

CATCHMENT MANAGEMENT BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Soil Conservation (Amendment) Bill 1989 is cognate with this Bill.

The object of this Bill is to implement total catchment management of the State's natural resources, namely, the co-ordinated and sustainable use and management of land, water, vegetation and other natural resources on a water catchment basis so as to balance resource utilisation and conservation.

The Bill:

- (a) establishes the State Catchment Management Co-ordinating Committee and provides for a network of Catchment Management Committees (co-ordinated by that Committee) and Catchment Management Trusts linking the Government and the community for the purposes of total catchment management; and
 - (b) provides for Catchment Management Trusts to raise revenue for particular total catchment management purposes; and
 - (c) re-establishes the Hunter Valley Conservation Trust and the Upper Parramatta River Catchment Trust as Catchment Management Trusts;
- and makes provision for other related matters.

PART 1 - PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day or days.

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Clause 3 defines expressions used in the proposed Act.

Clause 4 defines the term "total catchment management" for the purposes of the proposed Act.

Clause 5 specifies the objects of the proposed Act.

Clause 6 defines the term "responsible Minister" in relation to the State Catchment Management Co-ordinating Committee and to the establishment of Catchment Management Committees and Catchment Management Trusts. It also provides a mechanism for changing the responsible Minister of a particular Committee or Trust.

Clause 7 identifies the Minister responsible for the administration of the proposed Act.

PART 2 - ESTABLISHMENT OF COMMITTEES RELATING TO CATCHMENT MANAGEMENT

Division 1 - State Catchment Management Co-ordinating Committee

Clause 8 establishes the State Catchment Management Co-ordinating Committee.

Clause 9 provides that the Co-ordinating Committee is to have 16 members representing government departments and authorities, local government and shires associations, and rural and environmental interests.

Clause 10 specifies that the objective of the Co-ordinating Committee is to provide a central co-ordinating mechanism for the purpose of total catchment management throughout New South Wales.

Clause 11 sets out the functions of the Co-ordinating Committee including its co-ordinating, monitoring, evaluating and advisory roles.

Clause 12 provides for the Co-ordinating Committee to obtain assistance from subcommittees.

Division 2 - Catchment Management Committees

Clause 13 provides for the establishment of Catchment Management Committees by order of the responsible Minister published in the Gazette. The catchment area of the Committee is to be described in the order.

Clause 14 provides for the membership of a Committee. Appointments are to be made from among persons who are land holders or land users, persons with environmental interests and representatives of local government, government departments and authorities within the catchment area.

Clause 15 sets out the functions of a Committee in relation to total catchment management within its catchment area. In the exercise of its functions a Committee is responsible to the Co-ordinating Committee.

Clause 16 provides machinery for the abolition of a Committee or for its change of name or catchment area.

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Division 3 - General provisions relating to Co-ordinating Committee and Catchment Management Committees

Clause 17 is a formal provision that gives effect to the Schedule relating to members and procedure of the Co-ordinating Committee and Committees.

Clause 18 empowers the Co-ordinating Committee or a Committee to delegate any of its functions.

Clause 19 provides for the Co-ordinating Committee or a Committee to make use of the staff of government departments and authorities in exercising its functions.

PART 3 - CATCHMENT MANAGEMENT TRUSTS

Division 1 - Establishment

Clause 20 provides for the establishment of the Catchment Management Trusts listed in Schedule 1.

Clause 21 provides for additional Trusts to be created on the recommendation of the responsible Minister. The Trust area is to be described in the regulations and it may overlap with the catchment area of a Committee.

Clause 22 provides for the appointment of trustees representing land holders or land users, local government authorities, persons with environmental interests and government departments and authorities within the Trust area.

Clause 23 is a formal provision that gives effect to the Schedule relating to members and procedure of Trusts.

Clause 24 provides that a Trust is, in the exercise of its functions, responsible to the Minister who established the Trust.

Clause 25 provides machinery for the abolition of a Trust or for its change of name, Trust area or membership.

Division 2 - Purpose and functions

Clause 26 requires a Trust to have a purpose related to total catchment management which is to be prescribed in the regulations.

Clause 27 empowers a Trust to exercise a range of functions in connection with its purpose.

Clause 28 requires a Trust, within 1 year of its first meeting, to prepare a corporate plan setting out a scheme of strategies and programs for the achievement of its purpose.

Clause 29 provides the mechanism for approval of a corporate plan.

Clause 30 empowers and requires a Trust to undertake the programs contained in its approved corporate plan.

Clause 31 requires a Trust to provide information to the responsible Minister and to maintain effective liaison with the Co-ordinating Committee.

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Clause 32 empowers a Trust to delegate any of its functions.

Clause 33 provides for a Trust to employ staff and to make use of the staff of government departments and authorities in exercising its functions.

Division 3 - Finance

Clause 34 provides for a Trust to establish a Fund to be known by the name of the Trust.

Clause 35 requires a Trust to pay into its Fund all money received.

Clause 36 requires a Trust to pay from its Fund all expenditure incurred in the exercise of its functions.

Clause 37 sets out the controls on the investment powers of a Trust in relation to its Fund.

Division 4 - Revenue

Clause 38 contains definitions used in the Division including "catchment contribution area" and "charging year".

