

New South Wales

Environment and Water Legislation Amendment Bill 2025

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *National Parks and Wildlife Act 1974*—
 - (i) to revoke the reservation status of certain land in the Marramarra National Park, and
 - (ii) to limit the functions of the Audit and Compliance Committee established under that Act to only overseeing and investigating the Secretary’s compliance with the Secretary’s obligations under that Act,
- (b) to amend the *Water Industry Competition Act 2006* to make it clear that the Independent Pricing and Regulatory Tribunal must not grant an application by a registered operator or retailer to substitute another operator or retailer for a specified scheme, unless the existing operator or retailer consents to the substitution,
- (c) to amend various Acts to update outdated references to “Department”, “Director-General”, “Secretary” and other renamed or abolished offices,
- (d) to make a consequential amendment to the *Interpretation Act 1987* to insert a definition of **Department** for an Act or instrument.

Outline of provisions

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 the date of assent to the proposed Act.

Schedules 1–4 give effect to the objects set out in the overview.



New South Wales

Environment and Water Legislation Amendment Bill 2025

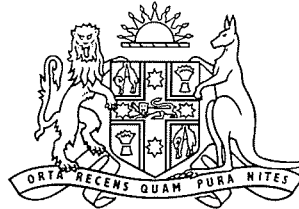
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Environment and Water Legislation Amendment Bill 2025

No , 2025

A Bill for

An Act to amend the *National Parks and Wildlife Act 1974* to revoke the reservation status of certain land and amend the functions of the Audit and Compliance Committee; to amend the *Water Industry Competition Act 2006* in relation to certain licensees under that Act; to make other miscellaneous amendments of a statute law revision nature; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Environment and Water Legislation Amendment Act 2025</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendments relating to environment legislation	1
1.1	Biodiversity Conservation Act 2016 No 63	2
	Section 1.6 Definitions	3
	Omit section 1.6(1), definition of <i>Department</i> .	4
1.2	Brigalow and Nandewar Community Conservation Area Act 2005 No 56	5
[1]	Section 4 Definitions	6
	Insert in alphabetical order in section 4(1)—	7
	<i>Secretary</i> means the Secretary of the Department.	8
[2]	Section 22(3), (5) and (9) and Schedule 9, clause 7(3)	9
	Omit “Director-General of the Department of Environment and Conservation” wherever occurring.	10 11
	Insert instead “Secretary”.	12
[3]	Section 25(1)(a) and Schedule 10, clause 2(1)	13
	Omit “Director-General” wherever occurring. Insert instead “Secretary”.	14
[4]	Section 25(1)(b) and Schedule 10, clause 2(2)	15
	Omit “Director-General of the Department of Environment and Conservation” wherever occurring.	16 17
	Insert instead “Secretary of the Department”.	18
[5]	Section 25(1)(c) and Schedule 10, clause 2(3)	19
	Omit “Director-General of the Department of Primary Industries” wherever occurring.	20
	Insert instead “Secretary of the Department of Primary Industries and Regional Development”.	21 22
[6]	Section 25(1)(d) and Schedule 10, clause 2(4)	23
	Omit “Director-General of the Department of Infrastructure, Planning and Natural Resources” wherever occurring.	24 25
	Insert instead “Planning Secretary within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> ”.	26 27
[7]	Schedule 10 Provisions relating to members and procedure of Council	28
	Omit “Director-General’s” wherever occurring in clause 2.	29
	Insert instead “Secretary’s”.	30
[8]	Schedule 10, clause 2(5)	31
	Omit “Director-General” wherever occurring. Insert instead “Secretary”.	32
[9]	Schedule 10, clause 4	33
	Omit “Director-Generals of the Department of Environment and Conservation and the Department of Primary Industries”.	34 35

