



Australian Capital Territory

Water Resources (Catchment Management Coordination Group) Amendment Act 2015

A2015-25

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J2014-648

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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Australian Capital Territory

Water Resources (Catchment Management Coordination Group) Amendment Act 2015

A2015-25

An Act to amend the *Water Resources Act 2007* and the *Water Resources Regulation 2007*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2014-648

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Water Resources (Catchment Management Coordination Group) Amendment Act 2015*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Water Resources Act 2007* and the *Water Resources Regulation 2007*.

Part 2 Water Resources Act 2007

4 New part 7A

insert

Part 7A ACT and region catchment management coordination group

67A Coordination group—establishment

The ACT and region catchment management coordination group (the *coordination group*) is established.

67B Coordination group—functions

- (1) The coordination group has the following functions:
 - (a) to advise the Minister on matters relating to water catchment management in the ACT and the Australian capital water catchment region;
 - (b) any other function given to the group under this Act or another territory law.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

Note 2 A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act](#), s 196 and dict, pt 1, def *entity*).

- (2) Without limiting subsection (1), the matters on which the coordination group may advise the Minister include the following:
- (a) priorities for water catchment management in the ACT and the Australian capital catchment region;
 - (b) actions or strategies to build partnerships, manage or develop activities and share information with the Commonwealth, a Commonwealth authority, a State or a State agency, including any investment opportunities;
 - (c) actions or strategies to improve water catchment health;
 - (d) actions or strategies to coordinate investment in relation to water catchment management with the Commonwealth, a Commonwealth authority, a State or a State agency;
 - (e) likely impacts of a proposed development or event on water catchment management in the ACT and the Australian capital water catchment region;
 - (f) actions or strategies for a proposed development or event to address likely impacts on water catchment management;
 - (g) any other matter in relation to water catchment management referred to the group by the Minister.
- (3) In exercising its functions, the coordination group—
- (a) must try to—
 - (i) encourage early and effective information sharing between members of the group, and any relevant agency or community group; and
 - (ii) raise awareness of catchment management issues to encourage community action in promoting catchment health; and

- (b) must consider—
 - (i) any relevant information the group is aware of from the business and community sector; and
 - (ii) information available in a report that the Minister requires the group to consider; and
 - (c) may consider any other relevant information.
- (4) In this section:

area—see the *Local Government Act 1993* (NSW), dictionary, definition of *area*.

capital water catchment region means the region made up of areas within the boundaries of the following councils:

- (a) Cooma-Monaro Shire;
- (b) Palerang Council;
- (c) Queanbeyan City Council;
- (d) Yass Valley Local Government.

council—see the *Local Government Act 1993* (NSW), dictionary, definition of *council*.

67C Minister to consider coordination group advice

In exercising a function under this Act, the Minister must consider any relevant advice given to the Minister by the coordination group.

67D Annual report by coordination group

- (1) For each financial year, the coordination group must prepare a report about the group's activities during the financial year, including any advice given, or recommendations made, to the Minister.

- (2) The group must give the report to the Minister within 3 months after the end of the financial year.
- (3) The Minister must, within 21 days after receiving the report, table the following in the Legislative Assembly:
 - (a) the report;
 - (b) a statement by the Minister responding to any advice given or recommendations made to the Minister in the group's annual report.
- (4) However, if there are no sitting days during the 21-day period—
 - (a) the Minister must give the report and the statement, and a copy of each for each member of the Legislative Assembly, to the Speaker; and
 - (b) the report and the statement are taken for all purposes to have been tabled in the Legislative Assembly on the day the Minister gives it to the Speaker (the *report day*); and
 - (c) the Speaker must arrange for a copy of the report and a copy of the statement to be given to each member of the Legislative Assembly on the report day; and
 - (d) despite paragraph (b), the Speaker must present the report and the statement to the Legislative Assembly on the next sitting day.
- (5) In this section:
Speaker includes—
 - (a) if the Speaker is unavailable—the Deputy Speaker; and
 - (b) if both the Speaker and the Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is *unavailable* if—

- (a) the Speaker or Deputy Speaker is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

67E Coordination group—membership

- (1) The coordination group is made up of the following members:
 - (a) the director-general of the—
 - (i) Chief Minister, Treasury and Economic Development Directorate; and
 - (ii) Environment and Planning Directorate; and
 - (iii) Health Directorate; and
 - (iv) Territory and Municipal Services Directorate;
 - (b) the commissioner of the ACT Emergency Services Agency;
 - (c) a representative of the national capital authority, who is nominated, in writing, by the authority;
 - (d) a representative of the New South Wales government agency with responsibility for water catchment management in the Australian capital water catchment region (however described), who is appointed by the Minister;
 - (e) a representative of the community's interests in water catchment management, who is appointed by the Minister;
 - (f) a chair, who is appointed by the Minister and not otherwise mentioned in this section;
 - (g) any other person prescribed by regulation.

