

Name	Jennifer McKay (Professor)
Nationality	Australian
Date of Birth	January 3, 1957
Education	<p>1979 BA (Hons) (University of Melbourne) Geography and Environmental studies</p> <p>1984 Ph D (University of Melbourne) "The role of Information in Community Attitudes to Floodplain Management Policies". Funded by the Australian Water Resources Council</p> <p>1989 LL.B (Adelaide University) Top student in Business Regulation</p> <p>1990 Graduate Diploma in Legal Practice (South Australian Institute of Technology)</p>
Other Training	2003 Leadership Management
Professional Memberships	<p>2003 Senior Management Group and co director Program I planning for Change in the new CRC for Irrigation Futures</p> <p>2003 Appointed to Prime Minister/s Science innovation Engineering Council Working Party on water reuse.</p> <p>2002 Honorary Citizenship of the City of Austin, Texas for work on water management</p> <p>1990 Barrister and Solicitor of the Supreme Court of South Australia and High Court of Australia</p> <p>1995- Part-Time Commissioner of the Environment, Resources and Development Court. Presided over fifteen water resources appeals arising as a result of the Minister for Water Resources rejecting or amending water allocation applications</p> <p>2000- Editor of Water International, International Water Resources Association, USA</p> <p>1997 Award from Australian Water Association for the contribution to society by the 114 legal definitions of water words in the Butterworths Legal dictionaries, 1998</p>
Countries of Work Experience	Australia, UK, USA, India, Singapore
Professional Experience	<p>2002 – Professor of Business Law, School of International Business</p> <p>1998 - Founder and Director: the Water Policy and Law Group</p> <p>1995+ Invitations to Parliaments of SA, Victoria and the Productivity Commission, Industry Commission and various Senate select Committees to provide advise on law reform.</p>

The University of South Australia

- 2000- Deputy Chair, the Academic Board
- 1996-7 Acting Head of the School of Law and Legal Practice
- 1995-6 Research Mentor Faculty of Business and Management staff to foster research culture
- 1995 Working committee revising the University Act of Parliament
- 1992-6 Research Policy Committee Faculty Representative on subcommittees allocating Research Funds and the external Quality Audit process for research policy.
- 2002- Level E (Appointed Professor)
- 1996 Level D (Appointed Associate Professor)
- 1993 Level C (Senior Lecturer)
- 1990 Level B (Lecturer)

Teaching Experience

Developed and Taught a range of subjects at undergraduate and post graduate, including:

- Corporations and Partnership Law;
- Companies and Securities Law;

- Business Ethics and Legal Ethics,
- Corporate Governance and Water Resources Law.

1985-1988 University of Adelaide, Tutor and Research Associate, Department of Economics

1984 James Cook University, Lecturer

1983 University of Melbourne, Tutor

Current Research Grants

- **2003 Australian Centre for International Agricultural Research** project Improving water resources management in India Agriculture. Search for an effective institutional arrangements and policy frameworks
- **2002 ARC Discovery**, *Cost-effective integrated engineering and 'community partnerships' solution to a latent water policy issue: private dam management and flood safety over 3 years*
- **2001ARC SPIRT** *The next generation of water Market policies*
- **2001 Rural Industries Research and Development Corporation** Title *Dam safety policies the way forward.*
- **2000 ARC SPIRT** with Howlett and Boland (Maths) Mulcahy (Chemical Technology). *Water recycling in Mawson Lakes, South Australia*

Previous Research Grants

- **1998 Land and Water Research and Development Corporation** - *Structural adjustments via Water Markets*
- **1998 Rural Industries Research and Development Corporation** *A cost effective spillway design/ review procedure for South Eastern Australia*
- **1995 Land and Water Research and Development Corporation** *Do Water Trade Policies Achieve Environmental Goals?* \$168,000
- **1995 National Landcare** *Non- structural Measures for flood mitigation- current adoption in urban areas* with Smith DI, Handmer J, Switzer M and Williams B VOL 1 188 pages
- 1995 ARC small grant with Dr Chris Provis *Whistleblowers a symptom of value conflict?*

