

MURRAY-DARLING BASIN BILL 1996

EXPLANATORY NOTES

GENERAL OUTLINE

Policy objectives of the Bill

To approve and provide for the carrying out of an agreement entered into between the Commonwealth and the States of Queensland, New South Wales, South Australia and Victoria with regard to the water, land and other environmental resources of the Murray-Darling Basin, and for other purposes, through the Murray-Darling Basin Bill.

The way the policy objectives will be achieved

The policy objectives will be achieved by providing for:

- approval of the Murray-Darling Basin Agreement in Queensland;
- providing for the appointment of Commissioners and Deputy Commissioners; and
- providing the Commission with powers and functions as defined in the Agreement to operate in Queensland.

Reasonable alternative way of achieving the policy objectives

A Bill is needed to provide for the carrying out of the Murray-Darling Basin Agreement in Queensland. There is no alternative way of providing for this.

Sections contained in the Murray-Darling Basin Agreement Acts of the other States, which are not relevant to Queensland, have been deleted from the Queensland Bill. These sections relate to entry to land, construction of works and compensation for injury to other interests by the Commission. The Government can exercise these powers under other State legislation. These powers could be incorporated in Queensland's Act in the future if

such powers are required by the Commission. The Murray-Darling Basin Commission has agreed to this approach.

Administrative cost to government of implementing the Bill

The annual contribution of \$150,000 (with CPI adjustments) was previously shared equally by the former Departments of Primary Industries, Lands and Environment and Heritage. New funding arrangements between the new Departments of Primary Industries, Environment and Natural Resources are yet to be resolved. Funds for other involvement in the Initiative e.g., costs of meetings etc., will be covered by current portfolio budgets.

As a consequence of joining the MDBA, Queensland will have access to additional funds through the National Landcare Program. For projects under the Integrated Catchment Management Program, Queensland's contribution is matched on a dollar for dollar basis by the Commonwealth. With regard to projects under the Information and Education Program of the Murray-Darling, every dollar contributed by Queensland attracts a further four dollars.

Consistency of the Bill with fundamental legislative principles

The Bill does not infringe fundamental legislative principles.

Consultation

Extensive public consultation occurred during the period up to Queensland accepting membership of the Murray Darling Basin Commission. On balance the community accepted the joining proposal although attitudes varied. Members of the rural community have formed themselves into four catchment co-ordinating committees.

Since preparation of the Bill consultation has occurred with key industry and community stakeholders, who have indicated their support for the Bill as:

- it is for the implementation of the Agreement in Queensland and is consistent with the agreement.
- in Queensland it provides for the appointment of commissioners and provides the Commission with powers and functions given to it under the agreement.

The Murray Darling Basin Commission was consulted on the content of the Queensland Bill and matters associated with National Competition Policy. The Commission is in agreement with the content of the Bill for Queensland. It does not propose to review the matter relating to exemption from taxes and charges at this stage.

The Department of Primary Industries and Department of the Environment have been informed of progress with the Bill. These Departments have not raised any issues.

Discussions have taken place with the National Competition Policy Unit in the Treasury Department on the Section in the Bill on exemptions from taxes and charges. It is not proposed to review this matter until the Commonwealth takes action.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Clause 1 states that the short title of the Act will be the *Murray-Darling Basin Act 1996*.

Clause 2 provides definitions for the purposes of the Act.

Clause 3 provides that if a word or expression (other than a word or expression defined in section 2) is used in the Act and in the agreement, then the word or expression has the meaning given in the agreement.

Clause 4 provides that the Act binds all persons, including the State.

PART 2—THE AGREEMENT AND THE COMMISSIONERS

Clause 5 provides that the agreement is approved.

Clause 6 provides that—

- (a) for the purposes of clause 20(2) of the agreement, the Governor in Council may appoint 2 commissioners and 2 deputy commissioners as State members;
- (b) appointment is to be for a period stated in the instrument of appointment, but not more than 5 years; and
- (c) a person appointed is eligible for reappointment.

Clause 7 provides for the terms of appointment of a State member.

Clause 8 provides that a State member is entitled to the remuneration and allowances fixed by the Governor in Council.

Clause 9 provides that a State member may resign from office in accordance with clause 29 of the agreement.

Clause 10 provides that the Governor in Council may remove a State member from office at any time.

PART 3—THE COMMISSION’S FUNCTIONS AND POWERS

Clause 11 provides that the commission has the powers and functions conferred on it under the agreement.

PART 4—GENERAL

Clause 12 provides that the Supreme Court may exercise jurisdiction over the commission and the commissioners.

Clause 13 provides that an act or thing done by or for the commission is not liable to a rate, tax, charge or fee under any Act of the State.

Clause 14 provides for the evidentiary status of certain documents of the commission.

Clause 15 requires that, as soon as practicable after the Minister receives it, the Minister must table, in the Legislative Assembly, a copy of -

- (a) a report or statement given to the Ministerial Council by the commission under clause 84 of the agreement; and
- (b) a schedule approved under clause 50 of the agreement.

Clause 16 provides for accession by new parties to the agreement under clause 134 of the agreement.

Clause 17 provides that the Governor in Council may make regulations under the Act.

SCHEDULE

Murray-Darling Basin Agreement.