

# CHAPTER 1

## Introduction

1.1 On 9 February 2011, the Senate referred the provisions of the *Water Act 2007* (Cth) (Water Act) to the Legal and Constitutional Affairs References Committee (committee) for inquiry and report by 11 May 2011. On 11 May 2011, the committee received an extension from the Senate for this inquiry to 6 June 2011 to enable a public hearing to be held in Canberra on 18 May 2011. On 6 June 2011, the committee tabled an interim report. The interim report stated that the committee required additional time to ensure that the issues raised during the inquiry were thoroughly considered and appropriately addressed, and that the committee intended to present its final report by 10 June 2011.

1.2 The terms of reference are as follows:

- (1) The provisions of the *Water Act 2007* (Act), with particular reference to the direction it provides for the development of a Basin Plan, including:
  - (a) any ambiguities or constraints in the Act which would prevent a Basin Plan from being developed on an equally weighted consideration of economic, social and environmental factors;
  - (b) the differences in legal interpretations of the Act;
  - (c) the constitutional power of the Commonwealth to legislate in the area of water;
  - (d) the role of relevant international agreements and the effect of those on the parts of the Act which direct the Basin Plan to give effect to those agreements and their effect on the Act more generally;
  - (e) any amendments that would be required to ensure that economic, social and environmental factors are given equally weighted consideration in developing the Basin Plan; and
  - (f) any other related matter.
- (2) That in conducting its inquiry, the committee should consult those with particular legal expertise in the area of water.

### Scope of this report

1.3 The structure of this report is as follows:

- Chapter 2 outlines the background to the inquiry;
- Chapter 3 discusses the issues raised during the inquiry; and
- Chapter 4 provides the committee's view and recommendations.

## **Conduct of the inquiry**

1.4 The committee advertised the inquiry in *The Australian* newspaper and wrote to over 54 organisations and individuals, inviting submissions by 18 March 2011. Details of the inquiry were placed on the committee's website.

1.5 The committee received 100 submissions from various individuals and organisations, and these are listed at Appendix 1. Public submissions were placed on the committee's website.

1.6 A public hearing was held in Canberra on 18 May 2011. A list of the witnesses who appeared at the hearings is at Appendix 2, and copies of the *Hansard* transcript are available through the Internet at <http://www.aph.gov.au/hansard>.

## **Acknowledgement**

1.7 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

## **Note on references**

1.8 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the committee *Hansard* are to proof *Hansard*: page numbers may vary between the proof and the official *Hansard* transcript.