Insert instead “Secretary of the Department and the Secretary of the Department of Primary Industries and Regional Development”.	1 2
1.3 Forestry Act 2012 No 96	3
[1] Section 3 Definitions	4
Insert in alphabetical order in section 3(1)—	5
<i>Environment Protection Authority</i> means the Environment Protection Authority constituted under the <i>Protection of the Environment Administration Act 1991</i> .	6 7 8
[2] Section 69I Public notice and public availability of agreements, assessments, assessment documents, approvals and reports	9 10
Omit “Office of Environment and Heritage” wherever occurring in section 69I(2), (3) and (6).	11 12
Insert instead “Environment Protection Authority”.	13
[3] Section 69I(2)	14
Omit “Chief Executive of the Office” wherever occurring.	15
Insert instead “Chief Executive Officer of the Authority”.	16
[4] Section 69I(3)	17
Omit “Chief Executive”. Insert instead “Chief Executive Officer”.	18
[5] Section 69I(7)	19
Omit the subsection.	20
1.4 Heritage Act 1977 No 136	21
[1] Section 4 Definitions	22
Omit section 4(1), definition of <i>Department</i> .	23
[2] Section 8 Members of Heritage Council	24
Omit “Secretary of the Department of Planning, Industry and Environment” from section 8(2).	25 26
Insert instead “Planning Secretary within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> ”.	27 28
[3] Section 151 Evidence	29
Omit section 151(3). Insert instead—	30
(3) If the original document, map or plan is held by the Department, the Department must give a certified copy or extract to the person applying for the copy or extract on payment of a fee as determined by the Department.	31 32 33
1.5 Marine Estate Management Act 2014 No 72	34
[1] Section 5 Reference to relevant Ministers	35
Omit “and Western New South Wales” from section 5(1).	36

[2] Sections 7(2)(b) and 74(2)	1
Omit “Regional NSW” wherever occurring.	2
Insert instead “the Department of Primary Industries and Regional Development”.	3
[3] Section 7 Establishment of Marine Estate Management Authority	4
Omit “Secretary of the Department of Planning, Industry and Environment” from section 7(2)(c).	5
	6
Insert instead “Environment Agency Head within the meaning of that Act”.	7
[4] Section 7(2)(d)	8
Omit “Secretary of the Department of Planning, Industry and Environment”.	9
Insert instead “Planning Secretary within the meaning of that Act”.	10
[5] Section 67 Application of Fisheries Management Act 1994	11
Omit “Director-General” from section 67(2)(d). Insert instead “Secretary”.	12
[6] Section 67(2)(d)	13
Omit “Chief Executive of the Office of Environment and Heritage”.	14
Insert instead “Secretary of the Department responsible to the Minister for the Environment”.	15
	16
1.6 National Park Estate (Lower Hunter Region Reservations) Act 2006 No 90	17
	18
Schedule 7 Land transfers—ancillary and special provisions	19
Omit “Director-General of the Department of Environment and Conservation” from clause 8(3).	20
	21
Insert instead “Secretary of the Department”.	22
1.7 National Park Estate (Reservations) Act 2002 No 137	23
Schedule 8 Land transfers—ancillary and special provisions	24
Omit “Director-General of National Parks and Wildlife” from clause 9(3).	25
Insert instead “Secretary of the Department”.	26
1.8 National Park Estate (Reservations) Act 2003 No 24	27
Schedule 5 Land transfers—ancillary and special provisions	28
Omit “Director-General of National Parks and Wildlife” from clause 8(3).	29
Insert instead “Secretary of the Department”.	30
1.9 National Park Estate (Reservations) Act 2005 No 84	31
Schedule 6 Land transfers—ancillary and special provisions	32
Omit “Director-General of the Department of Environment and Conservation” from clause 7(3).	33
	34
Insert instead “Secretary of the Department”.	35

1.10 National Park Estate (Reservations) Act 2018 No 57	1
Schedule 4 Land transfers—ancillary and special provisions	2
Omit “Chief Executive of the Office of Environment and Heritage” from clause 9(3).	3
Insert instead “Secretary of the Department”.	4
1.11 National Park Estate (Riverina Red Gum Reservations) Act 2010 No 22	5
[1] Section 3 Definitions	6
Insert in alphabetical order in section 3(1)—	7
<i>Secretary</i> means the Secretary of the Department.	8
[2] Section 16(1)(b)–(d), (2) and (4) and Schedule 9, clause 7(3)	9
Omit “Director-General” wherever occurring. Insert instead “Secretary”.	10
[3] Section 16(1)(b) and Schedule 9, clause 7(3)	11
Omit “of the Department of Environment, Climate Change and Water” wherever occurring.	12
1.12 National Park Estate (South-Western Cypress Reservations) Act 2010 No 112	13
Schedule 8 Land transfers—ancillary and special provisions	15
Omit “Director-General of the Department of Environment, Climate Change and Water” from clause 7(3).	16
Insert instead “Secretary of the Department”.	17
1.13 National Park Estate (Southern Region Reservations) Act 2000 No 103	19
Schedule 7 Land transfers—ancillary and special provisions	20
Omit “Director-General” from clause 8(15). Insert instead “Secretary of the Department”.	21
1.14 National Parks and Wildlife Act 1974 No 80	22
[1] Section 5 Definitions	23
Omit section 5(1), definition of <i>Department</i> .	24
[2] Section 9 Audit and compliance	25
Omit “or any other” wherever occurring in section 9(1)–(2A).	26
[3] Section 144B	27
Omit the section. Insert instead—	28
144B Annual reporting information for Service	29
The Department must include a statement of the Service’s operations and expenditure in connection with lands reserved or dedicated under Part 4A in the annual reporting information prepared for the Department under the <i>Government Sector Finance Act 2018</i> .	30
	31
	32
	33

