefits such as environmental, water access and security for regional and remote communities, water for primary production and other sectors. South Australia will continue to proactively identify projects or project proposals to generate public benefit through responsible investment in water infrastructure.
- PIRSA continues to have a strong interest in improving water access, quality and security for agricultural, primary industry and industrial use to support regional economic growth and development.
- PIRSA continues to have a strong interest in the National Water Grid Authority (NWGA) Science Program to provide an evidence base to inform water infrastructure investment decisions and supports a close collaborative working relationship to continue under these new arrangements.
- PIRSA has requested a meeting with DEW officers for the second half of May 2023 to discuss the practicalities of transition. PIRSA will continue to manage the following projects:
 - SA Connections Funding Pathway Package of projects - seven projects with majority to be completed by 30 December 2023.
 - McLaren Vale Irrigation Water Security Project - manage the Memorandum of Administrative Arrangement with SA Water
 - Three Science Projects currently underway.
- Key functions to be transferred to DEW include:
 - NWGF Proposal Prioritisation and Forward Outlook
 - Leading all new funding proposals seeking Commonwealth investment including preparation of Cabinet Submissions and briefings
 - All milestone reporting responsibilities to the Commonwealth
 - Managing all new science project proposals and projects

Clause 1(1)(e)



Stakeholder / regional impacts, consultation and engagement

- Nil

Management of key risks

- Nil

Legislative and/or financial implications

- None

Attachments

A. Draft letter to Hon. Tanya Plibersek



A/CHIEF EXECUTIVE

Department of Primary Industries and Regions

19/5/2023

CONTACT	Peter Appleford
POSITION	Executive Director
DIVISION	SARDI and Major Programs
MOBILE and LANDLINE	0412797720
Cleared by	Becky Houston, General Manager

eA199391

Government
of South Australia

The Hon Clare Scriven MLC

The Hon Tanya Plibersek MP
Minister for the Environment and Water
PO BOX 6022
House of Representatives
CANBERRA ACT 2600

Dear Minister

I am writing to advise you of changes in lead responsibility in relation to the National Water Grid Fund (NWGF).

The Hon Susan Close MP, Deputy Premier and Minister for Climate, Environment, and Water has assumed responsibilities for the National Water Grid Fund and associated schedules including the *National Water Grid Fund Schedule to the Federation Funding Agreement – Infrastructure* and *Schedule B National Water Infrastructure Development Fund - Capital Component*.

The broadened remit of the NWGF provides enhanced opportunities to deliver benefits such as environmental, water access and security for regional and remote communities, water for primary production and other sectors.

South Australia will continue to proactively identify projects or project proposals to generate public benefit through responsible investment. This includes improving water access, quality and security for agricultural, primary industry and industrial use to support regional economic growth and development, and establishing a strong evidence base through the National Water Grid Authority Science Program.

Should your officials wish to discuss this further, please contact Julie Wedderburn, Manager, Water, AgTech and Major Programs via email at Julie.wedderburn2@sa.gov.au or phone on (Clause 6(1))

Yours sincerely

A handwritten signature in blue ink that reads 'Clare Scriven' with a flourish at the end.

Hon Clare Scriven MLC
MINISTER FOR PRIMARY INDUSTRIES AND REGIONAL DEVELOPMENT
MINISTER FOR FOREST INDUSTRIES

24 / 5 / 2023

Minister for Primary Industries and Regional Development
Minister for Forest Industries

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