Clause 39 provides for the responsible Minister to publish orders declaring land within a Trust area to be a catchment contribution area, and declaring a period of 12 months to be the charging year for a Trust.

Clause 40 empowers a Trust to levy a catchment contribution on land declared to be a catchment contribution area, provided the levy is to be used to fund programs in the Trust's corporate plan.

Clause 41 provides for the basis or bases according to which catchment contributions are to be levied to be specified in the regulations. The bases may include land value, the area of land, and the benefit accruing to land as a result of the Trust's programs.

Clause 42 requires a Trust to prepare annual estimates of its income and expenditure, including any amounts to be obtained by way of catchment contributions.

Clause 43 requires a Trust to determine and publish in the Gazette before the commencement of a charging year the amount it proposes to raise by way of catchment contributions, the land within its catchment contribution area that is to be levied, the basis or bases of the catchment contribution and the rate of the contribution for the charging year. Separate determinations may be made for different land within a catchment contribution area.

Clause 44 requires a Trust to classify each parcel of land that is to be levied in accordance with its determinations and to assess the catchment contributions payable. When a notice of the assessment is served on the owner of a parcel of land the owner becomes liable for payment of the catchment contribution specified in the notice.

Clause 45 empowers a Trust to reassess a catchment contribution, levied on the basis of land value, if the land value changes.

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Clause 46 provides that a Trust may enter an arrangement with a local authority such as a council, Water Supply Authority or the Water Board for the authority to undertake certain collection functions of a Trust on behalf of the Trust.

Clause 47 provides that a catchment contribution is a charge on the land to which it relates.

Clause 48 provides for a Trust to charge interest on overdue catchment contributions.

Clause 49 provides for the recovery of unpaid catchment contributions as a debt due to the Crown.

Clause 50 provides for certain lands to be exempted from the levy of catchment contributions.

Clause 51 provides for the issue of a certificate containing particulars of amounts payable to a Trust in respect of a parcel of land on application and payment of a prescribed fee. Such a certificate is conclusive proof of the amount payable at the date of its issue.

Division 5 - General provisions

Clause 52 provides for the appropriation or resumption of land by a Trust for the purposes of the proposed Act.

Clause 53 empowers a Trust to enter land for inspections or to carry out works. An offence is created of obstructing or hindering a Trust which is acting under this clause (maximum penalty: 10 penalty units). The Trust is to compensate persons who suffer damage as a result of the exercise of this power.

Clause 54 creates an offence of interfering with, or damaging any works that belong to, or are under the control or management of, a Trust (maximum penalty: 50 penalty units).

Clause 55 empowers a Trust to prevent placement or to require the demolition of a structure or other thing that interferes with or is likely to interfere with Trust works. A right of appeal is provided to the Land and Environment Court.

Clause 56 empowers a Trust to apply to the Land and Environment Court for an injunction to prevent a contravention, or the continuation of a contravention, of the proposed Act.

Clause 57 provides for efficiency reviews of Trusts.

Clause 58 gives the responsible Minister power to appoint an administrator to exercise the functions of a Trust in certain circumstances.

Clause 59 provides machinery for the resolution of any dispute that may arise as a result of a Trust exercising its functions under this Act.

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PART 4 - MISCELLANEOUS

Clause 60 provides for the proposed Act to bind the Crown in all its capacities.

Clause 61 is an evidentiary provision that specifies when proof in legal proceedings of certain matters concerning Committees and Trusts will not be required.

Clause 62 provides that proceedings for offences against the proposed Act or regulations are to be dealt with summarily by a Magistrate.

Clause 63 enables the Governor to make regulations for the purposes of the proposed Act including regulations imposing penalties not exceeding 50 penalty units.

Clause 64 is a formal provision that gives effect to the Schedule of savings, transitional and other provisions.

Clause 65 amends the Land and Environment Court Act 1979 to provide persons served with a notice in relation to obstruction of works of a Trust with a right of appeal to the Land and Environment Court.

Clause 66 amends the Public Authorities (Financial Arrangements) Act 1987 to enable a Trust to obtain financial accommodation under that Act.

Clause 67 amends the Public Finance and Audit Act 1983 to subject Trusts to the requirements of that Act relating to statutory bodies.

Clause 68 makes an amendment to the Water Administration Act 1986 consequent on the proposed repeal of the Hunter Valley Conservation Trust Act 1950.

Clause 69 amends the Water Supply Authorities Act 1987 to allow a Trust to exercise a function that may also be exercised by a Water Supply Authority and to remove the Upper Parramatta River Catchment Trust from the Schedule of Water Supply Authorities under that Act.

Clause 70 repeals the Hunter Valley Conservation Trust Act 1950 and the regulations under that Act.

SCHEDULES

Schedule 1 is a list of established Catchment Management Trusts.

Schedule 2 specifies the cities, municipalities and shires that comprise the urban area for the purposes of the proposed Act.

Schedule 3 contains provisions relating to members and procedure of Committees.

Schedule 4 contains provisions relating to members and procedure of Trusts.

Schedule 5 contains provisions to allow for the application of the Public Works Act 1912 to appropriation or resumption of land under the proposed Act.

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Schedule 6 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.
