

Introduced by the Hon J P Hannaford, MLC

First print



New South Wales

Snowy Mountains Hydro-electric Scheme (Water Inquiry) Bill 1997

Explanatory note

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

Overview of Bill

The object of this Bill is to provide for the holding of a public water inquiry relating to the Snowy Mountains Hydro-electric Scheme.

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 the date of assent.

Clause 3 defines certain words and expressions used in the proposed Act. The *Snowy water catchment* is defined as the area within designated water catchments in the Snowy Mountains area. The area is shown on a map tabled with the *Snowy Hydro Corporatisation Bill 1997*.

Clause 4 designates the area of inquiry for the purposes of the water inquiry, namely the Snowy water catchment, the Snowy River and other rivers and streams flowing from that catchment to Lake Hume, Blowering Reservoir or Burrinjuck Reservoir.

Part 2 Water inquiry

Clause 5 requires a public water inquiry to be held by NSW (in conjunction with Victoria) with respect to environmental issues arising from the current pattern of water flows in the designated area of inquiry caused by the operation of the Scheme. The inquiry is to report on options for dealing with those issues and the environmental, economic, agricultural and other impacts of those options. The clause contains provisions for the approval of, and consultation with, Victoria, the Commonwealth and others with respect to the terms of reference of the inquiry and the person or persons appointed to hold the inquiry.

Clause 6 requires the Snowy Mountains Hydro-electric Authority and other government agencies and authorities to provide any necessary assistance to the inquiry. The clause requires the person or persons holding the inquiry to preserve the confidentiality of any documents produced to the inquiry that contain commercially sensitive information.

Clause 7 requires the final report of the inquiry to be made within 6 months. The report is to be publicly released and tabled in Parliament.

Part 3 Miscellaneous

Clause 8 provides that the proposed Act binds the Crown.

Clause 9 authorises the making of regulations under the proposed Act.