[4] Section 185 Catchment areas and special areas	1
Omit “Secretary of the Department of Industry, Skills and Regional Development” from section 185(4)(b).	2
	3
Insert instead “Secretary within the meaning of the <i>Hunter Water Act 1991</i> , section 51A”.	4
[5] Schedule 1 Recategorisation of reserved land	5
Omit clause 5. Insert instead—	6
5 References to maps or diagrams	7
A reference in this schedule to a map or diagram is a reference to a map or diagram held by the Department.	8
	9
[6] Schedule 2 Revocation of reservation or dedication of certain land	10
Insert at the end of the schedule, with appropriate part and clause numbering—	11
Part Revocation under Environment and Water Legislation Amendment Act 2025	12
	13
Revocation of part of Marramarra National Park	14
(1) This clause applies to land identified as “land to be revoked” in the document <i>MISC R 00364</i> , dated 15 July 2025 and held by the Department, being land with an area of about 0.034ha in the Marramarra National Park.	15
	16
	17
(2) The reservation under this Act of the land as a national park is revoked.	18
(3) The land is acquired by and vested in the Minister under and for the purposes of this Act, Part 11 for an estate in fee simple, freed and discharged from all trusts, obligations, estates and interests, other than rights of way or easements.	19
	20
	21
(4) The Minister must not transfer the land under Part 11 unless the Minister is satisfied appropriate compensation for the land has been provided.	22
	23
1.15 Protection from Harmful Radiation Act 1990 No 13	24
[1] Section 5A Certain persons and public bodies may exercise certain functions of Authority	25
	26
Omit “Secretary of Regional NSW” from section 5A(2).	27
Insert instead “Secretary of the Department of Primary Industries and Regional Development”.	28
	29
[2] Section 5A(2A)(a)	30
Omit “Regional NSW”.	31
Insert instead “the Department of Primary Industries and Regional Development”.	32
1.16 Wilderness Act 1987 No 196	33
[1] Section 2 Definitions	34
Omit section 2(1), definition of <i>Director-General</i> . Insert in alphabetical order—	35
<i>Secretary</i> means the Secretary of the Department.	36

[2] Part 2, heading	1
Omit “ Director-General ”. Insert instead “ Secretary ”.	2
[3] Sections 5–8, 10(1), 11(1)(a), 14, 16–18, 20(1), 22(2) and 28	3
Omit “Director-General” wherever occurring. Insert instead “Secretary”.	4
[4] Section 24	5
Omit the section. Insert instead—	6
24 Wilderness matters must be included in annual reporting information	7
The Secretary must include a report on the following in the annual reporting information prepared for the Department under the <i>Government Sector Finance Act 2018</i> —	8
(a) the status of areas identified as wilderness,	9
(b) other matters relating to wilderness areas.	10
[5] Section 28 Evidence of agreements	11
Insert after section 28(2)—	12
(3) In this section—	13
<i>National Parks and Wildlife Service</i> means the National Parks and Wildlife Service as referred to in the <i>National Parks and Wildlife Act 1974</i> , section 6.	14
	15
	16
	17

Schedule 2	Amendments relating to energy legislation	1
2.1	Electricity Infrastructure Investment Act 2020 No 44	2
	Dictionary	3
	Omit the definition of <i>Department</i> .	4
2.2	Electricity Supply Act 1995 No 94	5
[1]	Schedule 6 Savings, transitional and other provisions	6
	Omit “Department of Planning and Environment” from clause 71A(7), definition of <i>Code for Safe Meter Installation</i> .	7
	Insert instead “Department of Industry, Skills and Regional Development”.	9
[2]	Schedule 6	10
	Insert at the end of the schedule, with appropriate part and clause numbering—	11
Part	Provision consequent on enactment of Environment and Water Legislation Amendment Act 2025	12
	Code for Safe Meter Installation	15
	(1) The amendment to clause 71A(7) by the <i>Statute Law (Miscellaneous Provisions) Act 2017</i> , Schedule 4.10[1] in relation to the definition of <i>Code for Safe Meter Installation</i> is taken never to have commenced.	16
	(2) Subsection (1) does not affect the repeal of the <i>Statute Law (Miscellaneous Provisions) Act 2017</i> .	19
	(3) The reference to the Department of Industry, Skills and Regional Development in clause 71A(7), definition of <i>Code for Safe Meter Installation</i> , as immediately before the commencement of the <i>Statute Law (Miscellaneous Provisions) Act 2017</i> , is taken to have always been a reference to the Department of Industry, Skills and Regional Development.	21
[3]	Dictionary	26
	Omit “of Planning and Environment” from the definition of <i>connection point</i> .	27
[4]	Dictionary, definition of “Department”	28
	Omit the definition.	29
2.3	Energy and Utilities Administration Act 1987 No 103	30
[1]	Section 3 Definitions	31
	Omit section 3(1), definition of <i>Department</i> .	32
[2]	Schedule 2 Savings, transitional and other provisions	33
	Omit “Director-General” from clause 7. Insert instead “Secretary”.	34

