

## LEGISLATIVE COUNCIL

### Natural Resources Access Regulator Bill 2017

#### First print

#### Proposed amendments

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No. 1      **Objectives of Regulator**

Page 4, Division 2 heading, line 17. Omit “**Functions**”. Insert instead “**Objectives and functions**”.

No. 2      **Objectives of Regulator**

Page 4. Insert after line 17:

**10    Principal objectives of Regulator**

The principal objectives of the Regulator are:

- (a) to ensure effective, efficient, transparent and accountable compliance and enforcement measures for the natural resources management legislation, and
- (b) to maintain public confidence in the enforcement of the natural resources management legislation.

No. 3      **Functions of Regulator under other legislation**

Page 4, clause 10 (e), lines 29 to 32. Omit all words on those lines. Insert instead:

- (e) such functions under the natural resources management legislation as are specified in Schedule 2,

No. 4      **Functions of Regulator under other legislation**

Page 4, clause 10. Insert after line 35:

- (2) A function specified in Schedule 2 (a *specified function*) that is conferred on the Regulator by subsection (1) (e) may, despite that conferral, also be exercised by the person (the *relevant person*) on whom the function is conferred under the natural resources management legislation referred to in that Schedule.
- (3) The regulations may amend Schedule 2 by:
  - (a) adding a function under the natural resources management legislation, or
  - (b) amending or removing a specified function,

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but only with the concurrence of the relevant Minister administering the natural resources management legislation (other than this Act) under which the function is conferred.

- (4) The regulations may make provision for dealing with matters that are incidental to or consequential on the conferral of a specified function on the Regulator.
- (5) In particular, the regulations may:
  - (a) require a reference in the natural resources management legislation to the relevant person or any other person to be construed as (or as including) a reference to the Regulator, and
  - (b) deal with matters arising in connection with the exercise of a specified function by both the Regulator and the relevant person.
- (6) If a person has a right to appeal against, or to apply for a review of, a decision of the relevant person in exercising a specified function, the right extends to any decision of the Regulator in exercising that function.

No. 5 **Functions of Regulator under other legislation**

Page 8. Insert after line 24:

**18 Amendment of Water Management Act 2000 No 92**

**Sections 60G, 78, 78A, 91I, 109, 325–329, 331–335, 336A, 338A, 338B, 339E, 340C, 367 and 390**

Insert the following note at the end of each provision:

**Note.** See also section 10 (1) (e) of the *Natural Resources Access Regulator Act 2017* and Schedule 2 to that Act.

No. 6 **Functions of Regulator under other legislation**

Page 12. Insert after line 14:

**Schedule 2 Additional functions of Regulator**

(Section 10 (1) (e))

**1 Ministerial functions under Water Management Act 2000**

The functions of the Minister administering the *Water Management Act 2000* under any of the following provisions of that Act:

- (a) section 60G (Minister may charge for water illegally taken),
- (b) section 78 (Suspension and cancellation of access licences),
- (c) section 78A (Notification of intention to suspend, cancel or require payment of penalty),
- (d) section 91I (Taking water when metering equipment not working),
- (e) section 109 (Suspension and cancellation of approvals),
- (f) section 325 (Directions concerning waste of water),
- (g) section 326 (Directions to install and maintain metering equipment),
- (h) section 327 (Stop work order regarding unlawful construction or use of water management work),
- (i) section 328 (Stop work order regarding unlawful controlled activity or aquifer interference activity),
- (j) section 329 (Removal of unlawful water management works),
- (k) section 331 (Directions to holders of basic landholder rights),
- (l) section 332 (Directions concerning damage caused by straying stock),

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- (m) section 333 (Directions to protect water sources),
  - (n) section 334 (Directions to prepare reports),
  - (o) section 335 (Land and Environment Court may grant injunctions),
  - (p) section 336A (Remedial measures may be taken by Minister),
  - (q) section 338A (Powers of authorised officers to require information and records),
  - (r) section 338B (Power of authorised officers to require answers),
  - (s) section 339E (Assistance to be given to authorised officers),
  - (t) section 340C (Revocation or variation),
  - (u) section 367 (Evidentiary certificates),
  - (v) section 390 (Authorised officers and analysts).