

Laid before the Legislative Assembly on 11 May 2006

Votes and Proceedings No. 107 (11 May 2006)

Water Amendment Bill 2006

Erratum to Explanatory Notes

Title of the Bill

Water Amendment Bill 2006

Reason for Erratum

The erratum is necessary to correct some errors in the explanatory notes to ensure that the explanatory notes reflect the content of the Bill.

Notes on Provisions

For the first paragraph appearing on page 4, insert the word “service” between “water” and “providers” so that the paragraph reads “The Commission will be able to require water service providers to publish reports on how they are performing against a system operating plan and/or conduct spot audits of a provider’s performance.”. This amendment corrects a typographical error.

Remove the last paragraph commencing on page 11 and replace the paragraph with “Section 354 provides that commissioners are required to disclose any direct or indirect pecuniary interest in a matter being considered, or about to be considered by the Commission, which could conflict with the proper performance of the commissioner’s functions for the matter.”. This amendment corrects an error in the explanatory notes and is necessary to ensure consistency with the Bill.

For the first paragraph commencing on page 12 delete the words “unless the other commissioners agree. The disclosure and the commissioner’s decision in relation to the disclosure must be recorded in the minutes”. Following this amendment the paragraph should read “ If a commissioner makes such a disclosure, the commissioner must not participate in the Commission’s consideration of the matter.”. This amendment corrects an error in the explanatory notes and is necessary to ensure consistency with the Bill.

For the seventh paragraph on page 12 delete the word “all” and replace it with “a majority of the number of commissioners” so that the paragraph reads “Section 360 states that a decision of the Commission, other than a decision at a Commission meeting, may be made only with the written agreement of a majority of the number of commissioners”. This amendment corrects an error in the explanatory notes and is necessary to ensure consistency with the Bill.

For the last paragraph on page 14 delete the word “report” so that the paragraph reads “Section 360K provides that the Commission may engage in any consultation it considers appropriate prior to giving its advice to the Minister”. This amendment corrects a typographical error.

For the second last paragraph on page 17, at the end of the first sentence insert “before preparing the system operating plan”. Following this amendment the paragraph should read “Section 360X places an obligation on the Commission to use its reasonable endeavours to consult with each proposed water service provider for the area covered by the system operating plan before preparing the system operating plan.”. This amendment provides clarification regarding the obligation on the Commission to use its reasonable endeavours to consult with the relevant water service providers prior to preparing the system operating plan.

For the second sentence in the second last paragraph on page 18, after the word “evidence” insert “that might tend to incriminate the person which is” so that the sentence reads “However, if the water service provider is an individual, evidence that might tend to incriminate the person which is derived as a result of compliance with the publication order is not admissible in a civil or criminal proceeding against the individual, other than a proceeding for an offence for which the falsity or misleading nature of the information is relevant.”. This amendment clarifies that the evidence referred to is evidence that might tend to incriminate the person.

For the first line on page 20, replace the word “indicates” with the word “states” so that the sentence reads “unless the commission water restriction specifically states”. This amendment corrects a typographical error.

On page 24, delete “, water restriction” so the sentence reads “It also changes the definitions in the dictionary to the Act for water and water service provider.”. This amendment corrects a typographical error.