

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 27 March, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to make provision for the transfer of the powers, authorities, duties, functions and liabilities conferred or imposed on the Minister for Public Works by the River Murray Waters Act, 1915, to The Water Conservation and Irrigation Commission; for this and other purposes to amend that Act; and for purposes connected therewith.

BE

River Murray Waters (Amendment).

5 **B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "River Murray Waters Short title. (Amendment) Act, 1974".

2. In this Act—

Interpreta-
tion.

10 "agreement" means "The agreement" as defined in section 4 of the River Murray Waters Act, 1915;

"appointed day" means—

15 (a) in relation to a scheduled work that forms part of the works specified in the First Schedule, such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a day that is earlier than the day specified in paragraph (b); and

20 (b) in relation to the work specified in the Second Schedule, such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a day not later than 30th June, 1974;

25 "scheduled work" means a work that is part of the works specified in the First and Second Schedules.

3.

River Murray Waters (Amendment).

3. (1) On and from the appointed day relating to a scheduled work, all powers, authorities, duties, functions, rights and liabilities conferred or imposed on or acquired by the Minister for Public Works in respect of that work shall be exercised, performed or suffered by The Water Conservation and Irrigation Commission.

Transfer of powers, etc., to Water Conservation and Irrigation Commission.

(2) Without affecting the generality of subsection (1), on and from the appointed day relating to a scheduled work—

- 10 (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Minister for Public Works in connection with that work shall vest in and belong to The Water Conservation and Irrigation Commission;
- 15
- 20 (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Minister for Public Works in connection with that work shall be moneys and liquidated and unliquidated claims payable to or recoverable by The Water Conservation and Irrigation Commission;
- 25 (c) all proceedings commenced before that day by the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by The Water Conservation and Irrigation Commission and all proceedings so commenced by any person against the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against The Water Conservation and Irrigation Commission;
- 30

(d)

River Murray Waters (Amendment).

- 5 (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Minister for Public Works in connection with that work and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by The Water Conservation and Irrigation Commission;
- 10 (e) The Water Conservation and Irrigation Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Minister for Public Works might have done in connection with that work but for the enactment of this Act;
- 15 (f) The Water Conservation and Irrigation Commission may enforce and realise any security or charge existing immediately before that day in favour of the Minister for Public Works in connection with that work and may exercise any powers thereby conferred on the Minister for Public Works as if the security or charge were a security or charge in favour of The Water Conservation and Irrigation Commission;
- 20 (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Minister for Public Works in connection with that work shall be debts due, moneys payable by and claims recoverable against The Water Conservation and Irrigation Commission; and
- 25 (h) all liquidated and unliquidated claims for which the Minister for Public Works would, but for the enactment of this Act, have been liable in connection with that work shall be liquidated and unliquidated claims for which The Water Conservation and Irrigation Commission shall be liable.
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- 40

(3)

River Murray Waters (Amendment).

(3) On and from the appointed day relating to a scheduled work, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, to the
5 Minister for Public Works in connection with a scheduled work shall be construed as a reference to The Water Conservation and Irrigation Commission.

(4) No attornment to The Water Conservation and Irrigation Commission shall be required by a lessee under a
10 lease from the Minister for Public Works where the lease was granted in respect of any part of a scheduled work.

4. (1) A person employed in the public service in connection with the construction, maintenance, operation or control of a scheduled work immediately before the appointed
15 day relating to that work may elect to be transferred to the service of The Water Conservation and Irrigation Commission. **Transfer of public servants to Water Conservation and Irrigation Commission.**

(2) An election referred to in subsection (1) has no effect unless—

(a) it is in writing signed by the person so employed and
20 is delivered to The Water Conservation and Irrigation Commission on or before the appointed day referred to in subsection (1); and

(b) the Minister for Public Works and the Minister for Conservation approve of the election.

25 (3) A person whose election is made and approved in accordance with subsection (2) becomes, on and from the appointed day referred to in subsection (2) (a) in connection with the delivery of an election, an officer or servant of The Water Conservation and Irrigation Commission, as determined
30 by that Commission, and—

(a) where the salary or wages payable to any such person was or were, immediately before that day, regulated by an award or industrial agreement, that person shall be paid a salary or wages at a rate not
less

River Murray Waters (Amendment).

