2013‑2014

The Parliament of the

Commonwealth of Australia

THE SENATE

Presented and read a first time

National Water Commission (Abolition) Bill 2014

No. , 2014

(Environment)

A Bill for an Act to abolish the National Water Commission, and for related purposes

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A Bill for an Act to abolish the National Water Commission, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *National Water Commission (Abolition) Act 2014*.

2 Commencement

This Act commences on 1 January 2015.

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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

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 2014*.

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

(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.

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.

(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

(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.

(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.

Part 3—Transitional provisions

7 Definitions

In this Part:

***final reporting period*** means the period:

(a) beginning on 1 July 2014; and

(b) ending on 31 December 2014.

***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.

(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 repealsmade bythisSchedule.