



ENVIRONMENT AND WATER LEGISLATION AMENDMENT BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

Revocation of land from Marramarra National Park

Approximately 0.1 hectares was previously revoked from Marramarra National Park by the *National Parks and Heritage Legislation Amendment Act 2024*. The purpose was to facilitate the transfer of land containing inadvertent encroachments to a neighbouring property owner, including part of a constructed driveway, with the landowner to provide compensatory land in return.

Subsequent ground survey has confirmed that the area required to encompass all encroachments is slightly larger than originally revoked by the 2024 legislative amendment. Approximately 0.034 hectares of additional land therefore needs to be revoked from the national park, bringing the total area of revocation to 0.1306 hectares.

Removing duplication of audit responsibilities for national parks

Section 9 of the NPW Act requires the Minister to establish an Audit and Compliance Committee, whose purpose is to oversee the departmental Secretary's compliance with their obligations under the NPW Act or under any other Act.

Separately, the *Government Sector Finance Act 2018* outlines minimum standards for departments in risk management, internal audit, and audit and risk committees. Treasury Circular *TPP20-08 Internal Audit and Risk Management Policy for the General Government Sector* also requires departments to establish and maintain an independent audit and risk committee. These requirements are met by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) Audit and Risk Committee.

As a consequence of these various obligations, there are two committees in DCCEEW with overlapping responsibilities. The proposed amendment will address the replication of audit functions by amending section 9 of the NPW Act to reduce the scope of the Audit and Compliance Committee's role to focus only on the Secretary's obligations under the NPW Act, not other Acts.

WIC Act amendments

The amendments are required to address an issue in the Act that prevents substitution of licensees for 14 of the 16 existing WIC Act schemes in any circumstances – even where the continuing safe operation of a scheme requires it and where all parties consent to the substitution.

The current wording means owners of existing schemes are unable to replace existing licensees and these existing licensees are unable to relieve themselves of the legal responsibility for an existing scheme through substitution with a replacement licensee. This creates significant risk for scheme owners and affected licensees.

Licensees who operate most of the affected schemes have requested that the problem be rectified so they can consolidate their current scheme-specific licences under potentially one statewide licence.

IPART supports the proposed amendments.

Statute law amendments

The Bill proposes to make miscellaneous amendments to correct outdated references to ministers, government agencies and agency heads. The focus of the amendments is on the predecessors of:

- the Ministers for Climate Change, Energy, Environment, Heritage, and Water
- DCCEEW
- the Secretary of DCCEEW.

Some references to other ministers, agencies and agency heads are also proposed to be updated.

The amendments are needed because the legislation includes outdated references to ministers, agencies and agency heads. Some of these references are decades out of date. The references need to be read alongside administrative arrangements orders to be understood.

To reduce future administrative burden, it is also proposed to seek to 'futureproof' certain references. The Bill proposes to do this by amending the *Interpretation Act 1987* to govern how generic references to 'the Department' should be interpreted.

While most of the proposed amendments would maintain the status quo, some would make minor changes to the position currently reflected in the administrative arrangements orders to correct past errors or better reflect the policy intention underlying the existing legislation.

Objectives: What is the policy's objective couched in terms of the public interest?Revocation of land from Marramarra National Park

The further revocation of land from Marramarra National Park will enable the full extent of the encroached land to be legally transferred to the adjoining property owner, consistent with the original intention of the 2024 legislation, and subject to the provision of appropriate compensation.

Removing duplication of audit responsibilities for national parks

Removing the duplication of audit committee functions will deliver resource and functional efficiencies and enable the Audit and Compliance Committee established under the NPW Act to focus on its core functions of overseeing the Secretary's responsibilities relating to conservation, regulatory and park management performance.

WIC Act amendments

By allowing substitution of licensees to be granted by IPART, the amendments will help allow existing schemes to operate as intended and ensure continued provision of essential water and sewerage services to these residential, commercial and industrial developments.

Statute law amendments

The miscellaneous amendments to correct outdated references aim to make the statute book more current and able to be understood without reviewing administrative arrangements orders. There is a strong public interest in ensuring legislation is accurate, current and accessible.

Options: What alternative policies and mechanisms were considered in advance of the bill?Revocation of land from Marramarra National Park

Under the NPW Act, land can only be revoked from national parks and other reserves via an Act of Parliament. Land is generally revoked from parks only as a last resort and where no other practical options are available. The proposed revocation satisfies these criteria.