International Consultancies

- **National Science Foundation (USA)** The role of Regional Authorities in floodplain management in Australia
- **Rosenberg Foundation (USA)** Australian Representative for 1997, 1999, 2002
- **UNESCO** Advisor to the Hydrology Environment Life Program - HELP
- **World Bank** for Floodplain Management, Paris
- **Australian Centre for International Agricultural Research (DFAT)**, Managing India's Water Resources; search for New Effective Institutional Arrangements and Framework, with Latrobe University Agricultural Economists and Prof V Gandhi Ahmedabad Centre for Management in Agriculture, Indian Institute of Management. 2002-2004

Australian Consultancies

- **City of Adelaide** (Stormwater)
- **Department of National Resources and Environment, Victoria** (Dam Safety)
- **Emergency Management Australia.** Two activities:
Review Emergency Management laws for institutional service provision
Ways to integrate response agencies.
- **Land and Water Resources Research and Development Corporation** National Rivers
- **Onkaparinga Council**, South Australia (Dam Safety)
- **Department of Environment and Heritage SA** Water Demand Management Incentive Schemes.

Provision of Legal and Law Reform Advice

- 2001 with H Bjornlund called to submit evidence on the operations of rural water markets in Victoria and Dr Pisaniello on dam safety assurance policies
- 2000 Give evidence before SA Parliament Select Committee into Water Resources Act 1997
- 1999 Productivity Commission, evidence on the social impacts of the water reforms as part of the second Tranche assessment of the COAG water reforms Melbourne
- 1994 Submission to Senate Select Committee on Public Interest Whistleblowing published and cited in the main report *In the public Interest*, Senate Printing Unit, Canberra at p212, ISBN 0642 21309
- 1984 With Hatch J and F. Jarrett, Evidence before Royal Commission into Ash Wednesday Bushfires in SA. Gave evidence on planning and development law reform to promote safer housing in bushfire zones.

Ministerial Appointments

- 1997- Ministerial Appointee to the Mt Lofty Regional Catchment Management Board, National Heritage Trust funded and is unique in that it allocates funding the community for on ground works. Appointed as a person with special knowledge of water issues
- 1993-6 Ministerial Appointee (two Ministers) to the State Water Resources Council SA which drafted the first State Water Plan

Commercial Law Practice

- 1988-91 Finlaysons Legal Practice, Adelaide: Full time working in commercial advisory area.
- 1992-93 Finlaysons Legal practice, Adelaide. Part time working in environmental audits and commercial advisory

Publications- Books and Reference works

- 1999 Commissioned to write / hold overall editorial responsibility for the "Water "chapter for Halsbury's Laws of Australia, 180,000 words part published
- 1998 Dictionary definitions of water words commissioned by Butterworths, and published in their Australian Legal Dictionary and the Dictionary of Business and Law.

