

Water and Another Act Amendment Bill 2009

Amendments agreed to during Consideration

1 After clause 3—

At page 4, after line 11—

insert—

‘3A Insertion of new s 343A

‘After section 343—

insert—

‘343A Commission not generally subject to direction

- ‘(1) Despite section 343, the commission is not subject to direction by an entity of or representing the State.
- ‘(2) Subsection (1) applies subject to any other contrary provision of this Act or a contrary provision of another Act.’.

2 After clause 6—

At page 7, after line 3—

insert—

‘6A Insertion of new ch 2A, pt 7

Chapter 2A—

insert—

‘Part 7 Minister’s reserve power

‘360ZH Public interest directions for commission’s non-advisory functions

- ‘(1) The Minister may give the commission a written direction about the performance of its functions if satisfied that,

because of exceptional circumstances, it is necessary to do so in the public interest.

- ‘(2) However—
- (a) a direction under subsection (1) can not be given for any of the commission’s advisory functions; and
 - (b) before giving the direction the Minister must consult with the commission.
- ‘(3) The Minister may carry out the consultation in any way the Minister considers appropriate.
- ‘(4) The direction may state a period within which, or a way in which, it must be complied with.
- ‘(5) The stated period must be one that, in all the circumstances, is reasonable.
- ‘(6) The direction may suspend or otherwise affect the operation of another instrument made or given under this Act.
- ‘(7) The Minister must publish a copy of the direction in the gazette within 15 days after it is given.
- ‘(8) In this section—

advisory functions, for the commission, means its functions under section 345(a), 360D(1)(b), 360E, 360I, 360ZCO, 360ZCP or 1141.

functions includes powers.

instrument does not include subordinate legislation.

‘360ZI Relationship with other instruments under Act

- ‘(1) This section applies if there is an inconsistency between a direction given under section 360ZH and another instrument made or given under this Act.
- ‘(2) The direction prevails to the extent of the inconsistency.

Example of another instrument—

a regional water security program

- ‘(3) If the direction suspends or otherwise affects the operation of the other instrument, the direction does not amend the other instrument.
- ‘(4) In this section—
instrument does not include subordinate legislation.’.’

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