



New South Wales

Natural Resources Commission Bill 2003

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

The following Bills are cognate with this Bill:

Native Vegetation Bill 2003

Catchment Management Authorities Bill 2003

Overview of Bill

The object of this Bill is to establish an independent commission to provide the Government with advice on natural resource management.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 provides that, for the purposes of the proposed Act, *natural resource management* extends to matters relating to the management of natural resources, such as water, native vegetation, salinity, soil, biodiversity, coastal protection and any other matters prescribed by the regulations.

Part 2 Establishment of Natural Resources Commission

Clause 5 provides for the establishment of a Natural Resources Commission and provides that its functions are exercisable by the Commissioner.

Clause 6 provides for the appointment of a Commissioner for the Natural Resources Commission.

Clause 7 permits the Commissioner, with the concurrence of the Minister, to appoint Assistant Commissioners for the Natural Resources Commission.

Clause 8 is a formal provision giving effect to Schedule 1 (Provisions relating to Commissioner and Assistant Commissioners).

Clause 9 makes provision for the employment of staff of the Commission under the *Public Sector Employment and Management Act 2002*.

Clause 10 provides that the Commission is not subject to Ministerial control in respect of the preparation and contents of any advice or recommendation of the Commission.

Part 3 Functions of Natural Resources Commission

Clause 11 provides that the Commission has the general function of providing the Government with independent advice on natural resource management and such other functions as are conferred or imposed on it by or under the proposed Act.

Clause 12 specifies particular functions of the Commission. They include recommending State-wide standards and targets for natural resource management issues, recommending the approval (under the proposed *Catchment Management Authorities Act 2003*) of catchment action plans that are consistent with those standards and promote those targets, undertaking audits of those plans, co-ordinating or undertaking significant natural resource and conservation assessments, undertaking inquiries on natural resource management issues, assisting in the reconciliation of particular complex natural resource management issues, and arranging for information to be gathered and disseminated on natural resource management issues.

Clause 13 provides that the Commission, in exercising its functions, is to have regard to the principles of ecologically sustainable development, to the social and economic implications of its recommendations and advice and to certain other matters.

Clause 14 provides that the Commission is to provide the Minister with reports on its recommendations, audits, inquiries and advice and to provide annual reports on its work and activities. The Commission is required to make the reports public.

Clause 15 permits the Commission to enter arrangements with any government agency or other body or person for the provision of assistance to the Commission in connection with the exercise of its functions. The Commission may also direct a government agency to provide the Commission with any relevant information held by the agency.

Clause 16 provides that the Commission may delegate its functions.

Part 4 Miscellaneous

Clause 17 provides that the proposed Act binds the Crown.

Clause 18 protects the confidentiality of Cabinet documents and proceedings.

Clause 19 provides that proof of certain matters is not required in legal proceedings unless evidence is given to the contrary.

Clause 20 provides that proceedings for an offence against the proposed Act or the regulations are to be dealt with summarily before a Local Court.

Clause 21 contains the general regulation-making power.

Clause 22 is a formal provision giving effect to Schedule of amendments of other Acts and instruments.

Clause 23 is a formal provision giving effect to Schedule of savings and transitional provisions.

Clause 24 provides for the standard review of the proposed Act.

Schedule 1 Provisions relating to Commissioner and Assistant Commissioners

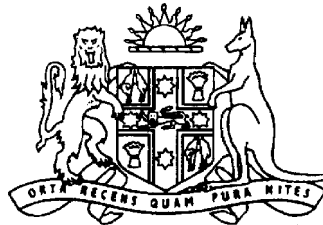
Schedule 1 contains standard provisions relating to the appointment, terms of office, remuneration, filling of vacancies and personal liability of a Commissioner and Assistant Commissioners.

Schedule 2 Amendment of other Acts and instruments

Schedule 2 contains consequential amendments to other Acts and instruments. In particular, an amendment to the *Public Finance and Audit Act 1983* applies provisions for the auditing of the accounts of the Commission and the submission of annual reports to Parliament.

