

NATURAL RESOURCES ACCESS REGULATOR BILL 2017

Amendments made by Legislative Council on 21 November 2017

- No. 1 **GOVT No. 1[c2017-120E]**
Page 4, Division 2 heading, line 17. Omit “**Functions**”. Insert instead “**Objectives and functions**”.
- No. 2 **GOVT No. 2[c2017-120E]**
Page 4. Insert after line 17:
- 10 Principal objectives of Regulator**
- The principal objectives of the Regulator are:
- (a) to ensure effective, efficient, transparent and accountable compliance and enforcement measures for the natural resources management legislation, and
- (b) to maintain public confidence in the enforcement of the natural resources management legislation.
- No. 3 **GOVT No. 3[c2017-120E]**
Page 4, clause 10 (e), lines 29 to 32. Omit all words on those lines. Insert instead:
- (e) such functions under the natural resources management legislation as are specified in Schedule 2,
- No. 4 **GOVT No. 4[c2017-120E]**
Page 4, clause 10. Insert after line 35:
- (2) A function specified in Schedule 2 (*a specified function*) that is conferred on the Regulator by subsection (1) (e) may, despite that conferral, also be exercised by the person (*the relevant person*) on whom the function is conferred under the natural resources management legislation referred to in that Schedule.
- (3) The regulations may amend Schedule 2 by:
- (a) adding a function under the natural resources management legislation, or
- (b) amending or removing a specified function,
but only with the concurrence of the relevant Minister administering the natural resources management legislation (other than this Act) under which the function is conferred.
- (4) The regulations may make provision for dealing with matters that are incidental to or consequential on the conferral of a specified function on the Regulator.
- (5) In particular, the regulations may:
- (a) require a reference in the natural resources management legislation to the relevant person or any other person to be construed as (or as including) a reference to the Regulator, and
- (b) deal with matters arising in connection with the exercise of a specified function by both the Regulator and the relevant person.

- (6) If a person has a right to appeal against, or to apply for a review of, a decision of the relevant person in exercising a specified function, the right extends to any decision of the Regulator in exercising that function.

No. 5 **GOVT No. 5[c2017-120E]**
Page 8. Insert after line 24:

18 Amendment of Water Management Act 2000 No 92

Sections 60G, 78, 78A, 91I, 109, 325–329, 331–335, 336A, 338A, 338B, 339E, 340C, 367 and 390

Insert the following note at the end of each provision:

Note. See also section 10 (1) (e) of the *Natural Resources Access Regulator Act 2017* and Schedule 2 to that Act.

No. 6 **GOVT No. 6[c2017-120E]**
Page 12. Insert after line 14:

Schedule 2 Additional functions of Regulator

(Section 10 (1) (e))

1 Ministerial functions under Water Management Act 2000

The functions of the Minister administering the *Water Management Act 2000* under any of the following provisions of that Act:

- (a) section 60G (Minister may charge for water illegally taken),
- (b) section 78 (Suspension and cancellation of access licences),
- (c) section 78A (Notification of intention to suspend, cancel or require payment of penalty),
- (d) section 91I (Taking water when metering equipment not working),
- (e) section 109 (Suspension and cancellation of approvals),
- (f) section 325 (Directions concerning waste of water),
- (g) section 326 (Directions to install and maintain metering equipment),
- (h) section 327 (Stop work order regarding unlawful construction or use of water management work),
- (i) section 328 (Stop work order regarding unlawful controlled activity or aquifer interference activity),
- (j) section 329 (Removal of unlawful water management works),
- (k) section 331 (Directions to holders of basic landholder rights),
- (l) section 332 (Directions concerning damage caused by straying stock),
- (m) section 333 (Directions to protect water sources),
- (n) section 334 (Directions to prepare reports),
- (o) section 335 (Land and Environment Court may grant injunctions),
- (p) section 336A (Remedial measures may be taken by Minister),
- (q) section 338A (Powers of authorised officers to require information and records),
- (r) section 338B (Power of authorised officers to require answers),

- (s) section 339E (Assistance to be given to authorised officers),
 - (t) section 340C (Revocation or variation),
 - (u) section 367 (Evidentiary certificates),
 - (v) section 390 (Authorised officers and analysts).
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