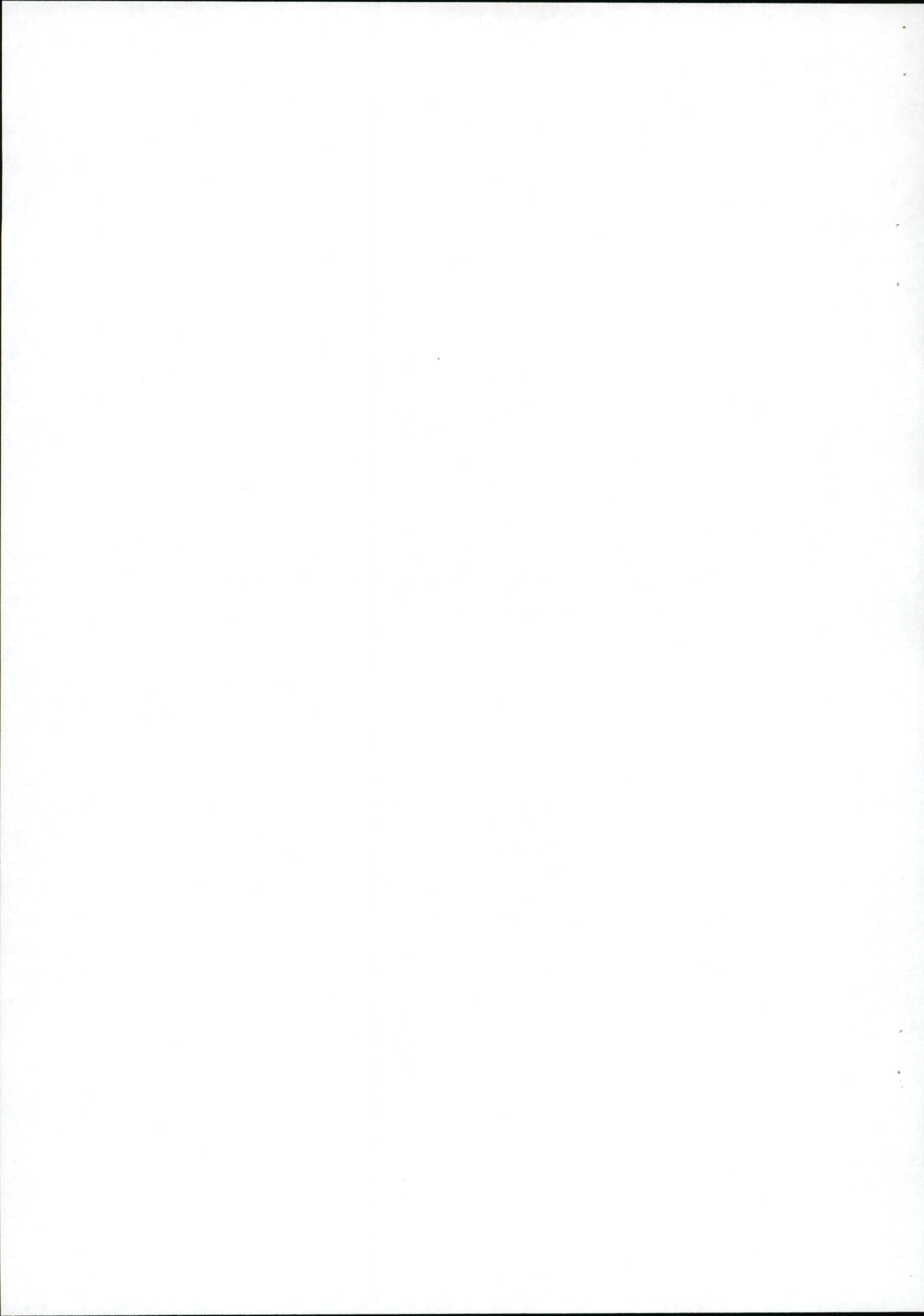


New South Wales

Snowy Mountains Hydro-electric Scheme (Water Inquiry) Bill 1997

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New South Wales

Snowy Mountains Hydro-electric Scheme (Water Inquiry) Bill 1997

No , 1997

A Bill for

An Act to provide for the holding of a public water inquiry relating to the
Snowy Mountains Hydro-electric Scheme.

Clause 1 Snowy Mountains Hydro-electric Scheme (Water Inquiry) Bill 1997

Part 1 Preliminary

The Legislature of New South Wales enacts:

Part 1 Preliminary

1 Name of Act

This Act is the *Snowy Mountains Hydro-electric Scheme (Water Inquiry) Act 1997*.

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2 Commencement

This Act commences on the date of assent.

3 Definitions

In this Act:

Snowy Mountains Hydro-electric Authority means the Snowy Mountains Hydro-electric Authority referred to in the *Snowy Mountains Hydro-electric Power Act 1949* of the Commonwealth.

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Snowy water catchment means the area comprising the following:

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(a) the catchment of the Swampy Plain River upstream of Khancoban Pondage and the course of that river 200 metres downstream of that pondage, and

(b) the catchment of the Murrumbidgee River upstream of the Tantangara Dam and the course of that river 200 metres downstream of that dam, and the Goodradigbee River catchment above the Goodradigbee River Aqueduct, and

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(c) the catchment of the Snowy River upstream of Jindabyne Dam and the course of the Snowy River 200 metres downstream of the Jindabyne Dam and the catchments of the Mowamba River and Cobbon Creek above the Mowamba River Aqueduct and the Cobbon Creek Aqueduct, and

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(d) the catchment of the Tumut River upstream of the Jounama Dam, and

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(e) the catchment of the Tooma River above the junction of the Tooma River and Sparkes Creek.

4 Designated area of inquiry

For the purposes of this Act, the *designated area of inquiry* is the following area:

- (a) the Snowy water catchment,
- (b) the course of the Snowy River flowing from that area,
- (c) the course of the rivers and streams flowing from that area to Lake Hume, Blowering Reservoir or Burrinjuck Reservoir.

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Part 2 Water inquiry

5 Water inquiry to be held

- (1) As soon as practicable after the commencement of this Act, the Minister is to direct that a public inquiry be held in accordance with this Part by one or more persons with respect to environmental issues arising from the current pattern of water flows in rivers and streams in the designated area of inquiry caused by the operation of the Snowy Mountains Hydro-electric Scheme. 5
- (2) The inquiry is to report on the options for dealing with those issues, and the environmental, economic, agricultural and other impacts of those options as required by the terms of reference of the inquiry. 10
- (3) For the purposes of reporting on the impacts of those options, the inquiry may deal with the impacts on areas other than the designated area of inquiry. 15
- (4) Any decision by the Minister as to the terms of reference of the inquiry must be approved by a Minister of the Commonwealth and a Minister of the State of Victoria.
- (5) Any decision by the Minister as to the person or persons to be appointed to hold the inquiry and the procedures for holding the inquiry must be approved by a Minister of the State of Victoria. 20
- (6) Before making any decision under this section, the Minister must consult the Minister administering the *Water Administration Act 1986*. This subsection does not limit any consultation by the Minister with other Governments or Government agencies. 25
- (7) The following provisions apply to the inquiry:
 - (a) the Minister is to give public notice of the holding of the inquiry and the proposed terms of reference of the inquiry. The Minister is to have regard to any public comment on the proposed terms of reference before they are settled, 30
 - (b) the persons holding the inquiry are to call for public submissions and hold public hearings with respect to the matters being examined by the inquiry.

6 Assistance to water inquiry

- (1) The Snowy Mountains Hydro-electric Authority, public authorities, State owned corporations and other authorities of the State of New South Wales are to provide any necessary assistance required by the person or persons holding the water inquiry under this Act for the purposes of the inquiry. 5
- (2) The person or persons holding the inquiry are to take all reasonable steps to preserve the confidentiality of any documents produced to the inquiry that contain commercially sensitive information. 10

7 Report of water inquiry

- (1) The person or persons holding the water inquiry under this Act are to make a final report within 6 months.
- (2) The person or persons holding the inquiry are to make any report public at the same time as it is submitted to the Minister. 15
- (3) The Minister is to cause a copy of any such report submitted to the Minister to be tabled as soon as practicable in both Houses of Parliament.

Clause 8 Snowy Mountains Hydro-electric Scheme (Water Inquiry) Bill 1997

Part 3 Miscellaneous

Part 3 Miscellaneous

8 Act binds Crown

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

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9 Regulations

The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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