Schedule 3 Savings, transitional and other provisions

Schedule 3 enables savings and transitional regulations to be made consequent on the enactment of the proposed Act and contains other specific savings and transitional provisions. The Schedule provides for the abolition of existing statutory and administrative advisory bodies on natural resource management (including RACAC, the Healthy Rivers Commission, the Coastal Council, the Water Advisory Council, the Native Vegetation Advisory Council, the Fisheries Resource Conservation and Assessment Council and the State Catchment Management Co-ordinating Committee).



New South Wales

Natural Resources Commission Bill 2003

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New South Wales

Natural Resources Commission Bill 2003

No. , 2003

A Bill for

An Act to establish the Natural Resources Commission; to confer functions on the Commission with respect to natural resource management; to amend various Acts consequentially; and for other purposes.

See also *Native Vegetation Bill 2003*, *Catchment Management Authorities Bill 2003*.

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

 This Act is the *Natural Resources Commission Act 2003*. 4

2 Commencement 5

 This Act commences on a day or days to be appointed by 6
 proclamation. 7

3 Definitions 8

 In this Act: 9

Assistant Commissioner means an Assistant Commissioner for the 10
 Natural Resources Commission. 11

catchment management authority means a catchment management 12
 authority established under Part 2 of the *Catchment Management* 13
 Authorities Act 2003. 14

Commission means the Natural Resources Commission established 15
 under Part 2. 16

Commissioner means the Commissioner for the Natural Resources 17
 Commission. 18

exercise a function includes perform a duty. 19

function includes a power, authority or duty. 20

government agency means any public or local authority, and 21
 includes: 22

 (a) a government department, State owned corporation and 23
 council of a local government area, and 24

 (b) the head of a government agency. 25

natural resource management—see section 4. 26

4 Natural resource management—application of Act 27

 For the purposes of this Act, *natural resource management* extends 28
 to the following matters relating to the management of natural 29
 resources: 30

 (a) water, 31

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| (b) native vegetation, | 1 |
| (c) salinity, | 2 |
| (d) soil, | 3 |
| (e) biodiversity, | 4 |
| (f) coastal protection, | 5 |
| (g) any other matter concerning natural resources prescribed by
the regulations. | 6
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Part 2	Establishment of Natural Resources Commission	1
		2
5	Establishment of Commission	3
(1)	There is established by this Act a Natural Resources Commission. The Commission is a body corporate.	4 5
(2)	The functions of the Commission are exercisable by the Commissioner, and any act, matter or thing done in the name of, or on behalf of, the Commission by the Commissioner, or with the authority of the Commissioner, is taken to have been done by the Commission.	6 7 8 9 10
6	Commissioner	11
(1)	The Governor may appoint a Commissioner for the Natural Resources Commission.	12 13
(2)	The Commissioner has the functions conferred or imposed on the Commissioner by or under this or any other Act.	14 15
7	Assistant Commissioners	16
(1)	The Commissioner may, with the concurrence of the Minister, appoint Assistant Commissioners for the Natural Resources Commission.	17 18 19
(2)	An Assistant Commissioner has the functions conferred or imposed on the Assistant Commissioner by or under this or any other Act.	20 21
(3)	An Assistant Commissioner is to assist the Commissioner, as the Commissioner requires.	22 23
8	Provisions relating to Commissioner and Assistant Commissioners	24
	Schedule 1 has effect with respect to the Commissioner and an Assistant Commissioner.	25 26
9	Staff of the Commission	27
(1)	The staff of the Commission are to be employed under Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> .	28 29
(2)	The Commission may arrange for the use of the services of any staff or facilities of a government agency.	30 31

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- (3) For the purposes of this Act, a person employed under subsection (1) or whose services are made use of under subsection (2) is a member of staff of the Commission.