5 less than the rate which was payable to him
immediately before that day as a person employed
in the public service, subject to any adjustment
necessary to give effect to any fluctuation in the
basic wage for adult males, or adult females, as the
10 case may be, for the time being in force within the
meaning of Part V of the Industrial Arbitration Act,
1940, until that salary or those wages is or are
varied by an award by which The Water Conser-
vation and Irrigation Commission is bound made
by a competent tribunal, or by an industrial
agreement to which that Commission is a party;

15 (b) where any condition of employment of any such
person was, immediately before that day, regulated
by an award or industrial agreement, that condition
shall continue to be so regulated until it is varied
by an award by which The Water Conservation and
Irrigation Commission is bound made by a com-
petent tribunal, or that condition is regulated by
20 an industrial agreement to which that Commission
is a party;

25 (c) recreation or annual leave, sick leave and extended
or long service leave shall continue to accrue to
any such person on the same basis as they accrued
to him as a person employed in the public service
immediately before that day, until that basis is
varied or altered in accordance with any Act or law;

30 (d) for the purpose of calculating the entitlement to
extended or long service leave of any such person
under this subsection—

35 (i) any service of the person which by the
terms of any Act or of any award or indus-
trial agreement was, immediately before
that day, required to be taken into account
for the purpose of determining his entitle-
ment to that leave as a person employed in

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River Murray Waters (Amendment).

the public service shall be deemed to be service with The Water Conservation and Irrigation Commission; and

5 (ii) there shall be deducted from any extended or long service leave to which any such person becomes entitled, as an officer or servant of that Commission, any extended or long service leave taken by him in respect of any period of service referred to in
10 subparagraph (i); and

(e) any such person shall be entitled to receive as an officer or servant of The Water Conservation and Irrigation Commission, any recreation or annual leave or any sick leave accrued to him as a person
15 employed in the public service immediately before that day.

(4) A person employed in the public service who, under subsection (3), becomes an officer or servant of The Water Conservation and Irrigation Commission, is not, in
20 respect of the same period of service, entitled to claim or receive benefits under the Irrigation Act, 1912, and any other Act.

5. The River Murray Waters Act, 1915, is amended—

Amendment of Act No. 8, 1915.

25 (a) by inserting at the end of section 13 the following subsections :—

Sec. 13. (Saving of rights of certain officers.)

(2) The existing and accruing rights of—

(a) a commissioner or an officer of The Water Conservation and Irrigation Commission appointed as a Commissioner or Deputy
30 Commissioner; and

(b)

River Murray Waters (Amendment).

(b) a person in the service of The Water Conservation and Irrigation Commission who is appointed or employed as an officer or servant by the Commission,

5 shall not be affected by reason of his being so appointed or employed and service as a Commissioner or Deputy Commissioner, or as an officer or servant, of the Commission, shall count as service
10 as a commissioner of, or as service with, The Water Conservation and Irrigation Commission, as the case may be.

15 (3) A commissioner of The Water Conservation and Irrigation Commission is not entitled to receive a benefit in respect of any period of service as a commissioner, or as an officer or servant, of The Water Conservation and Irrigation Commission, if he is receiving a benefit in respect of the same period of service under a law of the Commonwealth.

20 (b) (i) by omitting from section 15 (1) the words "the Minister for Public Works" and by inserting instead the words "The Water Conservation and Irrigation Commission";

Sec. 15.
(Construction, &c., of works by Government of New South Wales.)

25 (ii) by omitting from section 15 (2) the words "the said Minister" and by inserting instead the words "The Water Conservation and Irrigation Commission";

30 (c) by omitting from section 16 (a) the words "the Minister for Public Works" and by inserting instead the words "The Water Conservation and Irrigation Commission".

Sec. 16.
(Construction, &c., of works by other Governments.)

River Murray Waters (Amendment).

FIRST SCHEDULE

Sec. 2.

The works described in clause 20 of the agreement excluding the work described in the Second Schedule.

