

Heritage Rivers Bill

EXPLANATORY MEMORANDUM

Clause 1 states the purpose of the Bill.

Clause 2 provides for commencement.

Clause 3 contains definitions.

Clause 4 states that the Act binds the Crown in its rights and capacities.

Clause 5 provides for those areas described in Schedule 1 to be heritage river areas.

Clause 6 provides for those areas described in Schedule 2 to be natural catchment areas.

Clause 7 states the powers and duties of authorities managing heritage river and natural catchment areas. Their duties are to protect the values of the areas, to provide for recreation and education, and to protect the free flowing condition of certain of the rivers. The catchment areas are to be managed to protect their essentially natural condition. Management must be consistent with the authorities' duty to manage areas responsibly. The authorities are empowered to manage the areas under this clause.

Clause 8 requires managing authorities to prepare management plans for the heritage rivers and natural catchments within 5 years for approval by the Minister. If existing plans can be amended to provide appropriate protection, new plans would not be required.

Clause 9 states that management plans would contain descriptions of the managing authorities' duties and powers, and that the plans are to be consistent with protecting the rivers and catchments, and with any relevant approved Land Conservation Council recommendations.

Clause 10 specifies that certain uses or activities, listed in the columns of Schedule 3, are not permitted in several of the heritage river areas. No impoundment (water storage), artificial barrier or structure may be constructed within the scheduled river areas if it would prevent or impede the free passage of fish or other water fauna, either downstream or upstream.

New water diversions must not be constructed along certain heritage river areas. "Diversion" means the taking of water under bulk entitlement or licence under the **Water Act 1989**, and the works associated with such a diversion.

New diversions on certain heritage rivers must not significantly impair the attributes of each river that are specified in the relevant approved Land Conservation Council recommendations.

Timber harvesting is not permitted within certain heritage river areas.

Clause 11 provides specific limits on land and water uses, described in Schedule 4, in addition to those uses referred to in Schedule 3, for individual heritage river areas.

Clause 12 specifies that certain uses and activities are not permitted in the natural catchment areas.

Clause 13 provides additional management requirements, in accordance with relevant approved Land Conservation Council recommendations, for certain individual natural catchment areas.

Clause 14 states that public land in a heritage river must not be disposed of, and if such land is vested in a public authority, the approval of the Minister must be obtained for any disposal.

Clause 15 specifies that managing authorities are not authorised to carry out activities contrary to this Act or an approved management plan.

Clause 16 provides that in the case of an emergency in an area in which there is an immediate risk of personal injury or damage to property, the managing authority can act despite restrictions on the use of the area.

Clause 17 empowers the managing authority to enter agreements with other relevant bodies.

Clause 18 provides for regulations to be made under the Act.

Clauses 19 to 21 are consequential amendments.

Clause 19 amends the **Conservation, Forests and Lands Act 1987** to include the Heritage Rivers Act in Schedule 1 to that Act as a “relevant law”, in regard to the powers of the Minister and the Director-General under that Act.

Clause 20 corrects an unintended effect of an amendment under the **Water (Consequential Amendments) Act 1989**, altering the definition of “public land”, under the **Land Conservation Act 1970**, so that it does not apply to land used or reserved for sewerage purposes, other than Melbourne Water Land.

Clause 21 amends the **Water Act 1989** making provision for heritage river and natural catchment areas to be taken into account when bulk entitlements, licences to take and use water, or licences for works are being considered under that Act.