2.4 Pipelines Act 1967 No 90	1
Section 3 Definitions	2
Omit section 3(1), definition of <i>Department</i> .	3

Schedule 3	Amendments relating to water legislation	1
3.1	Dams Safety Act 2015 No 26	2
	Section 4 Definitions	3
	Omit section 4(1), definition of <i>Department</i> .	4
3.2	Hunter Water Act 1991 No 53	5
[1]	Section 3 Definitions	6
	Insert in alphabetical order in section 3(2)—	7
	<i>Secretary</i> , for Part 5, Division 8—see section 51A.	8
[2]	Sections 51A and 52	9
	Omit section 52. Insert instead—	10
	51A Definition	11
	In this division—	12
	<i>Secretary</i> means the Secretary of the Department.	13
	52 Secretary to have control of special areas	14
	The Secretary has the control of special areas for this division.	15
[3]	Section 57 Regulations concerning special areas	16
	Omit “of Planning and Environment” from section 57(1A)(a).	17
3.3	Snowy Mountains Cloud Seeding Act 2004 No 19	18
[1]	Sections 4(2)(i) and (j) and 11(2) and (3)	19
	Omit “National Parks and Wildlife Service” wherever occurring.	20
	Insert instead “Secretary within the meaning of the <i>National Parks and Wildlife Act 1974</i> ”.	21
[2]	Section 4 Authorisation of cloud seeding operations	22
	Omit “the Service” from section 4(2)(i). Insert instead “the Secretary”.	23
[3]	Section 11 Regulations	24
	Omit “he or she” from section 11(3). Insert instead “the Minister”.	25
3.4	Water Industry Competition Act 2006 No 104	26
[1]	Section 89C Substitution of registered operator	27
	Insert “and the existing registered operator does not consent to being substituted” after “2021” in section 89C(6).	28
		29
[2]	Section 89D Substitution of registered retailer	30
	Insert “and the existing registered retailer does not consent to being substituted” after “2021” in section 89D(6).	31
		32

3.5 Water Management Act 2000 No 92	1
Dictionary	2
Omit the definition of <i>Department</i> .	3
3.6 Water NSW Act 2014 No 74	4
[1] Section 3 Definitions	5
Omit section 3(1), definition of <i>Department</i> .	6
[2] Section 20 Definition	7
Omit section 20, definition of <i>regulatory agencies</i> , paragraph (b). Insert instead—	8
(b) the Secretary within the meaning of the <i>National Parks and Wildlife Act 1974</i> , and	9
(c) the Secretary of the Department, and	10
(d) local councils, county councils, and any persons, bodies or agencies for the time being nominated by order of the portfolio Minister communicated to Water NSW.	11
[3] Section 22 Direction to enter into certain memoranda of understanding	12
Omit “paragraph (b)” from section 22(1). Insert instead “paragraphs (b)–(d)”.	13
[4] Section 64C Environmental management plan for temporary inundation of national park land	14
Omit “the Chief Executive of the Office of Environment and Heritage” from section 64C(1).	15
Insert instead “the Secretary within the meaning of the <i>National Parks and Wildlife Act 1974</i> ”.	16
[5] Section 64F, heading	17
Omit “ Chief Executive of OEH ”. Insert instead “ NPW Secretary ”.	18
[6] Section 64F	19
Omit “the Chief Executive of the Office of Environment and Heritage, or a person nominated by the Chief Executive”.	20
Insert instead “the Secretary within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or a person nominated by that Secretary”.	21

Schedule 4 Amendments to other related legislation

4.1 Filming Approval Act 2004 No 38

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

appropriate Department, in relation to a filming approval for a designated area, means—

- (a) in relation to an area that forms part of land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, Part 4 or 4A or land acquired under that Act, Part 11—the Department within the meaning of that Act, or
- (b) in relation to a designated area that forms part of a marine park within the meaning of the *Marine Estate Management Act 2014*—the Department within the meaning of that Act.