Chapters in Books

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|--------------------------|------|---|
| McKay JM | 2003 | <i>Marketisation in Australian Freshwater and fisheries Management Regimes in Dovers S and Wild River ed</i> Managing Australia's Environment, Federation Press. |
| McKay and Bjornlund | 2003 | <i>Elements of an institutional framework for the management of water for poverty reduction in developing countries</i> in Water Development and Poverty Reduction, edited by Olcay Unver, Rajiv K Gupta and Avesgul Kibaroglu, published by Kluwer |
| McKay JM | 2003 | <i>Proposal for an International Virtual Water Trading Council: Building institutional frameworks at international level to reduce poverty</i> , in Water Development and Poverty Reduction, edited by Olcay Unver, Rajiv Gupta and Avesgul Kibaroglu, published by Kluwer |
| McKay JM | 2002 | <i>Legal Instruments and regulatory models in privatization of water utilities in Australia</i> , in Bogdanovic S ed Legal aspects of Sustainable Water Resources. WLRI |
| McKay JM | 2002 | Legal issues in water resources planning regimes - lessons from Australia. In Brennan Ed <i>Water Policy Reform: Lessons from Asia and Australia</i> , Australian Centre for International Agricultural Research, publication 106, Canberra. |
| Pisaniello J D, McKay JM | 2000 | 'International Best Practice Safety Assurance Policy and Cost-effective Spillway Design/Review for Small Dams: Protecting Downstream Communities', in Maione and Monti Eds <i>New Trends in Water and Environmental Engineering for Safety and Life: Eco-compatible Solutions for Aquatic Environments</i> , Balkena, Rotterdam, pp 210-224 |
| Bjornlund H, McKay J | 1998 | 'Overcoming the introspective Legacy of Tradeable Water Entitlement Policies in South Eastern Australia.' In Just R. and Netanyahu, S. Eds. <i>Conflict and Cooperation on Trans-Boundary Water Resources</i> . Kluwer Academic Publishers, Natural Resource Management and Policy Series Boston, pp315-332 |

Monographs and reference works

- McKay JM 2002 *Encountering the South Australian landscape: Early European Misconceptions and our present water problems* Hawke Institute Working paper series paper 21.
- Prof G Jones 2001 *Independent Assessment of Jurisdictional Reports on the Environmental Achievements of the COAG Water Reforms*, Technical Report 6/2001 of Cooperative Research Centre for Freshwater Ecology
- Dr John Whittington
A/Prof J McKay
Prof A Arthington
Mr Ian Lawrence
Ms S Cartwright
Prof P Cullen Commissioned by Environment Australia, National Competition Council, Natural Heritage Trust.
- McKay J, joint editor 1985 *The Economics of Bushfires: the South Australian Experience*, Oxford University Press, p154. refs. Reviewed positively in *The International Journal of Environmental Studies*, vol 26, 1986 by Professor D Pearce, *The Macedon Digest*, and still by the Hazard Reduction and Recovery Center at Texas A&M University: a United Nations Center

Selected Articles in Refereed Journals 2003 – 1992

- Halaniak D and McKay J 2003 *How water allocation management plans can help*, *Water*, vol 30
- Pisaniello J and McKay J 2003 *A Farmer friendly Dam Safety Evaluation Procedure as a key part of Modern Australian Water Laws*, *Water International* vol 28 , no 1 March 2003
- McKay J and Hurlimann A 2003 *Attitudes to reclaimed water for domestic use- Part 1* *Age*, *Water* vol 30, no 5, 45-49.
- McKay J 2003 *Who owns's Australia's Water/- elements of an effective regulatory model*, *Water Science and Technology* vol 48, no 7 pp165-172
- Bjornlund and McKay J 2002 *Aspects of water markets for developing countries: experiences from Australia, Chile and the US*, *Environment and Development Economics*, vol 7 p 769-795.
- Bhasin B, McKay J 2002 *Mining law and Policy in Indonesia: reforms of the Contract of work Model to Promote Foreign Direct Investment and Sustainability*, *Australian Mining and Petroleum Law Journal*, vol 21, no 1, pp 77-95
- Pisaniello J McKay J 2002 *A simple and cost effective spillway design/ review tool for farm dam owners*. *Water, Innovations business section*, vol 29, No 1, pp 110-113
- McKay J, Moeller A 2002 *The Status of Drinking Water Quality Reporting, the Precautionary Principle and Public Health in Australia*. *Ethics and Justice*, vol 4, no 1 2002 pp 11-21
- McKay JM, Bhasin B 2001 *Mining Law and Policy in Indonesia, Issues in Current Practice that need Reform* *Journal of Energy and Natural Resource Law*, vol 19 no 4 p301-320
- McKay JM, Moeller A 2001 *Is risk Associated with Drinking Water in Australia of Significant Concern to Justify Mandatory Regulation?* *Environmental Management*, vol 27, no 6
- McKay J, Moeller A 2001 *Duty and Standards of Care for Drinking Water Regulation in Australia*, vol 3 p 127-143. *Environment, Development and Sustainability*
- Bjornlund H, McKay 2001 *Elements of Water Markets for Developing Countries- experiences from Australia, Chile and US*, Special issue of *Journal of Environment and Development Economics*
- McKay J, Bjornlund H, 2001 *Recent Australian water market mechanisms as a component of an environmental policy that can make choices between sustainability and social justice*, *Social Justice Research*, in press. Vol 14 no 4, December 2001, pp385-402
- Pisaniello J D, McKay J, Perera S 2001 *Cost-effective spillway design/review for small dams in Victoria: avoiding dam failure emergencies*, *The Australian Journal of Emergency Management*, vol 15 no 4, pp2-9
- Bjornlund H, McKay J 2001 *Current Issues and Future Directions for Australian Water market Policies*. *Water*, vol 28 (2) pp 74-78.
- McKay J, Moeller A 2000 *Is it Time for a New Model of Water Quality Laws?* *Environmental Planning and Law Journal*, vol 17, no 3, pp165-175

