

Catchment Management Amendment Bill 2001

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Catchment Management Act 1989*:

- (a) to provide for the establishment of the Catchment Management Advisory Council, and
- (b) to provide for the establishment of catchment management boards, and
- (c) to provide for the preparation of catchment management plans.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Catchment Management Act 1989* set out in Schedule 1.

Clause 4 gives effect to the amendments to the *Native Vegetation Conservation Act 1997* and the *Water Management Act 2000* set out in Schedule 2.

Clause 5 repeals the *Catchment Management Regulation 1999*.

Schedule 1 Amendment of Catchment Management Act 1989

Schedule 1 [1] amends the long title of the *Catchment Management Act 1989* (***the Act***). The amendment replaces references to “State Catchment Management Co-ordinating Committee” and “total catchment management” with references to the “Catchment Management Advisory Council” and “integrated catchment management” respectively. The amendment also inserts a reference to “catchment management boards” in the long title.

Schedule 1 [2] amends section 3 by omitting definitions of terms no longer used in the Act.

Schedule 1 [3] amends section 3 of the Act by inserting definitions of certain terms used in the Act. **Schedule 1 [8], [10], [11], [15], [16], [17], [18], [22], [28], [31], [33], [36], [37], [38]** and **[59]** make consequential amendments.

Schedule 1 [4] replaces the definition of ***total catchment management*** with a definition of ***integrated catchment management***. **Schedule 1 [6]** makes consequential amendments.

Schedule 1 [5] amends section 5 of the Act by inserting a new principal object in the Act.

Schedule 1 [7] and **[13]** update references to various bodies established under the Act.

Schedule 1 [9] amends section 6 of the Act to replace a reference to the Co-ordinating Committee with a reference to the new Catchment Management Advisory Council established under the proposed section 8. The amendment also provides who is to be the responsible Minister for catchment management boards.

Schedule 1 [14] replaces Division 1 of Part 2 of the Act. Proposed section 8 provides for the establishment of the Catchment Management Advisory Council. Proposed section 9 sets out the functions of the Council, including advising the Minister about various matters relating to catchment management. Proposed section 10 provides that, in exercising its functions, the Council is subject to the control and direction of the Minister. Proposed section 11 provides for the membership of the Council and the appointment of a chairperson.

Schedule 1 [19] replaces section 15 (1) (h) of the Act with proposed paragraphs (h) and (i). The proposed paragraphs provide that the functions of a catchment management committee include developing draft catchment management plans and providing advice to the Minister about integrated catchment management.

Schedule 1 [20] omits a redundant provision.

Schedule 1 [21] inserts new section 15A into the Act. The proposed section provides that, in

exercising its functions, a catchment management committee is subject to the control and direction of the Minister who established the committee and the Minister administering the Act.

Schedule 1 [23] inserts new Division 2A in Part 2 of the Act. Division 2A makes provision with respect to catchment management boards. Proposed section 16A provides for the establishment of the catchment management boards listed in Part 1 of Schedule 1. The boards' functions are specified in proposed section 16B. Proposed section 16C provides that catchment management boards are subject to the control and direction of the Minister for Land and Water Conservation. Membership and chairperson of boards is specified in proposed section 16D. Proposed section 16E provides for the areas of the boards. The proposed section 16F provides that the Minister for Land and Water Conservation may, by order published in the Gazette, abolish a board, change the name of a board or establish a new board.

Schedule 1 [24] updates the heading to Division 3 of Part 2 of the Act.

Schedule 1 [25] amends section 17 of the Act to provide that Schedule 3 has effect with respect to the members and procedures of the Catchment Management Advisory Council and catchment management boards.

Schedule 1 [26] amends section 18 of the Act to provide that the Catchment Management Advisory Council and catchment management boards may delegate to a person any of their functions.

Schedule 1 [27] amends section 19 of the Act to provide that the Catchment Management Advisory Council and catchment management boards may, with the approval of the Minister, arrange for the use of the services of any staff or facilities of a government department or public or local authority.

Schedule 1 [32] amends section 21 of the Act to provide that the area of a catchment management trust may overlap with the area of a catchment management committee or board.

Schedule 1 [34] amends section 27 of the Act to provide that the functions of a catchment management trust include developing draft catchment management plans.

Schedule 1 [35] amends section 27 of the Act to provide that, if the responsible Minister so decides, a catchment management trust may also exercise within its trust area any or all of the functions of a catchment management committee or board.

Schedule 1 [39] inserts a new Part 3A into the Act to provide for catchment management plans. Proposed section 59A provides that the Minister may direct a committee, board or trust to prepare a draft catchment management plan, and set the terms of reference for the plan. Proposed section 59B provides for the contents of a draft catchment management plan. Proposed section 59C provides that certain persons, including each local council for the area in which the plan is to apply, must be notified of the objectives of the draft plan and a description of the area to which the plan is intended to apply. Proposed section 59D provides that a draft catchment management plan must be submitted or given to the Minister for the Environment. The proposed section 59E provides that the Minister must refer the draft plan back to the committee, board or trust which prepared the plan if the plan does not comply with the requirements of Part 3A of the Act or is otherwise not suitable for public exhibition. The draft plan must be publicly exhibited under proposed section 59F. Proposed section 59G provides that any person may make a submission to the Minister about the draft plan and the Minister must give a copy of any submissions received to the committee, board or trust which prepared the plan. The proposed section 59H provides that the Minister must consult with the Minister for the Environment and the Catchment Management Advisory Council about the plan. The proposed section 59I provides that the committee, board or trust must resubmit the draft plan to the Minister together with its comments on the submissions. Under proposed section 59J the Minister may make the plan and a copy of the plan must be published in the Gazette. The proposed section 59L provides for the committee, board or trust which prepares a catchment management plan to provide advice to the Minister about the consistency of the plan with natural resources plans made under certain other Acts. A catchment management plan may be amended or repealed under section 59M. Proposed section 59N provides that a catchment management plan has effect for 10 years from the date it is made and must be reviewed 5 years after its making and under proposed section 59O a catchment management plan must be

