

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment)

Water Resources (Catchment Management Coordination Group) Amendment Bill 2015

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J2014-648

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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(As presented)

(Minister for the Environment)

Water Resources (Catchment Management Coordination Group) Amendment Bill 2015

A Bill for

An Act to amend the *Water Resources Act 2007* and the *Water Resources Regulation 2007*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2014-648

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Water Resources (Catchment Management*
4 *Coordination Group) Amendment Act 2015*.

5 **2 Commencement**

6 This Act commences on the day after its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 **3 Legislation amended**

10 This Act amends the *Water Resources Act 2007* and the *Water*
11 *Resources Regulation 2007*.

1 Part 2 Water Resources Act 2007

2 4 New part 7A

3 *insert*

4 Part 7A ACT and region catchment 5 management coordination group

6 67A Coordination group—establishment

7 The ACT and region catchment management coordination group
8 (the *coordination group*) is established.

9 67B Coordination group—functions

10 (1) The coordination group has the following functions:

11 (a) to advise the Minister on matters relating to water catchment
12 management in the ACT and the Australian capital water
13 catchment region;

14 (b) any other function given to the group under this Act or another
15 territory law.

16 *Note 1* A reference to an Act includes a reference to the statutory
17 instruments made or in force under the Act, including any
18 regulation (see [Legislation Act](#), s 104).

19 *Note 2* A provision of a law that gives an entity a function also gives the
20 entity powers necessary and convenient to exercise the function
21 (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

22 (2) Without limiting subsection (1), the matters on which the
23 coordination group may advise the Minister include the following:

24 (a) priorities for water catchment management in the ACT and the
25 Australian capital catchment region;

- 1 (b) actions or strategies to build partnerships, manage or develop
2 activities and share information with the Commonwealth, a
3 Commonwealth authority, a State or a State agency, including
4 any investment opportunities;
- 5 (c) actions or strategies to improve water catchment health;
- 6 (d) actions or strategies to coordinate investment in relation to
7 water catchment management with the Commonwealth, a
8 Commonwealth authority, a State or a State agency;
- 9 (e) likely impacts of a proposed development or event on water
10 catchment management in the ACT and the Australian capital
11 water catchment region;
- 12 (f) actions or strategies for a proposed development or event to
13 address likely impacts on water catchment management;
- 14 (g) any other matter in relation to water catchment management
15 referred to the group by the Minister.
- 16 (3) In exercising its functions, the coordination group—
- 17 (a) must try to—
- 18 (i) encourage early and effective information sharing
19 between members of the group, and any relevant agency
20 or community group; and
- 21 (ii) raise awareness of catchment management issues to
22 encourage community action in promoting catchment
23 health; and
- 24 (b) must consider—
- 25 (i) any relevant information the group is aware of from the
26 business and community sector; and
- 27 (ii) information available in a report that the Minister
28 requires the group to consider; and

1 (c) may consider any other relevant information.

2 (4) In this section:

3 *area*—see the *Local Government Act 1993* (NSW), dictionary,
4 definition of *area*.

5 *capital water catchment region* means the region made up of areas
6 within the boundaries of the following councils:

7 (a) Cooma-Monaro Shire;

8 (b) Palerang Council;

9 (c) Queanbeyan City Council;

10 (d) Yass Valley Local Government.

11 *council*—see the *Local Government Act 1993* (NSW), dictionary,
12 definition of *council*.

13 **67C Minister to consider coordination group advice**

14 In exercising a function under this Act, the Minister must consider
15 any relevant advice given to the Minister by the coordination group.

16 **67D Annual report by coordination group**

17 (1) For each financial year, the coordination group must prepare a
18 report about the group's activities during the financial year,
19 including any advice given, or recommendations made, to the
20 Minister.

21 (2) The group must give the report to the Minister within 3 months after
22 the end of the financial year.

23 (3) The Minister must, within 21 days after receiving the report, table
24 the following in the Legislative Assembly:

25 (a) the report;

- 1 (b) a statement by the Minister responding to any advice given or
2 recommendations made to the Minister in the group's annual
3 report.
- 4 (4) However, if there are no sitting days during the 21-day period—
- 5 (a) the Minister must give the report and the statement, and a copy
6 of each for each member of the Legislative Assembly, to the
7 Speaker; and
- 8 (b) the report and the statement are taken for all purposes to have
9 been tabled in the Legislative Assembly on the day the
10 Minister gives it to the Speaker (the *report day*); and
- 11 (c) the Speaker must arrange for a copy of the report and a copy of
12 the statement to be given to each member of the Legislative
13 Assembly on the report day; and
- 14 (d) despite paragraph (b), the Speaker must present the report and
15 the statement to the Legislative Assembly on the next sitting
16 day.
- 17 (5) In this section:
- 18 *Speaker* includes—
- 19 (a) if the Speaker is unavailable—the Deputy Speaker; and
- 20 (b) if both the Speaker and the Deputy Speaker are unavailable—
21 the clerk of the Legislative Assembly.
- 22 *unavailable*—the Speaker or Deputy Speaker is *unavailable* if—
- 23 (a) the Speaker or Deputy Speaker is absent from duty; or
- 24 (b) there is a vacancy in the office of Speaker or Deputy Speaker.