- Moeller A, McKay J 2000 *Is there Power in the Australian Constitution to make Federal Laws for Water Quality?* Environmental and Planning Law Journal, vol 17 no 4 pp 294-307
- McKay J, Moeller A 2000 *Statutory Regulation of Water Quality in Modern Australia - Has It Been Forgotten by the Regulators.* International Water Resources Association, Water International, vol 25, no 4, pp1-15
- Bjornlund H, McKay J 2000 *Do Water Markets Promote a Socially Equitable Reallocation of Water? A Case Study of a Rural Water Market in Victoria, Australia.* Rivers, 7(2), pp139-152
- Pisaniello J D, McKay J 1999 *Cost-effective Private Dam Safety Assurance Policy and Spillway Design/Review,* Water Resources Development, vol 15, no 3, pp261-276
- Pisaniello J D, Argue J R, McKay J 1999 *Flood Capability Design/Review of Dams on Small Catchments. Regionalised Cost-Effective Procedure.* Australian Journal of Water Resources, vol 3, no 2, pp177-183
- Pisaniello J D, McKay J 1999 'Cost-effective Private Dam Safety Assurance Policy and Spillway Design/Review', International Journal of Water Resources Development, Carfax Publishing Company, Oxfordshire, UK, vol 15, no 3, pp261-276
- Bjornlund H, McKay J 1999 Water Markets: Buyers and Sellers perceptions. *Water* 26(2), pp41-45
- Bjornlund H, McKay J 1999 Do Permanent Water Markets Facilitate Farm Adjustment and Structural Change Within Irrigation Communities? *Rural Society* 9(3), pp555-571
- Bjornlund H, McKay J 1998 *Factors affecting water prices in a rural water market: A South Australian experience.* Water Resources Research, vol 34, no 6, pp1563-1570
- Pisaniello J D, McKay J 1998 *The need for private dam safety assurance policy - a demonstrative case study.* Emergency Management Australia, vol 13, no 3, pp45-48
- McKay J 1996 *Public Interest or Improper Use of Information - the Dilemma for the Insider Environmental Whistleblower Australian Business Law Review,* vol 24, pp319-322
- Bjornlund H, McKay J 1996 *Transferable Water Entitlements: Early Lessons from South Australia.* *Water* 23(5), pp39-43
- Bjornlund H, McKay J 1995 *Can Water Trading Achieve Environmental Goals?* *Water* 22 (5), pp 31-34
- McKay J 1994 *Classification of Australian Corporate and Industry Based Codes of Conduct,* International Business Lawyer, pp507-514
- McKay J 1994 *Water Planning in South Australia.* The Australasian journal of Natural Resources law and Policy, vol 1, no 2, pp181-194
- McKay J, Pisaniello J 1994-5 *What must the reasonable private dam owner foresee?* The Macedon Digest (now known as Australian Journal of Emergency Management) vol 9, no 3 pp27-28
- McKay J 1994 *Classification of Australian Corporate and Industry Based Codes of Conduct,* International Business Lawyer vol 22, no 11, pp507-514
- McKay J 1993 *Promoting a Fairer Application of the Rule in L'Estrange v Graucob in the disclosure regime of the Corporations Law,* Companies and Securities Law Journal, vol 11, part 4, pp 259-261