Note The group can still function with a vacancy in membership (see [Legislation Act](#), s 199 (5)).

- (2) The Minister must not appoint a person to the group unless satisfied that the person has appropriate knowledge and experience in an area relevant to the operation of this Act.
- (3) The conditions of appointment of a member under this section are the conditions stated in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*.
- (4) The [Legislation Act](#), division 19.3.3 (Appointments—Assembly consultation) does not apply to an appointment under this section.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see [Legislation Act](#), s 207).

Note 3 A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

- (5) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (6) In this section:

government agency means a government department (however described) or statutory authority.

67F Ending of appointments

The Minister may end the appointment of a member of the coordination group—

- (a) for misbehaviour; or
- (b) if the member becomes bankrupt or personally insolvent; or

Note **Bankrupt or personally insolvent**—see the [Legislation Act](#), dictionary, pt 1.

- (c) if the member is convicted, or found guilty, in Australia of an offence punishable by imprisonment for at least 1 year; or
- (d) if the member is convicted, or found guilty, outside Australia of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year; or
- (e) if the member is absent for 3 consecutive meetings without leave of the chair; or
- (f) for physical or mental incapacity that substantially affects the exercise of the member's functions.

Note A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

67G Coordination group—general procedure

- (1) Meetings of the coordination group are to be held when and where it decides.
- (2) The coordination group may conduct its proceedings (including its meetings) as it considers appropriate.

67H Coordination group—quorum at meetings

Business may be carried on at a meeting of the coordination group only if at least 5 members of the group are present.

67I Voting at coordination group meetings

At a meeting of the coordination group, a question is decided by the majority of the votes of the group members present and voting.

67J Reimbursement of expenses for coordination group members

- (1) A member of the coordination group is not entitled to be paid for the exercise of the member's functions.
- (2) However, a member may apply to the director-general for reimbursement of expenses reasonably incurred by the member for the purpose of attending a meeting or otherwise performing a function of the coordination group, subject to any determination under the *Remuneration Tribunal Act 1995*.
- (3) Subsection (2) does not apply to a group member who is a public servant.

5 Dictionary, note 2

insert

- director-general
- national capital authority
- public employee
- public servant

6 Dictionary, new definition of *coordination group*

insert

coordination group—see section 67A.

Part 3 Water Resources Regulation 2007

7 New section 11

insert

11 Membership of coordination group—Act, s 67E (1) (g)

- (1) The following people are prescribed:
- (a) a representative of the Cooma-Monaro Shire Council, who is nominated by the council;
 - (b) a representative of ICON Water Limited, who is nominated by ICON Water Limited;
 - (c) a representative of the Palerang Council, who is nominated by the council;
 - (d) a representative of the Queanbeyan City Council, who is nominated by the council;
 - (e) a representative of the South East Local Board of the Local Land Services, who is nominated by the board;
 - (f) a representative of the Yass Valley Council, who is nominated by the council.
- (2) In this section:

ICON Water Limited means the incorporated body registered under the [Corporations Act](#) as ICON Water Limited (ACN 069 381 960).

Local Land Services means the statutory corporation with the corporate name Local Land Services established under the [Local Land Services Act 2013](#) (NSW), section 8 (Constitution of Local Land Services).

South East Local Board means the Local Land Services local board established under the [Local Land Services Act 2013](#) (NSW), section 27 (Local Boards) for the region described as South East in that [Act](#), schedule 1 (Local Land Services regions).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 June 2015.

2 Notification

Notified under the [Legislation Act](#) on 18 August 2015.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Water Resources (Catchment Management Coordination Group) Amendment Bill 2015, which was passed by the Legislative Assembly on 4 August 2015.

Clerk of the Legislative Assembly

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