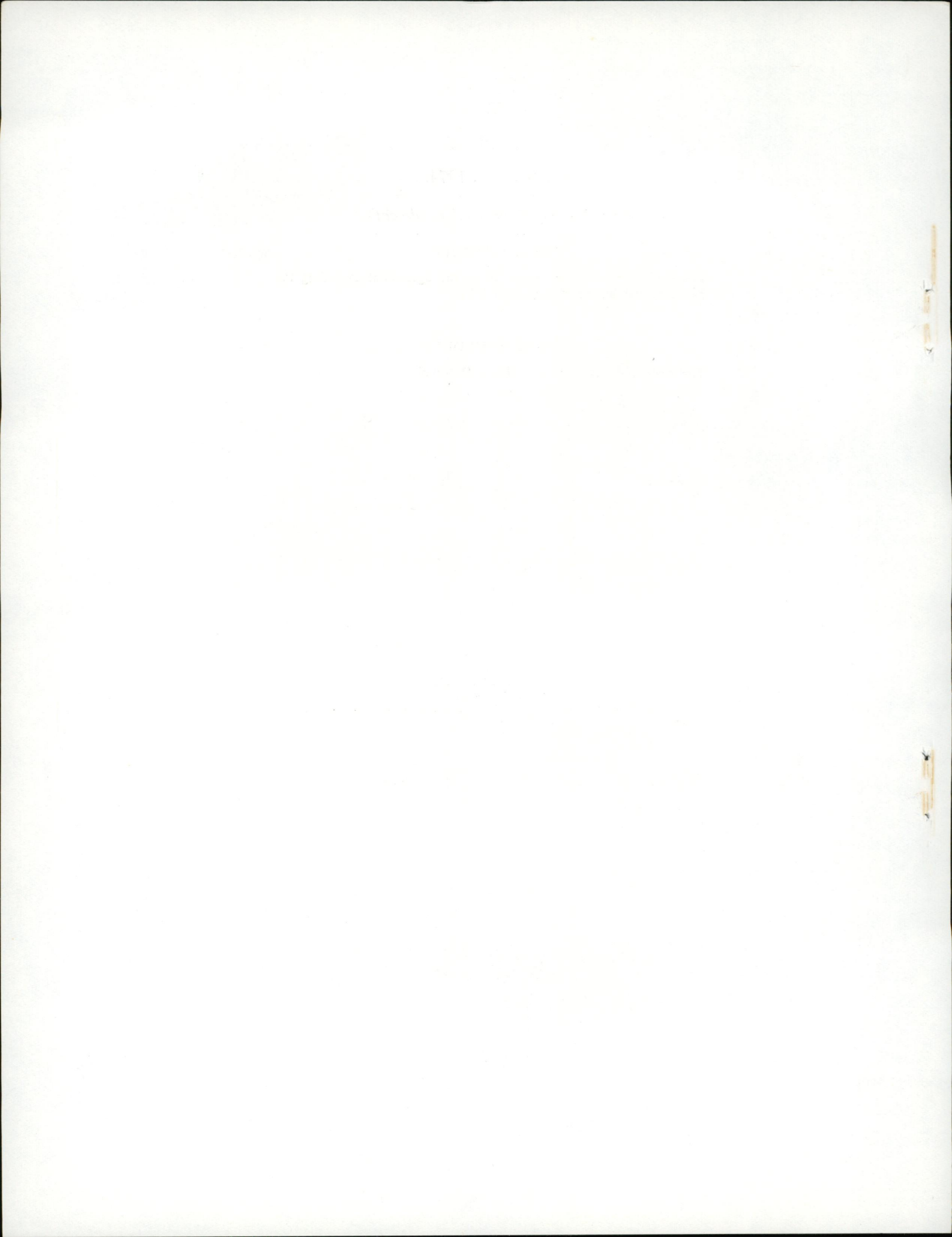
SECOND SCHEDULE

Sec. 2.

5 The containing dam of the Hume Reservoir.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[10c]



No. , 1974.

A BILL

To make provision for the transfer of the powers, authorities, duties, functions and liabilities conferred or imposed on the Minister for Public Works by the River Murray Waters Act, 1915, to The Water Conservation and Irrigation Commission; for this and other purposes to amend that Act; and for purposes connected therewith.

[MR FREUDENSTEIN—20 March, 1974.]