Selected Refereed Conference Papers

- McKay J 2003 *A Hobbes based governance structure to link local, drainage basin and National Policy- Examples for the Australian Federation,* Stockholm International water Symposium
- McKay J 2003 *Overcoming legal obstacles associated with property rights and registration to implement successful water resources planning regimes,* Water Summit, Sydney.
- Hurlimann A McKay J 2003 *Community Attitudes to an innovative Dual water Supply system at Mawson Lakes,* Ozwater Convention Perth Australian Water Association.
- McKay J Halanaik D 2003 *New directions and national leadership in developing water policies in federations - India and Australia experiences.* World Water Congress, Madrid
- Halanaik D, McKay J and Barnett S 2003 *"Cost sharing as a tool in a sustainable groundwater management policies - some international experiences* 2003 World Water Congress, Madrid
- Hurlimann A , McKay J 2003 *"Community attitudes to water recycling in Australia" "* Jennifer McKay and Diwakara Halanaik, 2003 World Water Congress, Madrid

- McKay JM 2002 Avoiding Legal indeterminacy as a response to policy complexity- a new model for the Australian water sector, 4th Australasian Water Law and Policy Conference, Sydney
- McKay JM 2001 The modern Australian history of corporatisation and privatisation of water supplies and irrigation - lessons for the regulators. *Water history - Lessons for the future.* , Institution of Engineers, Engineering Heritage Branch Stormwater Industry Association, History Trust of SA, p87-97
- McKay JM 2001 A Proposal for an International Virtual Water Trading Council - Humanitarian Law in Action to Relieve the Rigours of World Trade and to Facilitate Improvements in Real Water Management in Countries in Transition. Abstract Volume, The 11th Stockholm Water Symposium, p 321-323
- McKay JM 2001 Legal Instruments and regulatory models in privatisation of water utilities in Australia, *Proceedings of Regional International Water Law symposium* in Bosnia, p307-318, International Association for Water Law, Program for Water Law and Policy, Yugoslav Association for Water Law and Institute of Waters.
- Bjornlund H, McKay J 2001 *Environmental Flows and Sustainable Rural Communities: Profitability and Sustainability – Conflict or Coexistence. Proceedings from the 19th Federal Convention of the Australian Water Association*, Canberra, April, 2001
- Bjornlund H, McKay J 2001 *Operational Aspects of Australian Water Markets. Third Australasian Natural resources law Conference - Focus on Water*, Adelaide, March
- Bjornlund H, McKay J 2001 *Operational Mechanisms for the efficient working of water markets – some Australian Experiences. Joint conference of the International Water and Resource Economics Consortium and seminar on Environmental and Resource Economics, Girona Spain*
- McKay J 2000 *Legal Issues in Supply of Reclaimed Water, AWA, First Australian conference on Water Recycling*, pp93-97
- Bjornlund H, McKay J 2000 *Are Water Markets Achieving a More Sustainable Water Use? Proceedings from the Xth World Water Congress, Melbourne, March (this paper is filed on CD ROM)*
- Bjornlund H, McKay J 2000 Problems with NCP Water Market Policies in three Australian States 1995-2000 and Elements of Solutions – The 'Duty Toward Water'. *Proceedings from the 1st Australasian Natural Resources Law and Policy Conference 'Focus on Water'*, Canberra, March, pp179-188
- McKay J 1996 Business approach as a model for Australian Emergency Management Legislation, Natural Disaster Reduction Conference, Australian Academy of Social Sciences