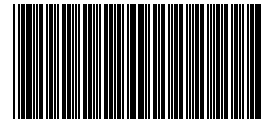




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## Defence to Amended Statement of Claim

### COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Common Law General
Registry	Supreme Court Sydney
Case number	2019/00150651

### TITLE OF PROCEEDINGS

First Plaintiff	Doyle's Farm Produce Pty Ltd atf Claredale Family Trust ACN 119734539
Second Plaintiff	John Gerard Doyle
Number of Plaintiffs	5
First Defendant	Murray Darling Basin Authority ABN 13679821382

### FILING DETAILS

Filed for	Murray Darling Basin Authority, Defendant 1
Legal representative	John Pavlakis
Legal representative reference	
Telephone	9258 6000
Your reference	1000 045 233

### ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Defence to Amended Statement of Claim (Points of Defence (Final)).pdf)

[attach.]

Form 7A (version 5)  
UCPR 14.3

## POINTS OF DEFENCE

### COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Common Law General
Registry	Sydney
Case number	2019/00150651

### TITLE OF PROCEEDINGS

First plaintiff	<b>Doyle's Farm Produce Pty Ltd (ACN 119 734 539) as trustee for Claredale Family Trust</b>
Number of plaintiffs	5
First defendant	<b>Murray-Darling Basin Authority</b>
Second defendant	<b>The Commonwealth of Australia</b>

### FILING DETAILS

Filed for	<b>Defendants</b>
Filed in relation to	Plaintiffs' Points of Claim
Legal representative	John Pavlakis, Ashurst
Legal representative reference	1000 045 233
Contact name and telephone	John Pavlakis (02) 9258 6062 / Tess Grieve (02) 9258 5781
Contact email	john.pavlakis@ashurst.com / tess.grieve@ashurst.com

### POINTS OF DEFENCE

- 1 In response to paragraph 1, the Defendants:
  - a. admit sub-paragraph 1(a);
  - b. in respect of sub-paragraph 1(b):
    - i. admit that RyanAG Pty Ltd had, at all material times, a water licence authorising the use of water for the purpose of irrigation, domestic and stock use, dairy use and general non-irrigation farm use, on the land described in sub-paragraph 1(b); and
    - ii. otherwise do not admit sub-paragraph 1(b); and

c. do not admit sub-paragraph 1(c).

2 In response to paragraph 2, the Defendants:

a. admit sub-paragraphs 2(a) and 2(b)(i);

b. in respect of sub-paragraph 2(b)(ii):

i. say that Ryansfield Pty Limited's and Cananea Pty Ltd's ownership of registered water share WEE064127 was recorded on 14 December 2016; and

ii. otherwise deny sub-paragraph 2(b)(ii).

3 In response to paragraph 3, the Defendants:

a. admit sub-paragraph 3(a);

b. in respect of sub-paragraph 3(b):

i. repeat sub-paragraph 2(b) of the Points of Defence; and

ii. otherwise deny sub-paragraph 3(b).

4 The Defendants:

a. say that Evan William Ryan was also a director and a shareholder of RyanAG Pty Ltd from 8 February 2019; and

b. otherwise admit paragraph 4.

5 The Defendants do not admit paragraph 5.

6 The Defendants:

a. admit paragraph 6;

b. say further that the associated water shares for water-use licence WUL017047 are:

i. WEE027483;

ii. WEE032568;

iii. WEE064127;

### **Particulars**

#### *Registered water-use licence WUL017047*

c. water share WEE032568 is a low-reliability water share of 269.8 ML issued under the *Water Act 1989* (Vic) (**Vic Act**) for the Victorian Murray declared water system.

**Particulars***Registered water share WEE032568*

- 7 The Defendants admit paragraph 7.
- 8 In response to paragraph 8, the Defendants:
- a. rely on the full force and effect of section 64GB of the Vic Act; and
  - b. otherwise do not admit paragraph 8.
- 9 The Defendants admit paragraph 9.
- 10 In response to paragraph 10, the Defendants:
- a. rely on clauses 6 and 15 of the *Bulk Entitlement (River Murray – Goulburn-Murray Water) Conversion Order 1999 (Conversion Order)* for their full force and effect;
  - b. say that Goulburn-Murray Water supplies water to high reliability water shareholders as ordered, limited to:
    - i. those respective holders' available share of water in the Victorian Murray declared water system; and
    - ii. any rationing policy applied by Goulburn-Murray Water during the Relevant Period; and
  - c. otherwise deny paragraph 10.
- 11 In response to paragraph 11, the Defendants:
- a. repeat paragraphs 74(b) to 74(d), 74(k) and 77 of the Defence; and
  - b. otherwise deny paragraph 11.
- 12 The Defendants deny paragraph 12.
- 13 The Defendants deny paragraph 13.
- 14 The Defendants:
- a. deny paragraph 14; and
  - b. repeat paragraph 198A of the Defence.
- 15 The Defendants:
- a. deny paragraph 15;
  - b. repeat paragraphs 202 to 204 of the Defence; and
  - c. say further that in respect of the 2019/2020 water year:

- i. it was the third consecutive dry year for the River Murray System;
- ii. many areas across the Murray Darling Basin were affected by prolonged drought;
- iii. three year inflows from November 2017 to November 2019 were within the driest 2% of such periods on record;
- iv. River Murray System inflows for the 2019/2020 water year were 3,762 GL, with well below average inflows during winter, spring and summer; and
- v. December 2019 was the warmest and driest December on record.

#### **Particulars**

*River Murray System Summary of River Operations – 2019-2020 Water Year dated November 2020, <https://www.mdba.gov.au/sites/default/files/pubs/river-murray-system-summary-of-river-operations-2019-20.pdf>*

16 The Defendants deny paragraph 16.