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20 (b) in relation to the work specified in the Second Schedule, such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a day not later than 30th June, 1974;

25 "scheduled work" means a work that is part of the works specified in the First and Second Schedules.

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3. (1) On and from the appointed day relating to a scheduled work, all powers, authorities, duties, functions, rights and liabilities conferred or imposed on or acquired by the Minister for Public Works in respect of that work shall be exercised, performed or suffered by The Water Conservation and Irrigation Commission.

Transfer of powers, etc., to Water Conservation and Irrigation Commission.

(2) Without affecting the generality of subsection (1), on and from the appointed day relating to a scheduled work—

(a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Minister for Public Works in connection with that work shall vest in and belong to The Water Conservation and Irrigation Commission;

(b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Minister for Public Works in connection with that work shall be moneys and liquidated and unliquidated claims payable to or recoverable by The Water Conservation and Irrigation Commission;

(c) all proceedings commenced before that day by the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by The Water Conservation and Irrigation Commission and all proceedings so commenced by any person against the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against The Water Conservation and Irrigation Commission;

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River Murray Waters (Amendment).

- 5 (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Minister for Public Works in connection with that work and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by The Water Conservation and Irrigation Commission;
- 10 (e) The Water Conservation and Irrigation Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Minister for Public Works might have done in connection with that work but for the enactment of this Act;
- 15 (f) The Water Conservation and Irrigation Commission may enforce and realise any security or charge existing immediately before that day in favour of the Minister for Public Works in connection with that work and may exercise any powers thereby conferred on the Minister for Public Works as if the security or charge were a security or charge in favour of The Water Conservation and Irrigation Commission;
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10 lease from the Minister for Public Works where the lease was granted in respect of any part of a scheduled work.

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(2) An election referred to in subsection (1) has no effect unless—

(a) it is in writing signed by the person so employed and is delivered to The Water Conservation and
20 Irrigation Commission on or before the appointed day referred to in subsection (1); and

(b) the Minister for Public Works and the Minister for Conservation approve of the election.

(3) A person whose election is made and approved in accordance with subsection (2) becomes, on and from the appointed day referred to in subsection (2) (a) in connection with the delivery of an election, an officer or servant of The Water Conservation and Irrigation Commission, as determined
25 by that Commission, and—

(a) where the salary or wages payable to any such person was or were, immediately before that day, regulated by an award or industrial agreement, that person shall be paid a salary or wages at a rate not
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- 5 less than the rate which was payable to him immediately before that day as a person employed in the public service, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied by an award by which The Water Conservation and Irrigation Commission is bound made by a competent tribunal, or by an industrial agreement to which that Commission is a party;
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- 15 (b) where any condition of employment of any such person was, immediately before that day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which The Water Conservation and Irrigation Commission is bound made by a competent tribunal, or that condition is regulated by an industrial agreement to which that Commission is a party;
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- 25 (c) recreation or annual leave, sick leave and extended or long service leave shall continue to accrue to any such person on the same basis as they accrued to him as a person employed in the public service immediately before that day, until that basis is varied or altered in accordance with any Act or law;
- 30 (d) for the purpose of calculating the entitlement to extended or long service leave of any such person under this subsection—
- 35 (i) any service of the person which by the terms of any Act or of any award or industrial agreement was, immediately before that day, required to be taken into account for the purpose of determining his entitlement to that leave as a person employed in

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10 subparagraph (i); and

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15 employed in the public service immediately before that day.

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30 Commissioner; and

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(b) a person in the service of The Water Conservation and Irrigation Commission who is appointed or employed as an officer or servant by the Commission,

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10 Conservation and Irrigation Commission, as the case may be.

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15 as a commissioner, or as an officer or servant, of The Water Conservation and Irrigation Commission, if he is receiving a benefit in respect of the same period of service under a law of the Commonwealth.

20 (b) (i) by omitting from section 15 (1) the words "the Minister for Public Works" and by inserting instead the words "The Water Conservation and Irrigation Commission";

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(Construction, &c., of works by Government of New South Wales.)

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River Murray Waters (Amendment).

FIRST SCHEDULE

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SECOND SCHEDULE

Sec. 2.

