

c2017-100B
GRNS--The Greens

LEGISLATIVE COUNCIL

Natural Resources Access Regulator Bill 2017

First print

Proposed amendments

- No. 1 **Regulations conferring functions under other Acts on Regulator**
Page 2, clause 3 (1), lines 24 and 25. Omit all words on those lines.
- No. 2 **Regulations conferring functions under other Acts on Regulator**
Page 2, clause 3 (1), lines 27 to 30. Omit all words on those lines.
- No. 3 **Regulations conferring functions under other Acts on Regulator**
Page 2, clause 3 (2), lines 33 to 35. Omit all words on those lines.
- No. 4 **Members of Board**
Page 3, clause 5 (2), line 13. Omit all words on that line. Insert instead:
(2) The Board is to consist of the following members appointed by the Premier:
(a) a person appointed as the Chairperson of the Board,
(b) a representative of the Aboriginal community,
(c) 2 other persons.
- No. 5 **Members of Board**
Page 3, clause 5 (3), line 16. Omit "Minister". Insert instead "Premier".
- No. 6 **Regulator's functions**
Page 4, clause 10. Insert after line 21:
(b) to direct the head of any Public Service agency responsible to a Minister administering natural resources management legislation to take such corrective action as may be specified by the Regulator or to make improvements with respect to the exercise of functions under that legislation,
- No. 7 **Regulations conferring functions under other Acts on Regulator**
Page 4, clause 10 (e), lines 29 to 32. Omit all words on those lines.
- No. 8 **Annual report**
Page 5, clause 12, line 3. Omit "the Minister". Insert instead "both Houses of Parliament".

No. 9 **Annual report**

Page 5, clause 12. Insert after line 7:

- (b) details of any strategies, policies or procedures, or any advice or report, the Regulator has prepared or provided under section 10,
- (c) details of any directions the Regulator has given to the head of a Public Service agency under section 10,
- (d) any matter that the Board considers to be relevant for inclusion in the report,

No. 10 **Members of Board**

Page 9, Schedule 1, clause 1. Insert after line 7:

- (2) A reference in this Schedule (other than clause 16) to the Minister is to be construed as a reference to the Premier.

No. 11 **Members of Board**

Page 9, Schedule 1, clause 3, line 14. Insert “may” after “Members”.

No. 12 **Members of Board**

Page 10, Schedule 1, clause 8, lines 13 to 20. Omit all words on those lines.

No. 13 **Establishment of separate staff agency of Regulator**

Page 12. Insert after line 14:

Schedule 2 Amendment of Government Sector Employment Act 2013 No 40

Schedule 1 Public Service agencies

Insert in alphabetical order in Part 3:

Natural Resources Access Regulator Staff
Agency

Chief Regulatory Officer of the Natural
Resources Access Regulator. The Premier is
to exercise the employer functions of the
Government in relation to the Chief
Regulatory Officer.

No. 14 **Role of Regulator under Water Management Act**

Page 12. Insert after line 14:

Schedule 2 Amendment of Water Management Act 2000 No 92

[1] Section 338A Power to require information and records

Omit section 338 (1). Insert instead:

- (1) The Minister or the Natural Resources Access Regulator may, by notice in writing given to a person, require the person to furnish to the Minister or the Regulator (as the case requires) such information or records (or both) as the Minister or the Regulator requires for the purposes of this Act.

[2] Sections 338B (2) and 339E (2)

Insert “or the Natural Resources Access Regulator” after “Minister” wherever occurring.

[3] Section 339G Compensation

Omit “Minister”. Insert instead “State”.

[4] Section 365 Penalty notices for certain offences

Omit “Ministerial Corporation” from section 365 (7).

Insert instead “Natural Resources Access Regulator”.

[5] Section 367 Evidentiary certificates

Omit section 367 (2) (k).

[6] Section 367 (2) (t)

Omit “or an authorised officer”.

[7] Section 367 (2A)

Insert after section 367 (2):

(2A) A certificate that is issued by the Natural Resources Access Regulator and that states that, on a date or during a period specified in the certificate:

(a) a specified person was, or was not, an authorised officer in relation to a specified provision of this Act, or

(b) information required to be furnished to an authorised officer pursuant to this Act was, or was not, received,

is admissible in any legal proceedings and is evidence of the fact or facts so stated.

[8] Section 390 Authorised officers and analysts

Omit “Minister” from section 390 (1).

Insert instead “Natural Resources Access Regulator”.

[9] Section 390 (1A)

Insert after section 390 (1):

(1A) An authorised officer is subject to the control and direction of the Natural Resources Access Regulator in the exercise of the authorised officer’s functions.

[10] Dictionary

Omit “Minister” from the definition of *authorised officer*.

Insert instead “Natural Resources Access Regulator”.