

Natural Resources Commission Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

The following Bills are cognate with this Bill:

Native Vegetation Bill 2003

Catchment Management Authorities Bill 2003

Overview of Bill

The object of this Bill is to establish an independent commission to provide the Government with advice on natural resource management.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 provides that, for the purposes of the proposed Act, **natural resource management** extends to matters relating to the management of natural resources, such as water, native vegetation, salinity, soil, biodiversity, coastal protection and any other matters prescribed by the regulations.

Part 2 Establishment of Natural Resources Commission

Clause 5 provides for the establishment of a Natural Resources Commission and provides that its functions are exercisable by the Commissioner.

Clause 6 provides for the appointment of a Commissioner for the Natural Resources Commission.

Clause 7 permits the Commissioner, with the concurrence of the Minister, to appoint Assistant Commissioners for the Natural Resources Commission.

Clause 8 is a formal provision giving effect to Schedule 1 (Provisions relating to Commissioner and Assistant Commissioners).

Clause 9 makes provision for the employment of staff of the Commission under the *Public Sector Employment and Management Act 2002*.

Clause 10 provides that the Commission is not subject to Ministerial control in respect of the preparation and contents of any advice or recommendation of the Commission.

Part 3 Functions of Natural Resources Commission

Clause 11 provides that the Commission has the general function of providing the Government with independent advice on natural resource management and such other functions as are conferred or imposed on it by or under the proposed Act.

Clause 12 specifies particular functions of the Commission. They include recommending State-wide standards and targets for natural resource management issues, recommending the approval (under the proposed *Catchment Management Authorities Act 2003*) of catchment action plans that are consistent with those standards and promote those targets, undertaking audits of those plans, co-ordinating or undertaking significant natural resource and conservation assessments, undertaking inquiries on natural resource management issues, assisting in the reconciliation of particular complex natural resource management issues, and arranging for information to be gathered and disseminated on natural resource management issues.

Clause 13 provides that the Commission, in exercising its functions, is to have regard to the principles of ecologically sustainable development, to the social

and economic implications of its recommendations and advice and to certain other matters.

Clause 14 provides that the Commission is to provide the Minister with reports on its recommendations, audits, inquiries and advice and to provide annual reports on its work and activities. The Commission is required to make the reports public.

Clause 15 permits the Commission to enter arrangements with any government agency or other body or person for the provision of assistance to the Commission in connection with the exercise of its functions. The Commission may also direct a government agency to provide the Commission with any relevant information held by the agency.

Clause 16 provides that the Commission may delegate its functions.

Part 4 Miscellaneous

Clause 17 provides that the proposed Act binds the Crown.

Clause 18 protects the confidentiality of Cabinet documents and proceedings.

Clause 19 provides that proof of certain matters is not required in legal proceedings unless evidence is given to the contrary.

Clause 20 provides that proceedings for an offence against the proposed Act or the regulations are to be dealt with summarily before a Local Court.

Clause 21 contains the general regulation-making power.

Clause 22 is a formal provision giving effect to Schedule of amendments of other Acts and instruments.

Clause 23 is a formal provision giving effect to Schedule of savings and transitional provisions.

Clause 24 provides for the standard review of the proposed Act.

Schedule 1 Provisions relating to Commissioner and Assistant Commissioners

Schedule 1 contains standard provisions relating to the appointment, terms of office, remuneration, filling of vacancies and personal liability of a Commissioner and Assistant Commissioners.

Schedule 2 Amendment of other Acts and instruments

Schedule 2 contains consequential amendments to other Acts and instruments. In particular, an amendment to the *Public Finance and Audit Act 1983* applies provisions for the auditing of the accounts of the Commission and the submission of annual reports to Parliament.

Schedule 3 Savings, transitional and other provisions

Schedule 3 enables savings and transitional regulations to be made consequent on the enactment of the proposed Act and contains other specific savings and transitional provisions. The Schedule provides for the abolition of existing statutory and administrative advisory bodies on natural resource management (including RACAC, the Healthy Rivers Commission, the Coastal Council, the Water Advisory Council, the Native Vegetation Advisory Council, the Fisheries Resource Conservation and Assessment Council and the State Catchment Management Co-ordinating Committee).