

SNOWY HYDRO CORPORATISATION BILL

Schedule of the amendment referred to in the Legislative Council's Message of 1 November 1997.

No. 1 Page 2, clause 2. Insert after line 7:

- (2) Despite subsection (1), sections 11, 12 and 15-18, Parts 5 - 7, sections 52 - 55 and Schedules 2 and 3 cannot be commenced unless:
 - (a) the States of New South Wales and Victoria enter into an agreement after the final report of the water inquiry under Part 4 on the outcomes of the inquiry (as referred to in section 21), and
 - (b) the agreement is not disapproved by either House of Parliament within 10 sitting days after the tabling of a copy of the agreement in that House by the Minister or, if so disapproved, a subsequent such agreement (being an agreement that either replaces or varies the disapproved agreement) is not disapproved by either House of Parliament within 10 sitting days after the tabling of a copy of the subsequent agreement in that House by the Minister.
- (3) For the purposes of subsection (2):
 - (a) an agreement is taken not to have been so disapproved by a House of Parliament if that House passes a resolution, before the end of the relevant period of 10 sitting days, that it does not propose to disapprove the agreement, and
 - (b) further subsequent agreements may be entered into and tabled if an earlier subsequent agreement is disapproved.

No. 2 Page 16, clause 20 (2), line 22. After "inquiry." insert "For the purposes of this subsection:

- (a) agricultural impacts include the impact of changed water flows on agricultural industries that are dependent on irrigation, and
- (b) environmental impacts include the impact of releases of water from storage that provide environmental flows, being flows in rivers and streams which mimic natural seasonal flows and which restore and maintain the ecology of those rivers and streams."

No. 3 Page 17, clause 20. Insert after line 8:

- (9) The following provisions apply to the inquiry:
 - (a) The Minister is to give notice of the holding of the inquiry and the proposed terms of reference of the inquiry in a newspaper circulating generally throughout the State.

- (b) The Minister is to allow a period of at least 30 days for public comment on the proposed terms of reference and is to have regard to any comment received on them before they are settled.
- (c) The person or persons holding the inquiry are to call for public submissions and hold public hearings with respect to the matters being examined by the inquiry.

No. 4 Page 17, clause 21. Insert after line 13:

- (2) The Minister is to make that final report public at the time it is submitted to the Minister.

No. 5 Page 17, clause 21. Insert after line 19:

- (3) The agreement is to provide for:
 - (a) the initial release of water to the Snowy River for environmental reasons on the issue of the Snowy water licence, and
 - (b) the increased amount of such releases of water following the first review of the Snowy water licence under this Act that will not give the Company an entitlement to compensation under section 30.

No. 6 Page 18, clause 23. Insert after line 32:

The arrangements made by the licence for the release of water are to include an obligation to give notice of the timing and volume of water releases in the manner required by the licence.

No. 7 Page 18, clause 23 (3), line 35. Insert "and, in particular, the licence is to give effect to the provisions of the agreement relating to the initial release of water to the Snowy River for environmental reasons on the issue of the licence" after "Part 4".

No. 8 Page 19, clause 24, lines 16-18. Omit the clause. Insert instead:

24 Term of licence

- (1) The term of the Snowy water licence is to be 75 years.
- (2) Except as provided by an Act:
 - (a) the licence may not be renewed, and
 - (b) a further licence may not be issued (unless it is issued on the revocation of the licence and its term does not exceed the balance of the term of the revoked licence).

No. 9 Page 19, clause 25. Omit the clause.

No. 10 Page 19, clause 26. Insert after line 31:

- (2) The licence must provide for such reviews at the following intervals:
 - (a) after the first 5 years (being a review of the provisions of the licence relating to the initial release of water to the Snowy River for environmental reasons), and
 - (b) at intervals of 10 years thereafter.
- (3) It is the duty of the Water Administration Ministerial Corporation to use its best endeavours to complete that first review, and to give effect to the results of the review, within 6 months after the fifth anniversary of the issue of the licence. For that purpose, the Corporation may commence public consultation on the review before that anniversary.

No. 11 Page 20, clause 27. Insert after line 14:

- (2) The licence may not be varied:
 - (a) before or after the first review of the licence under section 26 (2) (a) - so as to reduce the initial release of water to the Snowy River for environmental reasons as provided in the licence after it is issued, or
 - (b) after that first review - so as to reduce any increased amount of such releases of water to the Snowy River as provided in the licence after the variations made to the licence to give effect to the results of that first review.