5 The containing dam of the Hume Reservoir.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[10c]

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 08-14-2001

BY SP-6 J. J. [REDACTED]

REASON: [REDACTED]

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

RIVER MURRAY WATERS (AMENDMENT) BILL, 1974

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to authorise the transfer to The Water Conservation and Irrigation Commission of the powers, authorities, duties, functions and liabilities conferred and imposed by the River Murray Waters Act, 1915, on the Minister for Public Works on behalf of the Government of New South Wales;
- (b) to provide that the property, claims, contracts, remedies and other matters and things arising in connection with that Act in which that Minister has an interest shall be transferred to The Water Conservation and Irrigation Commission;
- (c) to provide for the transfer, if they so elect, of certain persons employed in the Department of Public Works to The Water Conservation and Irrigation Commission and to preserve their rights and privileges; and
- (d) to make other provisions of a minor, consequential or ancillary nature.

1900

RIVER BANKS (AMENDMENT) BILL 1974

The Government of the United Kingdom has the honor to inform you that the Bill for an Act to amend the River Banks Act 1948 and to make consequential amendments in other enactments has been introduced into the House of Commons.

The Bill is intended to amend the River Banks Act 1948 in relation to the powers of the River Authorities and the River Boards. It also makes consequential amendments in other enactments.

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PROOF

No. , 1974.

A BILL

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[MR FREUDENSTEIN—20 March, 1974.]

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2. In this Act—

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10 "agreement" means "The agreement" as defined in section
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15 (a) in relation to a scheduled work that forms
part of the works specified in the First
Schedule, such day as may be appointed by
the Governor in respect thereof and as may
be notified by proclamation published in the
Gazette, being a day that is earlier than the
day specified in paragraph (b); and

20 (b) in relation to the work specified in the
Second Schedule, such day as may be
appointed by the Governor in respect thereof
and as may be notified by proclamation
published in the Gazette, being a day not
later than 30th June, 1974;

25 "scheduled work" means a work that is part of the works
specified in the First and Second Schedules.

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River Murray Waters (Amendment).

3. (1) On and from the appointed day relating to a scheduled work, all powers, authorities, duties, functions, rights and liabilities conferred or imposed on or acquired by the Minister for Public Works in respect of that work shall be exercised, performed or suffered by The Water Conservation and Irrigation Commission.

Transfer of powers, etc., to Water Conservation and Irrigation Commission.

(2) Without affecting the generality of subsection (1), on and from the appointed day relating to a scheduled work—

10 (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Minister for Public Works in connection with that work shall vest in and belong to The Water Conservation and Irrigation Commission;

15 (b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Minister for Public Works in connection with that work shall be moneys and liquidated and unliquidated claims payable to or recoverable by The Water Conservation and Irrigation Commission;

20 (c) all proceedings commenced before that day by the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by The Water Conservation and Irrigation Commission and all proceedings so commenced by any person against the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against The Water Conservation and Irrigation Commission ;

(d)

River Murray Waters (Amendment).

- 5 (d) all contracts, agreements, arrangements and under-
takings entered into with, and all securities lawfully
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connection with that work and in force immediately
before that day shall be deemed to be contracts,
agreements, arrangements and undertakings entered
into with and securities given to or by The Water
Conservation and Irrigation Commission;
- 10 (e) The Water Conservation and Irrigation Commission
may, in addition to pursuing any other remedies or
exercising any other powers that may be available
to it, pursue the same remedies for the recovery of
moneys and claims referred to in this subsection and
15 for the prosecution of actions and proceedings so
referred to as the Minister for Public Works might
have done in connection with that work but for the
enactment of this Act;
- 20 (f) The Water Conservation and Irrigation Commission
may enforce and realise any security or charge
existing immediately before that day in favour of
the Minister for Public Works in connection with
that work and may exercise any powers thereby
conferred on the Minister for Public Works as if the
security or charge were a security or charge in
25 favour of The Water Conservation and Irrigation
Commission;
- 30 (g) all debts, moneys and claims, liquidated and
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(3) On and from the appointed day relating to a scheduled work, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, to the
5 Minister for Public Works in connection with a scheduled work shall be construed as a reference to The Water Conservation and Irrigation Commission.