1 **67E Coordination group—membership**

- 2 (1) The coordination group is made up of the following members:
- 3 (a) the director-general of the—
- 4 (i) Chief Minister, Treasury and Economic Development
5 Directorate; and
- 6 (ii) Environment and Planning Directorate; and
- 7 (iii) Health Directorate; and
- 8 (iv) Territory and Municipal Services Directorate;
- 9 (b) the commissioner of the ACT Emergency Services Agency;
- 10 (c) a representative of the national capital authority, who is
11 nominated, in writing, by the authority;
- 12 (d) a representative of the New South Wales government agency
13 with responsibility for water catchment management in the
14 Australian capital water catchment region (however described),
15 who is appointed by the Minister;
- 16 (e) a representative of the community's interests in water
17 catchment management, who is appointed by the Minister;
- 18 (f) a chair, who is appointed by the Minister and not otherwise
19 mentioned in this section;
- 20 (g) any other person prescribed by regulation.
- 21 *Note* The group can still function with a vacancy in membership (see
22 [Legislation Act](#), s 199 (5)).
- 23 (2) The Minister must not appoint a person to the group unless satisfied
24 that the person has appropriate knowledge and experience in an area
25 relevant to the operation of this Act.

1 (3) The conditions of appointment of a member under this section are
2 the conditions stated in the appointment, subject to any
3 determination under the *Remuneration Tribunal Act 1995*.

4 (4) The [Legislation Act](#), division 19.3.3 (Appointments—Assembly
5 consultation) does not apply to an appointment under this section.

6 *Note 1* For the making of appointments (including acting appointments), see
7 the [Legislation Act](#), pt 19.3.

8 *Note 2* In particular, a person may be appointed for a particular provision of a
9 law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by
10 naming a person or nominating the occupant of a position (see
11 [Legislation Act](#), s 207).

12 *Note 3* A person may be reappointed to a position if the person is eligible to be
13 appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1,
14 def *appoint*).

15 (5) An appointment is a notifiable instrument.

16 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

17 (6) In this section:

18 *government agency* means a government department (however
19 described) or statutory authority.

20 67F Ending of appointments

21 The Minister may end the appointment of a member of the
22 coordination group—

23 (a) for misbehaviour; or

24 (b) if the member becomes bankrupt or personally insolvent; or

25 *Note* *Bankrupt or personally insolvent*—see the [Legislation Act](#),
26 dictionary, pt 1.

27 (c) if the member is convicted, or found guilty, in Australia of an
28 offence punishable by imprisonment for at least 1 year; or

- 1 (d) if the member is convicted, or found guilty, outside Australia
2 of an offence that, if it had been committed in the ACT, would
3 be punishable by imprisonment for at least 1 year; or
- 4 (e) if the member is absent for 3 consecutive meetings without
5 leave of the chair; or
- 6 (f) for physical or mental incapacity that substantially affects the
7 exercise of the member's functions.

8 *Note* A person's appointment also ends if the person resigns (see [Legislation](#)
9 [Act](#), s 210).

10 **67G Coordination group—general procedure**

- 11 (1) Meetings of the coordination group are to be held when and where it
12 decides.
- 13 (2) The coordination group may conduct its proceedings (including its
14 meetings) as it considers appropriate.

15 **67H Coordination group—quorum at meetings**

16 Business may be carried on at a meeting of the coordination group
17 only if at least 5 members of the group are present.

18 **67I Voting at coordination group meetings**

19 At a meeting of the coordination group, a question is decided by the
20 majority of the votes of the group members present and voting.

21 **67J Reimbursement of expenses for coordination group**
22 **members**

- 23 (1) A member of the coordination group is not entitled to be paid for the
24 exercise of the member's functions.

- 1 (2) However, a member may apply to the director-general for
2 reimbursement of expenses reasonably incurred by the member for
3 the purpose of attending a meeting or otherwise performing a
4 function of the coordination group, subject to any determination
5 under the *Remuneration Tribunal Act 1995*.
- 6 (3) Subsection (2) does not apply to a group member who is a public
7 servant.

8 **5 Dictionary, note 2**

9 *insert*

- 10 • director-general
11 • national capital authority
12 • public employee
13 • public servant

14 **6 Dictionary, new definition of *coordination group***

15 *insert*

16 *coordination group*—see section 67A.

1 **Part 3** **Water Resources**
2 **Regulation 2007**

3 **7** **New section 11**

4 *insert*

5 **11** **Membership of coordination group—Act, s 67E (1) (g)**

6 (1) The following people are prescribed:

7 (a) a representative of the Cooma-Monaro Shire Council, who is
8 nominated by the council;

9 (b) a representative of ICON Water Limited, who is nominated by
10 ICON Water Limited;

11 (c) a representative of the Palerang Council, who is nominated by
12 the council;

13 (d) a representative of the Queanbeyan City Council, who is
14 nominated by the council;

15 (e) a representative of the South East Local Board of the Local
16 Land Services, who is nominated by the board;

17 (f) a representative of the Yass Valley Council, who is nominated
18 by the council.

19 (2) In this section:

20 ***ICON Water Limited*** means the incorporated body registered under
21 the [Corporations Act](#) as ICON Water Limited (ACN 069 381 960).

22 ***Local Land Services*** means the statutory corporation with the
23 corporate name Local Land Services established under the [Local Land](#)
24 [Services Act 2013](#) (NSW), section 8 (Constitution of Local Land
25 Services).

1 ***South East Local Board*** means the Local Land Services local board
2 established under the [Local Land Services Act 2013](#) (NSW),
3 section 27 (Local Boards) for the region described as South East in that
4 [Act](#), schedule 1 (Local Land Services regions).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 June 2015.

2 Notification

Notified under the [Legislation Act](#) on 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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