No. 12 Page 20. Insert after line 17:

27 Public consultation on review or variation of licence

- (1) The Water Administration Ministerial Corporation is to undertake public consultation in accordance with this section in connection with:
 - (a) any review of the Snowy water licence under section 26, or
 - (b) any variation of the Snowy water licence.
- (2) In order to give the public an opportunity to make submissions, the Water Administration Ministerial Corporation must:
 - (a) exhibit at its Head Office and its regional offices a copy of the provisions under review or the proposed variation, and
 - (b) in the case of a review - also so exhibit a copy of each state of the environment report of the Snowy Scientific Committee under section 57 (4), and
 - (c) allow a period of at least 30 days for public comment, and

- (d) before the matter is exhibited, advertise the dates and places of exhibition and the period allowed for public comment in a newspaper circulating generally throughout the State.
For the purposes of paragraph (b), a copy of a report that is more than 5 years old need not be exhibited if a copy of the report is available on request for inspection at the place of exhibition.
- (3) The Water Administration Ministerial Corporation is also to undertake consultation with the Murray Darling Basin Commission in connection with the matters referred to in subsection (2).

No. 13 Page 21, clause 30. Insert after line 21:

- (b) any variation of the licence following the first review of the obligations under the licence to release water to the Snowy River for environmental reasons (to the extent of any increase in the water so released that does not exceed the increased amount referred to in section 21 (3) (b)), or

No. 14 Page 21, clause 31 (1), lines 26 and 27. Omit "(including any renewed licence)".

No. 15 Page 26, clause 37 (3), lines 21 and 22. Omit all words on those lines. Insert instead:

- (3) The term of the Snowy park lease is to be 75 years.

No. 16 Page 26, clause 37 (4), lines 23-27. Omit all words on those lines.

No. 17 Page 26, clause 37 (5), lines 28 and 29. Omit all words on those lines. Insert instead:

- (5) Except as provided by an Act:
 - (a) the Snowy park lease may not be renewed, and
 - (b) a further lease may not be granted (unless it is granted on the revocation of the lease and its term does not exceed the balance of the term of the revoked lease).

No. 18 Page 28, clause 39 (3), lines 13 and 14. Omit "(and the term of any option for its renewal)".

No. 19 Page 37. Insert after line 8:

57 Snowy Scientific Committee

- (1) There is established by this Act a body corporate with the corporate name of the Snowy Scientific Committee.
- (2) The Committee has the functions conferred or imposed on it by or under this or any other Act.

- (3) The principal functions of the Committee are as follows:
- (a) to advise the Water Administration Ministerial Corporation each year on the regime for the release of water for environmental reasons under the Snowy water licence,
 - (b) to advise that Corporation from time to time on the adequacy of those releases and the programs for management and restoration of the catchments (and the Snowy River and other rivers and streams) receiving water from those releases, including the arrangements for consultation, monitoring and on-going research about those programs.
- (4) The Committee is to produce every year a public state of the environment report on the catchments (and the Snowy River and other rivers and streams) affected by the Snowy Mountains Hydro-electric Scheme. The report is to include an executive summary of its contents. The Committee is to provide a copy of each such report to the Water Administration Ministerial Corporation.
- (5) The Committee is to consist of 6 members appointed by the Minister.
- (6) Of the members of the Committee:
- (a) one is to be nominated by the Environment Protection Authority, and
 - (b) one is to be nominated by the Director-General of National Parks and Wildlife, and
 - (c) one is to be nominated by the Snowy Genoa Catchment Management Committee, and
 - (d) two are to be nominated by a Minister of the State of Victoria (one being a person nominated to represent environmental interest groups), and
 - (e) one is to be an independent scientist with expertise in aquatic environments nominated by the Minister for the Environment.
- The Chairperson of the Committee is the member referred to in paragraph (e).
- (7) The Committee is not subject to the control or direction of the Minister.
- (8) A member of the Committee holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment.
- (9) A member may resign from office, or may be removed from office by the Minister with the approval of the person or body that nominated the member for appointment.

- (10) The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this section and the regulations, to be as determined by the Committee.
 - (11) The quorum for a meeting of the Committee is 4 members. The Chairperson or other person presiding at a meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote. A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.
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