Removing duplication of audit responsibilities for national parks

A full repeal of section 9 of the NPW Act, together with non-statutory policy options, was considered to address the duplication of audit functions. However, no other options provided an appropriate balance between removing duplication and continuing to support scrutiny of the DCCEEW Secretary's compliance with their obligations under the NPW Act.

WIC Act amendments

IPART investigated whether it could cancel a licence and then approve a different licensee as the operator and/or retailer of an affected scheme as a potential workaround. This was not considered a suitable approach.

Statute law amendments

The amendments to correct outdated references can only be achieved through legislative amendment. There is no alternative option.

Administrative arrangement orders currently govern how outdated references should be interpreted. But these orders do not update the text of the legislation. Until the legislation is updated, the legislation needs to be read alongside the relevant administrative arrangements order.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Revocation of land from Marramarra National Park

The revocation from Marramarra National Park is a sensible and small-scale proposal aimed at correcting a longstanding, inadvertent, and minor encroachment into the park.

Revocations are proposed as a last resort – when no other alternatives are possible. This further revocation will enable the full extent of the encroached land to be legally transferred to the adjoining property owner, subject to the provision of appropriate compensation.

There is no concern for park management or conservation, as the small revocation footprint (0.034 hectares) is modified land on which there are existing inadvertent encroachments (such as a driveway).

Removing duplication of audit responsibilities for national parks

The solution to the replication of audit functions for national parks is to amend section 9 of the NPW Act to reduce the scope of the Audit and Compliance Committee to focus only on the Secretary's obligations under the NPW Act. The separate DCCEEW Audit and Risk Committee will continue to address other matters, as required by the *Government Sector Finance Act 2018* and relevant Treasury Circular.

This delivers balanced efficiency with appropriate ongoing transparency, in contrast to the alternative option of a full repeal of section 9 of the NPW Act, which would remove the statutory requirement for an Audit and Compliance Committee.

WIC Act amendments

IPART considered it could not substitute licensees by amending the details of the register under section 89B of the WIC Act.

Legislative amendment is the only mechanism available to address the problem.

There are no identified costs of the proposed amendments on businesses or the community.

Statute law amendments

If the changes to the agency and agency head names are made, this would improve the public accessibility of the statute book because it would make the statute book more current. The proposed *Interpretation Act 1987* provision would in many instances avoid the need to make such amendments again following any future machinery of government change.

Continuing to rely on administrative arrangements orders to override outdated references to departments in Acts and instruments, while workable, is inefficient and may result in a lack of clarity regarding responsible departments.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?Revocation of land from Marramarra National Park

Once the lands are revoked from Marramarra National Park, they will be vested in the Minister administering the NPW Act and held under Part 11 of that Act, until appropriate compensation is approved. After compensation is approved, the revoked lands will be transferred in accordance with standard processes.

Removing duplication of audit responsibilities for national parks

Following amendment of section 9, NPW Act, relevant procedures and priorities for the Audit and Compliance Committee will be adjusted.

WIC Act amendments:

As the WIC Act regulator and as the decision-maker in relation to licensee substitution applications, IPART will take responsibility for rollout of the amendments.

Once the amendments have been passed by Parliament, IPART will advise affected licensees of the changes and the process for applying for a licensee substitution.

Statute law amendments

The amendments will commence on assent.

Ministers responsible for administering the legislation that is being amended under the Bill will continue to administer that legislation.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?Revocation of land from Marramarra National Park

The initial revocation from Marramarra National Park to correct the historic encroachment took place under the *National Parks and Heritage Legislation Amendment Act 2024*. In preparing that previous Bill, relevant statutory advisory bodies and the neighbouring landowner were consulted. The revocation now proposed is minor and aligns with previous discussions and feedback received.

Removing duplication of audit responsibilities for national parks

No specific external stakeholder consultation has occurred with respect to the proposed amendment of section 9, NPW Act. This was not considered warranted as the issues involved relate to efficient delivery of existing statutory and policy obligations.

WIC Act amendments

Yes. Several WIC Act licensees have requested that an amendment be made to allow them to apply to substitute licensees for existing schemes, as the current situation prevents them from consolidating their licences, resulting in additional licensing costs and potentially impacting their marketing opportunities.

IPART is supportive of the proposed amendment and has requested that it be made as a matter of urgency.

Statute law amendments

Consultation was carried out with the agencies that will be directly affected by these amendments or support the Minister who administers the legislation being amended.