

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

3 The Parliament of Australia enacts:

4 **1 Short title**

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

7 **2 Commencement**

8 This Act commences on 1 January 2015.

9 **3 Schedules**

10 Legislation that is specified in a Schedule to this Act is amended or  
11 repealed as set out in the applicable items in the Schedule

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concerned, and any other item in a Schedule to this Act has effect according to its terms.

1 **Schedule 1—Amendments**

2 **Part 1—Repeals**

3 *National Water Commission Act 2004*

4 **1 The whole of the Act**

5 Repeal the Act.

1 **Part 2—Amendments**

2 ***Water Act 2007***

3 **2 Subsection 4(1) (definition of *National Water Commission*)**

4 Repeal the definition, substitute:

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

8 Note: The National Water Commission was abolished by the *National Water*  
9 *Commission (Abolition) Act 2014*.

10 **3 Subsection 4(1) (definition of *Natural Resource***  
11 ***Management Ministerial Council*)**

12 Repeal the definition, substitute:

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

16 **4 Subsection 4(1)**

17 Insert:

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

20 **5 Subsection 74A(4)**

21 Repeal the subsection.

22 **6 Part 3**

23 Repeal the Part, substitute:



1 **Part 3—Productivity Commission inquiries**  
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3 **87 Productivity Commission inquiry—Basin Plan and water**  
4 **resource plans**

5 *Power to conduct inquiries*

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

17 *Reports on inquiries*

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

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

- 27 (4) After submitting its report to the Productivity Minister and before a  
28 copy of the report is tabled in each House of the Parliament, the  
29 Productivity Commission must give a copy of the report to:  
30 (a) the Authority; and  
31 (b) the relevant State Minister for each of the Basin States.

1                    *Matters relating to industry, industry development and productivity*

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

6                    **88 Productivity Commission inquiry—National Water Initiative**

7                    *Power to conduct inquiries*

- 8                    (1) During the 3 year period ending on 31 December 2017, the  
9                    Productivity Minister must, under paragraph 6(1)(a) of the  
10                    *Productivity Commission Act 1998*, refer to the Productivity  
11                    Commission for inquiry the matter of the progress of parties to the  
12                    National Water Initiative towards achieving the objectives and  
13                    outcomes of, and within the timelines required by, the National  
14                    Water Initiative.
- 15                    (2) During the subsequent 3 year period that occurs after the  
16                    completion of the Commission’s most recent inquiry under this  
17                    section, the Productivity Minister must, under paragraph 6(1)(a) of  
18                    the *Productivity Commission Act 1998*, refer to the Productivity  
19                    Commission for inquiry the matter of the progress of parties to the  
20                    National Water Initiative towards achieving the objectives and  
21                    outcomes of, and within the timelines required by, the National  
22                    Water Initiative.

23                    *Reports on inquiries*

- 24                    (3) In referring the matter to the Productivity Commission for inquiry,  
25                    the Productivity Minister must:
- 26                    (a) under paragraph 11(1)(b) of the *Productivity Commission Act*  
27                    *1998*, specify the 3 year period in which the referral occurs as  
28                    the period within which the Productivity Commission must  
29                    submit its report on the inquiry to the Productivity Minister;  
30                    and
- 31                    (b) under paragraph 11(1)(d) of that Act, require the Productivity  
32                    Commission to make recommendations on actions that the  
33                    parties to the National Water Initiative might take to better  
34                    achieve the objectives and outcomes of the National Water  
35                    Initiative.

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

- 4                   (4) After submitting its report to the Productivity Minister and before a  
5                                   copy of the report is tabled in each House of the Parliament, the  
6                                   Productivity Commission must give a copy of the report to:  
7                                   (a) the Council of Australian Governments; and  
8                                   (b) any subcommittee (however described) of the Council that  
9                                   deals with matters relating to water.

10                                   *Matters relating to industry, industry development and productivity*

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

1 **Part 3—Transitional provisions**

2 **7 Definitions**

3 In this Part:

4 *final reporting period* means the period:

5 (a) beginning on 1 July 2014; and

6 (b) ending on 31 December 2014.

7 *Secretary* means the Secretary of the Department.

8 *transition time* means the commencement of this Part.

9 **8 Transfer of records to the Department**

10 (1) This item applies to any records or documents that were in the  
11 possession of the National Water Commission immediately before the  
12 transition time.

13 (2) The records and documents are to be transferred to the Department after  
14 the transition time.

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

17 **9 Transfer of Ombudsman investigations**

18 If:

19 (a) before the transition time, a complaint was made to the  
20 Ombudsman, or the Ombudsman began an investigation,  
21 under the *Ombudsman Act 1976* in relation to an action taken  
22 by the National Water Commission; and

23 (b) immediately before the transition time, the Ombudsman had  
24 not finally disposed of the matter in accordance with the  
25 *Ombudsman Act 1976*;

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

28 **10 Final annual report—National Water Commission**

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

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

13 **11 Transitional rules**

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