(4) No attornment to The Water Conservation and Irrigation Commission shall be required by a lessee under a
10 lease from the Minister for Public Works where the lease was granted in respect of any part of a scheduled work.

4. (1) A person employed in the public service in connection with the construction, maintenance, operation or control of a scheduled work immediately before the appointed
15 day relating to that work may elect to be transferred to the service of The Water Conservation and Irrigation Commission. Transfer of public servants to Water Conservation and Irrigation Commission.

(2) An election referred to in subsection (1) has no effect unless—

(a) it is in writing signed by the person so employed and is delivered to The Water Conservation and
20 Irrigation Commission on or before the appointed day referred to in subsection (1); and

(b) the Minister for Public Works and the Minister for Conservation approve of the election.

(3) A person whose election is made and approved in
25 accordance with subsection (2) becomes, on and from the appointed day referred to in subsection (2) (a) in connection with the delivery of an election, an officer or servant of The Water Conservation and Irrigation Commission, as determined
30 by that Commission, and—

(a) where the salary or wages payable to any such person was or were, immediately before that day, regulated by an award or industrial agreement, that person shall be paid a salary or wages at a rate not
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30 (d) for the purpose of calculating the entitlement to
extended or long service leave of any such person
under this subsection—

35 (i) any service of the person which by the
terms of any Act or of any award or indus-
trial agreement was, immediately before
that day, required to be taken into account
for the purpose of determining his entitle-
ment to that leave as a person employed in

the

River Murray Waters (Amendment).

the public service shall be deemed to be service with The Water Conservation and Irrigation Commission; and

5 (ii) there shall be deducted from any extended or long service leave to which any such person becomes entitled, as an officer or servant of that Commission, any extended or long service leave taken by him in respect of any period of service referred to in
10 subparagraph (i); and

(e) any such person shall be entitled to receive as an officer or servant of The Water Conservation and Irrigation Commission, any recreation or annual leave or any sick leave accrued to him as a person
15 employed in the public service immediately before that day.

(4) A person employed in the public service who, under subsection (3), becomes an officer or servant of The Water Conservation and Irrigation Commission, is not, in
20 respect of the same period of service, entitled to claim or receive benefits under the Irrigation Act, 1912, and any other Act.

5. The River Murray Waters Act, 1915, is amended— Amendment of Act No. 8, 1915.

25 (a) by inserting at the end of section 13 the following subsections :— Sec. 13. (Saving of rights of certain officers.)

(2) The existing and accruing rights of—

(a) a commissioner or an officer of The Water Conservation and Irrigation Commission appointed as a Commissioner or Deputy
30 Commissioner; and

(b)

River Murray Waters (Amendment).

(b) a person in the service of The Water Conservation and Irrigation Commission who is appointed or employed as an officer or servant by the Commission,

5 shall not be affected by reason of his being so appointed or employed and service as a Commissioner or Deputy Commissioner, or as an officer or servant, of the Commission, shall count as service as a commissioner of, or as service with, The Water Conservation and Irrigation Commission, as the case may be.

15 (3) A commissioner of The Water Conservation and Irrigation Commission is not entitled to receive a benefit in respect of any period of service as a commissioner, or as an officer or servant, of The Water Conservation and Irrigation Commission, if he is receiving a benefit in respect of the same period of service under a law of the Commonwealth.

20 (b) (i) by omitting from section 15 (1) the words "the Minister for Public Works" and by inserting instead the words "The Water Conservation and Irrigation Commission";

Sec. 15.
(Construction, &c., of works by Government of New South Wales.)

25 (ii) by omitting from section 15 (2) the words "the said Minister" and by inserting instead the words "The Water Conservation and Irrigation Commission";

30 (c) by omitting from section 16 (a) the words "the Minister for Public Works" and by inserting instead the words "The Water Conservation and Irrigation Commission".

Sec. 16.
(Construction, &c., of works by other Governments.)

FIRST

River Murray Waters (Amendment).

FIRST SCHEDULE

Sec. 2.

The works described in clause 20 of the agreement excluding the work described in the Second Schedule.

SECOND SCHEDULE

Sec. 2.

- 5 The containing dam of the Hume Reservoir.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 April, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 34, 1974.

