



# **National Water Commission (Abolition) Act 2015**

**No. 63, 2015**

**An Act to abolish the National Water Commission,  
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



---

## Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedules.....	2
<b>Schedule 1—Amendments</b>		<b>3</b>
Part 1—Repeals		3
	<i>National Water Commission Act 2004</i>	3
Part 2—Amendments		4
	<i>Productivity Commission Act 1998</i>	4
	<i>Water Act 2007</i>	4
Part 3—Transitional provisions		9





# **National Water Commission (Abolition) Act 2015**

**No. 63, 2015**

---

---

## **An Act to abolish the National Water Commission, and for related purposes**

*[Assented to 16 June 2015]*

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *National Water Commission (Abolition) Act 2015*.

---

## **2 Commencement**

This Act commences on the day after this Act receives the Royal Assent.

## **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Repeals**

#### *National Water Commission Act 2004*

##### **1 The whole of the Act**

Repeal the Act.

## Part 2—Amendments

### *Productivity Commission Act 1998*

#### 1A Section 25

Before “The”, insert “(1)”.

#### 1B At the end of section 25

Add:

- (2) Despite subsection (1), the Minister must appoint an Associate Commissioner for the purposes of an inquiry on the matter mentioned in subsection 87(1) or (2) or 88(1) or (2) of the *Water Act 2007*.
- (3) An Associate Commissioner appointed under subsection (2) must have extensive skills and experience in water resource management.

### *Water Act 2007*

#### 2 Subsection 4(1) (definition of *National Water Commission*)

Repeal the definition, substitute:

*National Water Commission* means the National Water Commission that was established by section 6 of the *National Water Commission Act 2004*.

Note: The National Water Commission was abolished by the *National Water Commission (Abolition) Act 2015*.

#### 3 Subsection 4(1) (definition of *Natural Resource Management Ministerial Council*)

Repeal the definition, substitute:

*Natural Resource Management Ministerial Council* means the Natural Resource Management Ministerial Council that was established by Council of Australian Governments in June 2001.



#### **4 Subsection 4(1)**

Insert:

*Productivity Minister* means the Minister administering the  
*Productivity Commission Act 1998*.

#### **5 Subsection 74A(4)**

Repeal the subsection.

#### **6 Part 3**

Repeal the Part, substitute:

### **Part 3—Productivity Commission inquiries**

#### **87 Productivity Commission inquiry—Basin Plan and water resource plans**

*Power to conduct inquiries*

- (1) During the 5 year period ending on 31 December 2018, the Productivity Minister must, under paragraph 6(1)(a) of the *Productivity Commission Act 1998*, refer to the Productivity Commission for inquiry the matter of the effectiveness of the implementation of the Basin Plan and the water resource plans.
- (2) During the subsequent 5 year period that occurs after the completion of the Commission's most recent inquiry under this section, the Productivity Minister must, under paragraph 6(1)(a) of the *Productivity Commission Act 1998*, refer to the Productivity Commission for inquiry the matter of the effectiveness of the implementation of the Basin Plan and the water resource plans.

*Reports on inquiries etc.*

- (3) In referring the matter to the Productivity Commission for inquiry, the Productivity Minister must, under paragraph 11(1)(b) of the *Productivity Commission Act 1998*, specify the 5 year period in which the referral occurs as the period within which the Productivity Commission must submit its report on the inquiry to the Productivity Minister.

## Schedule 1 Amendments

### Part 2 Amendments

---

Note: Under section 12 of the *Productivity Commission Act 1998*, the Productivity Minister must cause a copy of the Productivity Commission's report to be tabled in each House of the Parliament.

- (3A) Once the matter has been referred to the Productivity Commission for inquiry, the Chair of the Productivity Commission must establish a stakeholder working group in accordance with section 89.
- (4) After submitting its report to the Productivity Minister and before a copy of the report is tabled in each House of the Parliament, the Productivity Commission must give a copy of the report to:
- (a) the Authority; and
  - (b) the relevant State Minister for each of the Basin States.

*Matters relating to industry, industry development and productivity*

- (5) For the purposes of paragraph 6(1)(a) of the *Productivity Commission Act 1998*, the matter mentioned in subsections (1) and (2) of this section is taken to be a matter relating to industry, industry development and productivity.

## 88 Productivity Commission inquiry—National Water Initiative

*Power to conduct inquiries*

- (1) During the 3 year period ending on 31 December 2017, the Productivity Minister must, under paragraph 6(1)(a) of the *Productivity Commission Act 1998*, refer to the Productivity Commission for inquiry the matter of the progress of parties to the National Water Initiative towards achieving the objectives and outcomes of, and within the timelines required by, the National Water Initiative.
- (2) During the subsequent 3 year period that occurs after the completion of the Commission's most recent inquiry under this section, the Productivity Minister must, under paragraph 6(1)(a) of the *Productivity Commission Act 1998*, refer to the Productivity Commission for inquiry the matter of the progress of parties to the National Water Initiative towards achieving the objectives and outcomes of, and within the timelines required by, the National Water Initiative.

