

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 improve the co-ordination and implementation of management strategies in relation to the health of the Hawkesbury-Nepean river system,
- (b) to improve public access to information about management strategies in relation to the health of the Hawkesbury-Nepean river system,
- (c) to provide increased opportunities for public involvement in the development of management strategies in relation to the health of the Hawkesbury-Nepean river system,
- (d) to improve the management of development in the Hawkesbury-Nepean waters (in-stream development).

For that purpose, this Bill establishes the Office of the Hawkesbury-Nepean (the Office), as a statutory corporation, and confers functions on the Office in connection with maintaining or improving the health of the Hawkesbury-Nepean river system and the management of in-stream development.

Other public authorities with functions in relation to the Hawkesbury-Nepean river system will be required to co-operate with the Office.

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This Bill also amends the Public Finance and Audit Act 1983 consequentially.

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 provides for the objects of the proposed Act, as described in the Overview.

Clause 4 defines certain words and expressions used in the proposed Act.

A management strategy, in relation to the health of the Hawkesbury-Nepean river system, means:

- (a) any policy, program or plan of the New South Wales Government or a public authority devised, adopted or implemented for the purposes of improving or maintaining the health of the Hawkesbury-Nepean river system, or
- (b) any agreement or arrangement entered into by the New South Wales Government with the Commonwealth or a local council for the purposes of improving or maintaining the health of the Hawkesbury-Nepean river system.

The health of the Hawkesbury-Nepean river system includes:

- (a) the quality and quantity of the waters within the Hawkesbury-Nepean river system, and
- (b) the management of aquatic weeds in the Hawkesbury-Nepean river system, and
- (c) the health of river dependent ecosystems and their components, and
- (d) such other matters relating to the Hawkesbury-Nepean river system as may be prescribed by the regulations.

The Hawkesbury-Nepean waters are the waters described in Schedule 1. This is the area in which the Office may exercise its functions with respect to in-stream development.

Clause 5 enables the Governor, by order, to alter or replace the description of the Hawkesbury-Nepean waters in Schedule 1 to the proposed Act.

Part 2 Establishment of Office of Hawkesbury-Nepean

Clause 6 establishes the Office of the Hawkesbury-Nepean as a corporation.

Clause 7 provides that the Office is a NSW Government agency.

Clause 8 provides that the Office is subject to the control and direction of the Minister.

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Clause 9 makes the Director of the Office responsible for the day-to-day management of the affairs of the Office.

Clause 10 establishes an Advisory Board for the Office, consisting of representatives from a number of public authorities with existing functions with respect to the Hawkesbury-Nepean river system.

Clause 11 enables the Office to delegate its functions.

Part 3 Functions of Office

Clause 12 confers on the Office the function of co-ordinating and assisting with the implementation of management strategies in relation to the health of the Hawkesbury-Nepean river system. In particular, the Office may liaise with public authorities, and establish arrangements or procedures, for the purposes of co-ordinating works to manage aquatic weeds in the Hawkesbury-Nepean river system and managing the implementation of any arrangements agreed between the State and the Commonwealth or a local council for the recovery of the Hawkesbury-Nepean river system.

Clause 13 confers on the Office the function of acting as a single point of public access to information and advice about management strategies in relation to the health of the Hawkesbury-Nepean river system. For that purpose, the Office may provide information and advice to the public in relation to management strategies.

Clause 14 requires the Office to provide opportunities to the public to be involved in the development of management strategies in relation to the health of the Hawkesbury-Nepean river system. For that purpose, the Office may consult with the public about management strategies and report or provide advice to the Minister or any public authority about the results of its public consultation.

Clause 15 requires the Office to promote the effective management of in-stream development. For that purpose, the Office may liaise with planning authorities for the purpose of ensuring that they exercise their functions with respect to in-stream development in an integrated and efficient manner and provide information or assistance to the public in connection with in-stream development.

Clause 16 provides for supplementary functions of the Office.

Part 4 Interaction with other public authorities

Clause 17 requires other public authorities to co-operate with the Office in the exercise of its functions.

Clause 18 enables the Office to enter into agreements or other arrangements with other public authorities for the purpose of achieving the objects of the proposed Act.

Part 5 Miscellaneous

Clause 19 confers a protection from personal liability on persons who exercise functions under the proposed Act.

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Clause 20 requires the annual report of the Office to be included in the annual report to Parliament of the Department of Water and Energy.

Clause 21 enables the Office to make special reports (in addition to annual reports).

Clause 22 provides for the seal of the Office.

Clause 23 enables regulations to be made under the proposed Act.

Clause 24 provides for a review of the proposed Act after it has been in operation for 5 years.

Schedule 1 Hawkesbury-Nepean waters

Schedule 1 contains a geographical description of the Hawkesbury-Nepean waters.
Schedule 2 Amendment of Public Finance and Audit
Act 1983 No 152
Schedule 2 makes a consequential amendment to the Public Finance and Audit Act
1983.