

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

COTTER RIVER REPEAL BILL 2000

EXPLANATORY MEMORANDUM

Circulated by the authority of
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Minister for Urban Services

EXPLANATORY MEMORANDUM

Outline

This Bill is a result of a national competition policy review of the *Cotter River Act 1914*. The objective of the Act is to prevent pollution of the Cotter River water catchment. The Act restricts the sale or supply of food or beverages in the Cotter reserve, prohibits fishing in the Cotter Reservoir and restricts camping or picnicking in the Cotter River catchment.

The review concluded that the provisions of the Act were either anti-competitive or redundant and that the Act should be repealed.

All environmental safeguards currently provided by the Act can be maintained through other legislation. Inappropriate activities in the Cotter reserve can be adequately regulated through Section 56 (1)(e) of the *Nature Conservation Act 1980*. This Section allows for the supply of goods and services within reserved areas with the written consent of the Conservator. Prohibition of fishing in the Cotter River reservoir is also prohibited under the *Fishing Act 1967*. Restrictions to camping and picnicking can be enforced through Section 8A of the *Trespass on Territory Land Act 1932* on plantation forest land, and Section 56 of the *Nature Conservation Act 1980* on reserved land.

There are references to the Act in several other pieces of legislation - *Bushfire Act 1936* (Section 8), *Water Pollution Regulations* (Reg 3), and *Public Health (General Sanitation) Regulations* (Reg 20). Consequential amendments are only required for the *Bushfire Act 1936* (Section 8). The *Water Pollution Regulations* have been, and the *Public Health (General Sanitation) Regulations* will shortly be, repealed.

Revenue/Cost Implications

There is no financial implication associated with the Bill.

Formal Clauses

Clauses 1 and 2 are formal requirements. They deal with the title of the Bill and commencement provisions.

Clause 3 lists the Acts to be repealed;

- *Cotter River Act 1914* No 2;
- *Cotter River Act 1919* No 4;
- *Cotter River Act 1928* No 9; and
- *Cotter River Act 1931* No 12.

Clause 4 outlines the consequential amendments required to the *Bushfire Act 1936*. Specifically;

- Section 2 is repealed;
- Section 8 allows for smoking to be prohibited in or near plantations. In order for this to continue, reference to the *Cotter River Act 1914* is replaced by a reference to the Cotter River reserve;
- The Schedule to the *Bushfire Act 1936* is repealed and replaced by a description of the Cotter Reserve.