*Reports on inquiries etc.*

- (3) In referring the matter to the Productivity Commission for inquiry, the Productivity Minister must:
- (a) under paragraph 11(1)(b) of the *Productivity Commission Act 1998*, specify the 3 year period in which the referral occurs as the period within which the Productivity Commission must submit its report on the inquiry to the Productivity Minister; and
  - (b) under paragraph 11(1)(d) of that Act, require the Productivity Commission to make recommendations on actions that the parties to the National Water Initiative might take to better achieve the objectives and outcomes of the National Water Initiative.

Note: Under section 12 of the *Productivity Commission Act 1998*, the Productivity Minister must cause a copy of the Productivity Commission's report to be tabled in each House of the Parliament.

- (3A) Once the matter has been referred to the Productivity Commission for inquiry, the Chair of the Productivity Commission must establish a stakeholder working group in accordance with section 89.

*Regard to be had to objectives of National Water Initiative*

- (3B) When conducting an inquiry, the Productivity Commission must have regard to the objectives provided for in clause 23 of the National Water Initiative.
- (4) After submitting its report to the Productivity Minister and before a copy of the report is tabled in each House of the Parliament, the Productivity Commission must give a copy of the report to:
- (a) the Council of Australian Governments; and
  - (b) any subcommittee (however described) of the Council that deals with matters relating to water.

*Matters relating to industry, industry development and productivity*

- (5) For the purposes of paragraph 6(1)(a) of the *Productivity Commission Act 1998*, the matter mentioned in subsections (1) and (2) of this section is taken to be a matter relating to industry, industry development and productivity.

## 89 Stakeholder working group

- (1) A stakeholder working group is to be established for each matter referred to the Productivity Commission for inquiry (a *referred matter*).
- (2) A stakeholder working group for a referred matter:
  - (a) is to exchange information and views on the referred matter or any issues relevant to it; and
  - (b) may provide advice to the Productivity Commission on the referred matter or any issues relevant to it.
- (3) A stakeholder working group for a referred matter is to consist of such persons as the Chair of the Productivity Commission thinks fit who are representative of any:
  - (a) agricultural, environmental, industry, Indigenous or urban water body; or
  - (b) other body with an interest in the referred matter.
- (4) Subject to subsections (5) and (6), the Chair of the Productivity Commission may determine:
  - (a) any allowances that are payable to a member of a stakeholder working group in relation to his or her contribution as a member of the stakeholder working group; and
  - (b) any other matter relating to the functioning of a stakeholder working group.
- (5) Despite the *Remuneration Tribunal Act 1973*, a member of a stakeholder working group is not to be paid any remuneration in relation to his or her contribution as a member of the stakeholder working group.
- (6) A stakeholder working group for a referred matter must meet at least twice about the referred matter before the Productivity Commission submits its report on the matter to the Productivity Minister.
- (7) To avoid doubt, a member of a stakeholder working group is not a public office within the meaning of the *Remuneration Tribunal Act 1973*.

## **Part 3—Transitional provisions**

### **7 Definitions**

In this Part:

*final reporting period* means the period:

- (a) beginning on 1 July 2014; and
- (b) ending at the end of the day occurring before the transition time.

*Secretary* means the Secretary of the Department.

*transition time* means the commencement of this Part.

### **8 Transfer of records to the Department**

- (1) This item applies to any records or documents that were in the possession of the National Water Commission immediately before the transition time.
- (2) The records and documents are to be transferred to the Department after the transition time.

Note: The records and documents are Commonwealth records for the purposes of the *Archives Act 1983*.

### **9 Transfer of Ombudsman investigations**

If:

- (a) before the transition time, a complaint was made to the Ombudsman, or the Ombudsman began an investigation, under the *Ombudsman Act 1976* in relation to an action taken by the National Water Commission; and
- (b) immediately before the transition time, the Ombudsman had not finally disposed of the matter in accordance with the *Ombudsman Act 1976*;

the *Ombudsman Act 1976* applies after the transition time as if that action had been taken by the Department.

### **10 Final annual report—National Water Commission**

- (1) The Secretary must prepare and give to the Minister, for presentation to the Parliament, a report on the operations of the National Water Commission during the final reporting period.

**Schedule 1** Amendments

**Part 3** Transitional provisions

---

- (2) Subsections 45(2) and (3) of the *National Water Commission Act 2004* (as in force immediately before the transition time) apply to the report as if a reference in those subsections to a financial year were a reference to the final reporting period.
- (3) The Secretary must give the report to the Minister within 3 months after the end of the final reporting period. The Minister may grant an extension of time in special circumstances.
- (4) The Minister must table the report in each House of the Parliament as soon as practicable.
- (5) The Secretary must publish the report on the Department's website as soon as practicable after the report is tabled in the House of Representatives.

**11 Transitional rules**

The Minister may, by legislative instrument, make rules in relation to transitional matters arising out of the amendments and repeals made by this Schedule.

---

*[Minister's second reading speech made in—  
Senate on 25 September 2014  
House of Representatives on 26 May 2015]*

(191/14)

---