

COMMENTS FROM WESTERN AUSTRALIA IN RESPECT OF THE NATIONAL WATER COMMISSION BILL 2004

Western Australia is not a party to the Intergovernmental Agreement on a National Water Initiative (NWI) signed on 25 June 2004 between the Commonwealth and all jurisdictions, except Tasmania.

As the *National Water Commission Bill 2004* (the NWC Bill) proposes roles for the National Water Commission (NWC) outside of the NWI, it is important that Western Australia's issues in relation to the NWC Bill are considered and reflected.

Comment 1

s-cl 7(1)(b), (c) and (d) are too restrictive and each should be amended to:

"if requested to do so by the Minister or COAG, or on its own volition, to advise and make recommendations..."

While inclusion of COAG may have no practical effect, it better reflects the NWC as a collegiate organisation, rather than an instrument of the Commonwealth. A role of the NWC in identifying and providing advice on matters that it determines as important and relevant needs to be recognised.

Comment 2

Western Australia feels strongly that the role of the NWC in assessing States' or Territories' implementation of the COAG Water Reform Framework should require the concurrence of that State or Territory.

Therefore, s-cl 7(3)(b) and (c) should be amended to:

"...if requested to do so by the Minister, and agreed to by the State or Territory, to assess..."

Assessments relating to the Water Reform Framework agreement are currently assessed by the National Competition Council (NCC). Details need to be provided on how the NWC would undertake this function so that a determination can be made on whether it would be an improvement on the current arrangements.

In addition, the NWC Bill does not provide for the NWC to make recommendations to the Commonwealth on competition payments as part of its assessments. This contrasts to the NCC. This raises a question of who will then decide, from the assessments, the implication for competition payments for 2005/06.

Comment 3

s-cl 7(4) is too restrictive and the advice of the NWC should be made available in a timely way to COAG members.

7(4) should be amended to:

“...making the recommendations to the Minister and immediately to State Premiers and Chief Ministers”.

Comment 4

Western Australia disagrees with cl 44, which prohibits the National Water Commission from making its advice or recommendations public, except in limited circumstances and with the agreement of the Commonwealth Minister. Unless the Commonwealth Government can justify why particular categories of advice should remain confidential, the Bill should provide that all of the Commission's advice should be made publicly available.