[2] Section 4 Filming approvals for designated areas

Omit “(if any) of the Department of Environment and Conservation” from section 4(7)(f).

Insert instead “of the appropriate Department responsible to the relevant Minister”.

[3] Section 11 Delegation

Omit “Department of Environment and Conservation” from section 11(a).

Insert instead “appropriate Department responsible to the relevant Minister”.

[4] Section 12 Register of filming approvals to be publicly available

Omit section 12(1). Insert instead—

- (1) The Secretary of the appropriate Department must ensure information on filming approvals approved by the relevant Minister to which the appropriate Department is responsible—
 - (a) is recorded in a register that must be kept in the head office of the appropriate Department and made available to the public, free of charge, during ordinary office hours, and
 - (b) is published on the appropriate Department’s website.

[5] Section 12(2)

Omit “Information to be included on the register and website is to include the following:”.

Insert instead “The following information must be included on the appropriate Department’s register and website—”

[6] Section 12(2)(d)

Omit “Director-General”. Insert instead “Secretary”.

4.2 Interpretation Act 1987 No 15

Section 15A

Insert after section 15—

15A Departments

- (1) In an Act or instrument, a reference to a Department is a reference to a Public Service agency within the meaning of the *Government Sector Employment Act 2013*.
- (2) In an Act or instrument, a reference to “the Department” without specifying a particular Department by name, where the reference is not defined for the Act or instrument, is a reference to the following—
 - (a) if an administrative arrangements order has specified a Department for the reference—the specified Department,
 - (b) if no Department is specified by an administrative arrangements order—the Department that, if a Minister is administering the Act or instrument—
 - (i) deals with the Act or instrument, and
 - (ii) is responsible to the Minister,
 - (c) if different Ministers are administering the Act or instrument in different respects—the Department that—
 - (i) deals with the Act or instrument in the relevant respect, and
 - (ii) is responsible to the Minister,
 - (d) if different Ministers are administering different portions of the Act or instrument—the Department that—
 - (i) deals with the relevant portion, and
 - (ii) is responsible to the Minister.

Example— If an Act or instrument contains a definition of **Department** for the Act or instrument, the definition prevails over this section.

- (3) For subsection (2), an instrument is taken to be administered by the Minister administering the provision of the Act under which the instrument is made.
- (4) In an Act or instrument, a reference to a Department within the meaning of a provision of another Act has the meaning a reference to the Department in the provision—
 - (a) has, if it is in the provision, or
 - (b) would have, if it were in the provision.

Example 1—
A reference in an Act to “the Department within the meaning of the *Biosecurity Act 2015*, section 33” has the same meaning that the reference to “the Department” has in the section, as the term “Department” appears in that section.

Example 2—
A reference in an Act to “the Department within the meaning of the *Emergency Services Levy Insurance Monitor Act 2024*, section 3” has the same meaning that a reference to “Department” in the section would have if it were in the provision, as the term “Department” does not appear in that section or anywhere in that Act.
- (5) For subsection (2)(a)—
 - (a) an administrative arrangements order may specify a Department for a provision of an Act or instrument, and
 - (b) the *Constitution Act 1902*, section 50G extends to an administrative arrangements order made for that purpose.
- (6) In this section—

administering includes jointly administering.

administrative arrangements order means an order under the *Constitution Act 1902*, Part 7.

4.3 Local Government Act 1993 No 30	1
Section 54P Reporting Requirements	2
Omit “Chief Executive of the Office of Environment and Heritage” wherever occurring in section 54P(2)–(4).	3 4
Insert instead “Secretary of the Department responsible to the Minister administering this section”.	5 6
4.4 Lord Howe Island Act 1953 No 39	7
Section 4(3)(d) and Schedule 1A, clause 6(1)(f)	8
Omit “of Planning, Industry and Environment” wherever occurring.	9
4.5 Roads Act 1993 No 33	10
[1] Section 32B Definitions	11
Omit section 32B(1), definition of <i>notifiable authority</i> , paragraphs (c) and (d). Insert instead—	12 13
(c) the Planning Secretary within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> ,	14 15
(d) the Secretary of the Department of Primary Industries and Regional Development,	16 17
[2] Section 149 Leasing of land above or below public road	18
Omit “Secretary of the Department of Planning and Environment” wherever occurring in section 149(2) and (3).	19 20
Insert instead “Planning Secretary within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> ”.	21 22