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10 Ministerial control and functions

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- (1) The Commission is not subject to Ministerial control in respect of the preparation and contents of any advice or recommendation of the Commission, but in other respects is subject to the control and direction of the Minister.

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- (2) The Minister may delegate any of the Minister's functions under this Act (other than this power of delegation) to another Minister.

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Part 3	Functions of Natural Resources Commission	1
11	General functions	2
(1)	The Commission has the general function of providing the Government with independent advice on natural resource management.	3 4 5
(2)	The Commission has such other functions as are conferred or imposed on it by or under this Act.	6 7
12	Specific functions	8
	The Commission has the following functions:	9
(a)	to recommend State-wide standards and targets for natural resource management issues,	10 11
(b)	to recommend the approval, under the <i>Catchment Management Authorities Act 2003</i> , of catchment action plans of catchment management authorities that are consistent with State-wide standards and targets adopted by the Government for natural resource management issues,	12 13 14 15 16
(c)	to undertake audits of the effectiveness of the implementation of those plans in achieving compliance with those State-wide standards and targets as it considers appropriate,	17 18 19
(d)	to undertake audits of those plans and other natural resource management issues as required by the Minister,	20 21
(e)	to co-ordinate or undertake significant natural resource and conservation assessments as required by the Minister,	22 23
(f)	to undertake inquiries on natural resource management issues as required by the Minister,	24 25
(g)	to assist in the reconciliation of particular complex natural resource management issues that are referred to the Commission by the Minister,	26 27 28
(h)	to advise the Minister on priorities for research concerning natural resource management issues,	29 30
(i)	to arrange for information to be gathered and disseminated on natural resource management issues.	31 32
13	Guiding principles	33
	In exercising its functions, the Commission is to have regard to:	34
(a)	the principles of ecologically sustainable development, and	35

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|---|----------------------------|
| (b) the social and economic implications of its recommendations and advice, and | 1
2 |
| (c) an integrated approach to natural resource management issues, and | 3
4 |
| (d) regional variation in the environment, and | 5 |
| (e) indigenous knowledge of natural resource management, and | 6 |
| (f) State and national legislation and policies that are relevant to natural resource management. | 7
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| 14 Reports | 9 |
| (1) The Commission is to provide the Minister with reports on its recommendations, audits, inquiries and advice. | 10
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| (2) The Commission is to provide the Minister with annual reports on its work and activities, including on: | 12
13 |
| (a) the outcomes of any audits or inquiries it has undertaken during the reporting period, and | 14
15 |
| (b) the progress in achieving compliance with State-wide standards and targets adopted by the Government, including the effectiveness of the implementation of catchment action plans in achieving compliance with those standards and targets. | 16
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| (3) The reports of the Commission are to be made public. | 21 |
| (4) A report of the Commission may be included in the annual report of the Commission under the <i>Annual Reports (Statutory Bodies) Act 1984</i> . | 22
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| 15 Assistance to Commission | 25 |
| (1) The Commission may enter arrangements with any government agency or other body or person (including the engagement of consultants) for the provision of assistance to the Commission in connection with the exercise of its functions. | 26
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| (2) The Commission may obtain advice from any advisory committee appointed by the Commission. | 30
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| (3) The Commission may, for the purposes of exercising its functions, direct a government agency to provide the Commission with any relevant information held by the agency, and the agency must (subject to subsection (4)) comply with the direction. | 32
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- (4) If a dispute arises about any such direction, the dispute may be referred to the Premier for resolution.

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16 Delegation of Commission's functions

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The Commission may delegate any of its functions, other than this power of delegation, to:

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- (a) an Assistant Commissioner, or
(b) a committee of persons (at least one member of which is the Commissioner or an Assistant Commissioner).

