

2015

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**WATER RESOURCES (CATCHMENT MANAGEMENT COORDINATION
GROUP) AMENDMENT BILL 2015**

EXPLANATORY STATEMENT

**Presented by
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Minister for the Environment**

WATER RESOURCES (CATCHMENT MANAGEMENT COORDINATION GROUP) AMENDMENT BILL 2015

Overview of the Bill

The purpose of the Bill is to establish the ACT and region catchment management coordination group under the *Water Resources Act 2007*. This group is to have an advisory function to the Minister for the Environment.

The Bill will be a new Part, Part 7A, to the *Water Resources Act 2007*. The Bill relates closely to the objects of the *Water Resources Act 2007*. The key object of the *Water Resources Act 2007* is to provide for sustainable management of the water resources of the Territory.

The catchment management group includes representatives from the ACT and the surrounding region. The surrounding region in this case refers to the local government areas of New South Wales. These local government areas in general relate to the water catchment areas that link to and affect the ACT and similarly the ACT has impacts on the nearest New South Wales local government areas.

The function of this group is essentially advisory and to assist on a coordinated basis the catchment management of the ACT and streams that flow into and out of the ACT and hence surrounding New South Wales.

Catchment management deals with the management of the geographic area of a river and all its streams and tributaries that drain or flow into that river system. The Murrumbidgee River flows through the ACT and there are a number of tributaries flow into the ACT or arise from within the ACT. Therefore, the catchment management coordination group entails regional involvement. This area for the purpose of the amendment and hence the role of the coordination is defined as the ACT and the capital water catchment region. It covers:

- (a) Cooma-Monaro Shire;
- (b) Palerang Council;
- (c) Queanbeyan City Council;
- (d) Yass Valley Local Government.

The procedures of the group are the standard or normal procedures provided under ACT legislation.

The Amendment Bill also includes an amendment to the Water Resources Regulation 2007 to cover prescribed membership of the coordination group..

Human rights implications

There are no human rights implications arising from this legislation.

Clause Notes

Part 1 Preliminary matters

Clause 1 Name of Act

The name of the Act is the Water Resources (Catchment Management Coordination Group) Amendment Bill 2015.

Clause 2 Commencement

This clause sets the commencement date for the Act as being the day after its notification.

Clause 3

This clause states that this Act amends the Water Resources Act 2007.

Part 1

Clause 4 creation of a new Part, Part 7A, to the Water Resources Act 2007 and provides for the following clauses in Part 7A.

Part 7A contains the following clauses:

Clause 67A provides for the establishment of the ACT and region catchment management coordination group.

Clause 67B Coordination group - functions

This clause sets out the functions of the coordination group. The ACT and region catchment management coordination group will cover water catchment management in the ACT and capital water catchment region. The capital water catchment region is defined in clause 67B(5) as:

- (a) Cooma-Monaro Shire;
- (b) Palerang Council;
- (c) Queanbeyan City Council;
- (d) Yass Valley Local Government.

Clause 67C states that the Minister must consider any relevant advice given to the Minister by the coordination group.

Clause 67D provides for the preparation of an annual report to the Minister and the requirement for the Minister to table the report in the Legislative Assembly within 21 days of receiving the report and provide a statement responding to any advice given or recommendations made to the Minister in the coordination group's annual report. The clause also covers the situation where there are no sitting days within 21 days after the Minister receives the report. This is a standard procedure for tabling reports.

Clause 67E provides for the membership of the coordination group and where that membership is derived. Subclause 67E (1) provides that the membership of the coordination group is made up of the following members:

- (a) The director general of the-
 - (i) Chief Minister, Treasury and Economic Development; and
 - (ii) Environment and Planning Directorate; and
 - (iii) Territory and Municipal Services Directorate; and
 - (iv) Health Directorate;
- (b) The commissioner of the ACT Emergency Service Agency;
- (c) a representative of the national capital authority, who is nominated in writing by the authority;
- (d) a representative of the New South Wales government agency with responsibility for water catchment management in the capital water catchment region (however described), who is appointed by the Minister;
- (e) a representative of the community's interests in water catchment management, who is appointed by the Minister;
- (f) a chair, who is appointed by the Minister and not otherwise mentioned in this section; and
- (g) any other person prescribed by regulation.

Subclause 67E(2) provides the Minister must not appoint a person to the group unless satisfied that the person has appropriate knowledge and experience in an area relevant to the operation of this Act.

Subclause 67E(3) provides that the conditions of appointment of a member under this section are the conditions stated in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*.

Subclause 67E(4) states that under the Legislation Act, division 19.3.3 (Appointments—Assembly consultation) the Legislative Assembly is not involved in the appointment of the members of the coordination group.

Subclause 67E(5) states that the appointment of a member is a notifiable instrument under the *Legislation Act 2000*.

Clause 67F covers the circumstances where the Minister may end the appointment of a member of the coordination group. One specific circumstance is if a member is absent for 3 consecutive meetings without leave of the chair.

Clause 67G provides for general procedures for the coordination group such that meetings are to be held when and where the coordination group decides.

Clause 67H deals with the quorum requirement for meetings of the coordination group. At least 5 members of the group must be present to carry out the business of the group.

Clause 67I deals with the voting outcomes of the coordination group. At a meeting of the coordination group, a question is decided by the majority of the votes of the coordination group members present and voting.

Clause 67J provides for the reimbursement of expenses for coordination group members.

A member of the coordination group is not entitled to be paid for the exercise of the member's functions. However, a member may apply to the director general for reimbursement of expenses reasonably incurred by the member for the purpose of attending a meeting or otherwise performing a function of the coordination group, subject to any determination under the *Remuneration Tribunal Act 1995*.

If the member of the coordination group is not a public servant then the member is entitled to the reimbursement of expenses as provided under this clause.

Clause 5 refers to the insertion of note 2 to the dictionary.

Clause 6 inserts the definition of "coordination group" in the dictionary and is linked to clause 67A.

Part 2

Clause 7 provides for a new section of the Water Resources Regulation 2007.

A new clause is inserted, clause 11, which provides for the prescription for the membership of the coordination group. Under clause 11 the following people are prescribed:

- (a) a representative of the Cooma-Monaro Council, who is nominated by the council;
- (b) a representative of ICON Water Limited, who is nominated by ICON Water Limited;
- (c) a representative of the Palerang Council, who is nominated by the council;
- (d) a representative of the Queanbeyan City Council, who is nominated by the council;
- (e) a representative of South East Local Land Services, who is appointed by the Minister;
- (f) a representative of the Yass Valley Council, who is nominated by the council.

These members are outside the ACT Government service.

Clause 7 also includes the meaning of ICON Water Limited as the incorporated body registered under the Corporations Act as ICON Water Limited (ACN 069 381 960).