An Act to make provision for the transfer of the powers, authorities, duties, functions and liabilities conferred or imposed on the Minister for Public Works by the River Murray Waters Act, 1915, to The Water Conservation and Irrigation Commission; for this and other purposes to amend that Act; and for purposes connected therewith. [Assented to, 19th April, 1974.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

River Murray Waters (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. **1.** This Act may be cited as the "River Murray Waters (Amendment) Act, 1974".

Interpretation. **2.** In this Act—

"agreement" means "The agreement" as defined in section 4 of the River Murray Waters Act, 1915;

"appointed day" means—

- (a) in relation to a scheduled work that forms part of the works specified in the First Schedule, such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a day that is earlier than the day specified in paragraph (b); and
- (b) in relation to the work specified in the Second Schedule, such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a day not later than 30th June, 1974;

"scheduled work" means a work that is part of the works specified in the First and Second Schedules.

3.

River Murray Waters (Amendment).

3. (1) On and from the appointed day relating to a scheduled work, all powers, authorities, duties, functions, rights and liabilities conferred or imposed on or acquired by the Minister for Public Works in respect of that work shall be exercised, performed or suffered by The Water Conservation and Irrigation Commission. Transfer of powers, etc., to Water Conservation and Irrigation Commission.

(2) Without affecting the generality of subsection (1), on and from the appointed day relating to a scheduled work—

(a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Minister for Public Works in connection with that work shall vest in and belong to The Water Conservation and Irrigation Commission;

(b) all moneys and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Minister for Public Works in connection with that work shall be moneys and liquidated and unliquidated claims payable to or recoverable by The Water Conservation and Irrigation Commission;

(c) all proceedings commenced before that day by the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by The Water Conservation and Irrigation Commission and all proceedings so commenced by any person against the Minister for Public Works in connection with that work and pending immediately before that day shall be deemed to be proceedings pending on that day by that person against The Water Conservation and Irrigation Commission;

(d)

River Murray Waters (Amendment).

- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the Minister for Public Works in connection with that work and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by The Water Conservation and Irrigation Commission;
- (e) The Water Conservation and Irrigation Commission may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of actions and proceedings so referred to as the Minister for Public Works might have done in connection with that work but for the enactment of this Act;
- (f) The Water Conservation and Irrigation Commission may enforce and realise any security or charge existing immediately before that day in favour of the Minister for Public Works in connection with that work and may exercise any powers thereby conferred on the Minister for Public Works as if the security or charge were a security or charge in favour of The Water Conservation and Irrigation Commission;
- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Minister for Public Works in connection with that work shall be debts due, moneys payable by and claims recoverable against The Water Conservation and Irrigation Commission; and
- (h) all liquidated and unliquidated claims for which the Minister for Public Works would, but for the enactment of this Act, have been liable in connection with that work shall be liquidated and unliquidated claims for which The Water Conservation and Irrigation Commission shall be liable.

River Murray Waters (Amendment).

(3) On and from the appointed day relating to a scheduled work, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or a different kind, to the Minister for Public Works in connection with a scheduled work shall be construed as a reference to The Water Conservation and Irrigation Commission.

(4) No attornment to The Water Conservation and Irrigation Commission shall be required by a lessee under a lease from the Minister for Public Works where the lease was granted in respect of any part of a scheduled work.

4. (1) A person employed in the public service in connection with the construction, maintenance, operation or control of a scheduled work immediately before the appointed day relating to that work may elect to be transferred to the service of The Water Conservation and Irrigation Commission. Transfer
of public
servants
to Water
Conservation
and
Irrigation
Commission.

(2) An election referred to in subsection (1) has no effect unless—

- (a) it is in writing signed by the person so employed and is delivered to The Water Conservation and Irrigation Commission on or before the appointed day referred to in subsection (1); and
- (b) the Minister for Public Works and the Minister for Conservation approve of the election.