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Part 4	Miscellaneous	1
17	Act binds the Crown	2
	This Act binds the Crown, not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.	3 4 5
18	Cabinet documents and proceedings	6
(1)	This Act does not enable the Commission:	7
(a)	to require any person to give any statement of information or answer any question which relates to confidential proceedings of Cabinet, or	8 9 10
(b)	to require any person to produce a Cabinet document, or	11
(c)	to inspect a Cabinet document.	12
(2)	For the purposes of this section, a certificate of the head of The Cabinet Office that any information or question relates to confidential proceedings of Cabinet or that a document is a Cabinet document is conclusive of the matter certified.	13 14 15 16
(3)	In this section:	17
	<i>Cabinet</i> includes a committee of Cabinet or a subcommittee of such a committee.	18 19
	<i>Cabinet document</i> means a document that is a restricted document by virtue of clause 1 of Part 1 of Schedule 1 of the <i>Freedom of Information Act 1989</i> .	20 21 22
19	Proof of certain matters not required	23
	In any legal proceedings, proof is not required (unless evidence is given to the contrary) of the appointment of, or the holding of office by, the Commissioner or an Assistant Commissioner.	24 25 26
20	Proceedings for offences	27
	Proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Local Court.	28 29

21 Regulations	1
(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	2 3 4 5
(2) In particular, the regulations may make provision for or with respect to the disclosure of pecuniary interests by the Commissioner and an Assistant Commissioner.	6 7 8
(3) A regulation may create an offence punishable by a penalty not exceeding 100 penalty units.	9 10
22 Amendment of other Acts and instruments	11
The Acts and instruments specified in Schedule 2 are amended as set out in that Schedule.	12 13
23 Savings, transitional and other provisions	14
Schedule 3 has effect.	15
24 Review of Act	16
(1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.	17 18 19
(2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.	20 21
(3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.	22 23 24

Schedule 1 Provisions relating to Commissioner and Assistant Commissioners

(Section 8)

1 Acting Commissioner or Assistant Commissioner

- (1) The Minister may appoint a person to act in the office of Commissioner during the illness or absence of the Commissioner.
- (2) The Commissioner may, with the concurrence of the Minister, appoint a person to act in the office of Assistant Commissioner.
- (3) A person, while acting in the office of Commissioner or Assistant Commissioner under this clause has all of the functions of the Commissioner or Assistant Commissioner (as the case requires).
- (4) A power to appoint a person to an office under this clause includes the power to remove the person from that office at any time.
- (5) A person while acting under this clause is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine.
- (6) For the purposes of this clause:
 - (a) a vacancy in the office of Commissioner or Assistant Commissioner is to be regarded as an absence from the office of the Commissioner or Assistant Commissioner, and
 - (b) during any period when an Assistant Commissioner acts in the office of Commissioner under this clause, the Assistant Commissioner is to be regarded as absent from office as Assistant Commissioner.

2 Basis of offices

- (1) The office of Commissioner or Assistant Commissioner may be a full-time office or part-time office, according to the terms of appointment.
- (2) The holder of such a full-time office is required to hold it on that basis, except to the extent permitted by the Minister.

3 Terms of office

- (1) Subject to this Act, the Commissioner or an Assistant Commissioner holds office for such period (not exceeding 5 years) as is specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

- (2) The instrument of appointment of an Assistant Commissioner may provide that the person holds office until:
- (a) the expiry of a specified period (not exceeding 5 years), or
 - (b) the completion by the Assistant Commissioner of a specified report, audit or inquiry,
- whichever first occurs.

