

# Natural Resource Management Amendment Bill 2009

## CLAUSE NOTES

### Clause 1 Short Title

This Act may be cited as the Natural Resource Management Amendment Act 2009.

### Clause 2 Date of commencement

This Act commences on the day on which the Bill receives Royal Assent.

### Clause 3 Principal Act

The Act being amended, ie. the Natural Resource Management Act 2002.

### Clause 4 Section 9 amended (Regional committees)

This amendment proposes to simplify the membership provisions in section 9(3) of the Principal Act and make them less prescriptive. These provisions have two characteristics that were criticised in the review of the NRM Framework. First, the Act currently specifies only “skills and knowledge in natural resource management” as the qualification for membership. Paragraph 9(3)(a) states that a committee:

*“consists of not more than 15 persons with experience, skills and knowledge in natural resource management; and [then moves to representational criteria]”*

The proposed new paragraph extends the criteria and would provide as follows:

*(a) consists of not more than 15 persons who together have experience, skills and knowledge in the following:*

*(i) best practice governance;*

*(ii) business administration;*

*(iii) legal and contractual issues;*

*(iv) the achievement of natural resource management and conservation outcomes; and*

It is considered that the new provisions better reflect the range of skill-sets required to successfully manage regional bodies into the future.

The second change to this section of the Principal Act relates to 9(3)(b) and the specification of certain interests being required among the membership. The review of the NRM Framework determined that more freedom, in terms of membership of the committees, would be preferable.

The review concluded that there are adequate safeguards for the representativeness of the Regional Committees. Under section 9(2) the Minister declares each body to be a regional committee “subject to any terms and conditions the Minister determines”. These ‘Terms and Conditions’ are a more flexible instrument, but will ensure the representativeness of the committees is maintained. Failure to abide by the Terms and Conditions is grounds for the Minister to revoke his declaration (as he may under section 9(4)).

It will remain a requirement that the committees have balance in their membership and include Aboriginal community representation. The Terms and Conditions will also specify that DPIW will retain an active role in the appointment process, through membership of

the three separate appointment panels. More important, DPIW will continue to provide whole of government representation on the regional committees themselves. Finally, the Terms and Conditions will specify the Minister's ongoing oversight role in relation to membership changes. Consequently paragraph 9(3)(b) may be omitted.

#### **Clause 5      Section 20 amended (Review of Act)**

Section 20 is to be amended to provide more flexibility in the timing of future reviews. Currently a review is required every five years.

There is a risk that the inflexible scheduling of future reviews may turn out to clash with other NRM developments. For instance, the timing of the first review coincided with major changes to the national NRM programs, and the same risk exists with the next: five years from the first review would mean completion in early 2013, which will coincide with the completion (and an earlier review) in June 2013 of the first five year investment period for the Australian Government's Caring for our Country program.

That could be either a very good or a very poor time for a review of this sort, but currently there is no flexibility to choose the best time. It is therefore proposed that the Minister have some discretion to time reviews in accordance with other relevant factors. This amendment proposes that the Act should be reviewed between four and seven years after completion of each previous review.

#### **Clause 6      Schedule 2 amended (Membership and meetings of Council)**

There are two elements amended in Schedule 2. Firstly, the terms in Schedule 2 Part 2 are to be amended to allow Council members to remain on Council for longer periods if appropriate. There are two benefits to this amendment; (i) it will allow the current Council membership to carry through the implementation of the NRM Framework review recommendations, and (ii) it will provide greater flexibility in terms of retaining suitable and effective candidates on the Council beyond the current limit of two three-year terms. (This can mean little more than three years, in practice. Several members were appointed to fill casual vacancies and may thus serve only one term after the expiry of the term of the member they replace, which has in some cases been a matter of only months from their initial appointment.) The final amendment relates to Schedule 2(13)(b). Currently, the Principal Act requires that minutes from NRM Council meetings are provided to the Minister within 14 days. This amendment removes the specific reference to 14 days so that Schedule 2(13)(b) states:

*"submit to the Minister a copy of the minutes of each meeting."*

This reflects the reality that undertaking the required consultation and approvals process to complete meeting minutes at an executive level often requires longer than 14 days, and the specification is considered unnecessarily prescriptive.