(3) A person whose election is made and approved in accordance with subsection (2) becomes, on and from the appointed day referred to in subsection (2) (a) in connection with the delivery of an election, an officer or servant of The Water Conservation and Irrigation Commission, as determined by that Commission, and—

- (a) where the salary or wages payable to any such person was or were, immediately before that day, regulated by an award or industrial agreement, that person shall be paid a salary or wages at a rate not less

River Murray Waters (Amendment).

less than the rate which was payable to him immediately before that day as a person employed in the public service, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied by an award by which The Water Conservation and Irrigation Commission is bound made by a competent tribunal, or by an industrial agreement to which that Commission is a party;

- (b) where any condition of employment of any such person was, immediately before that day, regulated by an award or industrial agreement, that condition shall continue to be so regulated until it is varied by an award by which The Water Conservation and Irrigation Commission is bound made by a competent tribunal, or that condition is regulated by an industrial agreement to which that Commission is a party;
- (c) recreation or annual leave, sick leave and extended or long service leave shall continue to accrue to any such person on the same basis as they accrued to him as a person employed in the public service immediately before that day, until that basis is varied or altered in accordance with any Act or law;
- (d) for the purpose of calculating the entitlement to extended or long service leave of any such person under this subsection—
- (i) any service of the person which by the terms of any Act or of any award or industrial agreement was, immediately before that day, required to be taken into account for the purpose of determining his entitlement to that leave as a person employed in

the

River Murray Waters (Amendment).

the public service shall be deemed to be service with The Water Conservation and Irrigation Commission; and

(ii) there shall be deducted from any extended or long service leave to which any such person becomes entitled, as an officer or servant of that Commission, any extended or long service leave taken by him in respect of any period of service referred to in subparagraph (i); and

(e) any such person shall be entitled to receive as an officer or servant of The Water Conservation and Irrigation Commission, any recreation or annual leave or any sick leave accrued to him as a person employed in the public service immediately before that day.

(4) A person employed in the public service who, under subsection (3), becomes an officer or servant of The Water Conservation and Irrigation Commission, is not, in respect of the same period of service, entitled to claim or receive benefits under the Irrigation Act, 1912, and any other Act.

5. The River Murray Waters Act, 1915, is amended— Amendment of Act No. 8, 1915.

(a) by inserting at the end of section 13 the following subsections :— Sec. 13. (Saving of rights of certain officers.)

(2) The existing and accruing rights of—

(a) a commissioner or an officer of The Water Conservation and Irrigation Commission appointed as a Commissioner or Deputy Commissioner; and

(b)

River Murray Waters (Amendment).

- (b) a person in the service of The Water Conservation and Irrigation Commission who is appointed or employed as an officer or servant by the Commission,

shall not be affected by reason of his being so appointed or employed and service as a Commissioner or Deputy Commissioner, or as an officer or servant, of the Commission, shall count as service as a commissioner of, or as service with, The Water Conservation and Irrigation Commission, as the case may be.

(3) A commissioner of The Water Conservation and Irrigation Commission is not entitled to receive a benefit in respect of any period of service as a commissioner, or as an officer or servant, of The Water Conservation and Irrigation Commission, if he is receiving a benefit in respect of the same period of service under a law of the Commonwealth.

Sec. 15.
(Construction, &c.,
of works
by Government
of New South
Wales.)

- (b) (i) by omitting from section 15 (1) the words "the Minister for Public Works" and by inserting instead the words "The Water Conservation and Irrigation Commission";
- (ii) by omitting from section 15 (2) the words "the said Minister" and by inserting instead the words "The Water Conservation and Irrigation Commission";

Sec. 16.
(Construction, &c.,
of works
by other
Governments.)

- (c) by omitting from section 16 (a) the words "the Minister for Public Works" and by inserting instead the words "The Water Conservation and Irrigation Commission".

FIRST

River Murray Waters (Amendment).

FIRST SCHEDULE

Sec. 2.

The works described in clause 20 of the agreement excluding the work described in the Second Schedule.

SECOND SCHEDULE

Sec. 2.

The containing dam of the Hume Reservoir.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 19th April, 1974.*

April 24, 1974

The Honorable Earl Warren

Dear Mr. Chief Justice:

I am pleased to hear that you are planning to visit the Federal Bureau of Investigation in Washington, D.C. during your tour of the country.

SECOND SCHEDULE

The Board of Directors of the Federal Reserve Bank of San Francisco

In the event you are unable to attend, please let me know as soon as possible.

A. R. CUDER

Director

Government House

San Francisco, California