4 Remuneration

- (1) A full-time Commissioner or Assistant Commissioner is entitled to be paid:
- (a) remuneration in accordance with the *Statutory and Other Offices Remuneration Act 1975*, and
 - (b) such travelling or subsistence allowances as the Minister may from time to time determine in respect of the person.
- (2) A part-time Commissioner or Assistant Commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

5 Vacancy in office

- (1) The office of the Commissioner or an Assistant Commissioner becomes vacant if the person:
- (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Minister under this clause or the Governor under Chapter 5 of the *Public Sector Employment and Management Act 2002*, or
 - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (f) becomes a mentally incapacitated person, or

(g)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	1 2 3 4 5
(2)	The Minister may remove the Commissioner or an Assistant Commissioner from office for misbehaviour, incompetence or incapacity.	6 7 8
6	Filling of vacancy	9
(1)	If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	10 11
(2)	If the office of an Assistant Commissioner becomes vacant, a person may, subject to this Act, be appointed to fill the vacancy.	12 13
7	Effect of certain other Acts	14
(1)	Chapter 2 of the <i>Public Sector Employment and Management Act 2002</i> does not apply to or in respect of the appointment of the Commissioner or an Assistant Commissioner.	15 16 17
(2)	If, by or under any Act, provision is made:	18
(a)	requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	19 20 21
(b)	prohibiting the person from engaging in employment outside the duties of that office,	22 23
	the provision does not operate to disqualify the person from holding that office and also the office of a part-time Commissioner or Assistant Commissioner or from accepting and retaining any remuneration payable to the person under this Act as a part-time Commissioner or Assistant Commissioner.	24 25 26 27 28
8	Personal liability	29
	A matter or thing done or omitted to be done by the Commission, the Commissioner, an Assistant Commissioner or a person acting under the direction of the Commission does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject the Commissioner, an Assistant Commissioner or a person so acting personally to any action, liability, claim or demand.	30 31 32 33 34 35 36

Schedule 2 Amendment of other Acts and instruments	1
(Section 22)	2
2.1 Coastal Protection Act 1979 No 13	3
[1] Long title	4
Omit “to constitute the Coastal Council of New South Wales and to specify its functions;”.	5 6
[2] Section 3 Objects of this Act	7
Omit section 3 (h).	8
[3] Section 4B Inspection of maps outlining coastal zone	9
Omit “Director-General of the Department of Urban Affairs and Planning” from section 4B (1).	10 11
Insert instead “Director-General of the Department of Infrastructure, Planning and Natural Resources”.	12 13
[4] Section 4B (2)	14
Omit “Director-General of the Department of Land and Water Conservation”.	15 16
Insert instead “Director-General of the Department of Infrastructure, Planning and Natural Resources”.	17 18
[5] Part 2 The Coastal Council of New South Wales	19
Omit the Part.	20
2.2 Fisheries Management Act 1994 No 38	21
[1] Section 7A Definitions	22
Omit the definition of <i>Fisheries Resource Conservation and Assessment Council</i> .	23 24
[2] Section 7C Fishery management strategy for designated activities	25
Omit section 7C (3).	26

[3] Section 7F Revision of draft strategy and publication of approved strategy following environmental assessment	1 2
Omit section 7F (2).	3
[4] Part 8, Division 1A Fisheries Resource Conservation and Assessment Council	4 5
Omit the Division.	6
2.3 Fisheries Management (General) Regulation 2002	7
[1] Part 12, Division 2 Fisheries Resource Conservation and Assessment Council	8 9
Omit the Division.	10
[2] Clause 348 Establishment of advisory councils	11
Omit clause 348 (c).	12
[3] Clause 351 Advisory Council on Fisheries Conservation	13
Omit the clause.	14
2.4 Forestry and National Park Estate Act 1998 No 163	15
[1] Section 3 Definitions	16
Omit the definition of <i>Resource and Conservation Assessment Council</i> .	17
[2] Section 15 Requirement for NRC forest assessment before agreement made	18 19
Omit “Resource and Conservation Assessment Council” and “Council” wherever occurring.	20 21
Insert instead “Natural Resources Commission” and “Commission” respectively.	22 23
[3] Section 25 Purpose of integrated forestry operations approvals	24
Omit “Resource and Conservation Assessment Council” from section 25 (a).	25 26
Insert instead “Natural Resources Commission”.	27