audited at least every 5 years. Proposed section 59P provides that the Minister may, after consulting with other Ministers, set catchment management policies, targets and principles. Proposed section 59Q provides that the Minister may make his or her own plans in certain circumstances.

Schedule 1 [40] amends section 61 of the Act to provide for certain evidentiary matters in relation to the Catchment Management Advisory Council, catchment management committees, catchment management boards or catchment management trusts.

Schedule 1 [41] amends section 63 of the Act to provide a regulation-making power for certain matters in relation to the Catchment Management Advisory Council, catchment management committees, catchment management boards and catchment management trusts.

Schedule 1 [42] omits section 69. Section 69 provided for the amendment of the *Water Supply Authorities Act 1987*. That Act has been repealed and therefore section 69 is redundant.

Schedule 1 [43] replaces Schedule 1 to the Act. Part 1 of Schedule 1 lists the catchment management boards established under the Act. Part 2 of Schedule 1 lists the catchment management trusts established under the Act. **Schedule 1 [12], [29] and [30]** make consequential amendments.

Schedule 1 [44] amends Schedule 2 to the Act by providing that for the purposes of establishing a catchment management board an urban area is one of the areas listed in that Schedule.

Schedule 1 [45] updates the heading to Schedule 3 to the Act.

Schedule 1 [46] replaces clause 1 of Schedule 3 to the Act and inserts a definition of the term **member** used in the Schedule. **Member** is defined to include a member of the Catchment Management Advisory Council or a catchment management committee or catchment management board.

Schedule 1 [47] updates clause 2 of Schedule 3 to the Act by changing a reference to the Co-ordinating Committee to the new Council.

Schedule 1 [48] amends clause 5 of Schedule 3 to the Act to provide for the procedure to be followed when a vacancy occurs in the office of a member of the Catchment Management Advisory Council or a catchment management committee or catchment management board.

Schedule 1 [49] inserts a new clause 6A in Schedule 3 to the Act. The proposed clause 6A obliges a member of the Catchment Management Advisory Council, or a member of a catchment management committee or catchment management board, who has a direct or indirect pecuniary interest in a matter being considered or a thing being done by the Council, committee or board to disclose the member's interest at a meeting of the Council, committee or board.

Schedule 1 [50] amends clause 8 of Schedule 3 to the Act to provide that a member of the Catchment Management Advisory Council, or a member of a catchment management committee or catchment management board, is not liable for certain acts done for the purposes of the Act.

Schedule 1 [51] and [52] amend clause 9 of Schedule 3 to the Act to provide that the general procedure for the calling of a meetings of the Catchment Management Advisory Council, or a catchment management committee or catchment management board, is to be as determined by the Council, committee or board.

Schedule 1 [53] amends clause 10 of Schedule 3 to the Act to provide that a quorum for a meeting of the Catchment Management Advisory Council, or a catchment management committee or catchment management board, is a majority of the members.

Schedule 1 [54] and [55] amend clause 11 of Schedule 3 to the Act to provide for the presiding member of the Catchment Management Advisory Council or a catchment management committee or catchment management board.

Schedule 1 [56] replaces clause 12 of Schedule 3 to the Act and inserts a new clause 12A. Proposed clause 12 provides that at a meeting of the Catchment Management Advisory Council, or a catchment management committee or catchment management board, all members present are to strive for consensus in reaching decisions. A decision by the Council, committee or board has effect if it is supported by a majority of the votes cast. Proposed clause

12A provides that the presiding member at a meeting of the Council, committee or board must cause a record of the proceedings at the meeting to be made.

Schedule 1 [57] amends clause 13 of Schedule 3 to the Act to provide that the first meeting of the Catchment Management Advisory Council, or a catchment management committee or catchment management board, is to be called by the responsible Minister.

Schedule 1 [58] amends clause 1 of Schedule 4 to the Act by omitting the definition of *Trust*. The definition is to be included in section 3 of the Act.

Schedule 1 [60] and **[61]** insert savings and transitional provisions consequent upon the enactment of the proposed Act into Schedule 6 to the Act. The savings and transitional provisions dissolve certain trusts previously established under the Act and provide that the staff, assets, rights and liabilities of the trusts are transferred to the Crown.

Schedule 2 Amendment of other Acts

Schedule 2 provides for consequential amendments of other Acts. The amendments provide that certain plans prepared under the *Native Vegetation Conservation Act 1997* and *Water Management Act 2000* must be consistent with any relevant catchment management plan made under the *Catchment Management Act 1989*.