2.5 Freedom of Information Regulation 2000	1
Schedule 3 Public authorities	2
Omit the matter relating to the following from Part 3:	3
Healthy Rivers Commission	4
NSW Coastal Council	5
2.6 Public Finance and Audit Act 1983 No 152	6
Schedule 2 Statutory bodies	7
Omit “Coastal Council of New South Wales”.	8
Insert instead in alphabetical order “Natural Resources Commission”.	9
2.7 Public Finance and Audit Regulation 2000	10
Clause 17 Definitions of “authority” and “officer of an authority”	11
Omit “Coastal Council of New South Wales” from the Table to clause 17 (4).	12 13
2.8 State Environmental Planning Policy No 71—Coastal Protection	14 15
[1] Clause 3 Definitions	16
Omit the definition of <i>Coastal Council</i> from clause 3 (1).	17
[2] Clauses 18 (1) (e), 21 (2) and 22 (1) (b)	18
Omit “Coastal Council” wherever occurring.	19
Insert instead “Natural Resources Commission”.	20

2.9 Statutory and Other Offices Remuneration Act 1975 (1976 No 4)	1
	2
Schedule 2 Public offices	3
Insert at the end of Part 1 of the Schedule:	4
Commissioner for the Natural Resources Commission (being a full-time office holder)	5
	6
Assistant Commissioner for the Natural Resources Commission (being a full-time office holder)	7
	8
2.10 Water Management Act 2000 No 92	9
[1] Chapter 8, Part 1 Water Advisory Council	10
Omit the Part.	11
[2] Section 397 Exclusion of personal liability	12
Omit section 397 (2) (b).	13
[3] Schedule 6, heading	14
Omit “ Water Advisory Council and management committees ”.	15
Insert instead “ Management committees ”.	16
[4] Schedule 6	17
Omit “Sections 13 and 369”. Insert instead “Section 13”.	18
[5] Schedule 6, clauses 1, 4–6, 7 (1) and (7) and 8–14	19
Omit “the Water Advisory Council and” and “the Water Advisory Council or” wherever occurring.	20
	21
[6] Schedule 6, clause 3 (a)	22
Omit the paragraph.	23
[7] Schedule 6, clauses 5 (1) (b) and 7	24
Omit “the Council or” wherever occurring. Insert instead “the”.	25

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Schedule 2 Amendment of other Acts and instruments

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| [8] Schedule 6, clause 7 (3), (4) and (6) | 1 |
| Omit “Water Advisory Council or” wherever occurring. | 2 |
| [9] Dictionary | 3 |
| Omit the definition of <i>Water Advisory Council</i> . | 4 |

Schedule 3 Savings, transitional and other provisions	1
(Section 23)	2
Part 1 General	3
1 Regulations	4
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	5
this Act	6
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	7
(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	8
(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	9
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	10
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Part 2 Abolition of existing advisory bodies	19
2 Abolition of existing bodies	20
(1) The following bodies are abolished:	21
Resource and Conservation Assessment Council (also called the Resource Assessment and Advisory Council)	22
Healthy Rivers Commission	23
Coastal Council	24
State Catchment Management Co-ordinating Committee	25
Native Vegetation Advisory Council	26
Water Advisory Council	27
State Wetland Advisory Committee	28
State Weir Review Committee	29
Advisory Council on Fisheries Conservation	30
Fisheries Resource Conservation and Assessment Council	31
	32

Natural Resources Commission Bill 2003

Schedule 3 Savings, transitional and other provisions

- (2) Any person holding office as a member of any such body immediately before its abolition:
 - (a) ceases to hold office, and
 - (b) is not entitled to any compensation because of the loss of that office.
- (3) On the abolition of any such body, any assets or liabilities of the body become the assets and liabilities of the Commission.
- (4) A reference in any other Act, statutory instrument or document to any such body is to be construed as a reference to the Commission.

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